

# 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: 46/21**

**Date to Members: 19/11/2021**

**Member's Deadline: 25/11/2021 (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](mailto:MemberReferral@southglos.gov.uk) identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The 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](mailto:MemberReferral@southglos.gov.uk) (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

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

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

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

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

**A template for referral is set out below:**

## **Referral from Circulated Schedule to Development Management Committee**

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

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

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

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

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:**

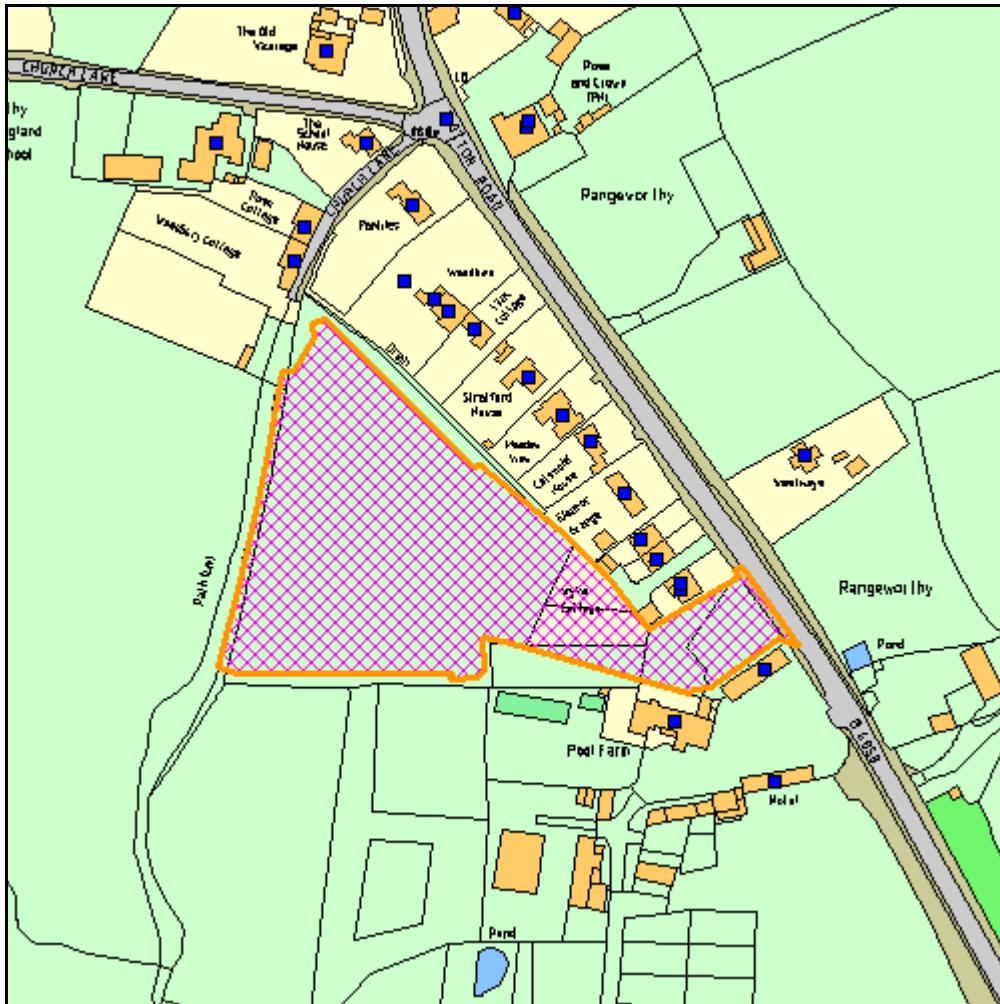
To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE - 19 November 2021

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>P20/06928/O</b>	Approved Subject to Section 106	Pool Farm Wotton Road Rangeworthy South Gloucestershire BS37 7NA	Frampton Cotterell	Rangeworthy Parish Council
2	<b>P21/00546/F</b>	Approved Subject to Section 106	Land At Hampton Close Cadbury Heath South Gloucestershire BS30 8EY	Parkwall And Warmley	Oldland Parish Council
3	<b>P21/04770/FDI</b>	No Objection	Land At Tanhouse Lane Yate South Gloucestershire	Yate North	Yate Town Council
4	<b>P21/04940/ADV</b>	Approve with Conditions	Clayhill Drive (Bellway Site) Yate South Gloucestershire	Yate North	Yate Town Council
5	<b>P21/05227/F</b>	Refusal	7 April House Old Aust Road Almondsbury South Gloucestershire BS32 4HJ	Severn Vale	Almondsbury Parish Council
6	<b>P21/05300/F</b>	Refusal	Olveston Stores The Street Olveston South Gloucestershire BS35 4DR	Severn Vale	Olveston Parish Council
7	<b>P21/06292/F</b>	Approve with Conditions	28 Long Croft Yate South Gloucestershire BS37 7YW	Yate North	Yate Town Council

**CIRCULATED SCHEDULE NO. 46/21 - 19th November 2021**

<b>App No.:</b>	P20/06928/O	<b>Applicant:</b>	Mrs Eleanor Felton
<b>Site:</b>	Pool Farm Wotton Road Rangeworthy South Gloucestershire BS37 7NA	<b>Date Reg:</b>	28th April 2020
<b>Proposal:</b>	Erection of 13 No. dwellings, 1 No. building to form Office (Class E(g)(i)) and retail units (Class E(a)) (Outline) with access to be determined, all other matters reserved. (Re submission of P19/15806/O)	<b>Parish:</b>	Rangeworthy Parish Council
<b>Map Ref:</b>	368978 186017	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Major	<b>Target Date:</b>	22nd July 2020



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100023410, 2008.

N.T.S.

P20/06928/O

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 has been referred to the Circulated Schedule due to the receipt of objection from residents and Parish Council.

### **1. THE PROPOSAL**

- 1.1 Outline planning permission is sought for the erection of 13 dwellings, 1 no. building to form office (Class E(g)(i)) and retail unit (Class E(a)) with only access from Wotton Road, Rangeworthy, to be determined, and all other matters reserved. It should be noted that the submitted plans and parking plan are indicative only.
- 1.2 The previous application, P19/15806/O was withdrawn, and the major difference is that the size of the application site is much smaller in the current application.
- 1.3 It should also be noted that the government recently published the Town and Country Planning (Use Classes) (Amendment) (England) (Regulations) 2020, which came into force on the 1<sup>st</sup> September 2020. A new use class, 'Class E' – Commercial, Business and Service was introduced. This use class brings together existing classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes) and B1 (Business) as well as parts of classes D1 (non-residential institutions) and D2 (assembly and leisure) into one single use class. As such, the description of the proposal has been amended slightly to reflect these changes.
- 1.4 The site is situated in the open countryside, and is approximately 1 hectare in area, on the western side of Wotton Road. The site is roughly triangular and comprises a field that lies to the west of large, detached properties fronting onto the B4058 Wotton Road, and south of Church Lane with a strip of lane connecting to the B4058 (north of Pool Farm). Church Lane has a strong historic context with the Grade II\* listed Holy Trinity Church lying off its south side, and Grade II\* Rangeworthy Court to its north; both these listed buildings lie to the northwest of the site. Rangeworthy C or E Primary School is situated to the north of the site. Church Lane is characterised by Pennant stone boundary walls. The site is bound to the west by a mature native hedgerow, which is followed by the route of Public Footpath ORA 5. This footpath connects at its northern end with Church Lane and the associated section of Jubilee Way long-distance recreational route. Two other footpaths cross the agricultural and lying further West and Southwest of the site. The Arboricultural Report submitted in support of the previous outline application identifies two mature TPO trees within the western boundary hedge as T14 Category B Oak of 16m height, and T15 Category C Ash lying further north. A group of other TPO trees (G27) lie along the NE site boundary and include Oak, Ash, and Elm.

- 1.5 The submitted Design and Access Statement (and elevations) indicated that the proposed dwellings being two-storey with pitched roofs of clay and slate tiles, and elevations comprising locally sourced natural red stone, brickwork and vertical timber boarding stained a dark colour, the last prominently featuring on the upper storeys to reference agricultural vernacular buildings within the area.
- 1.6 Since the application was originally submitted the following revisions to the proposal have been made:
- Indicative layout is slightly changed
  - A parameter / POS plan was submitted showing Public Open Space and allotments area
  - The proposed office / retail unit was further set back from the edge of the adjacent ditch
  - A GCN survey has been carried out and the report has been submitted.
- 1.7 During the course of the application, the applicant has agreed with all required contribution towards Public Open Space and the provision of the affordable homes.

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework July 2021  
National Planning Practice Guidance

### 2.2 Development Plans

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

CS1	High Quality Design
CS2	Green Infrastructure
CS4	Renewable or Low Carbon District Heating Networks
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and cultural Activity
CS24	Green Infrastructure, Sport and Recreational Standards
CS25	Communities of the North Fringe of Bristol Urban Area
CS26	Cribbs Patchway New Neighbourhood

#### South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted Nov 2017) (PSP).

PSP2	Landscape
PSP3	Trees and Woodland
PSP10	Active Travel Routes
PSP11	Transport Impact Management



PSP13	Safeguarding Strategic Transport Schemes and Infrastructure
PSP16	Parking Standards
PSP17	Heritage Assets and the historic environment
PSP19	Biodiversity
PSP20	Flood Risk, surface water and watercourse management
PSP21	Environmental pollution and impacts
PSP37	Internal Space and Accessibility Standards for Affordable Dwellings
PSP43	Private Amenity Space Standards
PSP47	Site Allocations and Safeguarding

- 2.3 Supplementary Planning Guidance  
 Residential Parking Standards SPD (Dec 2013)  
 Affordable Housing and Extra Care Housing SPD (May 2014)

### 3. RELEVANT PLANNING HISTORY

The site is subject to the following applications in the past:

- 3.1 N3469 Change of use of land and building from agricultural and agricultural storage to sale of horticultural sundries. Approved 05.05.1977
- 3.2 P86/2399 Improvements to vehicular access, construction of car parking area and use of existing building as tearoom in association with existing horticultural nursery. Approved 12.11.1986
- 3.3 P88/2053 Residential and ancillary development and erection of school on approximately 7.5 acres (3 hectares) (outline). Deferred to the Secretary of State 09.03.89. The appeal was accompanied by a drawing showing the layout of an estate of 35 detached dwellings, a school site served by a new estate road with accesses onto the B4058 Wotton Road and Church Lane. The Inspector has made the following key comments:
- *The Authority has raised no opposition in principle to the development. Whilst the recommended design criteria could not be attained in full, the sight line distance and carriage widths were only marginally short. A safe junction with adequate visibility could be provided.*
  - *The proposal to erect a small estate of houses and possibly a new school here would significantly extend the built-up area of the village and would be seen, in my view, as an intrusive features in this attractive open landscape seriously harming the setting of the village.*
  - *The proposed development together with a new junction onto the lane would lead to the urbanisation of this historic part of the village, destroying much of its present attractive rural character and harming the landscape setting of the listed buildings.*
- 3.4 P90/1863 Erection of single storey extension to existing restaurant. **Refused** 15.07.90

- 3.5 P90/1109 Residential and ancillary development on approximately 1.2 hectares (3 acres) (outline). **Refused** 24.04.90 for the following reasons:
- *The site is located within an area without separate notation on the approved Gloucestershire County Development Plan where the existing use of land are intended to remain for the most part undisturbed. The proposed development would constitute an undesirable departure from the provision of the Plan*
  - *It is considered that adequate provision for residential development has been or is being made to meet the needs of the are in the foreseeable future and this proposal falls contrary to Policy H8 of the approved Avon Country Structure Plan (incorporating the First and Second Alternation)*
  - *The proposed development would give rise to additional vehicular turning movements onto and off the classified road (B4058) which would interrupt the free and safe flow of traffic on that road to the detriment of highway safety.*
- 3.6 P90/2168 Use of building as restaurant without complying with condition 01 attached to planning permission P88/2408 dated 26th August 1988. Approved 07.10.1990
- 3.7 P95/1602 Erection of marquee between April and September (inclusive) for use as extension to restaurant. **Refused** 19.12.1996
- 3.8 P98/1436 Variation of condition 5 and 8 attached to planning permission P95/16902. **Refused** 08.06.1998
- 3.9 PT05/2983/F Erection of 3no. dwellings and 2no. double garages on 0.08 hectares land. Approved 27.01.2006
- 3.10 PT06/1688/F Change of use from car park (sui-generis) to the siting of 3 mobile homes. **Refused** 28.06.2006
- 3.11 PT06/1130/F Erection of 2no. dwellings, double garage and formation of access (Amendments to planning permission PT05/2983/F). Approved 02.06.2006

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

Rangeworthy Parish Council object to this application. The site now appears condensed with a surrounding moat of Public Open Space which could have security and anti-social behaviour implications for the new builds and existing properties on Wotton Road as this directly adjoined existing back gardens. The Parish Council notes a recent report identifying the existence of Great Crested Newts. The Parish Council concurs with the SGC Conservation Officer's very detailed and even-handed report weighing up the pros and cons but ultimately recommends refusal. Rangeworthy village would lose the wonderful historic parkland landscape one of the reasons a similar application was refused over thirty years ago after a Public Inquiry.

## External Consultees

Historic England – The application site for a mix of residential, office and retail development lies southeast of Rangeworthy Court, an early 17th century house with a west-facing entrance and three, three-storey gables facing south. To the south-west of the house is Holy Trinity Church of 12th century origins and later 15th and 19th century alterations. Both heritage assets enjoy a rural setting and outlook which contribute to their heritage significance. The settlement of Rangeworthy takes a ribbon form of development with a mix of dwellings running north from Poole Farm and on the opposite side of the main road north of Church Lane. Both buildings, set west of Wotton Road, are designated as Grade II\*, and as such are in the top 8% of listed buildings. Therefore, greater weight should be given to its conservation. The National Planning Policy Framework (NPPF) defines 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'. Further to the previously withdrawn planning application, the revised site boundary has been reduced to the eastern half of the former application site. This is now further away from the immediate setting of the pair of highly-graded heritage assets. However, the revised application does not include any assessment of the historic environment. Regardless of the reduced site boundary, there may well be impact upon the setting of heritage assets, as a result of the proposed development. We therefore advise that a proportionate assessment is undertaken to demonstrate how the setting of heritage assets contribute to their individual and combined significance as a historic group. This is a statutory requirement of para 189 of the NPPF. As with the previous application, the proposed form and layout of development is still inconsistent with the grain of the existing village and demonstrates aspects that we consider suburban and non-contextual. The extent to which the proposed development would impact upon the historic environment within this reduced boundary is not assessed; we would therefore be happy to provide further comments in this regard once further assessment has been carried out. Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to “have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses”. When considering the current proposals, in line with Para 189 of the NPPF, the significance of the asset’s setting requires consideration. Para 193 states that in considering the impact of proposed development on significance great weight should be given to the asset’s conservation and that the more important the asset the greater the weight should be. Para 194 goes on to say that clear and convincing justification is needed if there is loss or harm.

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189, 193 and 194 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

## **Internal Consultees**

Public Open Space Officer – The following POS is required.

(A) On-site POS Schedule

- Open space as indicated in purple on the Indicative POS Plan (HS285\_006 Rev E) and comprising 2695 sq.m
- Allotments as indicated in yellow on the Indicative POS Plan (HS285\_006 Rev E) and comprising 374 sq.m
- Private management of POS.
- Inspection fee - £52.00 per 100sq.m.plus £500 core service fee.
- GM87 is the applicable index.
- Trigger for provision of POS is no later than 70% occupation. This would be set in the S106 POS schedule.

(B) Off-site POS Schedule

- Contributions to be provided prior to commencement of development.
- Outdoor Sports Facilities. Contributions towards off-site provision and/or enhancement £27,341.23. Maintenance contribution £8,275.29
- Provision for Children & Young People. Contributions towards off-site provision and/or enhancement £14,314.73. Maintenance contribution £15,052.05
- GM87 is the applicable index.
- Index date either as Committee date/circulated schedule.

Housing Enabling Officer – No objection subject to the following comment. Based on a scheme of 13 homes, this would generate a requirement of 5 affordable homes in order to meet the policy requirement, i.e., 35% Affordable Homes without public subsidy. Affordable housing and the design requirements will be secured through a Section 106 Agreement.

Climate Change and Environmental Policy Team – a Sustainable Energy Statement will be required at the Reserved Matter stage.

Arboricultural Officer - no objection in principle, the existing trees will need to be protected in accordance with BS:5837:2012

Landscape Officer – no landscape strategy is submitted, planning conditions are required to seek details of any soft and hard landscaping

Ecology Officer – no objection subject to conditions

Self-Build Officer – no objection

Highway Officer – no objection subject to conditions

Highway Structures – no comment received.

Public Rights of Way Officer – no objection

Lead Local Flood Authority – no objection subject to conditions

Archaeology Officer – no objection subject to conditions

Listed Building and Conservation Officer – concerns over the impact upon the setting of the listed buildings

Public Art and Development – a planning condition is required to seek details of public art programme

Police Crime Prevention Officer – no objection is raised. It is advised that the applicant to consider the Anti-social behaviour, crime and safety implications of the design. The principles of Crime Prevention through Environmental Design and Secured by Design should be applied to the whole development. There are some concerns about the rank of five 3-bed terrace houses located to the North of the site due to its openness. The detailed elevations of the proposed Retail and Office building need to meet a minimum of British Standard PAS24:2016 or equivalent.

Urban Design Officer – no objection in principle

Environmental Protection Team (Contamination) – no objection subject to condition

Local Residents / Business / Establishment – A letter from a local primary school and 25 letters of objection have been received and the residents' comments are summarised as follows (Their full comments are available in the Council's website).

Rangeworthy CoE Primary School – the following points are raised:

- To secure additional land and facilities for the school through the S106 process.
- In accordance with the guidance contained within Annex B of Building Bulletin 103, the recommended minimum site area of Rangeworthy C of E Primary School (allowing for 70 pupils on role) is as follows:
  - Soft Outdoor P.E.-1400
  - Hard Outdoor P.E.-105 (plus 400 base)
  - Soft informal-140 (plus 600 base)
  - Hard informal-70 (plus 200 base)
  - Habitat-35, a total of 2,950m<sup>2</sup>

By means of comparison, the school currently has approximately 1000m<sup>2</sup> of outside space (all categories combined). Whilst the current amount of space allows the school to function appropriately and safely, it does fall noticeably below the guidelines as set out in Building Bulletin 103. Additional pupils attending the school as a direct result of the proposed development would pay additional pressure on the existing resources. The Bulletin (at Annex B) recognises that where there is limited outdoor space available to pupils on a restricted site, consideration should be given to providing space in the following manner:

- Firstly hard, informal and social areas
- Then hard outdoor PE space, ideally in the form of a multi-use games area (MUGA)
- Then soft informal social area

-Finally soft outdoor PE.

It is the opinion of Rangeworthy C of E Primary School that, to mitigate the impacts of the development, the developer should be required to gift land to the school to provide a MUGA. The gifted land should naturally adjoin the existing school playground so it can be easily incorporated into the school grounds- appreciating that this will mean a reduction in size of the proposed amenity woodland in the northern area of the site. Given the changes to the CIL regulations in September 2019, this could be reasonably be secured through a S106 legal agreement. For the avoidance of doubt, if the developer is willing to gift an area of land but not provide the MUGA facility, the school would be happy to investigate this option also. In the opinion of the school, such a S106 legal obligation would satisfy the tests as set out in the NPPF. It is reasonable to expect that children residing within these proposed new dwellings would be educated at the school. The S106 contribution is therefore directly relevant to the proposed development. It is reasonable for the developer to make appropriate contributions to help secure the longer prosperity of the school and mitigate against the impact of the development.

Residents' comments, which are summarised under the following headings:

#### Location, design

- Rangeworthy is not designated as a strategic development area
- Rangeworthy has more than met its local obligation
- No need for additional allocation in rural areas
- The location of development is inappropriate
- Outside the settlement boundaries, do not meet the criteria of PSP40
- New houses have already built / approved in Rangeworthy
- Go far beyond the expected future expansion of this lovely village
- Out of proportion to the size of the village
- The development would impose 'suburbia'
- Out of keeping with the linear pattern
- Harmful to the heritage setting
- The retail shop is not viable due to its set back location
- No economic benefits
- Inappropriate design
- In danger of loss of rural village feel
- There is no clear need for additional spaces (a large recreational ground, two community woodlands, playground, and a number of footpaths)
- When coupled with the government's stated aim of reducing immigration, the pressure to build more and more housing will ease
- South Gloucestershire currently \*can\* demonstrate that it has a 5-year housing supply
- The housing land supply has now exceeded the Parish Council's higher figure in their submission four years ago

#### Highway and transportation concerns

- Increase the risk of serious accidents at the junction of the short and long arms of Church Lane with B4058
- Endanger the school children and residents walking / cycling

- Would not be acceptable to upgrade the existing quiet rural passageway, e.g., cycleway
- The existing bus services is infrequent and irregular
- In danger of overloading the Wotton Road with traffic
- Increased traffic
- Insufficient parking
- The access road would be insufficient in width
- New footpath causing the potential danger
- Cannot see this footpath being used by anyone other than residents of the new estate

#### Nature environment concerns

- Encroaching open space
- Loss of greenery
- Loss of agricultural fields
- There is a TPO within the hedgerow
- The allotment and greenspace are negligible, raise a question of on-going maintenance
- Harmful to the wildlife
- A number of mature trees have been destroyed
- Some historic hedgerow recently removed subject to enforcement investigation
- already some flooding / drainage problems
- put additional pressures on the utilities
- Where the development area is sold, leading to the compensation area for Great Crested Newts being in separate ownership
- Several properties have their oil tank located the rear (near the red boundary line)
- Destroy an area of natural beauty
- Drive wildlife away
- The roadway in Church Lane is narrow, is not a safe mix with pedestrians and cyclists
- The grass cut down on the application site, there will be significantly fewer insects, probably means significantly less bat activity, thus further skewing observable bat activity on the application site
- We can contribute to (tackle climate change) by not concreting over more of the living, breathing countryside

#### Amenity concerns

- Present security issues and potential anti-social behaviour
- Many people have paid a premium to live in this village, not on a housing estate!
- Disruption and disturbance during the construction phase
- Noise
- Light pollution
- The existing householder along Wotton Road no longer having the safety and privacy that is currently afforded to them and their children by the greenfield land to the rear
- Loss of amenity

- No defensible space between Church Lane and Woodbury Cottage, and between Church Lane and Rose Cottage. If the footpath were allowed, we would have pedestrians passing with inches of our windows, significantly reducing ours and our neighbours' privacy. Blinds or net curtain are not a viable option to preserve light and privacy
- Loss of privacy or overlooking
- Opening hours (and deliveries) are relevant and new residents will be affected by comings and goings and noise
- Impact on our outlook, peace, tranquillity, and the enjoyment of our properties will be significant

#### Other concerns

- If approved, its disrepute totally undermining local public confidence
- According to the deed, the applicant would significantly limit our use of the land and we do not believe the applicant can do this without our consent
- Will the office space be adequate for the stated number of employee?
- The site is agricultural land, used for silage in the last two years and as pasture previously, not a 'brownfield' in the Flood Report
- Why this application is only for outline planning permission only?

