

# 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: 03/22**

**Date to Members: 21/01/2022**

**Member's Deadline: 27/01/2022 (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:**

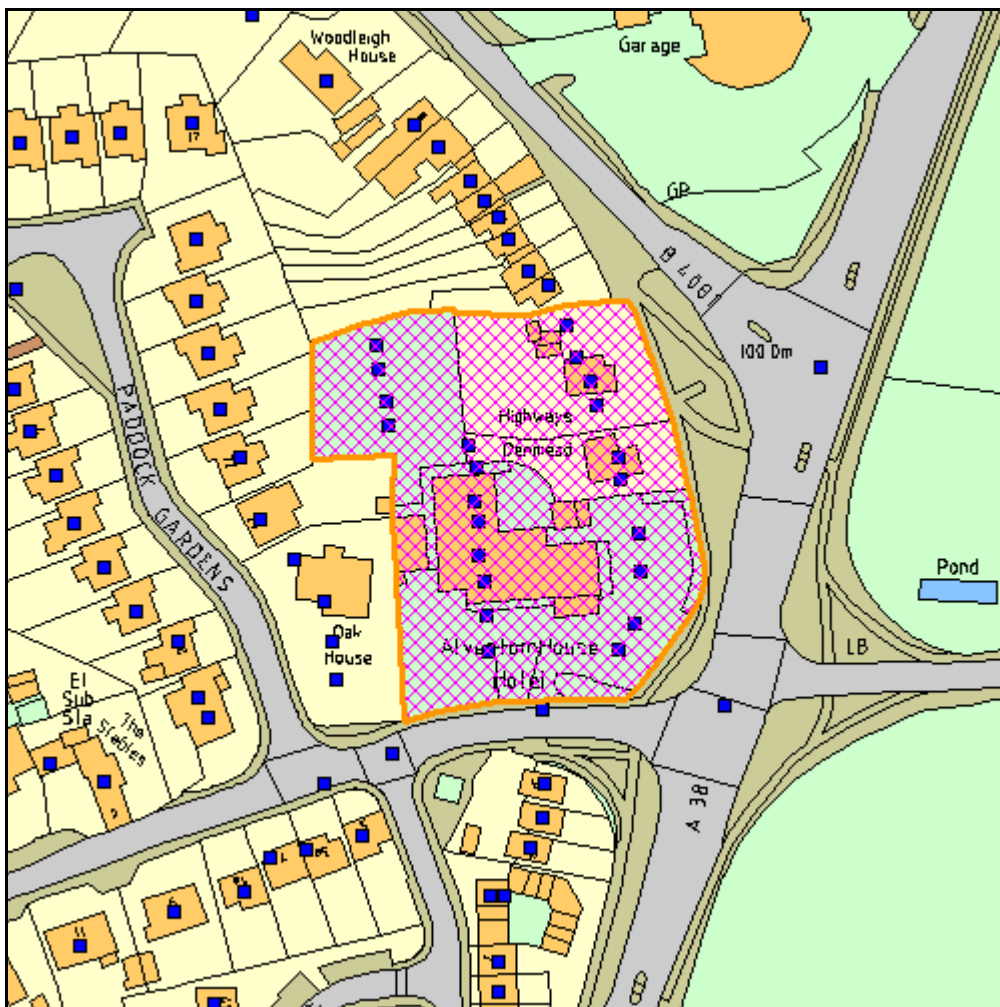
To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE - 21 January 2022

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>P21/00005/MOD</b>	Refusal	Alveston House Hotel Davids Lane Alveston South Gloucestershire BS35 2LA	Severn Vale	Alveston Parish Council
2	<b>P21/03344/F</b>	Refusal	Land South Of Badminton Road Old Sodbury South Gloucestershire BS37 6LU	Chipping Sodbury And Cotswold Edge	Sodbury Town Council
3	<b>P21/04721/F</b>	Refusal	Land At Elm Farm Bristol Road Iron Acton South Gloucestershire BS37 9TF	Frampton Cotterell	Iron Acton Parish Council
4	<b>P21/04841/F</b>	Approve with Conditions	14 Montague Close Stoke Gifford South Gloucestershire BS34 8UZ	Stoke Gifford	Stoke Gifford Parish Council
5	<b>P21/05532/R3F</b>	Approve with Conditions	Emersons Green Library Emerson Way Emersons Green South Gloucestershire BS16 7AP	Emersons Green	Emersons Green Town Council
6	<b>P21/06061/F</b>	Approve with Conditions	12 Maple Walk Yate South Gloucestershire BS37 4FQ	Dodington	Yate Town Council
7	<b>P21/06891/F</b>	Approve with Conditions	42 Station Road Yate South Gloucestershire BS37 4PW	Yate Central	Yate Town Council
8	<b>P21/06927/F</b>	Approve with Conditions	58A Naishcombe Hill Wick South Gloucestershire BS30 5QS	Boyd Valley	Wick And Abson Parish Council
9	<b>P21/06940/F</b>	Approve with Conditions	Fromewood Frenchay Hill Frenchay South Gloucestershire BS16 1LS	Frenchay And Downend	Winterbourne Parish Council
10	<b>P21/07494/F</b>	Approve with Conditions	1 Ninth Avenue Filton South Gloucestershire BS7 0QW	Filton	Filton Town Council
11	<b>P21/07563/F</b>	Approve with Conditions	103 Station Road Filton South Gloucestershire BS34 7JT	Filton	Filton Town Council

**CIRCULATED SCHEDULE NO. 03/22 - 21st January 2022**

<b>App No.:</b>	P21/00005/MOD	<b>Applicant:</b>	Prestige Retirement Living Ltd
<b>Site:</b>	Alveston House Hotel Davids Lane Alveston South Gloucestershire BS35 2LA	<b>Date Reg:</b>	27th October 2021
<b>Proposal:</b>	Deed of Variation to Section 106 Legal Agreement attached to planning permission P20/23871/F.	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	363541 188059	<b>Ward:</b>	Severn Vale
<b>Application Category:</b>		<b>Target Date:</b>	17th December 2021



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 100023410, 2008. **N.T.S.** **P21/00005/MOD**

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**

The Council Constitution states that the Circulated Schedule will always contain any applications to seeking to modify an existing legal agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

### **1. THE PROPOSAL**

- 1.1 To seek approval to execute a variation to the existing S106 agreement attached to planning permission (P20/23871/F – see section 3 below) for a development of 22 residential units now largely completed at the site of the former Alveston House Hotel Davids Lane.
- 1.2 For completeness the original report is set out at **Appendix 1** below.
- 1.3 P20/23871/F gave consent for the residential development subject to the signing of S106 agreement to secure (Heads of Terms):

*The provision of 2 affordable units offered as shared ownership units. The two units should both be 3 bed, 5 person houses at 2 storey with a minimum size of 93m<sup>2</sup>. The affordable homes are 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.*

The S106 agreement was signed on 31<sup>st</sup> March 2021 and the decision issued on 1<sup>st</sup> April 2021.

- 1.4 The modification seeks to vary the planning agreement to include 2 First Homes units or an off-site contribution of £200,000 rather than the onsite Shared Ownership homes. The applicant submitted a viability claim, to support the modification, in November 2022 claiming it is unviable to provide the 2 Shared Ownership properties on site. This report and follow-up information has been submitted to the independent District Valuer Service for an assessment.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework July 2021  
National Planning Practice Guidance 2014

#### **2.2 Development Plans**

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

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development

CS6 Infrastructure and Developer Contributions  
CS18 Affordable Housing

2.3 Supplementary Planning Guidance  
Affordable Housing and Extra Care SPD (adopted 2021)

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

P20/23871/F Demolition of existing buildings. Erection of 22 no. dwellings with associated works. Approved with conditions 1<sup>st</sup> April 2021.

P20/06620/O Demolition of existing buildings and erection of 22no dwellings (Outline) with access, layout and landscaping to be considered, all other matters reserved. This application was approved by the Development Management Committee on 15<sup>th</sup> October 2020 subject to the signing of a Section 106 agreement to secure affordable housing.

Approved at the Development Management Committee subject to the signing of a S106 Agreement but withdrawn 1<sup>st</sup> October 2020 as an amendment to the layout required.

### 4. **CONSULTATION REPONSES**

Alveston Parish Council

Strong Objection. Affordable Housing is much in demand by local people and the original application was granted based on five affordable houses which was then subject to a reduction to two houses which was approved. Now this application is looking to deprive residents further by watering down the two remaining affordable homes to “First Time” Housing which fetch more than affordable homes) or the payment of £200,000 for the provision of offsite affordable housing. In business there is always a risk involved with any venture and it is unfortunate for the construction company that the modern climate has created a reduction in margins however this excuse is not a suitable reason to further break promises and obligations made during the planning process.

Councillor Matthew Riddle – Objection

I am very concerned about this attempt to further water down the development's Affordable Housing through the new viability report. Affordable homes are very important for our young people in an area where house prices are very high. The scheme already does not provide the 35% Affordable Homes provision within the Council's policy and nor provide any contributions to off-site community open space.

Housing Enabling Team – Objection. Agree with the findings of the District Valuer and therefore do not agree with the proposed change.

#### Local Residents

One objection has been received which in summary states the applicant should not be permitted to “opt out” of the obligation.



## 5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks to make modifications to a planning obligation as set out in Section 1.4 above.

### 5.2 *Background*

S106 agreements for Affordable Housing set out obligations on the landowner/developer to ensure Affordable Housing is delivered according to Core Strategy policy CS18 and related SPD. As set out in the Section 4.1 of the report (Appendix 1 below), at the time of the determination of the application following a viability assessment it was determined that it was unviable to provide any affordable housing however the applicant offered the provision of the two shared ownership units and signed the legal agreement accordingly. The NPPF does allow for the consideration of viability at any time with the onus on the applicant to demonstrate the particular circumstances of their case.