Andrew Beard Planning (on behalf of a local resident) – the scheme is still wholly inappropriate for the following reasons:

- A whole green field is lost to development
- The development is major, and the height and built form will create a significant impact
- The linear nature character of the village will be harmed
- The scheme will still be visible from Church Lane
- The site is outside the settlement boundary
- The form of development does not make a positive contribution to the local distinctiveness
- Does not meet the exceptions of PSP40
- Severe impact to the natural environment, loss of fields and countryside
- Still impact on the nearby heritage assets as part of the wider village setting
- The proposed retail and commercials are not well related to the core of the settlement boundaries
- The benefit of affordable housing and a small floorspace of commercial and retail does not outweigh the significant policy harm from inappropriate development in the countryside

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy CS5 (e) of the adopted Core Strategy states that in the open countryside, new development will be strictly limited. Although the application site is adjacent to the settlement boundary for Rangeworthy, the site is outside it and therefore would not meet any of exceptions listed in the above policy. Consequently, the proposed development would not be a suitable location for housing with regard to the local housing strategy. However, in terms of accessibility to services, the site is accessible from Wotton Road and the existing public footpath. Rather than being remote from a settlement, there are



services (bus stop), and facilities (e.g., primary school, sport/playing field), a place of worship) within Rangeworthy nearby. Despite the infrequent bus timetable, the presence of bus stops in the area would provide an option at times for more distant journeys. In addition, the proposal would provide an office and retail unit within the site, and that would provide additional essential facilities to support this village. Whilst it is inevitable that there would be some reliance on private motor vehicles, the Framework recognises opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Consequently, the site would be a suitable location for housing with regard to accessibility to services and reliance on private motor vehicles. Therefore, it is considered that the proposal, on balance, would comply with Policy CS8 of the adopted Core Strategy and Policy PSP11 of the adopted Policies, Sites and Places Plan where they aim to provide users of new development with a range of travel options.

## 5.2 Loss of Agricultural Land

The Agricultural Land Classification of farmland determines the versatility and suitability for growing crops. The top three grades, Grade 1, 2 and 3a, are referred to as 'Best and Most Versatile' land and enjoy significant protection from development. Paragraph 16.8 of the adopted Core Strategy states that the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) will be protected from unacceptable development. Whilst the applicant hasn't submitted much information about this, the Agricultural Land Classification (ALC) of Nature England shows that the land as being Grade 3 but does not specify whether this is 'a' or 'b'. However, it would be unreasonable to seek further confirmation on the existing grade (Grade 3) of the land, as the Local Plan does not make any specific requirement to seek surveys to comply with the guidelines. In addition, 2 no. parcel of allotments are proposed within the site, and they would be available for the local community for the cultivation of food crops. Furthermore, the size of the application site is not large, it is therefore considered that the use of this site is acceptable. Whilst it is acknowledged that the development would result in the permanent loss of the agricultural land, it is considered that this loss would not materially undermine the principle and purpose of Policy CS9 and CS34 of the adopted Core Strategy given the provision of the allotments within the site and the size of the land.

## 5.3 Public Open Space

Policy CS24 states provision for green infrastructure, outdoor space, sport and recreation facilities will be sought for all new developments, to the appropriate local standards of provision in terms of quantity, quality and accessibility. This is a new residential development and it is reasonable to expect the future residents to have access to a full range of open spaces. Where existing provision, in terms of quantity, quality and accessibility would be inadequate to meet the needs of future residents, then new provision and/or enhancement must be made in accordance with the appropriate local standards set out in Core Strategy.

5.4 Using current average occupancy data and the proposed number of dwellings, it is estimated the proposed development of 13 no. dwellings would generate a population increase of 31.2 residents. The following tables shows the minimum

open space requirements arising from the proposed development and shows the contributions that will be required if open space is proposed on site. Policy CS24 requires provision to be delivered on site unless it is demonstrated that partial or full off-site provision or enhancement creates a more acceptable proposal.

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)	Adequate existing supply of Informal Recreational open space accessible from the proposed development but the masterplan shows POS that would be classed as IROS, so it would be included in a S106 on-site POS schedule together with Natural & Semi-natural Open Space.				
Natural and Semi-natural Open Space (NSN)	468	1,694 but we do not believe the swales/basins to be feasible, so this figure may revert	0	To be provided on site as Natural & Semi-natural Open Space & Informal Recreational Open Space	
Outdoor Sports Facilities (OSF)	499.2	0	499.2	£27,341.23	£8,275.29
Provision for Children and Young People (PCYP)	78	0	78	£14,314.73	£15,052.05
Allotments	62.4	373	0	To be provided on-site	

5.5 In terms of the contribution towards public open spaces, the following are the key elements of the proposal:

- Adequate existing supply of Informal Recreation Open Space 'IROS' accessible from the proposed development
- Adequate area within the land to provide Natural and Semi-natural Open Space 'NSN' on site
- 2 no. allotments of approximately 373 square metres to be provided on site
- The applicant has confirmed that there will be private management of POS
- The applicant has agreed to make the following contributions towards off-site POS provision / enhancement and maintenance contribution

#### Summary of POS Section 106 Requests

Off-site POS provision / enhancement contribution	£41,655.96
Off-site POS maintenance contribution	£23,327.34
POS inspection fee as private management proposed £52.00 per 100sq.m. plus £500 core service fee.	

5.6 In addition, the contributions are directly related to the development, necessary and fairly and reasonably related in scale and kind, in accordance with the 3 tests within the CIL Regulation 122. Given the above, it is considered that the proposed open space provision meets the policy requirements, with the play area on site, and a contribution towards off-site for outdoor sports and allotments, and as such the proposals accord with Policies CS24 and CS25 of the adopted Core Strategy subject to a Section 106 obligation as set outline the Heads of Terms at the end of this report.

### 5.7 Affordable Housing

Affordable Housing is sought in line with National Planning Policy Guidance: Planning Obligations and other requirements under Policy CS18 of the Council's adopted Core Strategy Development Plan Document. This application proposal for 13 dwellings would generate a requirement of 5 affordable homes to meet the affordable housing requirement, i.e. 35% Affordable Homes without public subsidy with tenure split of 76% social housing and 24% shared ownership as per the Wider Bristol SHMA. The applicant has agreed to enter an appropriate legal agreement to meet the policy requirement. Subject to a S106 incorporating the Heads of Terms set out at the end of this report, the proposal is acceptable in terms of affordable housing.

### 5.8 Archaeology

The archaeological assessment of the proposed site submitted as part of the previous application P19/15806/O highlights the high potential and sensitive nature of much of the proposed development area. This is evident in both extant topographic features and the high potential for the survival of subsurface remains relating to medieval settlement and potentially also burial. After discussion with the Council's Archaeology Officer, it is considered that the proposal can be supported subject to a pre-commencement condition seeking a programme of archaeological investigation and the subsequent strategy to be submitted to the Local Planning Authority for approval.

### 5.9 Heritage

The proposed scheme is considered to potentially affect the setting of the Grade II\* Rangeworthy Court, the Grade II\* Holy Trinity Church and the Grade II listed Rose and Crown Public House. An extensive Built Heritage Statement (hereafter the HS) has been submitted in support of the application proposals.

5.10 The scope of the assessment contained within the Heritage Statement is based on the three heritage assets identified above. Officers concur that the scope of assessment is acceptable, and it is considered that no other designated assets would be affected by the proposals either by physical change or change to their existing setting. There is however a cluster of locally listed buildings to the eastern end of Church Lane. In this report, officers referred to the Grade II\* Holy Trinity Church as 'Church' the Grade II\* Rangeworthy Court as 'Court'

5.11 As the site has been subject to various appeal decisions in the past, it is important to understand and acknowledge the importance of the heritage assets to this site. However, regard should be given to the fact that the potential impacts on the setting and significance will differ depending on the location and scale of the development proposed.

5.12 The various appeal decisions for this site to the direct east of the Court can be considered to help frame a clearly defined narrative on the considered contribution the existing setting of the Grade II\* assets make to their significance. The Church and Court form an interesting building group which maintains a strong relationship with the surrounding pastoral landscape. These pastoral surroundings also provide a spatial buffer from the main village

that can be considered to make a positive and material contribution to the setting and significance of the historic building group at the western end of Church Lane, as the status of the buildings can be considered to be emphasised by the separation from the main core of the village than lines Wotton Road.

- 5.13 In regard to the Church, due to the distance involved, location and intervening established tree belts and other mature planting, from the Church itself, the churchyard and from Church Lane directly to the south of the Church, no views of the site could be achieved. From the wider impact on setting, only limited views can be achieved at the intersection of the public footpaths though a break in an existing vegetation and across the application site. From this viewpoint, the rear elevations of a couple of modern properties fronting Wootton Road may be visible.

Therefore the proposed scheme would simply bring the perceivable extent of existing built form (which currently is classic ribbon development fronting onto Wotton Road) further west. The extent or presence of built form to the west of Wotton Road within the existing largely rural landscape would become more prominent. There would also be co-visibility of this view with the Church and in views north, the Church is seen with the Court forming a direct backdrop with collectively produce an interesting, attractive, and historic composition. Whilst there will be change, officers are satisfied that this change would not be significant. As it is an outline application, the ridge heights of the new buildings would only be revealed at the Reserved Matters stage, therefore, there are concerns about the potential adverse impact, also new planting would take some time to their full maturity. Even so, the upper sections of the new buildings to the western boundary would remain visible. In this instance, officers consider that the proposal would result in a degree of harm as increasing the prominence of built form within the setting of the Church would fail to sustain or enhance the significance of this heritage asset. In accordance with the Framework, this harm would be “less than substantial” towards the lower end of spectrum of this category of harm.

- 5.14 In regard to the Court, Officers would agree with most of the assessment of harm set out within the HS, as especially from walking the PROW network, in potential views of co-visibility with the new development, the only views towards the Court were glimpses of the upper sections of chimney stacks and their pots. The only concern would be that the south-western corner of the site would be visible in views directly to the south of the Court. Therefore, there could be potential views (at least in part) of the proposed office block which is to be positioned there. These views this would though be filtered views through the existing planting which will vary in density through the seasons. The proposed development would be likely visible from the upper floors of the building, although these views again would be filtered significantly by the presence of the intervening mature trees. From the heritage perspective, the considered views of the proposed scheme from this location would be intrusive into the existing rural and tranquil setting of the Court, as the existing views of the surrounding landscape are impinged by new built form. Whilst the proposals would be cause harm to the setting and in turn significance of the Grade II\* Court, it is considered that the magnitude of harm would result in

less than substantial harm towards the lower end of the spectrum to the significance of the Grade II\* Court.

- 5.15 In terms of the setting of the locally listed building, officers consider that the proposed scheme would not cause any harm to the significance of the cluster of locally listed buildings towards the eastern end of Church Lane.
- 5.16 Whilst by its inherent nature the proposals would lead to the urbanisation of what is currently an open field and so there will be a degree of landscape character impact, there would remain a sufficient buffer in place that would ensure the sense of visual or spatial isolation of Church Lane from main village of Rangeworthy is sufficiently or meaningfully maintained. Officers therefore consider that the harm identified is simply a limited impact on the existing setting rather than the loss of the noted historic and significant spatial relationship between the historic building group and the main village. Therefore, while harm has been identified for this scheme, it is far below the level identified for the previous scheme or identified within the relevant appeal history for the Church Lane site. Subsequently, if the harm identified for this scheme is outweighed by other matters in accordance with the provision of the NPPF, then any decision would not be seen as setting a precedent in allowing the site to the north of Church Lane to come forward, as the spatial characteristics of this site and the relevant appeal site are materially different.
- 5.17 In summary, as discussed above, by reason of scale and siting the proposals would cause limited harm to the setting and in turn significance of the Grade II\* assets identified. Consequently, and in accordance with the Framework, officers consider that the proposals would result in less than substantial harm towards the lower of the spectrum to the significance of the Grade II\* Rangeworthy Court and the Grade II\* Holy Trinity Church.
- 5.18 Landscape  
In terms of landscape strategy for the area, the site lies in open countryside outside the settlement boundary of Rangeworthy and is covered by Area TPO 63489. The site is situated within Tytherington Plain comprising a flat, open agricultural landscape. Rangeworthy is a linear settlement of well-spaced houses with a mix of Pennant sandstone and rendered properties. Stone walling is a feature along the B4058. The main landscape strategy for the area is to maintain and reinforce the tree and hedgerow structure at settlement edges to help ensure that the continued integration of settlement and buildings within the wider landscape. Any new development outside the settlement should therefore respect the landscape structure and characteristic openness of the locality and incorporate robust landscape proposals, and the colour and texture of finishes to maximise integration with the landscape.
- 5.19 The submitted Design and Access Statement states that established hedgerows and trees will be retained and enhanced as far as possible and refers to the proposed avenue of tree planting along the access road. Whilst no landscape design strategy plan has been submitted to indicate how new planting will be designed to help integrate the proposals into their surroundings. The revised layout plan shows the potential tree planting area. Officers note that the proposed avenue of trees along the access road would not be in

keeping the prevailing vegetation pattern; a looser planting arrangement would be more appropriate. The revised plan also showed that the turning head arrangement avoids the Oak RPA, the existing hedges will be retained, which is welcomed. The Council's Arboricultural Officer has no objection to the proposal. 2 No. parking spaces and storage shed located adjacent to allotments north of the road, and a second allotments, parking and shed area also to the south of the road. Several verge/planting bed areas adjacent to the highway/parking area help to improve the visual amenity of the area in terms of contribution to a green road frontage. 3 No. sections AA to CC were submitted to show that the proposed new houses will be of comparable ridge height to those along both Wotton Road and Church Lane. The proposed development would be seen in local views from Wotton Road along the new access, the public footpath ORA 5 running along its western boundary, potentially from Jubilee Way where it follows Church Lane, the two other footpaths crossing the fields lying further West and Southwest of the site. The loss of this green field site to development may also have an appreciable impact on the wider setting of the listed Holy Trinity Church.

5.20 The proposed development site lies in a landscape and visually sensitive location at the edge of Rangeworthy, which forms part of the open countryside that contributes to the setting of the village. The proposed layout does not relate to the established linear settlement pattern of Rangeworthy, however, the proposed layout responds more to the configuration of farm buildings at Pool Farm rather than the surrounding residential development pattern. The 2 no. allotment areas represent an improvement on the previous layout. As it is an outline application with access to be determined, further details of each new dwellings or buildings would be requested at the Reserved Matters application. Therefore, subject to conditions seeking further landscaping details, planting time and landscape management plan, there is no landscape objection to the proposal.

#### 5.21 Transport

The site is located outside of and adjacent to the settlement boundary of Rangeworthy, which lacks a number of key services and facilities within walking and cycling distance but does have public transport connections to local centres. There are no libraries, post offices, health facilities, retail and food shop facilities, major employment opportunities, town centres or safeguarded employment areas within walking and cycling distance of the settlement. Rangeworthy has access to two primary schools and some community facilities: the dedicated community centre at King George V Memorial Hall, a restaurant and a local public house, The Rose and Crown. Although there are two senior schools within a 3-mile walking and cycling distance, the route quality and safety is not good enough to consider either school as accessible by walking or cycling. Facilities within walking and cycling distance are also limited, Rangeworthy however does have suitably frequent and timed public transport access to Yate and Thornbury on weekdays and Saturday, but no Sunday service to either destination. These public transport connections can assist in providing sustainable access to key services and facilities lacking within Rangeworthy itself. There is also a school bus from Rangeworthy to

Katherine Lady Berkeley senior school in Kingswood Gloucestershire. The bus services are as follows:

No 622. 7 services a day to Yate, Chipping Sodbury, Thornbury and Cribbs Causeway

No 626. 1 service a day to Bristol city centre

No. S8. 1 service a day, school bus to KLB.

5.22 While the proposal would comprise of 13 no. dwellings, it also includes a 150m sq. convenience store and 150m sq. offices. As such, the proposal would improve the accessibility criteria for Rangeworthy. The proposed site vehicle and pedestrian access is from Wotton Road just north of Pool Farm. The visibility available is around 65m from a point 2.4m back from the road edge. Visibility to the north is in excess of 90m. As such, adequate visibility is proposed. The 6m wide access road is agreed, a footway on both sides of the access is also proposed. A footpath is proposed within the site to link the development to Church Lane, and the Public Rights of Way Officer has no objection to the proposal. In terms of parking, it appears that insufficient parking would be provided for all new dwellings and some spaces would not have natural surveillance. However, given the size of the site and the layout is only indicative at this stage, sufficient parking with good surveillance can be provided. In terms of cycle parking and the provision of an electric vehicle charging points and ducting can be secured planning conditions. Therefore, there is no highway objection to the principle of the development.

### 5.23 Ecology

A further great crested newt survey and bat activity survey (bat tree survey report, reptile survey report and great crested newt survey) were submitted with the application.

The Council Ecology Officer confirmed that no designated sites for Nature Conservation, or Sites of Nature Conservation Interest or Regionally Important Geological Sites, will be impacted by the proposal.

Bats - Potential roosting opportunities for bats were present in the trees within the site. Further consideration of roosting bats is required as six of the trees had moderate to high potential for roosting bats and therefore require further consideration. The habitat within the site was assessed as providing moderate quality foraging habitat for bats. A manual transect survey was completed with a total of nine species being recorded. The level of activity around the site was considered as a whole to be low. The majority of the activity came from common pipistrelle. The updated report reflects similar results to 2019 surveys and sensitive lighting has been recommended.

Great crested newt (GCN) - Seven ponds and three ditches are present within 500m of the application site. During the survey two of the ponds were found to be dry. The terrestrial habitat on site is potentially suitable

to support great crested newts therefore further consideration was required. Seven ponds were subject to habitat suitability assessment and were found dry or unsuitable for great crested newts. One pond (pond 4) could not be accessed but due to the habitats between the site and the pond is unsuitable and terrestrial habitats on site are lacking features to support great crested newts. eDNA was not undertaken due to the depth of the water within ponds. Pond 8 was subject to great crested newt surveys and recorded a medium population of GCN as well as presence of smooth and palmate newts. Mitigation has been proposed which includes compensation planting and the creation of an additional pond to provide further breeding opportunities. An EPS GCN license will be applied for, and a copy of the approved license will be required prior to commencement of works.

Dormice - Suitable habitat for dormice is present within the hedgerows on site. There is some potential for dormice to be present in the species rich hedgerows. The hedgerow system within the site is well connected. No areas of woodland are present within the surrounding area, further consideration is required.

Birds - The site contained suitable foraging habitat for barn owls, however no suitable roosting sites were present. Barn owls are of site level value and no further survey works are required. The breeding bird population is likely to comprise common and widespread species with no indication that a diverse or notable assemblage is present. They will require consideration in terms of their legal protection.

Reptiles - Reptile surveys undertaken in 2021 found no reptiles and no further surveys required at this time.

Badgers - A detailed badger survey was undertaken, and no field evidence of badger was noted. The habitat within the application site does provide suitable foraging habitat for this species. These will require consideration in terms of protection of individuals during construction works.

Hedgehog - The site contains suitable habitat for hedgehog, though it is considered unlikely that the site is supporting notable populations if present.

Invertebrates (e.g. noble chafer) - The invertebrate population supported by the site is likely to comprise common and widespread species with no indication that a diverse or notable assemblage is present. They are not considered further.

In summary, appropriate surveys have been undertaken and at there are no further objections. Subject to conditions relating to a landscape and ecological management plan, bat boxes, a lighting plan, badger, hedgehog and nesting birds, the proposal is satisfactory in ecology terms.



#### 5.24 Environmental Protection

The historic use of the site appears to have been agricultural. There is therefore a low risk of ground contamination. Agricultural land may however have been treated with fertilizers or herbicides and there is the potential to encounter pockets of made ground. It would therefore be prudent to undertake a limited desk study/site walkover/ground investigation to assess for potential sources of contamination. To ensure that the site is suitable for its proposed use and in accordance with the National Planning Policy Framework, a planning condition is imposed to mitigate any potential issues of the site.

#### 5.25 Drainage

Residents' concerns are noted and the application is accompanied by a Flood Risk Assessment. Given the proximity of the existing ditch, the Council Drainage Engineer advised that the current location of the proposed retail unit is not acceptable. Its location must be a minimum of 5 metres from the top of bank of the ordinary watercourse / ditch. Furthermore, the current surface water drainage strategy proposes to discharge to an on-site ditch. Once the ditch leaves the site boundary it is not clear which direction it continues to flow. Therefore the ditch must be traced and potentially a CCTV survey must be undertaken to ensure that it leads to a positive outfall. If there is no positive outfall for the ditch then an alternative method of surface water disposal will have to be explored as it is unacceptable to discharge surface water into a ditch which leads to nowhere. As the site layout is not to be determined in this outline application, therefore, the location of the office/retail unit will be requested at the Reserved Matters application. Also, a planning condition can be imposed to seek details of surface water drainage method. Subject to this drainage condition, there is no objection.

#### 5.26 Sustainable Energy and Climate Change

As the application is in outline form, there will be a requirement for a full Sustainable Energy Statement being provided at the Reserved Matters Stage. A condition will therefore be required to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions. The forthcoming scheme is expected to be designed to include the use of renewable energy, and to maximise on-site renewable power generation to provide a pathway to zero carbon emissions

#### 5.27 Site layout, Design, Public Art

Residents raise concerns over the site layout, design, safety, and security. Whilst it is an outline planning application and the access is the only element to be determined at this stage, an indicative layout plan with parameters, and elevations of the new buildings were submitted with this application. The overall style is modern and contemporary, with split level application of materials which broadly references a rural style, with a more solid base and lighter upper levels. Vertical timber cladding, large windows and 'local stone' would be used. The site layout plan shows the potential location of the new dwellings, office and retail block, the public open space, 2 no. allotments with parking area, potential tree planting. Some improvements however could be made, e.g., the two houses at the centre of the site, and potential visual impact on the public realm because of the boundaries of the gardens. There is no objection in principle

from the urban design perspective, the Council will however be looking for very well-designed scheme, at the Reserved Matters stage, to comply with design policies which are set out in the NPPF, National Design Guide and the Development Plan. This includes a safe and secured site layout, the use of high-quality and locally distinctive materials, for any built forms and areas of public realm, and a detailed public art strategy is requested to encourage the participation in cultural activity. Subject to conditions, there is no objection to the proposal.

#### 5.28 Residential amenity

Residents' concerns with regard to the potential impact upon the residents' amenity have been considered. With regard to existing residents, the closest dwelling to the site would be the existing houses along Wotton Road, B4058. The indicative site layout plan shows that a vehicular access dividing the site into 2 parts. A group of new dwellings would be located to the north part of the site, and the office/retail block and 2 other dwellings would be located to the south of the access. Each part of the site would also comprise an allotment with parking spaces. The length of the private garden for these dwellings would be approximately a range of 8 -20 metres. Given their orientation of these dwellings, it is considered that the potential adverse impact, in terms of overbearing impact, would not be so significant to be detrimental to the living conditions of the nearby residents. Nevertheless, only access is to be determined at this stage, and the proposed site layout will therefore be determined at Reserved Matter stage. There is no reason why the layout could not be arranged to ensure that there were no issues of overbearing effect or loss of privacy to these existing residents. With regard to the amenity of future residents on the site itself, some improvement can be made, similarly, this will be dealt with at Reserved Matters stage to ensure that there are no significant issues of privacy or overbearing effect for future residents, and sufficient that amenity space is provided in accordance with Development Plan policy.

#### 5.29 Self Build

PSP42 requires the Council to encourage developers to provide serviced plots on residential sites over 10 dwellings. As serviced plot provision for the proposed scheme can be requested at the Reserved Matters application, therefore no objection is raised in this regard.

#### 5.30 Other matters

Regarding the school's suggestions regarding the gifted land, it would be private civil matter between the applicant and the school. National Planning Practice Guidance clearly states that planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning Obligations must meet the statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations). In this instance, it is considered that the request of gifted land to the local primary school would not meet the test.

### 5.31 Planning Balance – Weighing Up Exercises

As discussed above, Officers have identified the magnitude of harm caused by this proposal and it is considered that the harm which would be caused to the significance of the setting of listed buildings, the Church and the Court, would be less than substantial harm towards the lower end of spectrum of this category of harm.

5.32 To accord with NPPF paragraph 202, the harm needs to be weighed against the public benefits of the proposal, including, however appropriate, securing its optimum viable use. The NPPP clearly sets out three overarching objectives of sustainable development, economic, social, and environmental. In this instance, the proposed development would give rise to some reasonable economic and employment benefits during the construction and post development phases, as the proposal would provide an office and retail unit on site within the proximity to the existing settlement of Rangeworthy. In addition, the proposal would provide 2 no. allotments and an area of natural and semi-nature open space within the site, which would provide facilities to encourage local (future) residents to take part in cultivating activities, and would retain some nature space for residents to enjoy outdoor activities. Furthermore, the site would provide 5 no. affordable homes, which are need in South Gloucestershire. Therefore, considerable weight is given to these social benefits. Although the proposal would cause a degree of harm to the historic setting of the listed buildings and the rural character of the locality, taking into consideration of the number of public benefits of the proposal, officers have found some in the way of clear public benefits which would arise from this proposal. Accordingly, it is considered that this heritage harm would be outweighed by public benefits.

### 5.33 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.

### 5.34 Consideration of likely impact on Equalities

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

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

## 6. **CONCLUSION**

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

## 7. **RECOMMENDATION**

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

### **a) On and Off-Site Public Open Space and Sports Facilities**

As set out in detail in 5.5 above, the following shall be provided:

#### On-site POS Schedule

Open space as indicated in purple on the Indicative POS Plan (HS285\_006 Rev E) and comprising 2695 sq.m

Allotments as indicated in yellow on the Indicative POS Plan (HS285\_006 Rev E) and comprising 374 sq.m

Private management of POS.

Inspection fee - £52.00 per 100sq.m.plus £500 core service fee.

GM87 is the applicable index.

Trigger for provision of POS we suggest no later than 70% occupation. This would be set in the S106 POS schedule.

#### Off-site POS Schedule

Contributions to be provided prior to commencement of development.

Outdoor Sports Facilities. Contributions towards off-site provision and/or enhancement £27,341.23. Maintenance contribution £8,275.29

Provision for Children & Young People. Contributions towards off-site provision and/or enhancement £14,314.73. Maintenance contribution £15,052.05

GM87 is the applicable index.

Reason

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

**b) Affordable Housing**

Affordable Housing of 5 no units to be provided on site at nil public subsidy. The following mix of housing will be secured: 4 no. social rent homes and 1 shared ownership home.

The Affordable Housing shall be provided fully in accord with the following design requirements:

Design Requirements

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;

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

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

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

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

**CONDITIONS**

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

Reason

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

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

Reason

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

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

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

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

Reason

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

5. Any reserved matters submissions shall include surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. A detailed development layout showing the location of surface water proposals is required along with results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site. Development shall be carried out in accordance with the approved details.

For the avoidance of doubt, the applicant is expected to submit the following details when discharging the above conditions:

- Confirmation, or the 'in principle' acceptance of ordinary watercourse consent (OWC) for the surface water outfall and associated headwall structure. It is acknowledged that the OWC process is separate from the planning process, however the two elements are reliant on each other in the wider proposed context.
- A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds, including the connection to the public foul sewer.
- Drainage calculations to show there is no flooding on site in 1 in 30 year storm events (winter and summer); and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer) in line with the current industry accepted allowance 40% up to and including the 10080 minute

scenarios. (Preferably in the MicroDrainage format to include the MDx file for auditing).

- Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer) in line with the current industry accepted allowance.

- Where infiltration forms part of the proposed Surface Water Network such as Soakaways, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365.

- The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.

- The plan should also show any pipe node numbers referred to within the drainage calculations.

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

- Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and Access Road (where applicable) and any components such as Attenuation features and Flow Control Devices for the lifetime of the development.

If privately maintained, the document should also consider any future sale scenarios and how tentative purchasers will also be made aware of their jointly vested highway and drainage assets.

This is to be submitted in the form of industry standard legally binding document which sets out how each dwelling owner will be made aware of the extents of its shared responsibility in relation to ownership and maintenance.

Development shall be carried out in accordance with the approved details

#### Reason

To reduce surface water runoff and minimise the off-site flood risk, and to comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework July 2021. This is a pre-commencement condition to make sure an appropriate drainage strategy has been taken into considered at the design stage.

6. Notwithstanding the submitted details, the details submitted for the Reserved Matters shall include the details of the following elements:

- (i) An access road with footways on both sides

- (ii) Crossover details between the access road and shared surfaces

- (iii) A Street Lighting layout (Design calculations) and street lighting improvement scheme on Church Lane from the north west corner of the site to the B4058

- (iv) Adoptable footpath links to the existing public footpath to the west of the site and Church Lane to the north

- (v) Car and cycle parking (with dimensions shown on the plan)

- (vi) An Electric Vehicle Charging scheme for the entire development including the new dwellings, allotments, office and retail unit.

Reason

To ensure a suitable layout is provided, safeguard public highway safety, promote sustainable transport and tackle climate changes, and to accord with Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

7. Prior to the commencement of the development (including demolition, ground works, vegetation clearance) hereby approved, a site specific Construction Environmental Management and Biodiversity Plan (CEMBP), shall be submitted to and approved in writing by the Local Planning Authority. The CEMP as approved by the Council shall be fully complied with at all times.

For the avoidance of doubt, the CEMP shall address the following matters:

- (a) Measures to control the tracking of mud off-site from vehicles,
- (b) Measures to control dust from the demolition and construction works approved,
- (c) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained,
- (d) Adequate provision for the delivery and storage of materials,
- (e) Adequate provision for contractor parking,
- (f) Temporary access arrangements for construction traffic,
- (g) Details of Main Contractor including membership of Considerate Constructors scheme or similar,
- (h) Site Manager contact details, and
- (i) Processes for keeping local residents informed of works being carried out and dealing with complaints.

In addition, the above mentioned plan shall be written in accordance with BS42020, including mitigation details on birds, great crested newt, reptiles, dormice and badger, as well as any pollution prevention measures. The approved Plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of highway safety, protected species and the biodiversity of the location, to accord with Policy PSP11, PSP19 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013. This is a pre-commencement condition to ensure that appropriate precautionary measures in place prior to any works start on site.

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

Reason

In the interests of highway safety, to ensure all dwellings, office and retails unit are provided with a safe and suitable access and to accord with CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), Policy PSP11



of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

9. No dwelling, office or retail unit shall be occupied until the car parking (including an Electric Vehicle Charging Point) and cycle parking has been provided in accordance with the details to be submitted to and approved in writing as part of the Reserved Matters application.

Reason

In the interest of highway safety, to promote sustainable travel and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

10. The landscaping reserved matters submitted pursuant to condition 1 above shall include:
- Arboricultural Impact Assessment and tree/hedgerow protection plan to BS5837:2012, including supporting construction method statements - agreed as part of enabling works / prior to start of main construction works
  - Detailed planting/landscape mitigation plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting (to be implemented in the first season following completion of construction works).
  - Details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required
  - 10 Year Landscape Management Plan setting out objectives and management responsibility for the different site areas/usages, including enhancement of the biodiversity of the site, establishment of all new planting, management of existing boundary vegetation, safety checks and repairs of any play area equipment, and management of the allotments and associated storage; together with a prescription of both annual and longer term maintenance operations.

Reason

To protect the character and appearance of the area to accord with Policy PSP2 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

11. The development shall proceed in strict accordance with the Mitigation Measures provided in the great crested newt survey and bat activity survey (JBA consulting, July 2020) bat tree survey report (JBA, September 2020), reptile survey report (JBA, May 2021) and great crested newt survey (JBA, May 2021).

Reason

In the interests of protected species and the biodiversity of the locality, to accord with Policy PSP19 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

12. Prior to commencement, 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:

- Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- 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

In the interests of protected species and the biodiversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

13. Prior to the commencement of development hereby approved, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The LEMP shall be written in accordance with BS42020. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details. The plan is to include details of enhancement specifications and locations, and is also to include 'hedgehog highways' which are 13x13cm holes at the bottom of fences.

#### Reason

In the interests of protected species and the biodiversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

14. Prior to the commencement of development hereby approved, a copy of the approved Natural England Great Crested Newt mitigation license shall be submitted to and approved in writing by the Local Planning Authority.

#### Reason

In the interests of protected species and the biodiversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

15. Prior to the commencement of the development hereby approved, a public art programme, including full details and design, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the approved development.,

Reason

To encourage participation in cultural activities and to accord with Policy CS23 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the provisions of the National Planning Policy Framework.

16. The layout, scale and appearance of the buildings reserved matters submitted pursuant to condition 1 above shall include a Sustainable Energy Statement.

Reason

In the interests of sustainability in accordance with Policies CS1, CS3 and CS4 of The South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy PSP6 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

17. Prior to the commencement of any groundwork, including any exempt infrastructure, geotechnical or remediation works, a programme of archaeological investigation and subsequent detailed mitigation, outreach and publication strategy, including a timetable for the mitigation strategy (or where the results of the investigation are negative, a final evaluation report), must be submitted to and approved by the local planning authority. Thereafter the approved programme of mitigated measures and method of outreach and publication shall be implemented in all respects.

Reason

In order to ensure the adequate protection of archaeological remains, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework. This is a pre-commencement condition to ensure the archaeological remains are fully protected before any site clearance or ground works commenced on site.

18. In the event that any potential contamination be identified during the course of construction of the development, it 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, remediation 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 and verified prior to first occupation of the development.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP21 of the South Gloucestershire Local Plan:

Policies, Sites and Places Plan (Adopted) November 2017, and the National Planning Policy Framework.

19. All affordable dwellings shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2).

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 (Adopted) November 2017.

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

Site location plan (Red Line), HS285\_001 Revision C,  
Site location plan (Blue Line), HS285\_003,

Reason

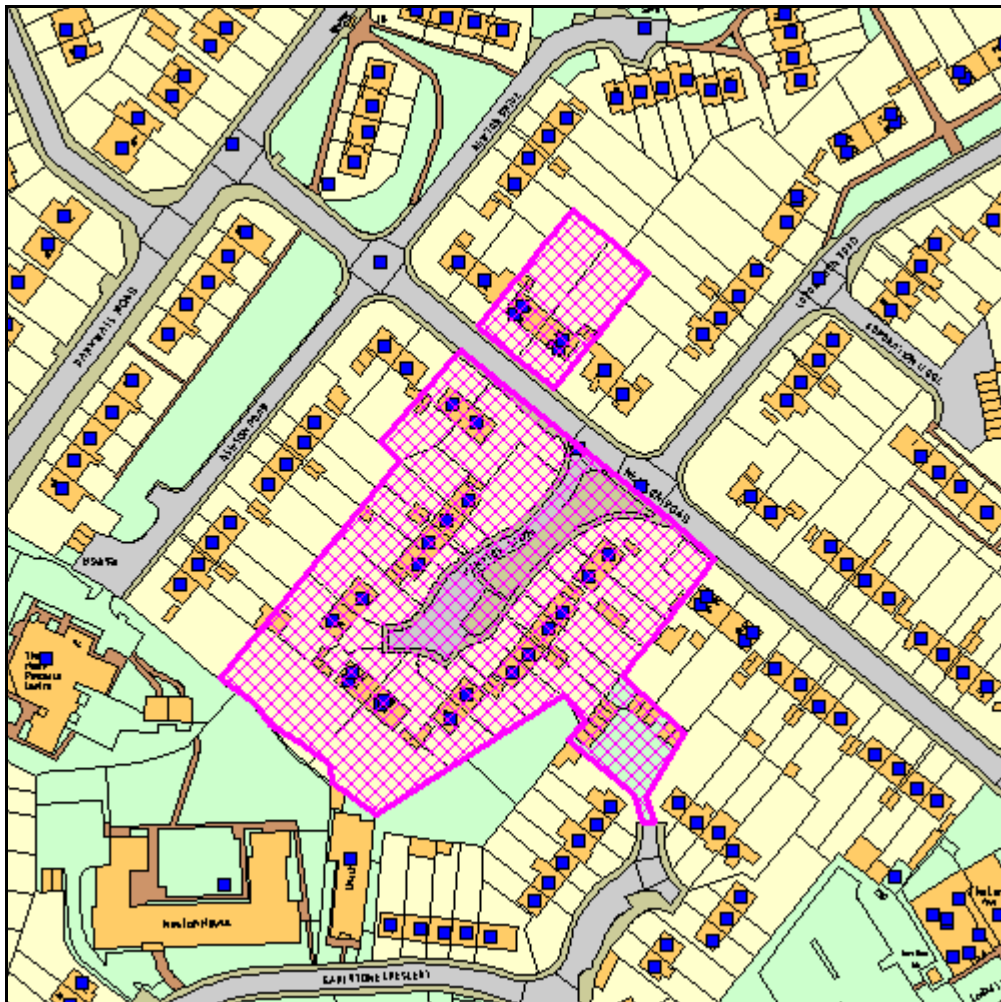
For the avoidance of doubt.

**Case Officer: Olivia Tresise**

**Authorising Officer: Helen Ainsley**

**CIRCULATED SCHEDULE NO. 46/21 - 19th November 2021**

<b>App No.:</b>	P21/00546/F	<b>Applicant:</b>	Merlin Housing Society (Bromford)
<b>Site:</b>	Land At Hampton Close Cadbury Heath South Gloucestershire BS30 8EY	<b>Date Reg:</b>	20th September 2021
<b>Proposal:</b>	Proposed demolition of 24no. existing dwellings, their outbuildings, and 10no. existing garages, and the construction of 44no. dwellings with associated access, parking and hard and soft landscaping.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	366332 172131	<b>Ward:</b>	Parkwall And Warmley
<b>Application Category:</b>	Major	<b>Target Date:</b>	15th December 2021



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 100023410, 2008. N.T.S. P21/00546/F

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

### **REASON FOR REFERRAL TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule due to the receipt of three letters of objection from local residents.

#### **1. THE PROPOSAL**

- 1.1 The application site comprises 1 hectare in total and is located within the residential area of Cadbury Heath. The site currently comprises 24 no. dwellings with associated hard and soft landscaping and 10 no. separate garages (accessed from Earlstone Crescent). The site is situated in two parts, one the much larger site is situated to the south-east of Newton Road and is bisected by Hampton Close, the site being surrounded on all sides by residential properties and to the south-west part of the boundary is with the Little Health Re-enablement Centre and Care Home. A smaller area on the northern side of Newton Road comprises four units also to be demolished.
- 1.2 The existing properties at the site are Council house Cornish style post war units built of precast reinforced concrete both terraced and semi-detached and deemed to be dated and of poor quality. In addition it is indicated that many of the properties do not have opportunities for off-street parking and the Hampton Close cul-de-sac is inadequate for parking needs. The garages (accessed via Earlstone Crescent) are concrete block structures with flat roofs and do not appear adequate in terms of their size for modern vehicles.
- 1.3 The proposal is to demolish the existing 24 no. dwellings and outbuildings along with the 10 no. garages and to replace these with 44 no. dwellings with associated access, parking, hard and soft landscaping and other associated works. The development will provide 84 parking spaces, 76 for the individual dwellings and 8 spaces dedicated for visitors. Off street parking spaces to include charging points for electric vehicles where the space is within the immediate vicinity of the property and ducting for others. The new homes will also all be provided with cycle parking. The development therefore represents an increase of 20 houses and overall the scheme comprises the following:
  - 8 no. 1 bed flats
  - 18 no. 2 Bed Houses
  - 16 no 3 Bed houses
  - 2 no. 4 Bed Houses
- 1.4 The applicant is Bromford a registered affordable housing provider and therefore the tenure will deliver 100% affordable housing units on the site. In terms of form the scheme proposes plans show that the majority of the properties will be semi-detached but there will be a terraces of four properties within the smaller redline site area on the north of Newton Road and a terrace of three on the southern side. At the south-west corner of the site there would be two block each comprising four one bedroom flats.

1.5 As background information, the proposed redevelopment of Hampton Close and Newton Road was part of the original legacy Merlin Housing Society redevelopment programme which proposed to redevelop more than 400 non-traditional properties across South Gloucestershire. This programme has since been disbanded and sites are now being brought forward on an individual basis.

1.6 In support of the application the following documents have been supplied:

Affordable Housing Statement  
Drainage Strategy  
Sustainability/Energy Statement  
Transport Statement and technical note  
Coal Report and Risk assessment  
Ecological Appraisal  
Arboricultural Impact Assessment

1.7 It should be noted that an original scheme proposed the demolition of 22 no. dwellings and the erection of 39 dwellings. It is now proposed to demolish No. 1 and No.2 Hampton Close to allow the erection of an additional 5 dwellings that will face onto Newton Road. A full re-consultation has taken place.

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework July 2021  
National Planning Practice Guidance 2014

### 2.2 Development Plans

The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013

CS1 - High Quality Design  
CS2 - Green Infrastructure  
CS4A - Presumption in Favour of Sustainable Development  
CS5 - Location of Development  
CS6 - Infrastructure and Developer Contributions  
CS7 - Strategic Transport Infrastructure  
CS8 - Improving Accessibility  
CS9 - Managing the Environment and Heritage  
CS15 - Housing Distribution  
CS16 - Housing Density  
CS17 - Housing Diversity  
CS18 - Affordable Housing

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

PSP1 - Local Distinctiveness  
PSP2 - Landscape  
PSP3 - Trees and Woodland  
PSP6 - On Site Renewable and Low Carbon Energy  
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  
PSP21 - Environmental Pollution and Impacts  
PSP22 – Unstable Land  
PSP43 - Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Check List (SPD)

Trees on Development Sites SPG (Adopted) Nov. 2005

South Gloucestershire Council Residential Parking Standards (SPD) Adopted

Waste Collection: guidance for new developments (SPD) Adopted Jan. 2015

Affordable Housing and extra care SPD (Adopted) May 2014

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide.

## 3. **RELEVANT PLANNING HISTORY**

There is no relevant planning history

## 4. **CONSULTATION RESPONSES**

### 4.1 Oldland Parish Council

Following the re-consultation following the submission of the revised proposals the Parish Council states that the development of the site is supported in principle but wishes the following issues be addressed.

Better employment of 'green' initiatives should be made including ideally heat pumps but definitely integrated solar panels and electric charging points. The Parish Council supports the comments of the Policy & Climate Change Team.

Alternative approaches to integrating vehicle parking in the layout of the scheme. It is essential that PSP16 is observed and that more imaginative architectural design e.g. 3 storey housing with garage/parking at ground level are included. Failure to address parking issues will only generate further parking problems in the community.

The loss of the garage block is lamented and it is important to recognise the local impact of this loss. A mitigation plan is required to create a clear plan for alternative provision and define a policy for any further loss of garage stock.

The highest quality design for soft landscaping is essential to prevent the development presenting as a car park.

These comments relating to Environmental Policy, the parking provision, loss of garage space and the overall design are addressed in the report below.



## 4.2 Other Consultees

### **Ecology Officer**

Initial Comments (summary)

Three bat roosts have been recorded. These were undertaken in September and October and there is a need for these to be updated. Two emergent surveys are required. Details of a reptile receptor site is required given that a small population has been found.

These matters must be dealt with prior to determination. If acceptable conditions should then be applied to ensure that the works are carried out in accordance with the submitted mitigation measures, to secure a lighting strategy for biodiversity and a habitat enhancement scheme to expand upon the recommendations in the submitted ecological report.

Following the submission of additional information to include a habitat enhancement scheme as well as the requested surveys no objection is raised subject to conditions

### **The Listed Buildings & Conservation Officer**

No comment

### **Waste Manager**

Good storage arrangements shown. Tracking is recommended to ensure that the vehicles can turn off main road and manoeuvre.

### **Landscape Officer**

There is no landscape objection to the principle of development. An improved landscape frontage treatment should be sought along either side of Newton Road and along the new internal access road. There are also opportunities for additional tree and taller growing structure planting.

In addition conditions are recommended to secure full planting details and all proposed boundary and hard landscape treatments.

Following the re-consultation on the revised proposals and amendments secured the scheme is considered acceptable in landscaping terms subject to the above conditions.

### **Arts Development Officer (summary)**

No objection subject to a condition being applied to secure a public art programme that is relevant and specific to the development and its locality being integrated into the site

## **Lead Local Flood Authority**

### **Initial Comments**

Before we may confirm acceptance of the proposed 'Brownfield' surface water discharge rate, we require evidence of the existing surface water network which connects to the **375mm** public surface water sewer in Newton Road. A survey was undertaken and therefore we request the accompanying report which will verify details of pipe specifications, and in particular the two positive outfalls from the site at **Manhole 3121** and **3116** respectively. We would expect to see the pipe sizes including the slope/gradient which will corroborate the existing runoff conditions.

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

The proposed development is considered acceptable in principle subject to a condition to secure a full sustainable urban drainage scheme

## **Environmental Policy Team**

### **Initial Comments**

Concern raised that the development will not meet targets in the areas of fabric and ventilation, heating and hot water, PV, Overheating and EV Charging. Alterations to the Energy Statement are therefore required.

The comment has been reiterated following the submission of the revised scheme.

## **Urban Design Officer (summary)**

Existing public realm poor quality in design terms, in terms of boundary treatments, open space. Over domination of street parking which is not sufficiently broken up with landscaping to reduce visual impact, this is a factor because of the relatively high density of 42 dwellings per hectare.