5.3 The full assessment carried out by the District Valuer Service (DVS), including all relevant figures is available on the Council Website (viewable under P21/00005/MOD). However in summary the DVS refutes key assumptions that have been put forward by the applicant including:

- The basis on which the land value was reached (which can no longer be based on its existing use being for a hotel and the National Planning Policy Guidance principle that the price paid for the land cannot be taken into account),
- The DVS calculated that the total sales values of the private homes were higher than the developer had stated;
- The profit level that the developer was hoping to achieve was at the top end of what is stated as acceptable in National Planning Policy Guidance, and higher than the DVS deems suitable for this development.

## 6. **CONCLUSION**

6.1 On the basis of the factors set out in 5.3 above that it is considered that the development is viable with the provision of the shared ownership Affordable Housing as set out in the signed S106 agreement that was signed by the applicant and therefore the proposed changes are not accepted.

## 7. **RECOMMENDATION**

That the development proceeds in accordance with the signed S106 agreement and it is not amended/varied.

**Case Officer: David Stockdale**  
**Authorising Officer: Helen Ainsley**

# APPENDIX 1

## INTRODUCTION

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

### 1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the demolition of the Alveston House Hotel and 2 existing dwellings and the erection of 22 dwellings in their place.
- 1.2 The proposal is for a new residential cul-de-sac, accessed from David's Lane, arranged as eleven pairs of semi-detached houses on either side. Plots 1-12 to the west front onto the cul-de-sac and Plots 13-22 front onto Thornbury Road. There will be a pedestrian access for the latter plots from Thornbury Road with all plots having parking within the cul-de-sac. A turning head is provided at the northern end of the site, and parking for 46 vehicle parking spaces are provided, this includes visitor spaces). Cycle storage sheds are shown within rear gardens, and a refuse and recycling drop off point is to be provided at the site entrance.
- 1.3 There are two house types shown, 4 bed properties, Plots 1 to 2 and Plots 19 to 22 on to David's Lane/A38 junction and the remainder being three bed properties. All properties are two storey with room in the roof space facilitated by two box dormers on the front elevation (and also some roof lights on the rear elevation). A mix of brick types are shown (red and buff) with black stonewold tiles. A total of 48 parking spaces will be provided (this equates to four more spaces than the existing hotel). With respect to landscaping the existing stone boundary walls at the site will be retained with additional hedgerow and tree planting including the area facing A38.
- 1.4 There is a long history to this site as detailed in Section 3 below, however of most relevance, Members will recall that an outline application P20/06620/O, approving the access, landscaping and layout was recently approved subject to the signing of a S106 agreement (see Section 3 below). It is usual for a reserved matters application to follow an application for outline consent however in this case the applicant has chosen to consider all material planning considerations i.e. access, scale, layout, appearance and landscaping through the submission of a full application. This allows for work to continue on the S106 which will be applied to this application and to amend the layout. The layout is however broadly the same as that previously approved with the only differences being that Plots 1 and 2 no longer face onto David's Lane but have been turned at 90 degrees to face onto the access road at the entrance to the development, this has also resulted in a change to the parking arrangement for these properties. An area additional landscaping is proposed to the front of the site.

- 1.5 In support of the application in addition to the plans and Design and Access Statement the applicant has submitted the following:

Aboricultural Report  
Flood Risk Assessment  
Heritage Statement  
Landscape Management and Maintenance Plan  
Noise Assessment  
Sustainability Statement  
Transport Statement  
Ecology Statement

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework Feb. 2019  
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  
CS34 - Rural Areas

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  
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.  
Technical Advice Note Assessing Residential Amenity June 2016

### 3. RELEVANT PLANNING HISTORY

- 3.1 P20/06620/O Demolition of existing buildings and erection of 22no dwellings (Outline) with access, layout and landscaping to be considered, all other matters reserved. This application was approved by the Development Management Committee on 15<sup>th</sup> October 2020 subject to the signing of a Section 106 agreement to secure affordable housing. Approved at the Development Management Committee subject to the signing of a S106 Agreement but withdrawn 1<sup>st</sup> October 2020
- 3.2 P19/11492/O Demolition of existing buildings (Highways, Denmead and ancillary buildings). Erection of 12 no. self-contained flats for occupation by people over 55 and communal areas, with associated works (Outline) with Access, Scale and Layout to be determined.  
**Appeal against non-determination submitted but withdrawn before an appeal decision was issued.**
- 3.3 P19/11491/O Demolition of existing hotel. Erection of up to 30 no. self-contained units for occupation by people over 55 and communal areas, with associated works (Outline) with Access, Scale and Layout to be determined.  
**Appeal against non-determination submitted but withdrawn before an appeal decision was issued.**
- 3.4 P19/3783/O Demolition of existing dwellings and erection of 3 No. detached dwellings (outline) with access and layout to be determined, all other matters reserved (resubmission of PT18/3997/O).  
**Refused May 2019.** Refusal reasons below:

*The development, if approved, would result in the intensification of a substandard access adjacent to a signal controlled junction of the A38. This would have a severe impact on highway safety to the contrary of policy PSP11 of the Policies Sites and Places Plan (Adopted) November 2017, policy CS8 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.*

*The proposed development, by virtue of its scale and layout, would result in a loss of openness surrounding the adjacent non-designated heritage asset, Alveston House Hotel, negatively affecting its setting by introducing a high density development into a location with a predominantly rural character. The proposed development is therefore contrary to policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December*

2013, policy PSP1, PSP2 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

- 3.5 P19/3625/PND Prior notification of the intention to demolish buildings at Alveston Hotel.

**No Objection April 2019**

This consent requires the demolition to commence not later than the expiration of five years beginning with the date of the decision. The demolition must therefore commence by 30<sup>th</sup> April 2024.

- 3.6 P19/1326/PND Prior notification of the intention to demolish buildings at Alveston Hotel. **Refusal March 2019.** Refusal Reason below:

*The site is close to a number of residential properties and part of the existing hotel building is adjacent to a stone wall sharing with the residential properties of Paddock Gardens. It is considered that inadequate details were submitted relating to the structure condition of this garden wall in order for the Local Planning Authority to assess the method of demolition or restoration of this part of the proposal, therefore the prior approval of the local planning authority is required. By virtue of lack of information regarding the structural condition of this part of the proposal and the restoration works on this wall, should this wall becomes structurally unsound, the application fails to demonstrate that the demolition would not result in harm to the amenity of the nearby residents. The prior approval of the local planning authority is refused.*

- 3.7 PT18/5849/PND Prior notification of the intention to demolish buildings at Alveston Hotel.

**Refusal December 2018.** Refusal reason below:

*The site is close to a number of residential properties and part of the existing hotel building is adjacent to a stone wall sharing with the residential properties of Paddock Gardens and Denmead, and no information was submitted in order for the Local Planning Authority to assess the method of demolition or restoration of this part of the proposal. Further, no tree protection plan or arboricultural method statement was submitted with this prior notification. The prior approval of the local planning authority is therefore required. Due to the lack of details regarding the demolition method adjacent to the stone walls, lack of details of showing how the existing tree will be adequately protected during the demolition and restoration of the proposal, and the inappropriate hours of operation for the proposal, the application fails to demonstrate that the demolition would not result in harm to a protected tree and the amenity of the nearby residents. The prior approval of the local planning authority is refused.*

- 3.8 PT18/3997/O Demolition of existing dwellings and erection of 4no detached dwellings (outline) with access and layout to be determined, all other matters reserved.

**Refused March 2019.** Refusal reasons below:

*The development proposes the garden of plot 4 to be restricted to a small corner of the site which is particularly overlooked, as well as allowing window to*

*window inter-visibility between plot 4 and the hotel resulting in a lack of privacy for future occupiers. This would be detrimental to the residential amenity of future occupiers of the site to the contrary of policy PSP8 of the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017, the Assessing Residential Amenity Technical Advice Note (Adopted) June 2016 and the National Planning Policy Framework.*

*The proposed development, by virtue of its scale and layout, would result in a loss of openness surrounding the adjacent non-designated heritage asset, Alveston House Hotel, negatively affecting its setting by introducing a high density development into a location with a predominantly rural character. The proposed development is therefore contrary to policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP1, PSP2 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.*

*The development, if approved, would result in the intensification of a substandard access adjacent to a signal controlled junction of the A38. This would have a severe impact on highway safety to the contrary of policy PSP11 of the Policies Sites and Places Plan (Adopted) November 2017, policy CS8 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.*

- 3.9 PT17/5480/O Demolition of existing buildings. Erection of up to 34 no. self-contained units for occupation by people over 55 and communal areas, with associated works (Outline) with Access, Scale, Layout, Appearance and Landscaping to be determined.

**Refused January 2018 and Appeal Dismissed**

Extracts from appeal decision explaining the refusal reasons as follows:

*'The proposed development would not fall within the exceptions to inappropriate development as defined within the Framework. As a result, the proposal would comprise inappropriate development in the Green Belt contrary to the Framework and Policy CS5 of the CS.*

*The proposed development would harm the character and appearance of the village and wider rural landscape. As such, it would not comply with Policies CS1 and CS34 of the CS, Policies PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (PSPP) and the Framework that seek the highest possible standards of design that respond constructively to the buildings and characteristics that make a positive contribution to the distinctiveness of the area, including the rural character and beauty, and the distinctiveness and special character of the landscape.*

*The proposed development would harm the setting of the listed building such that it would affect its significance. As such, the proposed development would conflict with Policies CS1 and CS9 of the CS, Policy PSP17 of the PSPP and the Framework that seek to protect and, where appropriate, enhance heritage or better reveal the significance of heritage assets and their settings... Where a*

*development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case, the proposal would contribute 34 units to the supply of housing, specifically that for occupation by older people. Whilst I consider that can carry considerable weight, it is not sufficient to outweigh the harm to the significance of the heritage asset.*

*The loss of the asset would conflict with Policies CS1 and CS34 of the CS and Policies PSP1 and PSP2 of the PSPP that seek to protect, conserve and enhance existing heritage features that make a particularly positive contribution to the distinctiveness of the locality and landscape, including through incorporation into development.*

*The location of the proposed access would result in additional and unacceptable noise and disturbance to occupiers of neighbouring houses on Paddock Gardens... In addition, overlooking would result in a loss of privacy to the occupiers of houses on Paddock Gardens that would harm the living conditions of those occupiers.*

*In the absence of any mechanism to provide affordable housing or evidence to show that the proposals would be unviable with the provision of affordable housing, I must conclude that the proposed development would conflict with Policy CS18 of the CS and the Framework.*

*In the absence of any mechanism to provide contributions toward the provision and improvement of public open space in the vicinity of the site, I conclude that the proposal would conflict with Policies CS6 and CS23 of the CS.'*

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

##### **4.1 Alveston Parish Council**

No objection

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

###### **Tree Officer**

No objection

###### **Environmental Protection Officer (Noise)**

No objection raised

###### **Ecologist**

No objection raised subject to conditions (the comments applied to Planning Application P20/06620/O still apply.