Parking spaces should be put within property boundary lines to avoid disputes and provide overlooking (Plots 15 to 20)

Brick wall to the rear of plots 10 and 11 needs to be extended to cover plot

Brick wall is needed along the south-west side of plot 20 to help define the parking area

Elevations are rather plain and bland in style. Improved detailing needed (in particular 25 to 28)

A number of the proposed properties have prominent projecting pitched gable features which are seen in the local area, but the lack of any type of reference to the clearly more obvious and abundant locally distinctive mansard style properties, is not acceptable. The majority of the proposed properties are very bland and have neither a more modern and interesting style or a traditional style. The pitched gable features are certainly something which should be incorporated, as these add interest, but there is a real missed opportunity here to create something distinctive and special.

Following the submission of the revised scheme and information to address the above concerns there is no objection to the proposed development however the key issue remains the choice of the appropriate materials which it is considered will make the difference between an average scheme and a good one. An appropriate condition to secure the maximum clarity on this point is recommended.

### **Sustainable Transport**

Initial Comments (where additional information required)

The Stage 1 Road Safety Audit will need to be completed and submitted prior to the determination of the application

Bellmouth junction – Copenhagen style vehicle crossovers on the cul-de-sac should be considered. Dropped kerb extended accordingly

Newton Road footway is slightly out of alignment

The plan should include the specification for the EV charging points

Parking spaces along Hampton Close and Newton Road should be moved to the back edge of the adoptable footway. This will enable a wider private path to be provided to accommodate vehicle overhang and EV charging points.

The double tandem parking space for plot 1 should be increased in length to at least 10.3m (5.5m in front of a fence plus 4.8m) long.

In accordance with the Council's current guidance I recommend that active EV charging points are provided for all dwellings with allocated car parking spaces to the front of the property. I.e. plots 2, 3, 4, 6, 7, 8, 9, 10, 11, 12 – 20, 22 and 26 (reallocated spaces so an allocated space is outside of the associated dwelling), 32 – 37, 38 and 39. That said, I accept that 22 of the dwellings are replacing existing dwellings which don't currently have EVCP's. Therefore there should be a minimum of 17 dwellings provided with active EVCP's. The remaining spaces should be provided with passive ducting.

There should be two visitor/ unallocated parking spaces for plots 1 – 11. The standard for 2 bed dwellings is 1.5 spaces. There is no need for the 2 bed dwellings to have 2 allocated spaces each. SGC car parking standards recommend that two bed dwellings are provided with one allocated space with the remainder unallocated.

Following the submission of the additional information and the resubmitted scheme no objection is raised subject to clarification on the charging points and parking spaces for visitors being clearly shown on the plans.

### **The Coal Authority (summary)**

In response to the revised scheme the following comments have been received. No objection subject to conditions.

## **Housing Enabling Team (summary – full requirement as set out in 5.11 below)**

### Initial Comments

This application generates an Affordable Housing requirement of 14 homes consisting of 11 homes for Social Rent and 3 homes for Shared Ownership.

Following the submission of revised details and further discussion the following summarised comments were received:

To meet identified housing need (Wider Bristol SHMA) the following tenures shall be provided with a range house types (Wider Bristol SHMA) sought:

- 76% Social Rent
- 3% Affordable Rent
- 21% Shared Ownership

However, at 3% only 0.45 of a unit for an affordable rented home is generated, so the Enabling Team will look to secure 15 units via an S106 based on a tenure split of 76% Social Rent and 24% Shared Ownership.

Following discussions with Bromford and given issues with specific requirements related to Homes England funding constraints around the Shared Ownership homes and local affordability levels, it has been agreed in this instance for the S106 secured quota for Affordable Housing be all for Social Rent. The agreed mix not only addresses our greatest housing need but also assists with the delivery of the scheme for 100% Affordable Housing and should enable the delivery & retention of more Affordable Housing overall.

### Archaeology Officer

No objection subject to a condition to secure a programme of archaeological work to be undertaken.

### Community Infrastructure Officer (summary)

No objection subject to the provision of contributions to off-site public open space provision/enhancement and a contribution to its maintenance

### Environmental Protection

No objections subject to standard construction conditions and advices

## **Other Representations**

### 4.3 Local Residents

3 no. letters of objection have been received from local residents; the concerns raised are summarised as follows:

Additional traffic (min 8 extra cars) will cause a danger to children in the cul-de-sac and will also cause disturbance and lights shining into living rooms. The road is not wide enough for emergency vehicles and refuse vehicles. Difficulties will be caused to other occupiers during the construction period

Concern that the proposal would affect the parking space available to No.23 Earlstone Crescent. *The case officer has contacted the applicant and submitted details show that this space would not be affected. This has reassured the correspondent.*

Following the submission of a revised proposal and a public re-consultation no further comments have been received.

## 5. **ANALYSIS OF PROPOSAL**

The proposal is to demolish the existing 24 no. dwellings and outbuildings along with the 10 no. garages and to replace these with 44 no. dwellings with associated access, parking, hard and soft landscaping and other associated works.

### 5.1 **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.

The South Gloucestershire Local Plan: Core Strategy was adopted by the Council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will be the Core Strategy, as it forms part of the adopted Development Plan and is compliant with the National Planning Policy Framework 2021 (NPPF). The Policies, Sites & Places Plan was adopted in Nov. 2017 and also now forms part of the Development Plan.

Paragraph 11 of the NPPF states for plans and decisions there should be a presumption in favour of sustainable development. For decision makers para 11c and 11d applies:

*c) approving development proposals that accord with an up-to-date development plan without delay;*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (Green Belt, AONB etc in footnote 6);*

*or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Footnote 7 to para 11 states that policies are out of date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the

Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

The Council published its housing land supply figure in December 2020 as 5.28 years. The Office for National Statistics (ONS) published technical updates to the data that underpins the standard method calculation at the end of March.

This comprised updated median house price to workplace-based earnings ratios for 2020, alongside 'rolled forward' household projections for the new 10-year period 2021-2031.

Applying these to the Local Housing Need (LHN) Standard Methodology calculation for South Gloucestershire has resulted in our LHN figure changing from 1,412 dwellings pa to 1,353 dwellings pa.

Based on the housing supply available as identified in the December 2020 Housing Trajectory, the Council's Housing Land Supply Figure is revised from 5.28 years **to 5.52 years**.

In terms of the Housing Delivery Test (previous 3 years), the following applies:

2018 – 131%  
2019 – 134%  
2020 – 125%

In the light of the above, Paragraph 11d of the NPPF is not engaged and as a result, the Council's policies (alongside those in the framework) in answer to the question posed in the heading above have full weight. This is of particular importance when considering the principle of development, as those strategic policies that set out those areas in which development can be appropriately and sustainably sited (and those where there is a presumption against development) have that full weight.

The locational strategy for the District is set out in policy CS5. Under this policy, new residential development is directed to the strategic housing allocations, existing urban areas, and defined rural settlements as shown on the proposals maps, with most new development being on the North and East Fringes of Bristol. This application proposes development within the designated Urban Area and as such is acceptable in principle. It is considered likely that the proposed development would begin to contribute towards housing supply in the district within a period of 5 years.

CS17 of the Core Strategy sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities. Policy CS18 supports the provision of affordable housing as part of the drive to provide mixed and inclusive communities and as this scheme will provide 100% Affordable Housing to accord with the Council's full design and tenure requirements including wheelchair access the proposal is in accordance with policy.

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 would accord with this policy.

In summary therefore it is considered that the development is acceptable in principle. The remainder of this report will consider all other material planning considerations applying national guidance and policies in the Development Plan to the proposed development.

## 5.2 **Design**

Core Strategy Policy CS1 only permits new development where “the highest possible standards of site planning and design are achieved”. The Policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality; this policy is fully compliant with the design guidance in the NPPF.

### *Context*

The Design and Access Statement (DAS) correctly identifies the main characteristics of the area. The built form/layout of the area is predominantly high density current or former local authority post-war housing well served by local facilities and services. The existing properties are of low quality terraced and semi-detached dwellings, constructed in a Cornish House style, with lightweight precast reinforced concrete structural elements and panels fixed over a concrete frame and finished under a mansard roof structure with interlocking concrete tiles. Top hung white uPVC windows and doors are featured across all properties. Many of the dwellings benefit from spacious front and rear amenity space. The front gardens are bounded by low level red brick walls and timber fencing. Properties along the North-East and South-East do not have opportunities for off street parking and there are inadequate provisions for parking within the cul-de-sac to meet the requirements for two car households.

The DAS correctly identifies the following as local characteristics within the vicinity of the site:

Red brick and render combinations • Residential terraces and semidetached properties with repetitive features such as windows, chimneys • Buildings set back from street frontage • Simple pitched roofs • Red and grey interlocking concrete tile roofs • Top and side hung casement windows • Simple pitched rain porches

### *The Proposal*

With respect to the proposed layout, the rows of existing semi-detached houses will be replaced a majority of new semi - detached properties with 4 terraces of

three properties and a terrace of 4 dwellings on Newton Road. The dwellings will remain set back from the road edge and adequate parking spaces will be provided to the front or side of each dwelling. Two blocks of four one bedroom flats are proposed on the South - West portion of the site. The amount of buildings proposed make the best use of land, provide adequate private amenity space and parking spaces. Landscaping is considered elsewhere in the report but has been improved through negotiation. The layout is considered acceptable.

From the outset the development has followed the following points with respect to the general appearance and materials: - Traditional/ Considered presentation to public realm. • Well-proportioned contemporary window styles. • Combination of dual pitched and gable fronted roof elements to promote a variation in form • Combination of red facing brick and buff facing brick with projecting course details • Combination of grey roof tiles and red roof tiles • White uPVC windows, fascias and soffits • Black rain water pipes and gutters.

There has been a concern from officers that the development would appear distinctly average rather than reaching the highest standards of design. Negotiations through meetings have taken place to emphasise this point. Improvements have been the incorporation of brick projections (10mm) with a different brick to the rest of each unit. This brick will be different in colour and texture with detailing on the returns. Brick banding is also to be used (such as plots 11 and 44). The alternating red then white approach to colouring adds interest.

It is considered by officers that the design principles are welcome. Whether the scheme is successful will almost entirely depend on the materials that are used. As the Council Urban Design Officer states *"The brick selection is the remaining key issue and could easily mean the difference between an average scheme and a very good one"*.

Possible materials have been suggested to the applicant. A condition will be attached to the decision to ensure that the materials are agreed prior to the commencement of development with the brickwork be tested with a 1 sq.m on site sample panel. Subject to this condition the proposal is considered acceptable in design terms.

### 5.3 **Ecology**

Policy CS9 of the Core Strategy and PSP19 of the Policies Sites and Places Plan consider the impact of development upon the natural environment and see where possible to secure "biodiversity gain" through on-site enhancements.

The application is not covered by a Nature Conservation designation and in terms of habitat comprises small areas of amenity grassland (i.e. gardens), poor semi-improved grassland, species poor hedgerow and scattered trees. An Ecological Appraisal has been submitted with the application and this has been supplemented by a habitat enhancement scheme (in order to avoid the need for a pre-commencement condition).



### *Bats*

The appraisal in Aug 2019 identified a moderate potential for bats with roosts being found in certain properties but not all. Emergent surveys were undertaken where roosts were evident. It was considered that two emergent surveys were required for all properties (although mitigation in the report is deemed acceptable). Subsequently surveys were undertaken and this includes the new buildings proposed for demolition in the revised scheme. Suitable mitigation is proposed.

### *Great Crested Newts*

Newts are not considered to be present on the site.

### *Birds*

The report recommends sensitive construction timings (re nesting season) and bird boxes as enhancements.

### *Reptiles*

A small population of slow worms was revealed by the survey and a mitigation strategy has been set out. Confirmation of a receptor site at a nearby golf club has been agreed and deemed acceptable by the ecologist.

### *Badgers and Hedgehog*

No badgers have been found to be present at the site. With respect to hedgehog the report identifies that the site is suitable for foraging and for sheltering. Hedgehog housing and holes in the bottom of fencing is recommended in the report.

In summary the proposed development is considered acceptable subject conditions to require that the development proceeds in accordance with the mitigation measures set out in the report which now includes a scheme for habitat enhancement and a lighting design strategy for biodiversity being submitted prior to the commencement of the development.

## 5.4 **Landscape/Trees**

Policy PSP2 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) Nov 2017 seeks to conserve and where appropriate, enhance the quality, amenity, and distinctiveness of the landscape. Policy CS9 of the South Gloucestershire Local Plan Core Strategy expects new development to conserve and enhance the character, quality, distinctiveness and amenity of the landscape.

The site is situated within a fairly high density. The proposal is dominated to an extent by parking to the front, that said it appears that the majority of trees with Hampton Close are being retained but that a large number of the existing

garden trees will be lost particularly on the north east side of the road. A tree protection plan has been submitted with the application for the remaining trees.

The type and placement of the new boundary treatments comprises a 1.8 metre brick wall along rear boundaries, 1.8m close board fencing to sides and some rear boundaries with limited use of metal railings principally at the entrance to Hampton Close. Surfacing delineates parking spaces through block pavements from the tarmac surfacing of the road. These treatments are considered acceptable but will be the subject of a condition to secure full details of the materials and colour finishes.

A soft landscaping plan has been submitted with a planting schedule. This includes shrubs and perennials. It is considered that additional shrub planting should be included particularly on the entrance road in the south west as well as some shrubs to break up parking.

There were initial concerns as indicated above regarding the over dense car parking. Some new planting beds between parking bays are now provided and these have been further enhanced to the satisfaction of the Landscape Officer. The planting at the additional units is acceptable.

The tree officer has questioned the use of Oak trees given their growth and alternatives have been suggested such as maple or lime.

In summary while additional planting would be always be welcome the proposed changes do secure a much improved frontage to the development and the use of appropriate hard surfacing would also help in this. There is still the need to agree on the exact planting details and for this reason conditions are recommended.

As well as a condition to ensure works take place in accordance with the submitted tree protection measures a condition is also recommended to secure a detailed planting plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting (to be implemented in the first season following completion of construction works); together with details of tree pits to ensure these are large enough to allow trees to reach their full growth potential. In addition a condition is recommended to secure details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required, together with supporting schedule of proposed manufacturer products.

## 5.5 Transportation Issues

The development will use the existing access to Hampton Close, with the visibility play meeting modern standards. A new pedestrian footpath is follow around the access road.

The revised proposal will provide a total of 84 no. parking spaces with 8 visitor spaces included in this total. This is more than sufficient to meet parking standards. It should be noted that half of the existing properties have no

dedicated parking spaces where cul-de-sac on street parking is limited. This is considered a betterment. Properties are all provided with sheds for cycle storage. Adequate storage for refuse/recycling is provided to accord with Council standards.

The proposal will involve the moving, by a few metres, of a bus stop and an appropriate condition is recommended to secure these works.

The Case Officer has attempted to secure a further 15 Electric Vehicle Charging Points (EVCPs) to supplement the five 7kw 32 amp points that have been offered for plots 1, 5, 29, 31 and 39 and included on the submitted plans. The applicant has cited the cost (said to be £18000) and that this should be seen in the light of the provision of affordable housing where electric car ownership is likely to be low for several years. While it is also the case that the current policy CS8 states that EVCP provision will be welcome rather than a requirement as is understood to be the position in emerging policy, this is considered disappointing.

Concern has been raised that the proposal will take away parking spaces through the demolition of the garages. It is a fact that the garages in Earlstone Crescent will be demolished. The applicant has undertaken a parking survey which has revealed that their use was minimal. Two of the garages were empty, four were being used for the storage of goods rather than cars and four were being used for car storage. This would result in limited increase in on-street parking in Earlstone where this can be accommodated. As indicated above overall the scheme will take vehicles off the street as only half existing properties have any off street parking spaces, but the impact upon the four garage users is noted.

Concern has been raised that construction traffic using Earlstone Crescent would be detrimental to the amenity of occupiers. The applicant has indicated that no construction vehicles or deliveries will use Earlstone Crescent but rather they would use Newton Road. It is considered appropriate within this quite dense urban environment to apply a Construction Management Condition to include hours of working.

The owner of a property raised a concern that proposed parking spaces would block access to their garage. This would not be the case as plans show.

Concern has been raised that the proposal would impact upon the ability of emergency vehicles to access Earlstone Crescent. It is considered by officers that the geometry of both Hampton Close and Earlstone Crescent are both suitable for emergency vehicles (and refuse vehicles).

Subject to the conditions as set out above the proposed development is considered acceptable in Transportation terms.

## 5.6 Residential Amenity

It is considered that the relationship between the proposed dwellings and the existing built form will not result in either loss of amenity to either existing or

future occupiers. The development largely follows the building lines of the existing buildings to be demolished. Window to window distances ensure that privacy will be retained. At the southern corner of the site Plots 22 and 25 (flats) are located close to a projecting element of the neighbouring Care Facility (approx. 12 metres) however the windows in the facility at this closest point are to service areas. It is not considered that this relationship is unacceptable. It is not considered that the development would appear oppressive or overbearing to neighbouring occupiers given the scale and proximity of the development. The relationship between the proposed buildings is also considered acceptable.

External amenity space provision meets the standards set out in PSP43 (and as affordable housing there are standards to be met in the SPD). Limited space is available to the properties located at the southern edge of the site in particular Plots 23 and 24 but also 21 and 22 however the properties along this edge are the 8 no. 1 bed flats requiring 5 sq.m of space and that standard is met.

There should be no significant adverse impact on the residential amenity of future or neighbouring occupiers. The scheme is therefore considered to accord with policy CS1 of the Core Strategy (Adopted) December 2013, Policy PSP43 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov 2017 and the NPPF.

#### 5.7 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbours during the development phase, this can be adequately addressed by imposing a condition to restrict the hours of working and a basic Construction Management Condition.

The site lies in Flood Zone 1. Negotiation has taken place with Lead Local Flood Authority to establish that the principle of development is acceptable in relation to drainage. Notwithstanding this a condition is required to ensure a full Sustainable Urban Drainage Scheme is secured so that the site can retain surface water to the maximum extent. Subject to the condition (with detailed advices) the proposal is considered acceptable in drainage terms.

The site is known to lie in an area of former coal mining (although part of the site including the additional part included through the resubmission lies outside the area). A Coal Mining risk assessment has been submitted to the Coal Authorities satisfaction. In the event of a consent being granted, a standard condition would be imposed to secure an intrusive investigation of the site and mitigation procedures should shallow coal workings be encountered.

#### 5.8 Environmental Policy

PSP6 of the Policies Sites and Places Plan states that all development proposals will *“be encouraged to minimise end-user energy requirements over and above those required by the current building regulations through energy efficiency measures”*.

On Greenfield sites residential development will be required to reduce CO2 emissions by a further 20% via renewable and or low carbon energy regeneration source however this development is on a Brownfield site, notwithstanding this the policy indicates that *“the Council will take a positive account of and support development that provides further energy reduction, efficiency, renewable and low carbon energy measures on or near the site...”*

The applicant has submitted a “Sustainability/Energy Statement” that has been viewed by Officers and additional information has been sought during the assessment of this application, to enable an understanding of the measures that will be taken to address this issue. The information shows that a reduction in emissions is achieved compared to the building regulations through the fabric of the building and the heating systems, however there is a concern that future improvements post construction may prove difficult given the use of timber frames.

The applicant has been encouraged to use more renewable sources such as ground source heat pumps or more hybrid systems but without success. In addition the applicant has been encouraged to specify roof mounted PV on all dwellings. The request for further Electric Vehicle charging points is dealt with elsewhere in this report. In summary officers are generally happy that issues relating to fabric and ventilation are satisfactory but much more could be achieved in relation to heating and hot water, solar PV and the aforementioned electric vehicle charging points for which cost concerns have been raised.

The response to the use of onsite renewable and low carbon energy is disappointing however it is noted that under current policy PSP6 on non-greenfield sites such measures can only be “encouraged” rather than be required. It is not however possible to give a positive weighting on this issue in the overall planning balance.

## 5.9 **PLANNING OBLIGATIONS**

### 5.9.1 Affordable Housing

The proposal is for a 100% affordable housing scheme but the legal agreement can only secure the policy compliant position i.e. 35% at the appropriate tenure and design considerations. The following considers the provision within the S106.

#### Quantum

35% of 44 dwellings generates a requirement of 15 Affordable Homes to be provided on-site. As this is a 100% affordable housing scheme 35% affordable housing can be provided with public subsidy on the proviso all 44 dwellings are delivered as affordable housing as defined by the NPPF. Notwithstanding the fact this is a 100% affordable housing scheme, the Council will secure 35% affordable housing as it triggers the affordable housing threshold. Affordable housing will be secured through a Section 106 agreement in line with the following requirements.

## Tenure/Type

To meet identified housing need (Wider Bristol SHMA) the following tenures shall be provided with a range house types (Wider Bristol SHMA) sought:

- 76% Social Rent
- 3% Affordable Rent
- 21% Shared Ownership

However, at 3% only 0.45 of a unit for an affordable rented home is generated, so the Enabling Team will look to secure 15 units via an S106 based on a tenure split of 76% Social Rent and 24% Shared Ownership.

Following discussions with the applicant and given issues with specific requirements related to Homes England funding constraints around the Shared Ownership homes and local affordability levels, it has been agreed in this instance for the S106 secured quota for Affordable Housing be all for Social Rent. The agreed mix not only addresses our greatest housing need but also assists with the delivery of the scheme for 100% Affordable Housing and should enable the delivery & retention of more Affordable Housing overall.

The tables below reflect the SHMA requirement and the Affordable Housing proposal within this application:

### **Social Rent: x 15 homes**

Percentage	Type	SHMA	New offer	+/- diff	Min Size m <sup>2</sup>
22%	1 bed 2 person flats	2	4	+2	50.5 & 56
16%	2 bed 4 person flats	2	0	-2	70
29%	2 bed 4 person houses 2 storey	6	5	-	79
29%	3 bed 5 person houses 2 storey	6	6	-	93

The proposed design of the 44-home scheme as submitted does not include any 2-bed apartments. As such the Enabling Team accepts the over provision of 1-beds.

The house types & plot numbers proposed as the mix of units to be secured by the S106 are as follows:

Social Rent: total 15

- 2 x 1-Bed 2-Person Ground Floor 1-Storey Flat 50.5m<sup>2</sup> at plots 25 & 26
- 2 x 1-Bed 2-Person First Floor 1-Storey Flat 56m<sup>2</sup> at plots 27 & 28
- 5 x 2-Bed 4-Person 2-Storey House 79m<sup>2</sup> at plots 2, 3, 31, 32 & 33
- 6 x 3-Bed 5-Person 2-Storey House 93m<sup>2</sup> at plots 1, 4, 29, 30, 34 & 35

### 5.9.2 Affordable Housing Design Standards

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) which will be secured by way of a planning condition, Secured by Design Silver, Part Q Building Regulation standards and compliance with the RP Design Brief:

All rear gardens to be turfed and generally to have 1.8m high close boarded fencing to boundaries and privacy panels

All properties to have vinyl/tiles on floors in wet areas

Ceiling height tiling to 3 sides of bathroom to be provided

Provide wall mounted shower (either electric or valve and kit)

Provide gas and electric points to cooker space (where gas is available)

Painted softwood curtain battens to each window (where construction is traditional as opposed to timber frame)

#### Wheelchair Provision

During further discussion with the Enabling Team and South Gloucestershire's Occupational Therapist it was agreed that the M4 (2) standard would be sufficient to meet wheelchair need in the area.

#### Delivery and Phasing

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

The social rent homes will be let at rents in accordance with the Rent Standard April 2020 and the Policy statement on rents for social housing.

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%.

Service charges will be capped at £650 per annum (base date to be date of resolution and linked to CPI) 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.

## 5.10 Public Open Space Provision

Using current average occupancy data and the proposed number of dwellings, we estimate the proposed development of 44 dwellings (a net gain consisting of 36no. houses and 8no. one bed flats) would generate a population increase of 40.8 residents.

This is a new residential development and it is reasonable to expect the future residents to have access to a full range of open spaces. Where existing provision, in terms of quantity, quality and accessibility would be inadequate to meet the needs of future residents, then new provision and/or enhancement must be made in accordance with the appropriate local standards set out in Core Strategy Appendix 5. An audit of existing provision has demonstrated quantitative and or qualitative/ accessibility shortfalls in all typologies of open space accessible from the proposed development.

The following table shows the **minimum** open space requirements arising from the proposed development and shows the contributions that will be requested if open space is not proposed on site. Overprovision of one category of POS does not mitigate for an under provision of another category. Policy CS24 requires provision to be delivered on site unless it is demonstrated that partial or full

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)	499.20	0.00	499.20	£14,195.05	£25,021.35
Natural and Semi-natural Open Space (NSN)	612.00	0.00	612.00	£9,643.71	£15,997.92
Outdoor Sports Facilities (OSF)	652.80	0.00	652.80	£36,915.97	£11,173.19
Provision for Children and Young People (PCYP)	72.00	0.00	72.00	£13,643.04	£14,345.76
Allotments	81.60	0.00	81.60	£846.21	£1,078.97

There is no on-site provision.

Justification:

### **Necessary to make the development acceptable in planning terms**

Adopted planning policy requires sustainable development and provision of a range of good quality well connected open spaces where existing open spaces are not easily accessible or do not have the capacity to fully meet the needs arising from the proposed development. Without provision or enhancement of open spaces people living here won't have adequate access which will prevent them from developing as a



healthy, socially sustainable community. Without sufficient open space to meet local need this development will lead to increased pressure on existing facilities elsewhere.

### **Directly related to the development**

Contributions towards off-site enhancements are only sought when there is evidence of a local shortfall in either quantity and/or quality/capacity to meet the additional demand arising from the new development and the policy requirements for open space are not being provided for on site.

Provision/enhancements will be made as close to the development as is feasible to serve the future residents of the proposed development and are likely to be at the following areas of open space or such other open spaces as may be appropriate:

Natural & Semi-natural Open Space- Common Connections project at various sites including Cock Road Ridge, Warmly Golf course, Bars Court, Payne Green Common, Coronation Park, Brook lea Amenity Space, Chiltern Close.

Informal Recreational Open Space - Tree planting at Stoneleigh Drive and Cock Road Ridge / Tarzan Park improvements / Cock Road Ridge access improvements / Tarzan Park improvements / Bars Court Moat improvements

Outdoor Sports Facilities - Coronation Park, Springfield Road playing field and Longwell Green Community Centre

Provision for Children & Young People – Coronation Park, Bars Court play area, Horse croft Gardens play area, Chubb Close

Allotments - Warmly Golf Allotments and potential for new allotment site at Tarzan Park

### **Fairly and reasonably related in scale and kind to the development:**

Where provision in line with minimum policy standards is not provided on site, the amounts requested towards the provision and/or enhancement of off-site open space and future maintenance are directly in scale with the quantity of open space required to offset the effect of the proposed development on existing provision; this is demonstrated in our calculations.

All calculations are based on the expected future population of the proposed development calculated using Census 2011 data on household size and the net gain and mix of dwellings proposed.

The calculator used to give costs for provision/enhancement and maintenance is regularly updated and reflects the type of spaces and facilities that the Council would expect to see delivered based on examples that have been adopted from other new developments, which have taken place within South Gloucestershire.

The capital contributions are based on a range of industry costs for the provision of open space facilities, and the maintenance costs are routinely tested through APSE (Association of Public Sector Excellence). They are therefore considered reasonable and fully justified in order to ensure standards of open space meet standards of

appropriate national bodies e.g. Sport England, national sporting governing bodies, Fields in Trust, National Society of Allotment & Leisure Gardeners and material relating to the Green Flag quality award scheme.

Details of 2020/2021 provision/enhancement and maintenance costs for each category of open space per sq.m.

	Informal recreational open space	Natural & semi-natural green space	Outdoor sports facilities	Provision for children & young people	Allotments
Average provision/enhancement cost per sq.m.	£28.4356	£15.7577	£56.5502	£189.4867	£10.3702
Average 15yrs maintenance cost per sq.m.	£50.1229	£26.1404	£17.1158	£199.2467	£13.2227

As set out in Section 7 below therefore there is a requirement for £75,243.88 towards off-site public open space provision/enhancement and a further £67,617.19 towards its maintenance for the first 15 years.

#### 5.11 Community Infrastructure Levy (CIL)

The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted 2021. The introduction of CIL charging commenced on 1st August 2015. As a scheme for affordable housing this development would be exempt from the CIL regime.

#### 5.12 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. 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.

#### 5.13 Planning Balance

The proposed development as set out above will result in a small reduction in the number of garage spaces available, to balance this however overall the number of parking spaces available will increase (given that many of the existing properties in Hampton Close have no off street parking). The applicant has indicated that they will work with those who would be impacted.

As set out above it has not been possible to secure significant energy reduction measures with the applicant indicating cost as an inhibiting factor and the fact (which is correct) that there are at present no prescriptive targets or thresholds identified in

relationship to brownfield development. It is therefore not possible to give the scheme a positive weighting in this regard as set out in the final paragraph of PSP6 as set out in 5.8 above.

The proposal would be of economic benefit in terms of employment during the construction phase and this is given some limited weight.

The proposed development will involve the provision of 44 modern units of accommodation, not only a net gain of 20 units but a gain in terms of the quality of the buildings over the dated structures that will be demolished. Most significantly the buildings will provide 44 units of socially rented properties (the highest need) of sizes (i.e. bed spaces) that fit with the strategic housing market assessment. This is given significant weight in the planning balance.

Enhancements to landscaping will take places that will improve the street scene (with off-site provision secured through the S106). In visual terms the design of the new buildings (as a result of negotiation and a condition attached to the decision notice) will be an improvement upon the existing street scene. Careful consideration will be given to the materials submitted in order to discharge that the “materials condition”.

Overall it is considered that the benefits of the proposal outweigh the harms and therefore subject to the signing of the legal agreement to secure the obligations set out above and the conditions set out on the decision notice the proposal is considered acceptable.

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

### **a) On and Off-Site Public Open Space and Sports Facilities**

As set out in detail in 5.10.2 above, the following shall be provided:

- A contribution of £14,195.05 towards off-site provision of 499.20 sq.m of Informal Recreational Open Space and a maintenance contribution of £25,021.35.

- A contribution of £13,643.04 towards off-site provision of 72.00 sq.m of provision for children and young people (equipped children's play areas, including provision for young people) and a maintenance contribution of £14,345.76
- A contribution of £846.21 towards the off-site provision of 81.6 sq.m of allotments and a maintenance contribution of £1078.97.
- A contribution of £36,915.97 towards the off-site provision 652.80 sq.m of Outdoor Sports Facilities and a maintenance contribution of £11,173.19.
- A contribution of £9,643.71 towards the provision of 612.00 sq.m of Natural and Semi-Natural Open Space and a maintenance contribution of £15997.92

Reason:

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

b) Affordable Housing

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF. For the proposed development of 44 dwellings in total, this would equate to 15 dwellings for affordable housing.
- Tenure to comprise 100% Socially Rented properties. Shared Ownership:

Social Rent: total 15

- 2 x 1-Bed 2-Person Ground Floor 1-Storey Flat 50.5m<sup>2</sup> at plots 25 & 26
- 2 x 1-Bed 2-Person First Floor 1-Storey Flat 56m<sup>2</sup> at plots 27 & 28
- 5 x 2-Bed 4-Person 2-Storey House 79m<sup>2</sup> at plots 2, 3, 31, 32 & 33
- 6 x 3-Bed 5-Person 2-Storey House 93m<sup>2</sup> at plots 1, 4, 29, 30, 34 & 35

- In all other respects the development shall comply with the requirements as set out in para 5.10.2 above

Reason:

To accord with Policy CS18 of the South Gloucestershire Core Strategy 2013 and the Affordable Housing and Extra Care SPD 2021

- 7.2 It is recommended that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.
- 7.3 It is recommended that should the Agreement not be completed within 6 months of the date of any consent being granted; that delegated authority be given to the Director or Environment and Community Services to refuse the application.

## **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. Planting Plan

Prior to the commencement of above ground works (excluding demolition works), a detailed planting plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting together with details of tree pits to ensure these are large enough to allow trees to reach their full growth potential shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first available planting season following the completion of construction works.

### Reason

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

A pre-commencement condition is required in this instance as remedial action would not be possible post commencement of works.

3. Boundary and Hard Landscaping

Prior to the commencement of above ground works (excluding demolition works), full details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required, together with supporting schedule of proposed manufacturer products shall be submitted to and approved in writing by the Local Planning Authority. All works shall take place in accordance with the approved details.

### Reason

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

A pre-commencement condition is required in this instance as remedial action would not be possible post commencement of works.

#### 4. Mitigation Measures (Ecology)

The development shall proceed in strict accordance with the Summary of Ecological Mitigation and Enhancement Document (The Landmark Practice, V5 November 2021).

##### Reason

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP 19 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan 2017.

#### 5. 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:

Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

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 the wildlife and the ecological interests of the site to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP 19 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan 2017.

#### 6. Coal Mining Legacy Risk

No development shall commence (excluding the demolition of existing structures) until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

In order to address the issue of ground stability as the site is in an area of high risk as a legacy from coal mining and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP22 of the South Gloucestershire Policies Sites and Places Plan 2017.

A pre-commencement condition is required in this instance as remedial action would not be possible post commencement of works.

7. Coal Mining Legacy Risk

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

In order to address the issue of ground stability as the site is in an area of high risk as a legacy from coal mining and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP22 of the South Gloucestershire Policies Sites and Places Plan 2017.

8. Prior to the commencement of above ground works (excluding demolition works), details/samples of the following elements shall be submitted (with a panel for facing bricks on site) to and approved in writing by the Local Planning Authority.

Facing bricks (2 X off-white bricks and 2 X red bricks) - A 1sq.m on-site sample panel to be available for Inspection

Roofing materials

Rainwater goods

Vents

Barge Boards

The 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.

A pre-commencement condition is required in this instance as remedial action would not be possible post commencement of works.

9. Sustainable Urban Drainage

No development (excluding the demolition of existing structures) shall commence until surface water and foul sewage drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood

prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

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

The maximum overall discharge rate will be restricted to 18 l/s (This equates to 19.78 l/s/ha based on 0.91 ha, if the site is to have two or more catchment areas). Each catchment therefore being restricted in accordance with its contributing impermeable area).

Confirmation and acceptance of an agreed connection point and discharge rate for surface water disposal from Wessex Water.

A clearly labelled drainage layout plan showing the pipe networks and any attenuation features and flow control devices, where applicable.

There is to be no planting of trees over, or within close proximity (3 metres) of any existing or proposed drainage infrastructure.

Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events (winter and summer); and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer) in line with the current industry accepted allowance 40% up to and including the 10080 minute scenarios. (Preferably in the MicroDrainage format).

Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer) in line with the current industry accepted allowance.

The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.

The plan should also show any pipe node numbers referred to within the drainage calculations.

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

Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation features and Flow Control Devices where applicable for the lifetime of the development.

#### Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

A pre-commencement condition is required in this instance as remedial action would not be possible post commencement of works.



10. Tree Protection

The development shall be carried out fully in accordance with the submitted report by Hillside Trees Ltd January 2021 (Arboricultural Method Statement, Arboricultural Impact Assessment and Tree Protection Plan)

Reason

In the interests of the health and amenity of the trees and to accord with Policy CS1, CS2 and CS9 of the South Gloucestershire Local Plan Core Strategy and PSP3 of the South Gloucestershire Policies Sites and Places Plan 2017.

11. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided prior to the first occupation of each buildings and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of the Bus Stop and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013.

A pre-commencement condition is required in this instance as remedial action would not be possible post commencement of works.

12. Prior to the commencement of above ground works (excluding demolition works) hereby approved, details of a unique site specific integrated scheme of Public Art (including artists brief, commissioning strategy and/or longlist of artists, budget and timescales) to be implemented within the development site shall be submitted to the Local Planning Authority for approval in writing. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note. Thereafter the public art scheme shall be delivered in accordance with the details and timescales so agreed.

Reason

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

A pre-commencement condition is required in this instance as remedial action would not be possible post commencement of works.

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

A pre-commencement condition is required as the plans need to be produced prior to commencement to ensure that public art is considered at the outset of design to develop a scheme which is fully integrated into the site.

14. Construction Management Plan

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

The CMP shall address the following matters:

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

Reason

In the interests of highway safety and residential amenity to accord with Policies PSP8 and PSP11 of the adopted South Gloucestershire Policies, Sites and Places Plan Nov 2017.

A pre-commencement condition is required in this instance as remedial action would not be possible post commencement of works.

15. Affordable Housing

Affordable Dwellings on plots 1, 2, 3, 4, 25, 26, 29, 30, 31, 32, 33, 34 and 35 shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2).

Reason

To facilitate adaption as tenants needs change, to facilitate mixed balanced communities in accordance with policy PSP18 of South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017.

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

Received 15th September 2021

- 6234-P-01C      SITE LOCATION PLAN
- 6234-P-05B      EXISTING SITE PLAN
- 6234-P-12H      PROPOSED SITE LAYOUT

6234-P-15 C	DEMOLITION PLAN
6234-P-20	PROP FLOOR PLANS PLOTS 1-4
6234-P-21A	PROP FLOOR PLANS PLOTS 5-6
6234-P-22	PROP FLOOR PLANS PLOTS 7-8
6234-P-23	PROP FLOOR PLANS PLOTS 9-11
6234-P-24	PROP FLOOR PLANS PLOTS 12-14
6234-P-25	PROP FLOOR PLANS PLOTS 15-16
6234-P-26	PROP FLOOR PLANS PLOTS 17-18
6234-P-27	PROP FLOOR PLANS PLOTS 19-20
6234-P-28	PROP FLOOR PLANS PLOTS 21-24
6234-P-29	PROP FLOOR PLANS PLOTS 25-28
6234-P-30	PROP FLOOR PLANS PLOTS 29-30
6234-P-31	PROP FLOOR PLANS PLOTS 31-33
6234-P-32	PROP FLOOR PLANS PLOTS 34-35
6234-P-34	PROP FLOOR PLANS PLOTS 38-39
6234-P-35	PROP FLOOR PLANS PLOTS 40-41
6234-P-36	PROP FLOOR PLANS PLOTS 42-44
6234-P-40A	INDICATIVE PROPOSED SITE SECTIONS
6234-P-70B	PROP ELEVATIONS PLOTS 1-4
6234-P-71C	PROP ELEVATIONS PLOTS 5-6
6234-P-72B	PROP ELEVATIONS PLOTS 7-8
6234-P-73B	PROP ELEVATIONS PLOTS 9-11
6234-P-74B	PROP ELEVATIONS PLOTS 12-14
6234-P-75B	PROP ELEVATIONS PLOTS 15-16
6234-P-76B	PROP ELEVATIONS PLOTS 17-18
6234-P-77B	PROP ELEVATIONS PLOTS 19-20
6234-P-78B	PROP ELEVATIONS PLOTS 21-24
6234-P-79B	PROP ELEVATIONS PLOTS 25-28
6234-P-80B	PROP ELEVATIONS PLOTS 29-30
6234-P-81B	PROP ELEVATIONS PLOTS 31-33
6234-P-82B	PROP ELEVATIONS PLOTS 34-35
6234-P-83B	PROP ELEVATIONS PLOTS 36-37
6234-P-84B	PROP ELEVATIONS PLOTS 38-39
6234-P-85A	PROP ELEVATIONS PLOTS 40-41
6234-P-86A	PROP ELEVATIONS PLOTS 42-44
6234-P-90B	PROP STREET SCENES 01
6234-P-92B	PROP STREET SCENES 02
6234-P-91B	EXISTING STREET SCENES

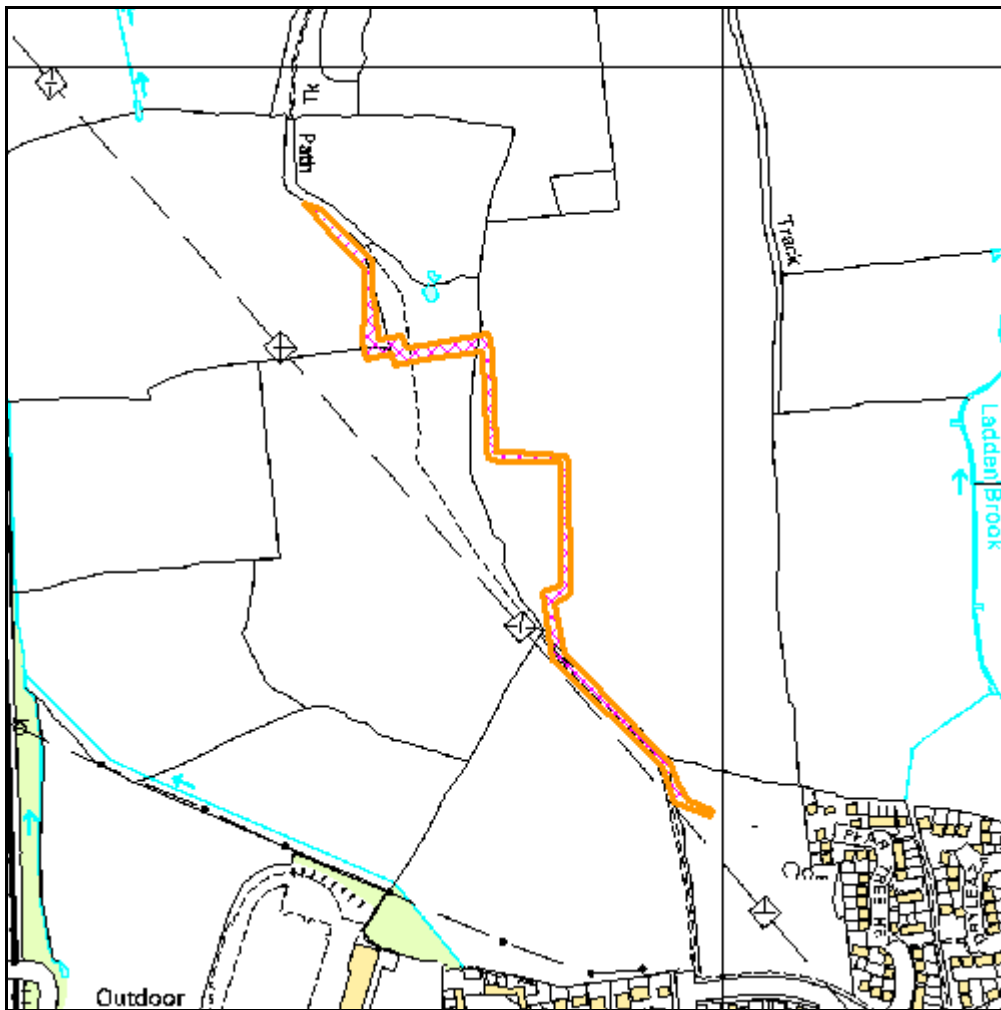
Reason

For the avoidance of doubt

**Case Officer: David Stockdale**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 46/21 - 19th November 2021**

<b>App No.:</b>	P21/04770/FDI	<b>Applicant:</b>	Barratt Developments PLC
<b>Site:</b>	Land At Tanhouse Lane Yate South Gloucestershire	<b>Date Reg:</b>	7th July 2021
<b>Proposal:</b>	Diversion of public footpath LYA55/10.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370812 184613	<b>Ward:</b>	Yate North
<b>Application Category:</b>		<b>Target Date:</b>	26th August 2021



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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 because an objection has been received from Yate Town Council contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) for the permanent diversion of the public footpath LYA/55/10.
- 1.2 The application site comprises the North Yate New Neighbourhood, and the diversion is required to facilitate the implementation of residential development that has been approved in principle by virtue of the approval of the outline consent and associated masterplan for a major mixed use development (PK12/1913/O).
- 1.3 LYA/55/10 is a public footpath which extends in a north-south direction and connects Randolph Avenue to Tanhouse Lane. The footpath connects to a bridleway LYA/54/10 before connecting to Tanhouse Lane. The proposed diversion is shown on plan "Footpath Diversion Plan – PL7, PL8A, PL8B, PL14A" no.0642-1016 via the route AN-AM-AL-AK-AJ-AI-AH-AG-AF-AE-AD-AC-AB-AA-Z-Y-X-W-V-U. The route would be upgraded to a bridleway to connect the existing bridleway to the north with Randolph Avenue to the south.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework Jul 2021  
Town and Country Planning Act 1990 (as amended) Section 257  
Circular 01/2009 Rights of Way

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS9 Managing the Environment and Heritage  
CS31 North Yate New Neighbourhood

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017  
PSP10 Active Travel Routes  
PSP11 Transport Impact Management

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

- 3.1 PK12/1913/O, Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use

- Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved. **Approved on 17th July 2015.**
- 3.2 PK18/1723/RM, Erection of 226 no. dwellings with associated roads, drainage, landscaping, garaging and parking to include reserved matters for appearance, layout, scale and landscaping to be read in conjunction with outline permission PK12/1913/O amended by PK17/4826/RVC. **Approved on 17<sup>th</sup> January 2019.**
- 3.3 P20/16804/RM, Erection of 183 no. dwellings with associated parking, garaging and works with appearance, layout, scale and landscaping to be approved (Approval of Reserved Matters to be read in conjunction with outline permission P19/6296/RVC formerly PK12/1913/O). **Approved on 25<sup>th</sup> June 2021.**
- 3.4 PK18/1656/RM, Approval of remaining site wide infrastructure including primary and secondary streets, utilities, services, foul and surface water drainage, hard and soft landscaping in relation to Phase 0 (Reserved Matters application to be read in conjunction with outline planning permission PK12/1913/O) amended by PK17/4826/RVC in regards to landscaping, appearance, layout and scale). **Approved on 5<sup>th</sup> December 2018.**
- 3.5 PK17/4260/RM, Laying out of landscape and infrastructure (Phase 0) including primary and secondary streets, utilities, services, foul and surface water drainage, hard and soft landscaping. (Approval of reserved matters including appearance, landscaping, layout and scale to be read in conjunction with Outline Planning Permission PK12/1913/O superseded by PK16/2449/RVC). **Approved on 21<sup>st</sup> May 2018.**

#### 4. CONSULTATION RESPONSES

##### 4.1 Yate Town Council

Object. This route is current a bridleway and the plan shows the northern part, beyond the development area continuing as a bridleway, but through the development it is shown as a .mixed use path partly on pavements and partly along shared driveways. It needs to continue to have bridleway status throughout, so that the very limited number of local bridlepaths are not downgraded. It is not acceptable to divert a bridle way onto a mixed use area which is narrow and shows no segregation of vehicles from pedestrians/ horses or pavements. The development needs to respect and retain the bridle path as a segregated safe, off street route.