###### **Transportation Officer**

No objection

**Arts Officer**

Wishes to make no comment

**Archaeology Officer**

The proposal lies within the bounds of the historic settlement. The majority of the proposed construction lies outside the footprint of the existing buildings on the site and therefore the impact on any archaeological remains is likely to be more significant as these areas will have been impacted less by previous uses of the site. Given this, a programme of archaeological work in the form of an evaluation would be required as a condition of any permission granted on this site.

**Community Infrastructure Officer**

Requests S106 contributions towards off site POS provision and maintenance

**Environment and Climate Change Officer**

Initial Comments

A Sustainable Energy Statement will be required at the subsequent planning (reserved matters) stage which demonstrates how the scheme meets South Gloucestershire Council planning policies including but not limited to CS1, CS2, CS4, and PSP6, and relevant policy revisions if adopted at that time.

Following the submission of a statement, no objection to the proposal is raised subject to conditions to ensure that the development proceeds in accordance with the submitted details.

**Lead Local Flood authority**

No objection subject to a condition to secure the disposal of surface water from the site via soakaways if that method indicated by the applicant is achievable or if any case a Sustainable Urban Drainage system.

**Housing Enabling**

It is requested that the applicant provides 2 affordable units offered as Shared Ownership units. Based on the proposals submitted we would seek 2 x 3 bed 5 person houses 2 storey @ min size 93m<sup>2</sup>

**Tree Officer**

There are no objections in principal to the proposal. The applicant will be required to submit an Arboricultural method statement and a Tree protection plan in accordance with BS:5837:2012, with the reserved matters application.

**Environmental Protection Officer**

No objection subject to a condition to secure a Construction Environmental Management Plan (CEMP)



## **Conservation Officer**

No objection to the principle of the demolition of the hotel and the quantum of housing previously approved within the setting of the listed Street Farmhouse. The development be of an appropriate design that will respect the character and distinctiveness of Alveston.

## **Landscape Officer**

Following the submission of additional details, including a landscape maintenance plan and more detailed planting plan with details of hard and soft landscaping no objection is raised subject to the inclusion of conditions.

## **Other Representations**

### **4.3 Local Residents**

5 letters of objection have been received. A summary of the main points of concern raised is as follows. Full copies of all letters received can be viewed on the Councils web site:

- The proposed dwellings are too close to existing properties in Paddock Gardens resulting in loss of amenity due to overlooking. Given the relationships including heights, angles and distance the development would be contrary to the guidance set out in the SGC SPD on assessing residential amenity.
- The proposal will result in loss of views
- Additional and appropriate planting is required to soften the impact of the development and protect neighbouring privacy
- The proposed buildings will tower over properties in Paddock Gardens and should not exceed the ridge height of those properties. The existing hotel building should not be used as a benchmark for determining appropriate heights.
- The proposed roof lights will result in loss of privacy
- An issue regarding Knotweed at the site must be addressed
- The proposed materials are not appropriate
- Parking provision is not sufficient
- The party wall between the property and neighbouring properties cannot be lowered. The proposal could result in the instability of the wall
- Trees need to be protected

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy CS5 and CS34 of the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2013 is relevant to this planning application. In the case of residential development that lies within the Green Belt and within village settlement boundaries, policy CS5 is supportive of small scale infill development and sets out that other forms of development in the Green Belt must comply with the provisions of the National Planning Policy Framework (NPPF) and the Core Strategy policies. Policy CS34 seeks to protect the designated Green Belt from inappropriate development.

**It should be noted that the principle of developing the site for 22 no. dwellings and associated works has previously been established at the outline stage through P20/06620/O. The access, layout and landscaping were approved. The layout only differs marginally as described elsewhere in the report. This is a significant material consideration. The applicant could submit a reserved matters application just to determine scale and appearance.**

Notwithstanding the extant consent, an assessment against Green Belt Policy is necessary.

### 5.2 *Green Belt*

The site is located within Alveston Village Settlement Boundary which is washed over by the Green Belt. Paragraph 133 of the NPPF sets out that the 'fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open' and that 'the essential characteristic of Green Belts are their openness and their permanence'. Paragraph 134 of the NPPF goes on to provide the five purposes of including land within the Green Belt. These are;

- i) to check the unrestricted sprawl of large built up areas;
- ii) to prevent neighbouring towns merging into one and other;
- iii) to assist in the safeguarding of the countryside from encroachment;
- iv) to preserve the setting and special character of historic towns; and,
- v) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Paragraph 145 of the National Planning Policy Framework sets out that the Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Limited exceptions to this are;

- a) buildings for agriculture and forestry
- b) provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- e) limited infilling in villages,
- f) limited affordable housing for local community needs under policies set out in the Local Plan (including policies for rural exception sites);
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would;
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

As set out earlier in this report, the site is located within the Alveston Village Settlement Boundary. It has previously been agreed at the outline stage that the development is largely sited on previously developed land given the hotel use, the associated infrastructure and the residential properties to the rear that would be demolished. It is agreed that Units 1-8 and 13-22 fall within the remit of previously developed and thus category “g” as set out above. It has also been agreed in the outline decision that the remaining four units on the site can be considered as limited infilling thus sitting within Criteria E.

It has also been determined that the development which comprises 2.5 storey properties (with room in the roof – so essentially 2.5 storeys) would have a height lower than the existing hotel and that the density of development is broadly similar to the surrounding area. It is noted that the dwellings would be close to the boundary of the site but the impact from parking would be less than that of the existing hotel where potentially a large number of vehicles can be parked to the front of the site. As such at the outline stage it was agreed that this development of 22 units is significantly different to the previous scheme that included a large apartment block.

To summarise, this proposal is almost identical to that put forward in the previous outline application both in the approved layout and the design and access statement. Officers continue to accept that units 1-8 and 13-22 comprise redevelopment of previously developed land, the remaining units comprise limited infill and the scheme as a whole will not have a greater impact on the openness of the Green Belt than the existing situation.

### 5.3 Location

As with the 2017 application and recent outline consent, whilst the site is located at the edge of Alveston, its location is well served by public transport and is located within easy reach of local services, including a convenience store, takeaway and public house/hotel. The site is also closely associated with the village of Alveston. On this basis, officers are satisfied that the site is a sustainable location and that the site can support housing development in principle.

#### 5.4 Loss of the Existing Hotel Facilities

The demolition of the hotel has previously been consented, both through a prior approval for demolition and the inclusion of “demolition” within the description of development in the previous outline consent. Notwithstanding this it should be noted that the existing hotel is closed but previously it provided for community facilities such as weddings and conference facilities. The site also accommodates a restaurant which provides economic benefit. Policy CS23 of the Core Strategy seeks to protect community facilities from loss unless the use has ceased, is no longer fit for purpose, or suitable alternatives provision is available within easy walking distance and to the required standard. Whilst it is noted that the proposed development would result in the total loss of the community use, the site is within easy walking distance of The Ship Inn which functions as a public house and hotel and offers a wide range of community facilities. Officers are therefore satisfied that suitable alternative facilities exist and as such the principle of this loss is consistent with the objectives of Policy CS23 of the South Gloucestershire Core Strategy.

#### 5.5 Conservation and Heritage

As set out previously in this report, aspects of this development have been previously approved including the demolition of the hotel, however while that is material there is a duty to assess the impact of the development upon heritage assets.

##### *The Loss of the Hotel*

The Conservation Officer raises no objection to the demolition of the building acknowledging that this has previously been consented. It should be noted that although the building is not nationally or locally listed, it is still a building with a degree of architectural and historic interest that merits consideration in the planning system; a non-designated heritage asset. It has been heavily extended in the 20th century which has reduced its special interest, and internally it has undergone modernisation. Its intrinsic interest arising from its fabric and architectural qualities would be considered low when assessed against other heritage assets, but it remains a building that has a strong presence in the streetscape and, importantly, it imparts a sense of history, time-depth and character to an area that, on the west of the A38, is predominantly 20th century suburban development.

It should also be noted that the Inspector for the previous appeal agreed that the hotel was non-designated heritage asset of modest significance and concluded that the loss of this non-designated heritage asset would be a factor of modest weight against the proposed development, in accordance with the Framework.

In the overall planning balance the loss of the hotel will thus be given modest weight.

##### *Impact upon the Setting of Grade II Listed Street Farm*

Street Farm is an early 17th century farmhouse marking the entrance into the historic village of Alveston. The principle elevation of the farmhouse faces due

west towards the application site and it is visible from the A38 across the field. There is no known historic association between the hotel and the farm and neither were intentionally designed or built with inter-visibility in mind. The extent of the setting of the listed building is not clearly defined but its significance will come partly from its location within an open, rural landscape, surrounded by farmland to which it would have had an historic and functional association. The application site lies at the very edge of this setting.

While the two assets, the Hotel and the Farmhouse help to contribute to the historic character of the locality, but it is not considered that the structure and form of the Hotel makes a tangible contribution to the significance and special interest of the listed Street Farmhouse. It is also important to note and this was recognised by the Inspector at the earlier appeal when it was noted that that views along Davids Lane and toward the listed farmhouse were framed by the houses at the end of Paddocks Gardens and Courville Close and that encroachment of new development on the scale previously proposed would have encroached into that view and would have significantly altered and dominated the view along Davids Lane in which the listed building is appreciated. The size and proximity of the previous proposal to the road would have resulted in it dominating its surroundings, in particular views along surrounding roads and from the listed building itself. Consequently, while this development is quite obviously different to that proposed and assessed by the Inspector any increase in the scale and massing of development on the Hotel site has the potential to “detract from the ability to appreciate the listed building within its setting and, as a result, from its significance”.