##### 4.2 Public Rights of Way Officer

This route has been agreed with the PROW team after lengthy discussion. The majority of the route will have a minimum width of 3m with a slightly lesser width available in one or two places. However, this will not detract from the overall scheme to extend the current dead end bridleway which will provide users with a safe through route.

## **Other Representations**

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such, a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to allow the implementation of a planning permission. The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonable in respect of the planning permission it relates to.

- 5.2 The existing footpath is required to be diverted because the implementation of residential development would make the existing route unviable. The path to be diverted and an alternative route highlighted by a dashed line is clearly shown on the plan Footpath Diversion Plan – PL7, PL8A, PL8B, PL14A” no.0642-1016 via the route AN-AM-AL-AK-AJ-AI-AH-AG-AF-AE-AD-AC-AB-AA-Z-Y-X-W-V-U.

- 5.3 As the comments from the Public Rights of Way Officer highlight, the existing bridleway extends south from Tanhouse Lane for approximately 374 metres before stopping abruptly where it joins footpath LYA/55/10. The proposal would provide a continuous bridleway route from Tanhouse Lane to Randolph Avenue.

- 5.4 The majority of the route will extend through green corridors, which will provide a pleasant and natural setting for the route. The route is required to cross over roads at three points; however, it is not considered that this would bring about any amenity or highway safety issues. The roads at the NYNN are estate roads designed for vehicular speeds no greater than 20mph. Whilst Yate Town Council’s comments are noted, only small sections of the route would extend onto a dedicated path (AH-AG -34m) which would be shared with other users such as pedestrians and cyclists; however, the path at this point is 3 metres in width; therefore, it is not considered that this would bring about any significant issues in terms of conflict with other users of the path. A small section of the route would be required to extend onto a shared surface street (AM-AL – 60m); however, the width of the street of around 5.5m will ensure there will not be any significant issues in terms of conflict with other users of the street. The use of pavements would only be used to facilitate safe crossing points over roads for riders. The majority of the route will be accommodated within green corridors of generous width.

- 5.5 Accordingly, given no objection has been raised from the Council’s Public Rights of Way Officer in respect to the proposed diversion, the permanent diversion of footpath LYA/55/10 is considered to be acceptable in terms of amenity and the diversion is considered to be reasonably necessary to enable the implementation of development at the North Yate New Neighbourhood; accordingly there is no objection to the proposed diversion.

5.6 Consideration of likely impact on Equalities

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

6. **CONCLUSION**

6.1 It is accepted that it is necessary to stop up and divert the public right of way to facilitate development which has been approved in principle and through reserved matters and acceptable alternative provision for the route will be provided.

7. **RECOMMENDATION**

7.1 That no objection is raised to the proposed diversion of footpath LYA/55/10 and the upgrading of the route to a bridleway and that the Head of Legal and Democratic Services is instructed and authorised to make the Order under Section 257 of the Town and Country Planning Act 1990 for the diversion of footpath LYA55/20 as shown on plan "Footpath Diversion Plan – PL7, PL8A, PL8B, PL14A" no.0642-1016 received by the Local Planning Authority on 5<sup>th</sup> July 2021.

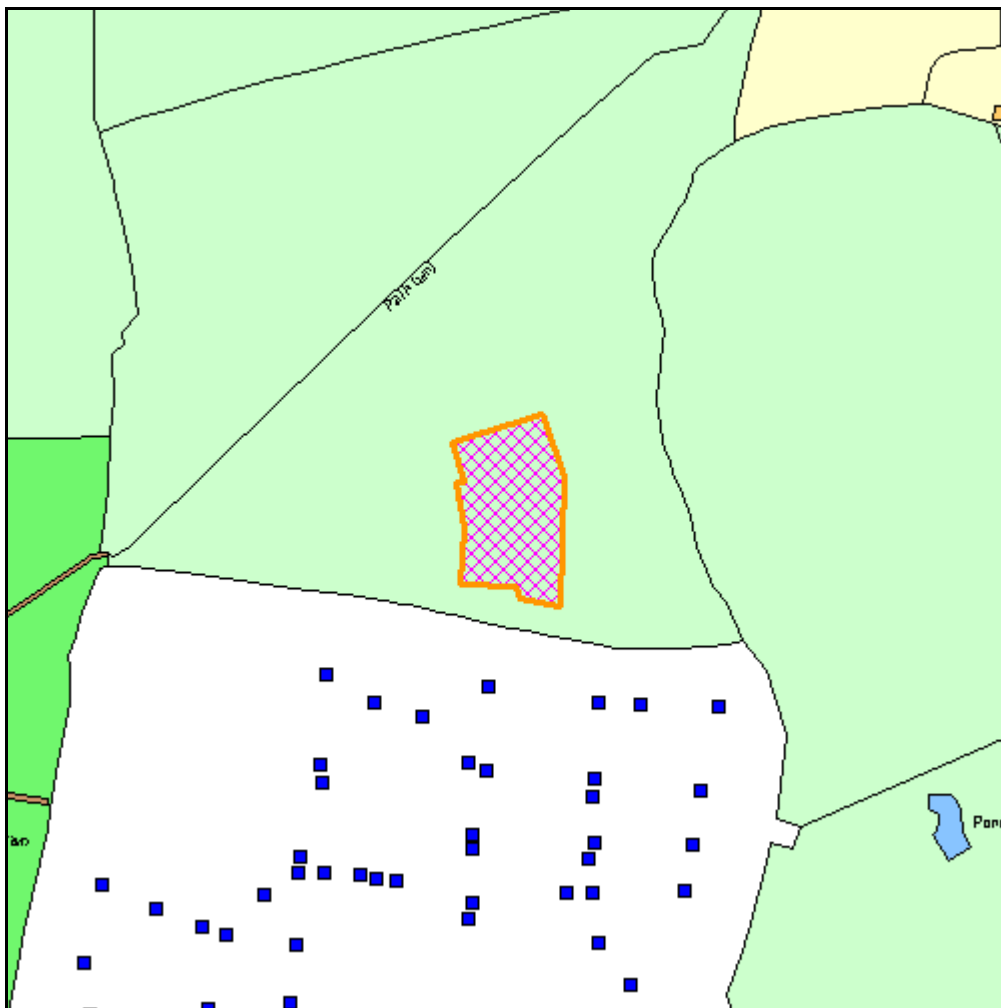
**Case Officer: Jonathan Ryan**  
**Authorising Officer: Eileen Paterson**



**CIRCULATED SCHEDULE NO. 46/21 - 19th November 2021**

<b>App No.:</b>	P21/04940/ADV	<b>Applicant:</b>	Robert Faulkner Bellway South West
<b>Site:</b>	Clayhill Drive (Bellway Site) Yate South Gloucestershire	<b>Date Reg:</b>	16th July 2021
<b>Proposal:</b>	Display of various non-illuminated sales hoardings, flags, fascia signs and other signs as detailed within supporting documents (retrospective).	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371584 183683	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th September 2021

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

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

The application appears on the circulated schedule because an objection has been received from the Town Council, which is contrary to the findings of this report and Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 Advertisement consent is sought to display various non-illuminated sales hoardings, flags, fascia signs and other signs, as detailed in the supporting documents.
- 1.2 The application site is the sales area for the Ladden Garden Village development, which forms part of the North Yate New Neighbourhood, currently under construction. The application site is within the Yate and Chipping Sodbury designated settlement boundary. The sales area is to the North of Clayhill Drive, which forms part of the Autumn Brook development, completed some years ago.
- 1.3 During the application's consideration, the case officer has noted that the signage has already been installed, and the application is therefore retrospective. Revised plans a signage pack have been received as discrepancies were noted with the plans and the erected signage. As the description on the advertisement does not list specific numbers of advertisements and as the plan did not introduce any different forms of advertisement, no re-consultation was considered necessary.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework July 2021  
National Planning Practice Guidance  
Town and Country Planning (Control of Advertisements) (England) Regulations 2007  
Town and Country Planning Act 1990 section 220  
Outdoor Advertisements and Signs: a guide for advertisers (June 2007)

#### **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
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PSP8 Residential Amenity  
PSP11 Transport Impact management

2.3 Supplementary Planning Guidance  
Shopfronts and Advertisements SPD (Adopted) April 2012

### 3. RELEVANT PLANNING HISTORY

- 3.1 P20/22276/F (approved 09/04/2021):  
Erection of temporary building to form sales office for Bellway area of Ladden Garden Village.
- 3.2 The nature of the site as a strategic major development means there is a fulsome and complex amount of planning history associated with the site. None however can be considered directly relevant to this application for advertisement consent.

### 4. CONSULTATION RESPONSES

#### 4.1 Yate Town Council

Objection. Summarised as follows:

- Surprised at and object to the level and location of signage
- People do not visit these sites in passing
- Object particularly to the massive advertising signage at the entrance to Clayhill Drive which is far away from the actual site. This will make it look like a development site.
- No construction traffic sign is needed but current sign is not sufficient
- Land at the entrance to Clayhill Drive is public open space. Not acceptable to use part of this for signage
- Object to signage on eastern side of the road as area provides green lung between the new development and Yate Rocks

[Officer comment] *Signage placed on the entrance to Clayhill Drive from Peg Hill has been removed from this application as it is not on the signage layout plan. Officers understand that a further advertisement consent application may be forthcoming for this in due course.*

#### 4.2 Sustainable Transport

Have no comments to make.

#### 4.3 Local Residents

No comments have been received.

### 5. ANALYSIS OF PROPOSAL

- 5.1 The proposal seeks to display a number of non-illuminated advertisements in association with the sales area for the Ladden Garden Village. The proposed advertisements have for the most part been erected, making this application retrospective. The signage and advertisements are as follows:
- 14no. flagpoles with flags

- 4 of which are on the Eastern side of the Road, opposite the sales area.
- 13no. totem signs
- 6 of which are on the Eastern side of the Road, opposite the sales area.
- 1no. totem availability board
- 2no. entrance totem signs
- 1no. 'Bellway Sales Centre' fascia sign on the front of the sales building
- A number of smaller fascia panels attached to failings and fencing within the sales area.

## 5.2 Principle Of Development

The NPPF states that great importance is attached to the design of the built environment, with good design cited as a key aspect of sustainable development and thereby positively contributing to making places better for people. Development should function well and add to the overall quality of the area. The NPPF specifically stipulates that poorly placed advertisements can have a negative impact on the appearance of the built environment. Adverts should therefore be controlled in the interests of amenity and public safety, tasking in to account cumulative effects. The proposal is considered acceptable subject to the consideration below.

## 5.3 Amenity

The amount of signage has given officers some cause for concern, due to the number of flagpoles and overall level of visual clutter. However, the advertisements are within the sales area of a new housing development and notwithstanding the above concern, do not appear to be beyond what might be expected in such a context. It has been requested that the number of flagpoles is reduced, however the applicant did not wish to pursue this. The advertisements at this level would not be acceptable if they were to be a permanent feature, however the sales area and sales building (as previously consented) forms part of the overall development and the show homes where the advertisements are sited would in the end be sold off as part of that development and the sales area removed, which means that the signage would be highly unlikely to be retained for any longer than is necessary. The signage being non-illuminated (save for a handful of low-level bollard lights) means that it will be less perceptible in inclement weather and will not be visible in hours of darkness and in any case will draw less attention to itself. The signage on the Eastern side of the road is not considered to be of a scale that would have a materially detrimental impact on the amenity of the more open/landscaped area, taking account also of the temporary nature of the advertisements.

5.4 Based on the above and on balance with the temporary nature of the advertisements and the context of the site as the sales area for a new residential development, the case officer does not consider a refusal on visual amenity as justified in this instance.

5.5 Turning to residential amenity, the key issue with advertisements that can present an amenity issue is illumination. To that end, none of the signage is to be illuminated. The signage closest to the nearest residential properties on Clayhill Drive is not considered to be of sufficient scale to present any material amenity issues such as overbearing, or oppressive outlook.

## 5.6 Public Safety

The main public safety issue to consider is that of impacts on the highway. The advertisements covered by this application are all within the sales area of the development and are non-illuminated and will not present any material highway or road safety issues. This is confirmed by the fact the highways officers having reviewed the proposals have not made any comments.

## **Impact on Equalities**

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

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

## 6. **CONCLUSION**

6.1 The recommendation to **grant** permission has been taken having regard to the provisions of the of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007; the NPPF and to all relevant material considerations set out in the report.

## 7. **RECOMMENDATION**

7.1 It is recommended that advertisement consent is **GRANTED**

### **CONDITIONS**

1. The advertisement consent shall be implemented in accordance with the following plans and documents:

The location plan  
Lamp detail  
As received 14th July 2021

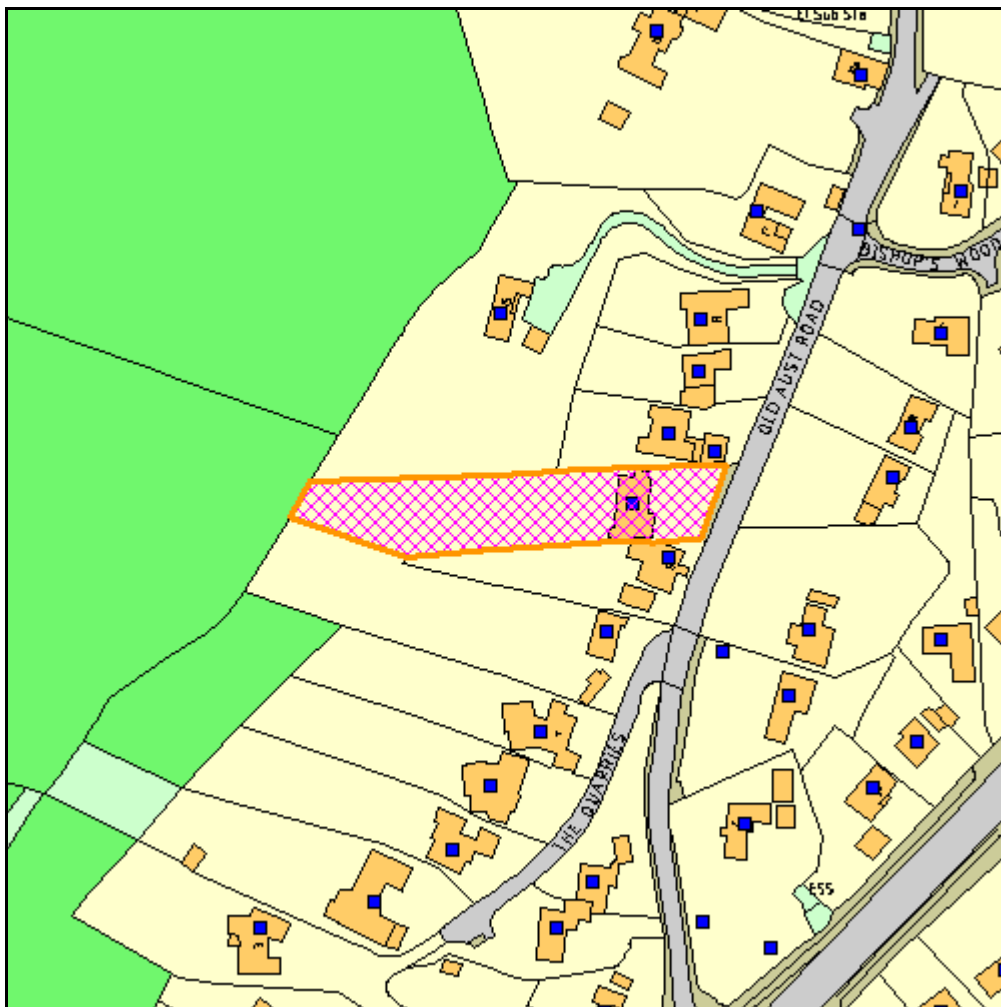
Signage plan  
[Revised] Signage details  
As received 17th November 2021

Reason  
For the avoidance of doubt and to define the exact terms of the consent.

**Case Officer: Alex Hemming**  
**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 46/21 - 19th November 2021**

<b>App No.:</b>	P21/05227/F	<b>Applicant:</b>	Miss Natalie Dyer
<b>Site:</b>	7 April House Old Aust Road Almondsbury South Gloucestershire BS32 4HJ	<b>Date Reg:</b>	10th August 2021
<b>Proposal:</b>	Change of use from residential to mixed use residential and business (fitness/ bootcamp business in rear garden) of fitness studio and hardstanding exercise terrace (retrospective)	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	361035 184600	<b>Ward:</b>	Severn Vale
<b>Application Category:</b>	Minor	<b>Target Date:</b>	5th October 2021



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

## **CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule following comments from local residents contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks a Change of use from residential to mixed use residential and business – comprising a fitness/ bootcamp business in rear garden, and fitness studio and hardstanding exercise terrace (retrospective).
- 1.2 The application site is April House, 7 Old Aust Road, Almondsbury. The site is within the established settlement boundary.
- 1.3 Protected trees are noted along the southern boundary of the site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework 2021  
National Planning Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS24	Green Infrastructure, Sport and Recreation Standards
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards
PSP44	Open Space, Sport and Recreation



- 2.3 Supplementary Planning Guidance  
Trees on Development Sites SPG (Adopted) Nov. 2005.  
South Gloucestershire Household Design (Adopted) 2021)  
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013  
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide  
SPD – (Adopted) March 2015

### 3. RELEVANT PLANNING HISTORY

- 3.1 PT09/0816/F Erection of single storey side extension to provide additional living accommodation.  
Approved 24.6.09
- 3.2 PT03/2570/F Erection of single storey side and rear extension to form utility room and extended kitchen/breakfast room.  
Approved 29.9.03

### 4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council  
No response received

#### Internal Consultees

- 4.2 Tree Officer:  
Report needed
- 4.3 Archaeology  
No comment

#### Statutory / External Consultees

- 4.4 Flood risk management team:  
External Consultees
- 4.5 Transport:  
Objection:  
The proposal would result in a significant increase in traffic and on-street car parking along a road without footways or street lighting resulting in an unacceptable impact on highway and road safety contrary.

#### Other Representations

- 4.6 Local Residents  
6 letters of **support** have been received from local residents. The points raised are summarised as
- Huge benefit having PT within walking distance – safe, friendly environment, great for health and wellbeing
  - No disturbance to our family
  - Natalie has advised her clients where to park and we all have adequate driveways, so no issues when vehicles safely parking

- Only one offering private and secure location for women to train
- Been essential to my physical health and mental health has improved
- Unaware of any increase in traffic when bootcamp was running
- Turning space for cars at junction of Bishops Wood and The Quarries so no one should need to use driveways
- Parked cars have benefit of slowing down resident's traffic as they come up the road

3 letters of **objection** have been received from local residents. The points raised are summarised as:

*Parking:*

- Misleading about effect of car parking on Old Aust Road
- Photographs highly subjective
- Owners have 6 or 7 cars which are invariably parked on the road
- No account taken of 7 or 8 cars and commercial vans parked opposite 2 Old Aust Road due to plumbing business carried on there – more visitors will exacerbate parking issue
- Road is narrow with no pavement – dangerous for residents – difficult for emergency vehicles – obstruction to sight lines for motorists – damage occurs to open gardens and boundary walls
- Commercial enterprise in a pleasant residential area
- Would introduce a significant amount of traffic and lead to unacceptable levels of on street parking giving rise to significant highway and pedestrian safety concerns
- Although application may encourage customers to walk, cycle or car share this is not in her control.
- Applicant has previously operated boot camps here and at such times there were regularly 20 cars parked on the road when one camp was ending and another starting

*Impact on residential amenity:*

- Increase in traffic will result in increase in noise levels, fumes and general disturbance for residents
- Block plan does not show my summer house. The building that has been erected is 1.4 metres from my summer house. There is no hedgerow between the buildings and this impacts sound and privacy within my garden and use of my summer house. Sitting at the summer house places me in full view of the exercise activity
- Whilst the boot camps were in operation the noise, from both music and instruction was clearly heard throughout my garden. Also noise of people arriving and leaving directly outside my house was intolerable. Hours of operation and boot camps and fitness interaction were unsociable 7am to 8pm which has a negative impact on noise that would normally be heard within the road

*Other:*

- Contrary to policy that requires commercial development to be located on safe, useable walking routes

## 5. ANALYSIS OF PROPOSAL

- 5.1 The application is for the Change of use from residential to mixed use residential and business- fitness / boot camp business in rear garden- and fitness studio and hardstanding exercise terrace (retrospective).
- 5.2 Principle of Development  
The application stands to be assessed against the above listed policies and all material considerations. The proposal does not fall neatly into any policy area but of particular relevance is the suitability of the location, the impact on amenities of any neighbouring occupiers, and the impact on highway safety and parking provision.
- 5.3 Character of the area:  
The application site is a large detached two-storey property benefitting from a large garden to the rear. The property sits within a cul-de-sac characterised by individual dwellings of varying design and style. The site slopes down to the west and it is noted there are some protected trees along side boundaries.
- 5.4 Proposal  
The proposal is for the change of use of residential land to accommodate a business use, an outdoor fitness bootcamp. The application form states individual fitness sessions take place on an appointment basis held within a small purpose built studio. Three 45 minute evening group sessions a week are proposed for between 18 and 25 people i.e. the bootcamp training sessions.
- 5.5 It is understood that at the moment this bootcamp is primarily for ladies only. The applicant has stated they would be willing to accept:
- A restriction on the opening hours
  - A restriction on the number of people attending
  - A temporary consent for a limited amount of time.
- The applicant has stated that music is played but the speakers face down the garden away from other residential properties.
- 5.6 However, planning permission runs with the land rather than a person and so it is not possible for this type of application to create a temporary consent as there has to be a specific reason for a temporary consent.
- 5.7 Therefore the overall appropriateness of the scheme taking into account the permanency of any permission must be assessed.
- 5.8 Economy and wellbeing  
One of the core planning principles continued in the NPPF (2021) is to support a strong, responsive and competitive economy. The outdoor boot camp would provide a small business opportunity for the applicant. This attracts weight in its favour. Another stated aim of the NPPF (2021) is to promote healthy communities by supporting health, social and cultural well-being. The fitness bootcamp would be helping the general health and wellbeing of its users and weight is given in its favour for this reason.