### *Summary*

In summary, the development will result in the loss of the non-designated heritage asset, contrary to PSP17. The loss of this non-designated heritage asset would be a factor of modest weight against the proposed development, in accordance with paragraph 197 of the Framework. The development would have a limited impact upon the setting of the Listed Building. The development as proposed has drawn back Units 1 and 2 from the front of the site and thus there is a modest reduction of impact from the outline consent albeit Plots 19 to 22 are very slightly larger. As in the consideration of the outline consent there would be some impact upon the ability to appreciate the listed building within its setting and, as a result, from its significance. This would, therefore, be contrary to PSP17 and would result in a level of harm that would equate to ‘less than substantial harm’ in the context of the Framework. This would trigger paragraph 196, and the harm should be weighed against the public benefits of the proposal, taking into account the great weight afforded to the protection of designated heritage assets and their settings irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm (para 193).

As per the outline application your planning officer remains satisfied that the public benefit of the erection 22 new dwellings to include the provision of 2 affordable units and re-developing what could otherwise become a redundant site, do outweigh the less than substantial harm to Street Farmhouse.

## 5.6 Layout

The layout of the site was considered for the approved outline consent. This layout is broadly the same, showing a single point of access onto Davids Lane with all dwellings being accessed from the cul-de-sac. Each dwelling is to be provided with off street parking and garden space. The only difference in layout terms from the earlier consent is that Plots 1 and 2 situated to the left (west) of the entrance have been turned at 90 degrees so that they no longer front onto Davids Lane but onto the access road with a minor alteration to the parking layout at that part of the site but with no reduction in parking spaces.

Whilst the layout could be criticised as being car dominant, a complex palette of surface material are proposed to break up the hardstanding and afford visual interest.

Each dwelling will be provided with sufficient parking to meet the requirements of Policy PSP16. Similarly, each dwelling will be provided with external amenity space. Whilst most dwellings have very generous gardens, some units 15 and 16 do have modest private rear gardens space under the 60sqm requirement. It should be noted that these smaller 3 bed properties have very generous amenity space to the front which although not entirely private is of benefit, Plot 16 having 126 sq.m in total.

## 5.7 Residential Amenity

PSP8 of the Policies Sites and Places Plan indicates that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of the development or neighbouring properties. Such amenity impacts are referenced as loss of privacy and overlooking; overbearing and dominant impact; loss of daylight/sunlight among others.

Concern has been raised that the properties situated to the west in Paddock Gardens would be adversely affected from the development, due to the juxtaposition/angle, the proximity and the height/dominance of the properties.

To assist in an understanding of how residential amenity is assessed in 2016 the Council adopted a Technical advice note (TAN) and this supports PSP8. The principle impact is window to window distances. For two storey dwellings a back to back distance of 20 metres is used as guidance. It is important to note that this is a guideline figure and the Tan indicates that factors on the ground such as the angles between the properties or heights differences may increase or decrease that distance. Such judgements are within the remit of the Case Officer.

It is noted that some concern has been raised that the proposed buildings are three storey (the separation distance recommended for such a relationships in the TAN is 28 metres). This is not considered to the case, the buildings are two storey with room within the roof space. There are no third storey windows on the rear elevation (dormers are located on the front). Whilst concern over roof lights on the rear elevations is noted and even that these should be obscure

glazed, the roof lights are angled upwards and are within the roof. Any natural view from the roof light would be upwards or level. It is not considered that the relationship between the new dwellings and those to the rear would give rise to loss of privacy. It is considered appropriate to remove PD rights in relation to alterations to the roof to allow consideration of the impact of any proposed dormer extension to the rear roofs and this will form a condition attached to the decision notice.

The following Permitted Development Rights will be removed:

Schedule 2 Part 1 Class B – Additions to the roof of a dwelling house

Schedule 2 Part 1 Class C – Other alterations to the roof of a dwelling house

Concern over proximity is noted. Distances vary but are in almost all cases 20 metres or more. It is noted that there are some points where the applicant has measured distances not from the closest point on an existing house (an example being No.22 to Plot 9) where the true distance is approx. 19.5m. There is a marginal angle between the properties. The difference of approx. 50cm between the 20m guide and the situation on the ground is noted however the Case Officer does not consider the resulting impact from the proposed upper floor (views being screened by boundary treatments at the ground floor level), significant such as would justify the refusal of the application.

Concern that there should be extensive planting in the proposed rear gardens to screen the development. It is noted that some landscaping is shown and also that there are proposed and retained boundary treatments. This is considered to create a normal relationship between properties in a residential setting. It would not be usual to landscape significantly private gardens as it is usual to allow future occupiers leeway to adapt and change their own gardens.

Subject to a condition to remove permitted development rights in relation to alterations to the roofs (to control possible dormer roof extensions, it is considered that having regard to the residential impacts set out in PPS8 the relationship between the development and neighbouring existing properties is acceptable and would not justify the refusal of the application nor would such a decision be sustained should there be an appeal.

## 5.8 Landscape

The site lies in a prominent location within the eastern settlement boundary of Alveston, at the junction of the A38, B4061 Thornbury Road and David's Lane. The submitted documents confirm that the existing stone walls to the highway frontage will be retained, and supplemented with hedgerow and tree planting, and that timber fencing is envisaged along garden boundaries.

A dialogue has taken place between the applicant and officers and a detailed planting plan has been secured for planting and hard landscaping along with a landscape maintenance plan. The Landscape architect comments that the application is supported by a good clear plan showing the proposed landscape strategy, supported by an appropriate level of planting and hard landscape finishes information. The landscape officer has indicated that it would be preferable if further planting could be secured on the verge adjoining A38

however this area is outside of the redline/ownership of the applicant and highway verge thus problematic. Comments relating to the level of parking along the western edge are noted however some native hedge planting is proposed along most of this side and the existing boundary wall retained with some fruit tree planting within the gardens.

A detailed Arboricultural report has been submitted with the application. The report includes a survey of all trees and includes the proposed method of protection for two of the trees during the construction phase of the development. The Council Tree Officer notes that a Category B False Acacia (T10) lies in the SW corner of the site. There are a number of other boundary trees around the NW part of the site, including a Category B Silver Birch (T05) and Hazel (T09) in the boundary wall. T05 is proposed to be removed and T09 and T10 both retained with the removal of other trees that are of poor quality. Extensive tree planting is proposed. Subject to a condition to ensure that all works take place in accordance with those set out in the report the proposal is considered acceptable in this respect.

Conditions will be applied to secure an updated soft landscaping plan that specifies species, planting centres, qualities, tree locations (it is considered that the trees along the eastern frontage should be moved back from the boundary as they are of a type that will require greater space), and ensures that they are planted during the first available season following the completion of the development. Compliance conditions will be attached to ensure that all boundary treatments and hard landscaping are undertaken in accordance with the submitted details and that landscape maintenance is undertaken in accordance with the submitted details i.e. during the establishment period of Years 1 to 5. Subject to these conditions and that relating to tree protection above the proposal is considered acceptable in landscaping terms.

## 5.9 Transportation

The proposed access is at the same location as that previously approved. The highway officer raised no objection to that scheme and raises no objection to the current proposal. The single point of access onto St Davids lane has been found safe with tracking diagrams having been submitted to demonstrate that the access is useable and sufficient off street parking is provided to meet the needs of the development. No objection is raised by the Waste Engineer regarding facilitating waste collection.

It is considered that sufficient parking has been provided to cater for the needs of the development. The submitted plans now show a 7kw 32 amp car charging point for each property which is welcomed and this will be the subject of a condition attached to the decision notice.

There is no highway objection to the proposed development



## 5.10 Viability

Regrettably the application P20/06620/O was accompanied by a viability report. The viability report was assessed by an independent expert (the District Valuer) who concluded that, if full policy compliant S106 contributions are sought, the site is not viable. The District Valuer reached that conclusion on 28<sup>th</sup> July 2020 largely on the basis of the existing land use value. The findings are considered to still be valid for the current application.

For completeness this report will repeat the assessment previously made.

Policy CS18 requires developers to achieve 35% on site affordable housing, normally without public subsidy, if development sites fall within the site size thresholds. In negotiating the maximum level of affordable housing, the council will have regard to the economic viability of the site and the factors underpinning it. To be fully policy compliant the application should provide 8 dwellings on site on the tenure basis of 76% social rent and 24% shared ownership.

PSP42, criteria 3 “encourage developers to provide serviced custom build plots on residential development sites of over 10 dwellings”. The proposal reaches the threshold identified in PSP42. The proposal does not include any self and custom build provision on site.

In accordance with policy CS6 and CS23, contributions towards public open space are required as follows:

Off site POS provision/enhancement - £33,601.76

Off site POS maintenance £42,007.03

POS inspection fee if private management proposed £52 per 100sq.m. plus £500 core service fee.

The District Valuer’s report concluded that the site is not viable if it is policy compliant. Whilst the DV report is very detailed, the conclusion is that if the Council insist on a policy Compliant Scheme with 8 affordable units, the resultant surplus/deficit is a negative £2,183,829 and is not viable.

Whilst officers understand the concerns often expressed when viability arguments are made by developers, all decisions must be made in accordance with the NPPF. Para 57 of the NPPF clarifies that viability should be taken into consideration when a planning application is determined but the weight to be given to the viability argument is a matter for the decision taker. In this matter, officers give full weight to the viability case made and accept the applicant’s offer of the provision of 2 affordable units of shared ownership accommodation. Whilst this would mean no self-build, a shortfall of 6 affordable units and no contribution towards off site open space, the provision of 20 units of market housing and the 2 units of affordable housing is a significant benefit afforded significant weight in the determination of the application. The 2 units of affordable housing will be secured through a S106 legal agreement.