- 5.9 Residential amenity:  
As with many of the gardens along this road, the garden of No. 7 is very large and notwithstanding the area proposed for the change of use, there would remain significant space to serve the amenity requirements of existing occupiers.
- 5.10 Comments have been received from a neighbour stating the use would impact on his privacy. This garden is also large and the main house set some distance further up the hill away from the proposed boot camp area. Given the intermittent nature of the hedging/planting and screening between the two properties, especially past the half way point down the garden, some inter-visibility is currently experienced. This is an existing situation and the change of use would not create any additional issues over and above what could be experienced by the normal use of a residential garden. The houses are at least 25 metres away and the change of use would not create any inter-visibility within the dwelling. To illustrate the existing inter-visibility the neighbour has a garden room above the level of the proposed boot camp location which has a window directly overlooking the garden of No. 7 (and therefore also the proposed bootcamp site).
- 5.11 Issues of noise have been raised as an area of concern. The applicant has acknowledged that music is played and talking/instructions are given during the sessions. The applicant has stated that speakers face down the garden to the west, away from the residential properties and although the attendees also face the same way the instructor being conscious of noise levels stands behind them to give instruction. In this way the applicant states they are being responsible and respectful. In any case, noise in the form of music or talking from recreational events could take place within the residential garden and there could be no constraint on levels or numbers of guests. However, as with any other situation if noise levels or disturbance occurs then the appropriate team within the Council should be contacted which would be Environmental Protection.
- 5.12 Transport  
The proposal is to use an existing residential garden as a business for group fitness training sessions. A figure of 18 - 25 people is quoted on the application form as potentially attending one session. There could be more as the only constraint is the size of the large garden. An area of 70m sq. has been provided with artificial grass however this could be increased without requiring planning permission.
- 5.13 It is noted that the bootcamp activity began in September 2020. Supporting information states that following neighbour concerns received about the increase in the number of cars parking on the road the number of sessions a week was reduced from 6 to 3. This reduced the total number of attendees to the bootcamps per week from 72 to 54, which in turn reduced the number of cars on training evenings from 18 to between 6 and 10.
- 5.14 It is unclear how this figure regarding the number of vehicles has been reached.

- 5.15 A residential parking area exists to the front of the house which has been indicated as accommodating up to 6 cars. No parking layout has been submitted however the parking is likely to be 3 deep and 2 wide requiring some shunting around. It is understood that there are at least 3 cars associated with the residential property and therefore it is likely that most customers will park on-street.
- 5.16 No information has been submitted about shower and changing facilities and therefore it is likely that people would have to go home to shower. It is more likely that people will drive to and from the site rather than use public transport, walk or cycle after a work-out session.
- 5.17 Although the submitted photograph of Old Aust Road was taken at 11:00 am when most people would be at work, there is some space to park on-street given that the properties along Old Aust Road have large frontages. However the road has no footways or street lighting and any significant increase in on-street parking will narrow the available width and cause problems for pedestrians particularly during the hours of darkness which is when the evening sessions will take place during the winter, late autumn and early spring months.
- 5.18 During the course of the application and following the comments from the Transport Engineer, the applicant made an alternative suggestion of
- Three 45 minutes sessions per week on Mondays, Wednesdays and Thursdays
  - A maximum 15 clients per session
  - A maximum six client cars parked on Old Aust Road during bootcamp
  - Monitor and control the number of cars by changing booking policy, to encourage more clients to cycle, walk and car share, which the majority previously did.
- 5.19 The Transport Engineer has studied the alternative and concludes that there would still be the potential for 15 cars to park on Old Aust Road which would cause highway safety issues; the applicant would not be able to control car parking and a condition to limit parking made by the LPA would not be enforceable. The application is therefore being assessed on the details submitted in the application form.
- 5.20 The positives of the proposal in terms of encouraging fitness is noted however, in terms of this particular location, the proposal would result in a significant increase in traffic and on-street car parking along a road without footways or street lighting resulting in an unacceptable impact on highway and road safety contrary to South Gloucestershire Policy PSP11. The benefits would not outweigh the identified negatives.
- 5.21 Tree Officer  
There are existing mature trees protected by Tree preservation order on this site. The Tree Officer has stated that the applicant must submit an arboricultural report in accordance with BS:5837:2012 for the protection of the trees. An arboricultural method statement would also be required for the installation of the studio and artificial grass where this conflicts within the RPA's

of the existing trees. The documents must be prepared by a Qualified Arboricultural consultant.

5.22 It is noted that the 'studio' building is not part of this application, is already in situ. Officers are informed the building was erected under permitted development rights. However, given the objection to the scheme in terms of transportation no further details have been requested of the applicant.

5.23 Impact on Equalities

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

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

5.25 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 It is recommended that the application be **REFUSED**.

## REFUSAL REASONS

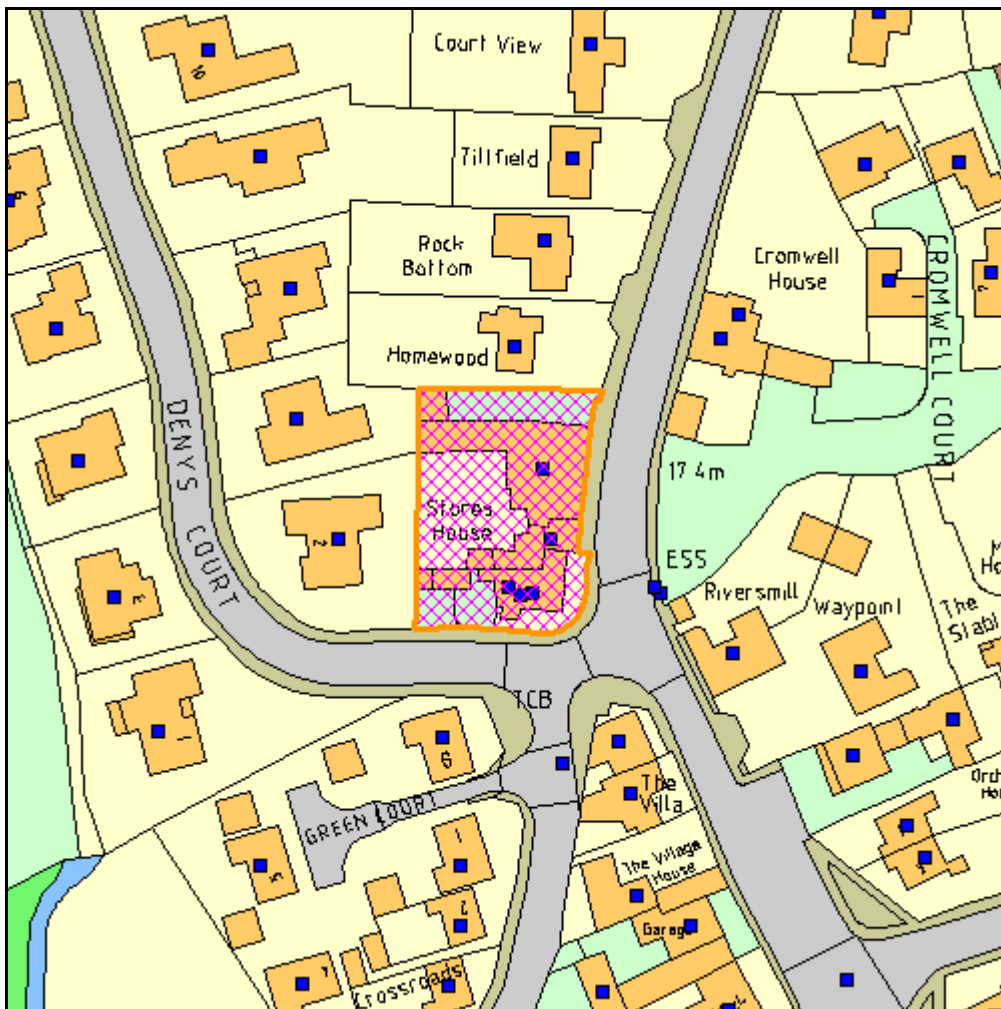
1. The proposal would result in a significant increase in traffic and on-street car parking along a road without footways or street lighting resulting in an unacceptable impact on highway and road safety contrary to Policy PSP11 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the NPPF.

**Case Officer: Anne Joseph**

**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 46/21 - 19th November 2021**

<b>App No.:</b>	P21/05300/F	<b>Applicant:</b>	J Riggs
<b>Site:</b>	Olveston Stores The Street Olveston South Gloucestershire BS35 4DR	<b>Date Reg:</b>	10th August 2021
<b>Proposal:</b>	Demolition of existing outbuildings. Erection of two storey side extension to facilitate conversion of 3 no. dwellings to 7 no. flats (Class C3) with associated works.	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	360077 187040	<b>Ward:</b>	Severn Vale
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th October 2021



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 100023410, 2008. **N.T.S.** **P21/05300/F**

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

### **Reasons for Referring to the Circulated Schedule**

This application has been referred to the Circulated Schedule following the receipt of a representation from Olveston Parish Council supporting the proposal, contrary to the officer recommendation.

## **1. THE PROPOSAL**

- 1.1 This proposal is for the demolition of existing outbuildings; extension and conversion works to a group of buildings comprising a ground floor shop i.e. Olveston Stores, with office above and two terraced houses i.e. Stores House and Tything House, all centrally located within the village of Olveston. The works comprise retention and refurbishment of the shop and part demolition, extension and conversion of the houses to form 7No. Flats (4 x 1 bed & 3 x 2 bed).
- 1.2 The site lies off the west side of The Street at its junction with Deny's Court, The Green and New Street; within the centre of Olveston and the eastern part of the Olveston Conservation Area. Olveston is also washed over by the Bristol/Bath Green Belt. The site has existing vehicular access off both The Street and Deny's Court, and is overlooked by residential properties on all sides. Olveston Stores, Stores House and Tything House are a group of locally listed buildings.
- 1.3 The application is supported by the following documents:
  - Design and Access Statement
  - Heritage Statement
  - Sustainability Statement

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework February  
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  
CS6 Infrastructure and Developer Contributions  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density



CS17 Housing Diversity  
CS18 Affordable Housing  
CS34 Rural Areas

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1 Local Distinctiveness

PSP2 Landscape

PSP3 Trees and Woodland

PSP7 Development in the Green Belt

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP17 Heritage Assets and the Historic Environment

PSP19 Wider Biodiversity

PSP20 Flood Risk, Surface Water, and Watercourse Management

PSP21 Environmental Pollution and Impacts

PSP38 Development within Existing Residential Curtilages, including Extensions and New Dwellings

PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

Affordable Housing and Extra Care Housing SPD (Adopted) April 2021.

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide

SPD – (Adopted) March 2021

SPD: Development in the Green Belt (Adopted) 2007

South Gloucestershire Council Waste Collection: guidance for new developments SPD (Adopted) Jan 2015

Householder Design Guide SPD (Adopted) March 2021

Trees and Development Sites: Guidance for New Development SPD (Adopted) April 2021

Local List SPD

Olveston Conservation Area SPD

- 2.4 In terms of local plan policy, South Gloucestershire Council can demonstrate that it currently has a 5.52 year housing land supply. As such the development plan policies are considered to be up to date and for the purposes of decision taking, sustainable development proposals that accord with an up-to-date development should be approved (see NPPF para 11).

**3. RELEVANT PLANNING HISTORY**

- 3.1 P19/15457/F - Partial demolition of outbuilding. Erection of single storey rear and side extensions to outbuilding to facilitate change of use to 1 no. dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)  
Refused 19<sup>th</sup> Dec. 2019 for the following reasons:

1. *The proposed development would introduce a form of development which would appear at odds with the general pattern and form of development in the locality. If permitted it would result in the intensification of the residential uses of the site and introduce a cramped form of development in an otherwise prominent and open location. The proposed development fails to reach the highest possible standards of site planning and design and is contrary to policy CS1, CS16 and CS17 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP5 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November, and the provisions of the National Planning Policy Framework.*

2. *The quality of the private amenity space is considered to be substandard and as such not in accordance with adopted policy. In addition given the proximity of neighbouring dwellings, the proposed development would experience overlooking, to the detriment of future occupiers. Furthermore the cramped location, lack of access to natural light results in a poor outlook for future occupiers to the detriment of their residential amenity. The proposal is therefore contrary to Policies PSP8 and PSP43 of the Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.*

3. *The proposal has failed to demonstrate that the required amount of parking to serve the existing and proposed residential uses on this site would be provided. This is contrary to Policies PSP11 and PSP16 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.*

4. *Due to lack of information the proposal would fail to protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP17 and PSP38 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.*

### 3.2 Related applications:

Tything House, The Street

PT13/0817/F - Demolition of existing double garage and outbuildings. Erection of 1 no. detached dwelling with new access and associated works. Refused 7<sup>th</sup> May 2013 for the following reasons:

1. *The proposal by reason of its scale, form, siting, materials and appearance represents an adversely cramped and contrived form of development, which will appear adversely out of keeping with the character of the surrounding built form and have a detrimental effect on the visual amenity of the Olveston Conservation Area. The proposal does not achieve a high enough standard of design and is contrary to policies D1, L12, H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006 and policies CS1 and CS9 of the South Gloucestershire Core Strategy.*

2. *The proposed development does not provide adequate parking provision for the existing and proposed properties and would therefore exacerbate on-street parking within close proximity to a convoluted junction. The proposal will therefore, have a detrimental effect on local highway conditions in terms of highway safety and congestion contrary to policies T12, H2 and H4 of South Gloucestershire's adopted (January 2006) Local Plan and Policy CS8 of the South Gloucestershire's Core Strategy.*

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

##### **4.1 Olveston Parish Council**

OPC has no objection to this application and support it for the following reasons:

- The flats being low cost/social rent is what OPC need as was proven in our recent housing survey and is in line with our design statement both of which have been adopted by South Glos. Council
- In allowing this development it will help to secure the Post Office and the Stores for the community both of which are essential to the Parish
- As the parking for the proposed development is contained within the curtilage it would not impact on the parking on the Street.

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

###### **Children and Young People**

No response

###### **Housing Enabling**

Affordable housing is not sought at this site, as the size (0.20 ha) and the number of dwellings does not meet the threshold for affordable housing. The site is outside an area of AONB as stated in the National Planning Policy Guidance and other requirements under Policy CS18 of the Council's adopted Core Strategy Development Plan Document.

###### **Listed Building & Conservation Officer**

By reason of scale and siting the proposals would cause harm to the historic interest of Tything House as a non-designated heritage asset. The development proposals would also fail to either preserve or enhance the character or appearance of the Olveston Conservation Area.

###### **Highway Structures**

No comment

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

No objection

###### **Transportation D.M.**

No objection to the revised plans.

###### **The Landscape Officer**

No objection subject to conditions to secure:

- Tree protection plan

- Detailed landscape plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting (to be implemented in the first season following completion of construction works); together with details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required.

#### The Archaeology Officer

Ordinarily I would expect an application on a site in this location to be accompanied by an archaeological desk-based assessment as it sits within the boundaries of the Medieval settlement. However, as the existing buildings and garage are likely to have truncated widespread archaeology, a condition for archaeological work would be more appropriate. I recommend a HC11 condition should consent be granted. This will take the form of archaeological monitoring of construction (watching brief)

### **Other Representations**

#### 4.3 Local Residents

16 letters/e-mails of objection have been received from local residents and 1 no. letter/e.mail in support of the application.

Of the objections received, the following is a summary of the concerns raised:

- Overdevelopment
- Insufficient parking provision (1 space per flat)
- Increased traffic generation
- Increased on-street parking to the detriment of parking availability for customers of and deliveries to the shop i.e. Olveston Stores
- Inadequate bus service i.e. no.622 every 1.5 hours
- Will add to traffic congestion on the junction of Denys Court, The Street and The Green.
- The store has no parking for customers or employees
- Detrimental to the character of this sensitive location
- Not in keeping with existing development
- Poor quality of accommodation
- Existing residents park commercial vehicles and cars around the junction
- Loss of 2 garages
- Access on blind bend with poor visibility
- The Sustainability Statement refers to Downend
- Increased danger for pedestrians, including schoolchildren, on the junction
- More rats due to the position of the bins
- Increased sewage

The supporter of the scheme raised the following points in favour:

- Will facilitate the retention of the village shop and post office
- Existing buildings would be re-furbished
- Would provide much needed smaller housing
- Would improve visual amenity

## 5. ANALYSIS OF PROPOSAL

### 5.1 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.

5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the Council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The Policies, Sites & Places Plan was adopted in Nov. 2017 and also now forms part of the Development Plan.

5.3 The development plan supports residential development within the Established Settlement Boundaries. Policy CS5 of the Core Strategy encourages new residential development within settlement boundaries and urban areas. Similarly, Policy PSP38 of the Policies, Sites & Places Plan states that new dwellings and extensions within existing residential curtilages are acceptable in principle but should respect the overall design and character of the street and surrounding area; would not prejudice the amenities of neighbours; would not prejudice highway safety or provisions of an acceptable level of parking provision for any new and existing buildings; would not prejudice the provision of adequate private amenity space, and would not lead to the loss of gardens that form part of a settlement pattern that contributes to local character.

5.4 Policy CS16 explains that housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied but also to contribute to the high quality design objectives of Policy CS1. Similarly, Policy CS17 states that the mix of housing should contribute to providing choice in tenure and type, having regard to the existing mix of dwellings in the locality. The density of new development should be informed by the character of the local area and contribute to the high quality design set out in Policy CS1, improving the mix of housing types and providing adequate levels of semi-private communal open space and private outdoor space. Further to this, Policy PSP43 indicates specific private amenity space standards for all new residential units. Policy CS1 also includes soft landscaping and a net gain/contribution to tree cover.

5.5 Para. 111 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.

5.6 The principle of residential development on this site, within the Established Settlement Boundary of Olveston, is acceptable. Detailed matters relevant to this application will be assessed below.

### Green Belt Issues

- 5.7 The site is located within the Green Belt and strict controls exist to guard against inappropriate development, which is harmful to the Green Belt by definition. Inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and all other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.8 Paragraphs 149 and 150 of the NPPF set out the forms of development that are not considered to represent inappropriate development. Policies CS5 and PSP7 reflect the guidance within the NPPF in terms of development in the Green Belt. When considering development within the Green Belt, the first consideration is whether the proposed development would represent inappropriate development. Consideration must then be given to the impact of the development on the openness of the Green Belt. Paragraph 148 of the NPPF states that local planning authorities should give substantial weight to any harm within the Green Belt. Paragraph 138 of the NPPF sets out the five purposes of Green Belt. These are set out below;
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

### Inappropriate development

- 5.9 The NPPF at para. 137 states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.10 Para. 149 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless the development is one or more of a list of exceptions. These exceptions include the following:
- e) limited infilling in villages;
  - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would *inter alia*:
    - Not have a greater impact on the openness of the Green Belt than the existing development;

The Framework does not provide a definition of 'limited', 'infill' or 'villages'.

- 5.11 Policy CS34 of the South Gloucestershire Core Strategy 2006-2027 (CS) relating to development in rural areas indicates, amongst other things, that the designated Green Belt will be protected. CS Policy CS5 indicates that within

the Green Belt, small-scale development may be permitted within the settlement boundaries of villages shown on the Policies Map.

- 5.12 No mention is made of Green Belt within the Design and Access Statement or for that matter the Heritage Statement either.
- 5.13 It is noted that in an earlier application P19/15457/F relating to a smaller scheme on this site, officers accepted that the site was previously developed land. Furthermore, officers are satisfied that the site is within the 'village' and given the scale of development proposed and the nature of the plot i.e. enclosed on three sides by existing buildings, the scheme can be considered to be limited infilling. The proposal is not therefore inappropriate development within the Green Belt.

#### Scale and Design

- 5.14 The NPPF and adopted Core Strategy Policy CS1 places great emphasis on the importance of good design. Good quality design must ensure it respects both the character of a property and the character of an area in general. The updated NPPF para. 126 states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve." Furthermore the NPPF para 130 suggests that developments should, among other things, function well and add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to local character. In essence development should respond to and be sensitive to local character, should aim to raise standards of design and enhance the immediate setting. Development that is not well designed should be refused (NPPF para. 134).
- 5.15 A definition used by CABI (commission for Architecture and the Built Environment) stated
- It is possible to distinguish good design from bad design. By good design we mean design that is fit for purpose, sustainable, efficient, coherent, flexible, responsive to context, good looking and a clear expression of the requirements of the brief.*
- 5.16 Although CABI was merged with the Design Council, the organisation, Design Council CABI, remains the government's adviser on design. Its published documents on design emphasise the importance the government places on good design as reflected in the NPPF.
- 5.17 In September 2019, the Ministry for Housing, Communities and Local Government (HCLG) published its National Design Guide Planning practice guidance for beautiful, enduring and successful places, a specific document emphasising the importance of design in all forms of development.
- 5.18 The first line in this document sets the tone where it states: The long-standing, fundamental principles for good design are that it is: fit for purpose; durable; and brings delight. It goes on to declare the purpose of The National Design Guide is to outline and illustrate the Government's priorities for well-designed places in the form of ten characteristics. In this instance the three areas of

Context, Identity and Built Form which fall under the umbrella of Character within that document, are the most relevant to this application.

- 5.19 Whilst it is acknowledged that some of the poor quality single-storey buildings to the west, would be removed, any 'enhancements' to the overall design quality and character of the area, would be negated by the introduction of a large, two-storey extension to the rear of the existing buildings, mainly Tything House and Stores House.
- 5.20 Whilst the impact of the proposed extension is discussed in more detail in the Heritage section below, in short, officers are of the opinion that such an extension in this location would be wholly excessive in scale and would not integrate well within the existing built form. Indeed, it would appear as a disproportionate and discordant feature. Furthermore the scale of the proposal means that the resultant site layout would have a cramped and overdeveloped appearance that would provide sub-standard living conditions for future occupants.