As considered with the earlier outline application the Housing Enabling team request that a revised viability appraisal is submitted for assessment in line with futureproofing if:

1. The scheme changes from the 22 x 3 bed houses currently proposed
2. The hotel on site no longer meets the requirements for utilisation of Existing Use Value/current EUV is no longer valid
3. The scheme has not started within 3 years of any planning approval or if it does not achieve practical completion within 5 years of any planning approval.

The mechanisms used to secure these viability reviews must also include the requirement that an agreed proportion of any uplift in net development value would be assessed and paid to the council as a financial contribution.

These mechanisms will be secured through the S106 agreement which is currently being worked on following the earlier resolution granted by the Development Management Committee in October.

#### 5.11 Drainage

The application proposes to dispose of Surface Water from the site via soakaways. In order to demonstrate that soakaways are suitable for this site the applicant will need to carry out on site percolation tests. This will then allow the applicant to calculate an infiltration rate which will determine whether disposal of Surface Water via infiltration is suitable. It is noted that the proposed site access road is shown connecting to an existing storm sewer, however there are no recorded public surface water sewers in this location.

Whilst the drainage officer does not raise any objection to the proposed development, a SuDS condition specifying the level of information that will be required will be attached to any consent granted.

#### 5.12 Archaeology

The proposal lies within the bounds of the historic settlement. Unlike the previous proposal much more of the proposed construction lies outside the footprint of the existing buildings on the site and therefore the impact on any archaeological remains is likely to be more significant as these areas will have been impacted less by previous uses of the site. Given this, a programme of archaeological work in the form of an evaluation would be required as a condition of any permission granted on this site.

#### 5.13 Environment and Climate Change

A Sustainable Energy Statement has been submitted which is designed to show how the development will meet South Gloucestershire Council planning policies including but not limited to CS1, CS2, CS4, and PSP6.

Policy PSP6 is of most relevance as this indicates that *development proposals will be encouraged to minimise end user energy requirements over and above those required by the current building regulations through energy reduction and efficiency measures.... And be expected to ensure the design and orientation of roofs will assist potential siting and efficient operation of solar technology.*

The applicant has indicated that every property will have access to an Electric Vehicle Charging Point and this is welcomed. The use of Solar PV is indicated. The submitted details show a reduction in residual Carbon Dioxide emissions over standard systems of 37.2% which would comply with the aims and objectives of Policy PSP6 as set out above.

In order to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions conditions will be attached to the decision notice. Firstly a condition requiring the submission of final details of the PV system including details of location, dimensions and full technical specification together with a calculation of annual energy generation and associated reduction in residual CO2 emissions prior to implementation of the development. A condition will also be applied to require prior to the first occupation evidence of installation of the PV and also a calculation showing the projected annual yield of the system such that it is sufficient to reduce residual CO2 emissions by the 37.2% set out in the report. Subject to these conditions the development is considered to meet the aims and objectives of South Gloucestershire Policies that relate to climate change.

#### 5.14 Ecology

An updated Ecological survey (Ethos, December 2019) was submitted with the application, reference is also made to the Ecological Assessment (Ethos, November 2017) submitted to P19/3625/PND. The site was assessed as having low ecological value, and no further surveys are required therefore there are no objections subject to compliance conditions.

#### 5.15 Consideration of likely impact on Equalities

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

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

#### 5.16 Planning Balance

The proposal is afforded significant weight as it is appropriate development in a sustainable location in the washed over settlement boundary of Alveston. Further weight again can be given as two of the houses will also be secured in perpetuity as affordable units in a S.106 legal agreement. Modest weight can be afforded as the proposal would have a net gain of 20 houses to the 5year housing land supply. The development also accords with South Gloucestershire policies that relate to climate change.

A significant material consideration is also that consent has previously been given for outline consent subject to the signing of the same S106 agreement with the current proposal being aside from the small variation in the layout described above being the same.

Weighing against the application is the fact that the application is not policy compliant in terms of POS, Self-build and affordable housing provision. The development will also result in less than substantial harm on a listed building.

Overall the application merits outweigh the perceived harms of the development.

## 6. **CONCLUSION**

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

## 7. **RECOMMENDATION**

- 7.1 That authority be delegated to the Director 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;

### Affordable Housing

The provision of 2 affordable units offered as shared ownership units. The two units should both be 3 bed, 5 person houses at 2 storey with a minimum size of 93m<sup>2</sup>. The affordable homes are 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.

As this is an outline application the S106 will require that a revised viability appraisal is submitted for assessment in line with futureproofing if:

The scheme changes from the 22 x 3 bed houses currently proposed  
The hotel on site no longer meets the requirements for utilisation of Existing Use Value/current EUV is no longer valid  
The scheme has not started within 3 years of any planning approval or if it does not achieve practical completion within 5 years of any planning approval.

The mechanisms used to secure these viability reviews must also include the requirement that an agreed proportion of any uplift in net development value would be assessed and paid to the council as a financial contribution.

Reason

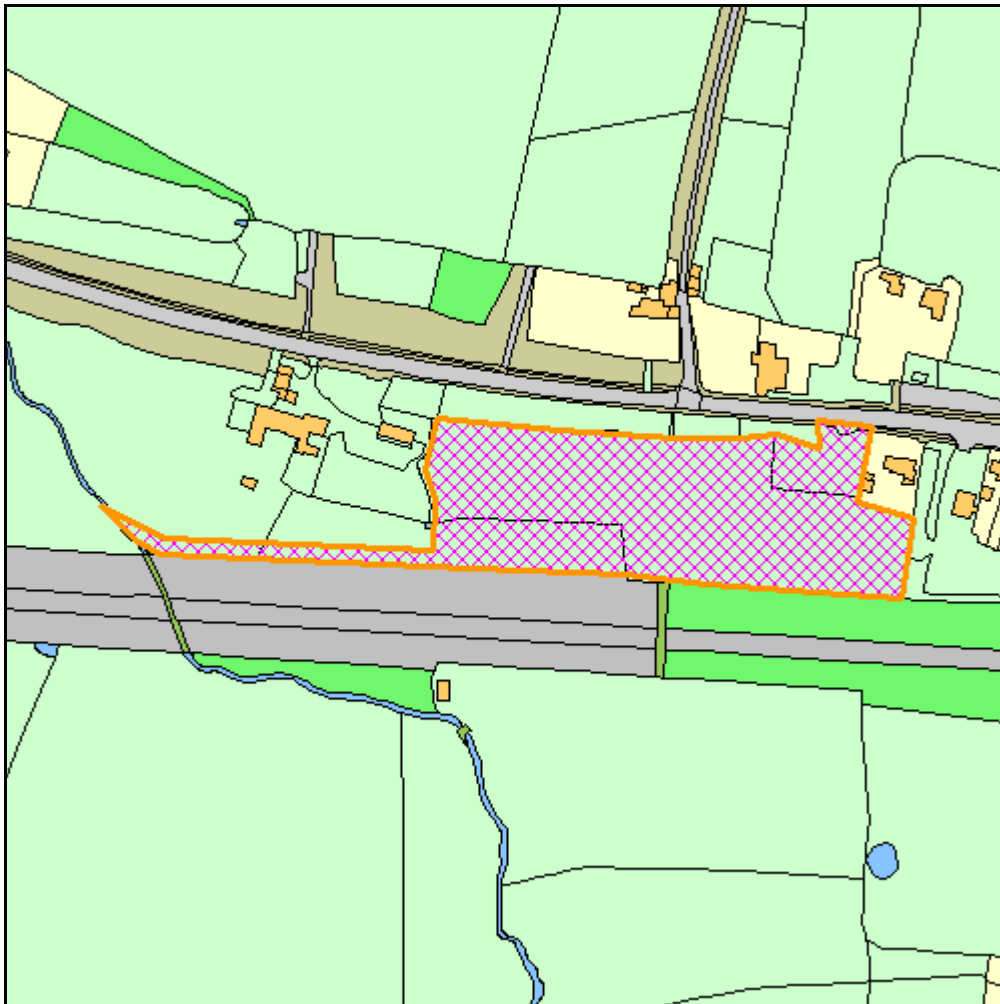
In order to secure the appropriate level of affordable housing whilst and to comply with Policy CS18 of the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2013.

- 7.2 That the Head of Legal and Democratic Services be authorised to check and to agree the wording of the agreement.
- 7.3 Should the agreement not be completed within 6 months of the date of the committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

**CIRCULATED SCHEDULE NO. 03/22 - 21st January 2022**

<b>App No.:</b>	P21/03344/F	<b>Applicant:</b>	Mr Andrew Godden Redcliffe Homes
<b>Site:</b>	Land South Of Badminton Road Old Sodbury South Gloucestershire BS37 6LU	<b>Date Reg:</b>	19th May 2021
<b>Proposal:</b>	Erection of 35 no. dwellings with garages and associated works	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	374764 181591	<b>Ward:</b>	Chipping Sodbury And Cotswold Edge
<b>Application Category:</b>	Major	<b>Target Date:</b>	13th August 2021

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100023410, 2008. **N.T.S.** **P21/03344/F**

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

## **INTRODUCTION**

This application is referred to the Circulated Schedule, in accordance with procedure as four letters of support for the proposal have been received that are contrary to the officer recommendation.

### **1. THE PROPOSAL**

1.1 The applicant seeks full planning consent for the erection of 35 dwellings with associated access, landscaping and other attenuation works.

1.2 The development comprises a mix of terraced, semi-detached and detached properties and includes four maisonettes as well as 2 bungalows. 35% Affordable Housing is provided. The mix which has been the subject of negotiation is as follows:

Open Market: 6 no. two-bed homes; 9 no. three bed homes, 8 no. four bed homes. Total 23.

Affordable: 4 no. one-bed flats; 3 no. two bed homes, 4 no. three bed homes, 1 no. four bed home. Total 12.

An area of open space lies at the south western corner with an attenuation pond that feeds via a narrow strip to the nearby River Frome.