#### Heritage Issues

- 5.21 Policy PSP17 states that development proposals should serve to protect, and where appropriate, enhance or better reveal the significance of heritage assets and their settings. They should be conserved in a manner that is appropriate to their significance.
- 5.22 PSP17 goes on to state that development within or affecting the setting of a Conservation Area will be expected to:
- Preserve or, where appropriate, enhance those elements which contribute to their special character or appearance; and
  - Pay particular attention to opportunities to enhance negative parts of conservation areas and to draw on local character and distinctiveness.
- 5.23 The development site lies within the Olveston Conservation Area and the existing group of buildings are locally listed.
- 5.24 The proposed extension would be built off an existing rear extension that is set down from the ridge and eaves level of the main three-storey house. With a double-gable roof design orientated on a west-east axis, the rear extension would front onto or address Denys Court to the south. Views to the west would also be achievable due in part to the local topography with the land dropping east to west.
- 5.25 Officers consider that by reason of scale, what is proposed would appear (in views from the south-east, south and west) as an oversized, disproportionate and discordant extension. The existing building can be read as being developed over two clearly distinct phases, with the existing rear extension inherently subservient in scale and character. To add a third phase of extension would always be problematic in relation to protecting the historic character and scale of the host building, but while the proposed extension is set down from the extension it would be attached to, it possesses a depth that is approximately the same as the existing house. This would leave the resultant



- building with a sprawling and overall jarring appearance and there would be a clear failure to achieve the expected levels of assimilation associated with good design.
- 5.26 In most cases, while multiple phases of extension can be acceptable, they tend to be limited and often diminish in scale to ensure the visual and architectural primacy of the host building is preserved. In this case, while the further step down of the proposed extension does appear to be intended to give something of a “Russian doll” effect, even if this was considered to be the correct approach, this is completely undermined by the depth of the extension.
- 5.27 The impact of the development proposals would be limited in respect of Olveston Stores, but the proposed extension would be harmful to the existing character and appearance of Tything House, as while set to the rear, the building occupies a prominent location with views of the side and rear achievable from The Street, along with direct views from Denys Court to the south and west.
- 5.28 With regard to the Conservation Area, as noted above, in light of the visually prominent location of the site, the harm caused by the scale and siting of the extension to Tything House would detract from the existing character of its surroundings. The development proposals would consequently fail to preserve or enhance the character or appearance of the Olveston Conservation Area.
- 5.29 The scale and massing of the extension would also result in a loss of views to the south as one enters Denys Court. While this impact on these views may be considered to be of limited significance, regardless of the quality of the design, this loss of view across Denys Court out towards Olveston Court and the open countryside beyond, would fail to meet either test for development in a Conservation Area (i.e. the statutory need to preserve or enhance). The importance of this view is also identified within the Olveston Conservation Area SPD.

#### Transportation Issues

- 5.30 The scheme would utilise an existing access off Denys Court and provide separate pedestrian and vehicular access for parking and delivery for the proposed flats. The existing shop would retain its separate access and driveway off The Street. Each flat would be provided with a parking space, which meets the Councils minimum parking standards for one/two bedroom flats. Each parking space is provided with a 7 kW charging point. Furthermore, each flat would have access to 2 secure cycle parking spaces. The site lies in the heart of the village and lies close to the local bus route along The Street; as such the site is considered to be in a sufficiently sustainable location. Whilst mindful of the concerns raised by local residents’ the Council’s Transportation Officer raises no objection to the proposed access and parking arrangement.

#### Residential Amenity

- 5.31 In line with Policy PSP8 and the recently adopted Householder Design Guide SPD, development proposals will only be acceptable where they do not create unacceptable living conditions or have an unacceptable impact on the

residential amenity of occupiers of the development or of nearby properties. Matters to consider are:

- a) Loss of privacy and overlooking;
- b) Overbearing and dominant impact;
- c) Loss of light (daylight/sunlight)
- d) Noise or disturbance; and
- e) Odours, fumes or vibration.

- 5.32 The proposed additional built form, whilst quite bulky, would be a sufficient distance from the nearest neighbouring properties to the north and west; as such the proposal would have little impact, in terms of overbearing impact or loss of light, on the neighbouring dwellings.
- 5.33 The application site is within the heart of the village, which is a built up residential area, and as such, a degree of overlooking, including the perception of it, is to be reasonably expected, especially if the most efficient use of land within the settlement boundary is to be achieved, as required by the NPPF. Nevertheless, given the location of the proposed windows, any additional overlooking of neighbouring properties would be from a sufficient distance and angle as to result in only a minimum loss of privacy, that is not considered to warrant a refusal of permission on these grounds.
- 5.34 As regards increased noise and disturbance during the development phase, this would be short term only and the hours of working on the site could be controlled by condition. Increased noise or anti-social behaviour from future residents is not a planning issue and falls to be controlled by the appropriate enforcement agencies.
- 5.35 Moving to the issue of amenity space provision; Policy PSP43 requires all new residential units, to have access to private amenity space. The space should *inter alia* be easily accessible from living areas and of a sufficient size and functional shape to meet the needs of the likely number of occupiers. The Policy sets minimum space standards; the requirement for a 1-bedroom flat is 5sq.m and for a 2+ bedroom flat 5sq.m. plus private shared communal space.
- 5.36 The supporting text to Policy PSP43 at para 8.65 states that “.the form of private amenity space will be dependent on the type of dwelling and could include private garden, roof garden, balcony or ground level patio/defensible space and shared (communal) amenity areas.”
- 5.37 It is evident from the submitted plans that the only amenity space available to the future occupiers of the proposed flats would be the garden area to the south side and to the front of Tything House, and a small area of garden to the rear of Stores House and The Store. Neither of these areas are particularly private but could serve as communal amenity areas to some extent. It is noted however that two of the flats are two-bedroomed and therefore capable of family occupation. The amenity space provision is not considered to be sufficiently private or secure for these flats. The lack of appropriate amenity space is considered to reflect the overdeveloped nature of the site.

### Landscape Issues

- 5.38 The existing trees located on the western boundary of the site would be retained and the proposed site plan shows additional tree planting within the garden area to the south, with the stone boundary wall retained. Other rudimentary planting is shown within the retained garden areas and next to the bin stores; details of this soft planting together with tree protection measures could be secured by condition. Subject to such a condition the Council's Landscape Architect raises no objection to the proposal.

### Consideration of likely impact on Equalities

- 5.39 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 considerations to be reflected into the design of policies and the delivery of services.
- 5.40 With regards to the above, this planning application is considered to have a neutral impact on equality. Equalities have been given due consideration in the application of planning policy as discussed in this report.

### Planning Balance

- 5.41 In the overall planning balance, the proposal would deliver 7 units of low cost, open market, residential accommodation, of a type that is required in this location (as confirmed by the Olveston Design Statement para. 6.1). The net gain would however only be 4 units which represents only a modest contribution to the council's overall housing land supply. Nevertheless, this would be a public benefit of the scheme, which affords modest weight. There would be some short term economic benefits arising from the construction of the dwellings, which would also be a public benefit that would weigh in favour of the scheme. There would also be some benefits from the future spend of occupants but again this would not be a significant public gain.
- 5.42 Both the Parish Council and the applicant have stated that the scheme facilitates the economically viable refurbishment and continuance of the Post Office and Store. There is however no information submitted to demonstrate how the scheme achieves this.
- 5.43 In the first instance there is nothing to suggest that the Post Office and Store are in any way at risk other than from large retail outlets in the surrounding area (see Olveston Design Statement para. 6.1). It is unclear how the proposal mitigates this perceived risk. Furthermore, there is little or no information as to what refurbishments would be made to the store other than what appear to be cosmetic improvements to the exterior. The floor area of the Store would not

increase and the scheme does not appear to create any new employment opportunities.

- 5.44 The rent or sale of the proposed flats may well provide an income stream for the applicant/owner but he is under no compulsion to re-invest in the Store and could just as easily sell up and move on. On balance therefore, officers attribute little weight to the notion that the scheme would make the store more economically viable.
- 5.45 The scheme would to some extent improve the appearance of the site by the removal of unsightly single-storey buildings to the rear and the 'enhancements' to the existing buildings and store. This however is negated by the harm identified to the character of the location resulting from poor design.
- 5.46 Harm has been identified by the over developed nature of the scheme, excessive scale of the proposed building works and resultant cramped layout, which lacks any meaningful private amenity space for future occupants. This fails to meet the high standards of design required by the NPPF or Policies CS1 and PSP1.
- 5.47 The impact of the development proposals would be limited in respect of Olveston Stores, but the proposed extension would be harmful to the existing character and appearance of Tything House, a locally listed building.
- 5.48 For similar reasons the scheme also fails to preserve or enhance the special character or appearance of the Conservation Area and adversely affects important views identified within the Olveston Conservation Area SPD.
- 5.49 In accordance with the Framework, officers consider that the proposals would result in less than substantial harm towards the lower end of the spectrum to the significance of the Olveston Conservation Area. The application is therefore to be considered within the context of paragraph 202 of the NPPF, along with paragraph 203, both of which advise a balanced judgement based on the level of harm and the public benefits.
- 5.50 However, given that harm has been identified, compliance with the requirements of paragraph 199 of the NPPF has not been achieved and so as established through case law and reflected in paragraph 202 of the NPPF, the finding of harm gives rise to what can be regarded as a statutory presumption against the granting of permission.
- 5.51 Given the extent of harm identified to both the Olveston Conservation Area and to Tything House, a non-designated heritage asset, and the limited public gains identified above, officers conclude that the benefits are outweighed by the harm and consequently the application should be refused.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

## **7. RECOMMENDATION**

- 7.1 That planning permission be **REFUSED** for the reasons listed on the Decision Notice.

## **REASONS FOR REFUSAL**

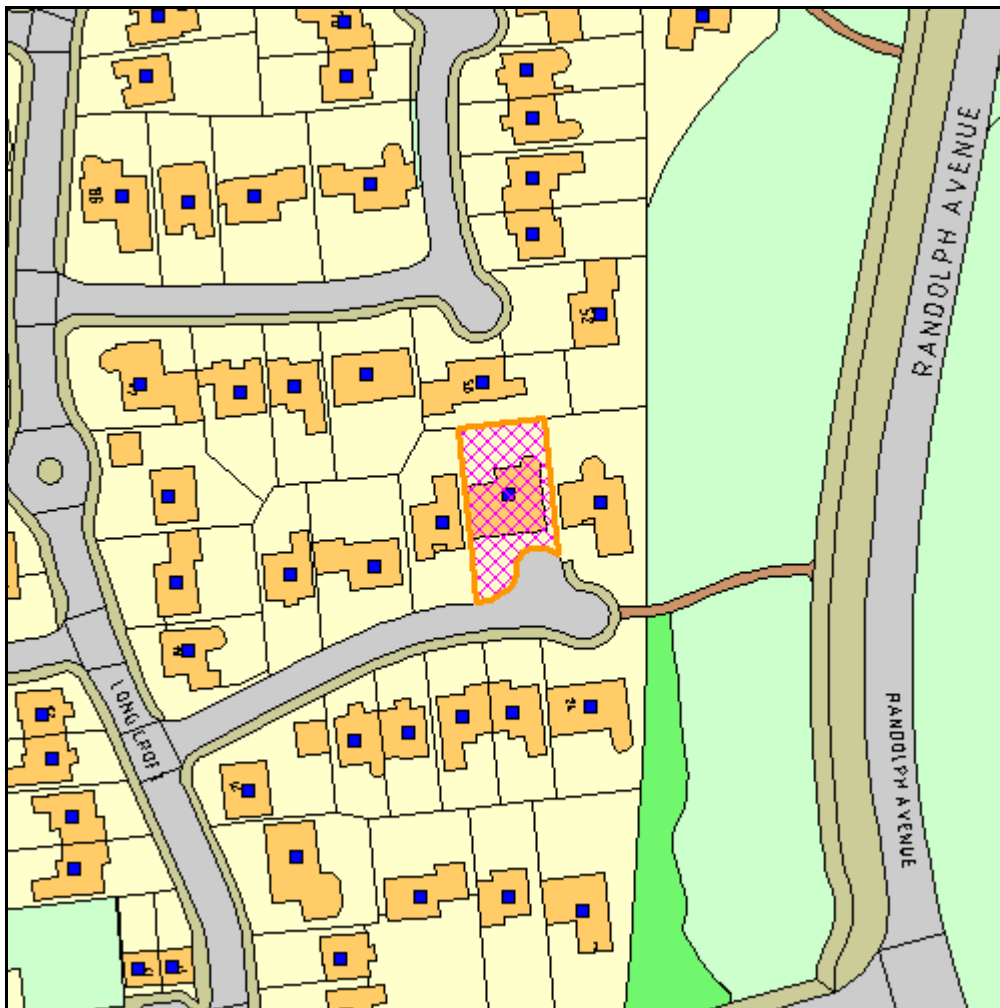
1. The proposed development would introduce a form of development which would appear at odds with the form of development in the locality. If permitted it would result in the overdevelopment of the site and introduce a cramped form of development in an otherwise prominent and relatively open location. The proposed development fails to reach the highest possible standards of site planning and design and is contrary to policy CS1, CS16 and CS17 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policies PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November, and the provisions of the National Planning Policy Framework.
2. The size and quality of the private amenity space is considered to be substandard and as such detrimental to the residential amenity of future residents, and not in accordance with adopted Policies PSP8 and PSP43 of the Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.
3. By reason of excessive scale and inappropriate siting the proposals would cause harm to the historic interest of Tything House, a non-designate heritage asset. The development proposals would also fail to either preserve or enhance the character or appearance of the Olveston Conservation Area. Consequently, as the development proposals would neither sustain nor enhance the significance of the Olveston Conservation Area as a designated heritage asset, they stand contrary to Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP17 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017, The Olveston Conservation Area SPD and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Case Officer: Roger Hemming**

**Authorising Officer: Helen Ainsley**

**CIRCULATED SCHEDULE NO. 46/21 - 19th November 2021**

<b>App No.:</b>	P21/06292/F	<b>Applicant:</b>	Vear WH Architects Ltd
<b>Site:</b>	28 Long Croft Yate South Gloucestershire BS37 7YW	<b>Date Reg:</b>	28th September 2021
<b>Proposal:</b>	Alterations to existing rear dormer to include cladding finish (resubmission of P21/04767/F).	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370885 183980	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	17th November 2021



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 100023410, 2008. **N.T.S.** **P21/06292/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.

This proposal has been referred to the Circulated Schedule as the Case Officer's recommendation is contrary to that of Yate Town Council.

## 1. **THE PROPOSAL**

- 1.1 Planning permission is sought for the alteration of the external materials to be used on a rear dormer at 28 Long Croft, Yate. This is a resubmission of the previously refused scheme P21/04767/F, which included the construction of the dormer itself within the remit of the planning application.
- 1.2 The application site is situated on the northern side of the central eastward spur of Long Croft and comprises of a two-storey dwellinghouse finished in stone with brick detailing. Notable features include an attached double garage which integrates with the roof slope of a single storey element projecting across the front of the dwellinghouse. To the rear is a conservatory that spans the width of the dwellinghouse and a rear dormer has been authorised for the roof, but has not yet been constructed. The curtilage also features both an open front and enclosed rear garden as well as a driveway with space for the off-street parking of four vehicles. The site currently typifies the housing in the surrounding area in terms of its scale, form, use of materials and the extent of its curtilage.
- 1.3 The application site is situated within the Yate settlement boundary and is also within a designated mineral safeguarding area. The site does not benefit from any other relevant planning designations.

## 2. **POLICY CONTEXT**

- 2.1 National Guidance
  - i. National Planning Policy Framework 2021
  - ii. 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

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

- PSP38 Development Within Existing Residential Curtilages, Including  
New Extensions and New Dwellings
- PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

- i. Design Checklist SPD (Adopted 2007)
- ii. Technical Advice Note: Assessing Residential Amenity 2016
- iii. Residential Parking Standards SPD (Adopted 2013)
- iv. Householder Design Guide SPD (Adopted 2021)

3. RELEVANT PLANNING HISTORY

- 3.1 **P21/04767/F** Installation of 1 no. rear dormer to facilitate loft conversion. **Refused** 31st August 2021.
- 3.2 **P20/24054/CLP** Proposed loft conversion to include rear dormer and Juliet balcony. **Approved** 8th February 2021.
- 3.3 **P19/17820/F** Erection of first floor side extension to form additional living accommodation. **Refused** 3rd January 2020.
- 3.4 **PK05/0616/F** Erection of front and side first floor extension to form additional living accommodation. **Refused** 20th April 2005. **Appeal Dismissed** 20th September 2005.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Object. We oppose the rear dormer because of the impact it will have on the privacy of four neighbouring properties and the introduction of a third storey to the house beyond PD rights. A previous application showed a bedroom in the attic, which was within the PD figures and showed the rest of the attic as a store. Yate Town Council queried this as it could easily be made bigger and we were concerned about the impact of increasing the house size. The new plans show the applicant doing exactly what we had expressed concern about, deleting the store area and turning the entire attic into a bedroom, therefore converting more than the PD amount of attic space, and going beyond that to add tall dormers.

Object due to size and significant overlooking effect on neighbouring rear gardens, and the impact on neighbouring properties.

4.2 Local Residents

There have been two responses received, one simply indicating support for the proposal, the other sought to object to the scheme making the following point:

- As far as we can see, this application is a resubmission of the same plans under reference P21/04767/F that were refused on 31st August 2021 giving



full reasons why it had been refused. Nothing has changed, therefore the same reasons for refusal should apply.

#### 4.3 Case Officer

Prior to proceeding to the analysis of this proposal it is considered pertinent to shine a light on the veracity of some of the claims made above:

- The dormer in question would not exceed the volume parameters of permitted development and is in fact no different in scale to the previously approved application for a lawful development certificate P20/24054/CLP. The aspect which requires planning permission relates exclusively to the proposed use of external materials.
- Should the applicant wish to convert more of their existing attic into living space rather than as a store, which incidentally is not shown on the plans, this would also be a permitted development provided it would not increase the total volume contained within the roof space, irrespective of how it is utilised.
- This proposal only concerns the external materials used for a dormer to the rear of the property, there is no evidence in support of the notion of further 'tall dormers' being introduced.
- There are in fact two changes from the previous scheme P21/04767/F, the removal of the introduction of the dormer itself from the description of the development (incorporating the dormers inclusion within the existing plans) and a change in the specification of the cladding proposed.

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

The application site is situated within the Yate settlement boundary and is currently utilised as a C3 dwellinghouse. The proposed development would alter the use of external materials on a rear dormer. This minor alteration to the existing residential use is a form of development that is supported by PSP38 subject to considerations of visual amenity, residential amenity and highway safety. In addition, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. As such, the proposal raises no issues in principle subject to the various material considerations addressed below.

#### 5.2 Design, Character & Appearance

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.

The dormer that is the subject of the proposal has previously been identified in P21/04767/F as failing to respect the character and appearance of the host dwelling on account of its unsympathetic form and scale effectively subsuming the rear roof plane. The proposed use of cladding was not deemed to be concern, it was the dormer itself which was objected to by various neighbours and the Parish Council and was ultimately considered to fall significantly short of the standards of design required by CS1 and PSP38, informing one of the reasons for its refusal.

However, as demonstrated in P20/24054/CLP, such a dormer structure can be constructed under permitted development rights provided its external appearance matched that of the host dwelling. The approved lawful development certificate specified that the dormer would be finished in brick coloured render on its cheeks and rear elevation to match the rear elevation of the host dwelling.

The applicant has now sought to make use of this authorised dormer to narrow the remit of this current planning application to only consider the use of external materials, not the introduction of the dormer itself. This would overcome the previous reasons for refusal, yet still seek to secure the alternative use of external materials. As a result of this approach, the submitted plans that claim to depict what is 'existing' are the plans that were submitted and approved for a lawful development certificate on 8th February. However, upon examination of the site, this dormer is not in fact currently in situ. As such, these plans would be more accurately labelled 'authorised' rather than 'existing'.

Whilst this labelling inaccuracy is acknowledged, it is not a specified requirement of the submission process detailed in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) for authorised developments to be constructed prior to further applications depicting them as constructed to be submitted. Moreover, it is accepted that to insist upon the physical construction of the dormer with matching materials prior to the submission of this application to replace these materials would be an onerous requirement that would incur needless waste and expense on behalf of the applicant. As such, these plans that show the dormer as an existing feature are considered valid and the scope of this assessment is focussed only upon the merits of the proposed change in materials.

In terms of design, character and appearance, the proposed use of composite cladding for the cheeks and rear elevation of the dormer is considered to be a small improvement upon the use of brick coloured render. This is on account of the dormer being the sole third storey feature within the surrounding roofscape such that the brick coloured render constitutes a significant departure from the grey tiles that adorn both the host and neighbouring properties above the second storey. Whilst the brick colour render matches the external appearance of the rear elevation of the host dwelling, its projection through the original roof plane serves to emphasise this additional verticality, effectively highlighting this incongruous and cumbersome third floor dormer feature. In contrast, the proposed replacement of this render with Durasid Original 333mm Double External Embossed cladding in a mid/dark grey colour (RAL7016), an

acceptably close colour match to the existing roof tiles, would result in the prominence afforded to this feature being reduced. Mindful of the poor design of the dormer itself, such measures to reduce its visual impact are a minor, yet nevertheless welcome, amendment to the original design secured under the lawful development certificate.

In summation, the proposed change to the external materials is considered a small improvement to an otherwise unacceptable rear dormer only allowed via the nationally prescribed permitted development rights. As the scope of this assessment is only concerned with the change in materials, this proposal is deemed to accord with CS1 and PSP38 and would satisfy part 1) of PSP38.

### 5.3 Residential Amenity

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

The dormer feature itself has previously been identified in P21/04767/F as an overtly dominant, overbearing structure that would entail a profound loss of privacy to the occupants of Nos. 48, 50 and 52 Long Croft. This informed a neighbouring amenity reason for refusing the previous scheme.

However, as identified above, this current application is solely concerned with the external materials of the dormer, not the dormer itself. In this respect, the impact of the replacement of brick coloured render with grey cladding is of little significance to the various neighbouring amenity considerations detailed in PSP8. The only perceived consequence to neighbouring amenity arising from this proposal would potentially be a slightly less pronounced sense of overbearing on account of the grey cladding more readily blending in with the roofscape rather than a third storey of brick coloured render.

The proposed change of external materials would have no bearing upon the amenity afforded to the occupants of the host dwelling.

In light of the above, the proposed change of materials would not incur any of the unacceptable impacts detailed in PSP8 and would not affect the host occupants. As such, this proposal would accord with both PSP8 and parts 2) and 4) of PSP38.

### 5.4 Sustainable Transport & Parking Provision

The proposed works would not increase the provision of bedrooms within the property nor alter the extant access or parking arrangements. These existing arrangements are compliant with PSP16 and therefore, this proposal raises no concerns in terms of its parking and transportation provision.

## 5.5 Consideration of likely impact on Equalities

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

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 It is recommended that planning permission is GRANTED subject to the conditions detailed on the decision notice.

## 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 grey composite cladding depicted upon the approved plans relates specifically to the use of Durasid Original 333mm Double External Embossed cladding in a mid/dark grey colour (RAL7016).

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. This decision only relates to the following plans:

Site Location Plan - Drawing No: 1257-20 / LP

Existing Floor Plans and Elevations - Drawing No: 1257-20 / 1100B

Proposed Floor Plans and Elevations - Drawing No: 1257-20 / 3100E

All plans received by the Local Planning Authority on 22nd September 2021.

Reason

For the eradication of doubt as to the parameters of the development hereby permitted, ensuring a high quality design in accordance with policy CS1 of the South Gloucestershire Local Plan, Core Strategy 2013.

**Case Officer: Steffan Thomas**

**Authorising Officer: David Stockdale**