1.3 The application site, an area of approximately 1.5 hectares lies on the southern side of A432 Badminton Road. To the immediate west of the sites lies the Sodbury House Hotel and its curtilage while to the east lies Chestnut House and a transport yard with its associated buildings. The southern boundary is defined by the main railway line which sits at a lower level within a cutting. A narrow strip runs along the northern boundary partially occupied by allotments separating the site from the A432.

1.4 The site comprises a field currently used for grazing (this land has been used in the past as a compound for railway works) and a small area of land that was part of the garden of the Sodbury House Hotel. Site boundaries are largely hedgerows interspersed in places with mature trees. The access at the extreme north-east corner will utilise the existing field access.

1.5 The site lies outside of the settlement boundary of Old Sodbury approximately 250m to the west. The boundary lies on both side of the Badminton Road however the bulk of the settlement lies on the northern side of the busy A432 where there is a filling station (with small shop), some public open space, primary school further to the north (750 m from the middle of the site), village hall and church. Chipping Sodbury lies approximately 1.2km to the west, with associated retail provision and schools including a secondary school at a further distance. The Frome Valley Walkway, a Public Footpath crosses the middle of the site from a bridge crossing the railway. The site lies outside of the

Green Belt (which lies to the south of the railway line) and the Area of Outstanding Natural Beauty. To the north on the opposite side of A431 lies the Grade II Listed Hartley House, which is an estate agents, with a further Grade II building known as Springrove further to the north. There are two bus stops on either side of the A432 serving three bus routes (further details are set out in the report below).

- 1.6 In support of the application alongside the plans and design and access statement the applicant has submitted:

Transport Assessment,  
Statement of Community Involvement  
Tree Survey  
Flood Risk Assessment  
Noise Assessment Report  
Heritage Statement  
Energy Statement  
Affordable Housing Statement  
Biodiversity Survey with reports  
Planning Statement

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework (NPPF) 2021  
National Planning Policy guidance (NPPG) 2014

### 2.2 Development Plans

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

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

#### South Gloucestershire Local Plan: Policies, Sites & Places Plan 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP10	Active Traffic



PSP11	Traffic Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Diversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

Affordable Housing and Extra Care Housing SPD (Adopted April 2021)  
 South Gloucestershire Biodiversity Action Plan (Adopted)  
 The South Gloucestershire Design Check List SPD (Adopted August 2007)  
 Trees on Development Sites SPD Adopted Nov. 2005  
 Waste Collection Guidance for new developments January 2015 SPD  
 South Gloucestershire Council Community Infrastructure Levy (Cil) and Section 106 Planning Obligations Guide SPD (Adopted March 2015)  
 South Gloucestershire Landscape Character Assessment SPD (Revised and Proposed for Adoption November 2014):

## 3. **RELEVANT PLANNING HISTORY**

3.1 There is no relevant planning application history for the application site.

## 4. **CONSULTATION RESPONSES**

### 4.1 **Sodbury Parish Council**

Sodbury Town Council OBJECTS to this development for 35 dwellings and associated works on the following basis:

Highways concerns - we have been advising South Gloucestershire Council for years of our concerns over safety on the A432 Badminton Road. Until action is taken to address this concern the Town Council cannot support any residential application.

Infrastructure - the Town Council does not believe that the facilities available in the village and the public transport system are sufficient to support this development.

Overdevelopment of site - there are numerous problems with the current proposal for 35 dwellings including (but not limited to) insufficient parking and overflow parking, infringement of the privacy of existing local residents and visual impact not in keeping with the character of the village.

This is too large a development for the village and will lead to a complete change of dynamics and character.

The development is not in the Core Strategy or Strategic Planning Document

Pre-application advice dated 22/3/19 made recommendation not to proceed with the application as it would result in a recommendation of refusal stating many reasons, one being highway concerns/high speeds.

## 4.2 **Other Consultations**

### **Environment Agency**

No objection in principle. If surface water is discharged to a river then a flood risk activity permit may be required.

### **Lead Local Flood Authority**

Initial comments received required additional information as to the method of surface water drainage. That information has now been submitted and is considered satisfactory.

### **Environmental Protection**

#### **Contamination**

There is no objection subject to standard conditions given previous agricultural uses.

#### **Noise**

There is no objection providing the applicant strictly follows the recommendations set out in this report to control and mitigate road traffic and rail noise: High spec double glazing with trickle ventilation/wall vents will be required in the exposed habitable rooms adjacent to these noise sources and/or as identified; the external amenity and gardens in the perimeter/exposed properties will require a 2 metre high noise barrier /acoustic type fence.

### **Crime Prevention Design Officer (Police)**

No objection – the design is in order and complies appropriately with the crime prevention though environmental design principles.

### **Arts Development Officer**

No objection subject to a detailed condition to secure a programme of public art with timetable.

### **Tree Officer**

The report states that The project Arboricultural consultant will check the protective fencing for compliance prior to the commencement of development. This should be conditioned. Provided that all works are in accordance with the Arboricultural report and BS:5837:2012 there are no objections to this proposal.

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

No objection, however further details will need to be secured by condition thus:

Prior to the commencement of work, full details of the proposed surfacing of the Public Footpath LSO/47/10 and the proposed accessible gates shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out fully in accordance with the approved details. For the avoidance of doubt the details shall

include the specification of the surfacing and its extent and the location and type of gates).

Reason:

To accord with Policy CS1 and CS8 of the adopted South Gloucestershire Local Plan Core Strategy 2013 and Policy PSP10 and 11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017) and the provisions of the National Planning Policy Framework 2019.

### **Environmental Policy Team**

Initial Comments (summary – details on website)

In considering the fabric first approach; reduction in energy demand and residual emissions; ventilation; heating and hot water strategy; solar pv; overheating; ev charging infrastructure amendments and further information are required within the submitted Energy Statement.

Following the submission of additional information and further negotiations, it is considered that conditions could be applied to secure a policy compliant scheme.

### **Listed Building Officer**

I would consider that the proposals would result in less than substantial harm towards the lower end of the spectrum to the significance of the grade II with the impact on Spring Grove House being slighter further down the spectrum.

The application is therefore to be considered within the context of paragraph 196 of the NPPF, which is matter for the decision maker. I would however advise that as harm has been identified, compliance with the requirements of paragraph 193 of the NPPF has not been achieved and so as established through case law and reflected in paragraph 196 of the NPPF, the finding of harm gives rise to what can be regarded as a statutory presumption against the granting of permission.

Subsequently, unless in the “weighing-up” exercise as required by paragraph 196 of the Framework robust material considerations are identified that are considered sufficient to outweigh the identified magnitude of harm, refusal is therefore recommended.

### **Landscape Officer**

Initial comments (summary)

The proposed layout is not acceptable in its current form due to:

The proposed green infrastructure and landscape frameworks being insufficiently robust;

The type/scale/extent of proposed mitigation and new focal planting;

The lack of retention of an appropriate internal view corridor(s) forwards the Cotswold National Landscape;

The unsympathetic integration of the Frome Valley Walkway corridor into the layout;  
The limited usable extent, and design, of the POS;  
The serviceable width of the hedgerow maintenance access corridors; and  
The intrusive location of the sub-station at the entrance into the site.

Notwithstanding the items requested above, the following will be required to be submitted as a condition of planning:

Tree/hedgerow protection plan to BS5837: 2012.

Detailed planting plans 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).

A landscape and ecological management plan covering the enabling works operations/period and a subsequent 20 Year management period, identifying existing and proposed landscape and ecology related site assets, associated management objectives, schedules of annual maintenance works together with longer term management operations.

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 hard landscape materials and site furniture products.

Detailed design for attenuation basin to demonstrate how its profile/appearance will be sympathetically integrated into the open space.

Following the submission of the requested information (full details are on the public website, many of the above issues have been resolved however there are remaining concerns that can be summarised as doubts over the available space for the growing of some of the larger tree species in some locations. The lack of a view forwards to the AONB and the need for a better integration into the layout for the Frome Valley Walkway. A small concern over how usable the public concern maybe. Some of these concerns should the scheme be deemed acceptable on other grounds could be overcome by the use of conditions.

### **Housing Enabling (summary)**

Housing Enabling seeks the provision of affordable housing in line with Policy CS18 of the Council's Core Strategy Development Plan. The Affordable Housing and Extra Care Housing SPD provide further guidance on this policy. The affordable housing heads of terms include:

35% of dwellings to be delivered as affordable housing, as defined by the NPPF. The applicant has stated 35% of dwellings will be provided as affordable housing in line with policy CS18. Based on 35 dwellings, 12 affordable homes shall be provided. Tenure split of 76% social rent (9 homes) and 24% shared ownership (3 homes) as identified by the Wider Bristol Strategic Housing Market Assessment.

The development will be required to comply with the Affordable Housing SPD with regard to Clustering, Design, Wheelchair Provision, Delivery and Phasing, Rent Levels and Affordability (set out in detail in the report below)

## **Ecologist**

Initial Comments (summary)

Further information is required regarding a pond at the south western corner and the potential for Great Crested Newts (GCN). This pond does have previous records for GCN. Further information is required including a plan of all ponds assessed and it is likely that Reasonable Avoidance Measures (RAMs) are required prior to determination due to the local records and the presence of suitable terrestrial habitat if a license is not required. Aside from this issue conditions are recommended to ensure the development proceeds in accordance with the mitigation measures set out in the submitted report, to secure a lighting design strategy (bats), the submission of a Construction Environmental Management Plan (CEMP), a Landscape and Ecological Management Plan (LEMP), a pre-commencement resurvey for badgers and the submission of a reptile mitigation strategy (prior to commencement of works given records of slow worms).

Following the submission of additional information, (including reasonable avoidance measures for Great Crested Newts), the proposed development is considered acceptable in ecological terms.

## **Community Infrastructure (summary)**

The site is located Old Sodbury. This application for 35 dwellings would generate a population increase of approximately 82.2 residents using an average occupancy of 2.4 residents per dwelling. New residential development of this scale is expected to give rise to significant demand for community and cultural facilities. Enhancements to existing facilities are required to provide for a wide range of activities for different age groups, abilities and interests. The following request (to be spent at either Chipping Sodbury or Yate Library) is made to ensure that the development complies with Policy CS23:

£651.02 Contribution towards Library enhancement  
£682.00 Contribution towards additional library stock

## **Archaeologist**

The submitted assessment is agreed. There is however the potential for archaeology at the site and therefore a condition is recommended to secure firstly a trench evaluation and then if necessary depending on the findings further mitigation.

## **Public Open Space Officer**

Initial Comments (summary)

Using current average occupancy data and the proposed number of dwellings, we estimate the proposed development of 35 dwellings (no child yield has been assumed from the proposed one bed dwellings) would generate a population increase of 82.2 residents.

It is reasonable to expect the future residents of the proposed development to require access to a range of open spaces. The provision of on-site open space is welcomed. Subject to a legal agreement to secure on-site provision of Informal Recreational Open Space, Natural and Semi-Natural Open space, provision of play space for children and young people and allotments to accord with the Council's space standards and an off-site contribution towards off-site provision and/or enhancement of Outdoor Sports facilities and satisfactory provision for its future maintenance there is no objection to the proposed development.

Clarity is required on how the scheme will be policy compliant, it is unclear how much provision is to be made on site and how that would be achieved given constraints.

Following the submission of additional information to clarify the above points, no objection is raised subject to the provision of off and on site provisions along with appropriate provision for maintenance.

### **Children and Young People**

No objection subject to contributions to mitigate against the impact of the development upon local early years, primary and secondary school provision.

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

Comments have been received requesting a number of alterations and clarifications. There are concerns relating to the following areas:

Appropriate screening should be provided at the entrance for the utilities and substation

Plots 7 and 8 should be double fronted to provide view over PROW and street

Plots 3/4 and Plots 27/31 are surrounded by parking spaces. This should be broken up with landscaping (perhaps two pairs of larger semi-detached properties would allow more space for landscaping)

Again Plots 14 and 15 are dominated by parking and this could detract from the attractive grouping around the existing tree at the south-west corner

Key plots on the site - these are deemed to be 2, 8, 10, 11, 19 and 32 should have a higher quality of materials. Boundary treatments should be natural stone

Alternatives to tarmac should be found for the private drives and driveways

Higher quality garage doors required – natural or painted timber rather than metal

The applicant is advised to submit the proposals to the south-west design review panel (details included).

Following the submission of revised details to address the above concerns revised comments have been received from the Urban Design Officer (full revised comments on website).

In summary the design of the proposal is now largely acceptable however the achievement of a high quality scheme would require agreement on materials. If the scheme were considered acceptable a condition would be added to agree materials through the submission of samples and construction of panels. As set out by the landscape officer the use of the correct tiles is also critical given views to the site from the AONB and if acceptable a condition would cover this aspect as well.

### **Sustainable Transport Team (Summary)**

#### **Sustainability**

The 2km distance to services argued by the applicant rather than those set out in local plan policy is not accepted. Walking as a mode does not have a definable limit in theory but distance is a factor as is the infrastructure and other factors that allows it (pavements/paths, weather, time of day, lighting etc). The nearest part of Chipping Sodbury within 2km is not where the services are. The shopping area of Yate is over 4km away. Employment opportunities are an even greater distance. **It is considered highly unlikely that someone would walk to undertake shopping as opposed to the convenience of the private motor car.**

The bus service is described as frequent to which we have a different view. Two services pass the site as Service 85 mentioned in the Design and Access statement doesn't appear to route via Old Sodbury:

The Stagecoach operated 620 service (which interconnects with / becomes service 69 to and from Stroud), connects Old Sodbury with Yate and Bath and offers five services a weekday and four on Saturdays, with no evening services - the last bus to Yate is at 3:15pm.

The Coachstyle operated Service 41 connecting Yate with Malmesbury, with a 2 hourly service (4 during the day) leaving Old Sodbury from mid-morning.

Although numerically the number of daily services could be argued to be policy compliant in PSP11 terms of the minimum for a rural area implied in the PSP, they are not of a frequency that would encourage ad-hoc use, as missing a bus could mean a 2 hour wait, and the timetable considerably restricts travel purposes.

In our view, the site is not located in a sustainable place for travel as the locally provided facilities are very limited requiring travel beyond walking distance to Chipping Sodbury, Yate and further afield for the many facilities not found locally. Although there are bus services which may attract some of the future residents for some destinations, the services are limited in terms of their times of travel including return journeys. The local public transport infrastructure are simply poles without shelters, and there is no direct pedestrian crossing facility between the bus stops closest to the site. There is no local cycling infrastructure. The proposals to improve the local infrastructure from this development are for a signalised pedestrian crossing of the A432.

In travel sustainability terms our view is that in practise the development will be car dominated and we therefore **object on travel sustainability grounds**: CS8 of the Core Strategy, and PSP11 of the Policy Sites and Places Local Plan.

### Parking

Parking provision exceeds the required amount 91 spaces when 69 required. This confirms car dependence and needs to be justified. At least one space per dwelling should have active electric vehicle charging with the remainder passive provision. In communal areas provision should be 20 percent

### Refuse and Recycling

Re-tracking required for refuse vehicles and waste collection points need to be closer to properties.

### Highway Safety

Traffic Speeds – Concern at the high speeds on road and relative seclusion of the development with little active frontage will not encourage drivers to reduce speeds. The proposal to enhance / add more prominent village gateways to encourage reduced speeds will be considered, as will the proposal to include a signalised pedestrian crossing of the A432, where the speed of traffic leading to the crossing is an important element.

The access proposal, which includes narrowing the width of A432 Badminton Road to enable the DMRB visibility splays for 40mph to be achieved is **not supported by the highway authority**. The narrowing is suggested to help reduce vehicle speeds but this is not demonstrated either by reference to technical guidance or to similar as-built examples which could statistically demonstrate road safety improvements. In the pre-application work a safety audit was recommended with the application but was not provided.

We require an access junction that could achieve appropriate visibility splays without this buildout / narrowing of the A432. We cannot agree on the current access design and would need to see revised proposals and a Road Safety Audit relating to the revised proposals with an agreed brief in advance of the audit. An assessment of road related personal injury collisions was recommended in the pre-app but a simplified overview has been undertaken without looking at the detail and potential contributing issues. It is noted that there have been many PICs on this stretch of Badminton Road historically.

### Traffic Generation

We accept that in terms of traffic generation without necessarily agreeing with the TRICS generation figures, that there would be no severe impact in terms of added congestion and queueing on the highway.



## 4.3 **Other Representations**

### **Local Residents**

There have been 69 letters of objection received. 1 letter neither objecting or supporting received. 4 letters of support received. In some instances more than one response from the same address/correspondent has been received. The grounds of objection can be summarised as follows:

- Little evidence as to how this addresses climate emergency
- Poor walking access to facilities and need to cross busy/dangerous road
- Existing services and facilities are poor and would not support this increase in population
- There would be an unacceptable increase in traffic
- Children would have to cross the road to school – no zebra
- The addition is out of proportion with the existing village
- The school is full
- A housing estate is not appropriate for a small village
- The development is on greenfield land and is contrary to the South Gloucestershire Council Development Plan
- The harms will outweigh the benefits
- There are high speeds on this road
- Nine homes have been approved on the old Transport Yard
- There is a poor bus service
- The scheme would ruin community spirit
- People will need to drive to facilities
- The site is not in a sustainable location
- The style of housing is out of character with the village and area
- An additional access will be dangerous for highway safety
- Insufficient parking is provided
- Paths and amenities are not adequate – the route to Chipping Sodbury is unlit
- The necessary facilities – leisure and recreation are not being provided
- New residents will be welcomed but scale of increase too large
- Impact upon slow worms

The grounds of support can be summarised as follows:

- This will bring investment into the community and hopefully result in further facilities (such as a shop)
- Broaden number of children who attend the school
- People are in desperate need for housing

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

The proposal being considered has been submitted as a full planning application and is for 35 residential dwellings (of which it is agreed that 35% shall be of affordable housing), with associated access, parking, hard/soft landscape works and drainage.

## 5.2 **Housing Supply**

The National Planning Policy Framework (para 2) following Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

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 8 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 2021 as **6.14 years**. This compares with 5.52 years in March 2021.

This is as assessed against the council's current 5 year housing requirement figure of 7,102/ 1420.5 per annum, which is calculated using the Government's published Standard Methodology and allowing for the 5% buffer which needs to be applied in accordance with the National Planning Policy Framework.

In terms of the Housing Delivery Test (previous 3 years), which is a mechanism specifically designed to assess an Authority's past performance on housing delivery, South Gloucestershire Council has comfortably passed the Housing Delivery Test and can demonstrate a very strong housing delivery track record with scores of 125%; 134%; 131% over the past three years. Clearly, a Council's housing delivery test results are an important factor when considering if a council is demonstrating good housing delivery performance and is likely to be able to sustain that. At the time of completing this report the Government has yet to publish Housing Delivery Test scores for 2021, however it is estimated that the figure will be 120%, which again reinforces through this measure of Government housing delivery performance, the

high and stable performance achieved and continuing to be achieved by South Gloucestershire.

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.

It is acknowledged, notwithstanding that the Council is meeting its housing needs as set out above that the provision of 35 residential units with 35% of those being affordable provides a social benefit (one of the dimensions of sustainable development). In addition, there is one landowner thus avoiding legal issues that could delay construction and it would be possible to complete the units within a short period. This provides the key benefit of the proposal to be considered when undertaking a balancing exercise.

### 5.3 **Location**

As indicated in 5.2 above the policies of the South Gloucestershire Development Plan carry full weight.

As set out in the National Planning Policy Framework (paragraph 7) the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching aims of achieving sustainable development are set out in the following paragraph (8) covering Economic, Social and Environment objectives.

These objectives seek development to take place in the right place having regard to the provision of infrastructure, accessible services having regard to the future needs of the community and reducing the use of natural resources. **The Locational Policies set out below are fundamentally in place to secure sustainable patterns of development and to create and plan comprehensively for sustainable communities rather than sporadic piecemeal development.**

The application site is situated outside of a defined settlement boundary (Old Sodbury) and therefore is situated in the open countryside for decision making purposes. The site is not located within the Green Belt or Cotswold National Landscape.

Policy CS5 of the South Gloucestershire Local Plan Core Strategy confirms among other matters that development will be concentrated within urban areas and these areas are set out in the policy. The policy states that outside of the Green Belt development on land such as the application site which is located in the open countryside outside a settlement boundary (but outside the Green Belt) *should be strictly limited* (CS5 5e). The proposed development of 35 residential units is therefore contrary to this policy.

Policy CS34 Rural Areas, sets out a number of requirements that need to be met, some of these matters including those relating to the landscape character of the area and the relationship of the proposal with heritage assets and wildlife/ecology are

addressed in the main body of the report below. The proposed development which is set outside of a settlement boundary would however be contrary to CS34 (5) which has the objective to:

*“maintain the settlement boundaries defined on the Policies Map around rural settlements until they are either through neighbourhood plans, the Policies Sites and Places DPD or a replacement plan following engagement with local communities and other stakeholders/partners”*

A replacement plan is at very early stages with a call to sites having taken place. No decision has been taken regarding the allocation of sites. It is of relevance with regard to the above policy that the potential development of this site in the manner and scale proposed has not met with support from the local community having regard to consultation responses to this application

#### 5.4 **Access to Services and Local Facilities**

Key to the social role in achieving sustainable development is the creation of built environments with accessible local services that reflect the community's needs and support its health, social and cultural well-being. Access to facilities that can be accessed by walking, cycling and public transport is considered a vital component in determining the overall sustainability of a development (this is set out in the NPPF which indicates that *development should be well located with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.*

Policy CS8 of the Core Strategy also states that:

*New development proposals which generate significant demand for travel will be more favourably considered the nearer they are located to existing and proposed public transport infrastructure and existing facilities and services. Developments which are car dependent or promote unsustainable travel behaviour will not be supported.*

Within context the site access is located approximately 2.1 km and 4.2 km from the nearest part of Chipping Sodbury and Yate to the west. It is important to note that these distances refer to the closest part of these settlements with meaningful facilities such as retail units within them at a greater distance. It is at these locations that there are Secondary Schools, Health and Retail facilities. The major urban centres of Bristol and Gloucester are 26km and 54km away respectively.

PSP11 (3 i and ii)) of the Policies, Sites and Places Plan states that:

Residential Development proposals will be acceptable where they are located on:

*Safe, useable walking and or cycling routes, that are an appropriate distance to key services and facilities and.....where some key services and facilities are not accessible by walking and cycling, are located on safe useable walking routes that are an appropriate distance to a suitable bus stop facility, served by appropriate public transport service(s) which connect to destinations containing the remaining key serves and facilities.*

## Walking/Cycling

On the application site side of the main A432 the public footpath towards Chipping Sodbury is extremely limited and non-existent in a number of places. It is possible to cross via a central refuge to the opposite side of the road a little way from the site entrance and the footpath here to Chipping Sodbury is more reliable albeit it moves away from the road at one point. The terrain is relatively flat although there is a moderate rise to get to the High Street in Chipping Sodbury. While it would be possible to make a journey on foot, the distance to the nearest facilities be it a doctors or shop (there and back) would make such an option very unlikely it is considered particularly in poor weather and impossible for those less able. Cycling is clearly an option but there is no dedicated cycle lane along the road and for any significant journeys made other than by private car would have to be by public transport.

## Public Transport

There are two bus stops in Old Sodbury, one to the east of the site entrance and one on the opposite side of the road both within 400 metres as set out in PSP11 of the Policies Sites and Places Plan, (there is no formal crossing point for some distance to reach this stop although visibility is good for those crossing the busy A432) it may not be ideal for a person with a disability. Both stops are just poles and there is no shelter. At the time of completing this report the services set out below apply.

Service 85 between Yate and Wotton-under-Edge mentioned in the submitted design and access statement does not stop at Old Sodbury (Bustimes.org and moovit)

Bus Services at the time of this report operating through Old Sodbury are as follows (Bus times .org 19<sup>th</sup> August):

### Service 620

This service would run to and from Bath taking in Chipping Sodbury and Yate (it interconnects with Service 69 to Stroud at the Cross Hands on A46 first stop).

Going to Bath. There are five buses departing to Bath on weekdays at 06:15, 7.15, 9.15, 12.15 and 15.15. Buses come back to Old Sodbury at 8.42, 11.42, 14.42 and 18.52.

On Saturdays there are four buses a day stopping with the same times as above except no buses departing at 06:15 or arriving at 08:42.

This frequency is in accord with Policy PSP11 which requires 5 services daily during the week and 3 at weekends. However it is not in accord with the requirement for one to leave after 17:00, the last service being early at 15.15.

Although numerically the number of daily services could be argued to be policy compliant in PSP11 terms of the minimum for a rural area implied in the PSP, they are not of a frequency that would encourage ad-hoc use, as missing a bus could mean a 2 hour wait, and the timetable considerably restricts travel purposes. Any travel to and from the site in the evening to shops or other facilities would need to be by private car.

## Service 41

This service runs between Yate and Malmesbury taking in Chipping Sodbury. There are just four services a day with the first leaving for Yate at 10.48 and the last at 17.02 this is a two hourly service.

Neither of these services operate on Sundays.

### Retail Facilities

PSP11 indicates that retail (comparison) shops and services, superstores etc should be a maximum of 1200 metres for walking and cycling, with pharmacys, post offices, public houses a maximum of 800metres. Only a public house falls within this range which is located on the other side of a road.

There is a very limited service provided by a filling station in Old Sodbury on the opposite side of the main A432, one Public House. The nearest facilities at which the scale of products necessary for a weekly shop could be found are in Chipping Sodbury (high Street) approximately 3 km and Waitrose 3.1 km. Yate Shopping Centre where there is a wider range of retail opportunities is approximately 4.5km distant.

### Community Facilities

Old Sodbury has a Village Hall which is located on the other side of the road and this is within the 800 metres walking and cycling distance limit set out in PSP11.

There is the following open space provision off-the site, (to which if the application were acceptable S106 contributions would contribute towards in order to mitigate the additional impact from the development.

Informal Recreational Open Space – Old Sodbury Green  
Natural and Semi-Natural Open Space – Old Sodbury Community Woodland and Orchard Frome Valley River Enhancements  
Provision for Children and Young People – Old Sodbury Playing Field LEAP  
Outdoor Sports Provision – Old Sodbury Playing Field  
Allotment Provision – Old Sodbury Community Woodland and Orchard

The Playing Fields indicated above are on the opposite side of the road to the site with allotments to the front of the site so in close proximity.

The nearest formal indoor leisure facilities are at Yate Leisure Centre and Yate Outdoor Sports Centre approximately 4km from the site.

### Health Facilities

There is no doctor's surgery or other health facility in Old Sodbury. The nearest such facilities are in Chipping Sodbury/Yate. The nearest surgeries are between 4000 and 5000 metres away exceeding the 1200 metres in PSP11.

## Education Facilities

Primary - There is a Primary School in Old Sodbury (Old Sodbury Church of England Primary School - approx 0.9m 17 min walk).

Secondary – The nearest available school is Chipping Sodbury School (2.1 miles 40 minute walk)

The schools fall within the appropriate walking and cycling distances for Secondary and Primary Schools of 3 miles and 2 miles respectively. The route involves crossing the main road for the Primary School and crossing and then re-crossing in Chipping Sodbury for the Secondary School. There is a bus (service 620) that leaves at 7:15 and returns at 18.52. These times are not ideal for school travel. It is considered that the location of the site is likely to mean that the majority of journeys to and from school are likely to be by private motor car.

## Employment

There are no notable employment opportunities within Old Sodbury. The significant areas of employment within the area (safeguarded in the plan) are on the opposite side of Yate to this site, a distance of at least 5km with the shopping area of Yate being 4km away. These opportunities for employment lie further than the 2000 metres set out in PSP 11 of the Policies, Sites and Places Plan.

### 5.5 **Summary (Location and Access to Services and Local Facilities)**

The applicant in their submission consider that 2km is a reasonable walking distance rather than the 800m and 1200m distances set out in the Policies, Sites and Places Plan. It is noted by officers that the National Travel Survey (NTS) indicates a 2km distance as appropriate, however it is considered that this represents a general sample. In theory walking does not have a clearly defined distance limit however it is considered reasonable to conclude that whether one chooses to walk to the shops or other facilities is affected by a number of factors with distance being a key factor when the nearest facilities are 6km there and back. However other factors are the walking infrastructure/environment, the weather, time of day, time of year and lighting.

The references to a 2km walk to Chipping Sodbury are not relevant as this relates to the nearest part of the town not where the actual facilities and services actually are. Yate is also not "*just over*" 2km, it is significantly over 2km with its main shopping centre approximately 4km away, and the main industrial areas on its western side significantly further than this and at and beyond the train station. The A432 is largely unlit to and from Chipping Sodbury and the footpath is largely on the other side of the road although there is one point where this moves away from the road before returning.

As set out above public transport is an option and would attract some of the future residents to take journeys to some destinations but the bus services are limited and there is a certain disconnect between outward and inward journey times and you would certainly not want to miss a bus given the potential wait until the next one!

The applicant has proposed 86 car parking spaces within the development when the parking standards set out in PSP16 of the Policies Sites and Places Plan requires 69 spaces of which 7 should be dedicated visitor spaces. It is considered that the simple overwhelming convenience of travelling door to door by a private vehicle to distant services/facilities would mean that the development will be car dependent.

For the above reasons therefore the development is concluded to in an inappropriate location and would not amount to sustainable development contrary to Policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy 2013 and Policies PSP11 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

- 5.6 Having concluded that the proposal is contrary to the development plan and not sustainable the remainder of this report will consider all the other material planning considerations. The report will finish with a balancing section which will consider whether, (as per the National Planning Policy Framework (para 2) following Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) “*material considerations indicate otherwise*”.

#### 5.7 **Loss of Agricultural Land**

The application site is currently in an agricultural use as aside from the hedgerows it comprises grassland. For this reason in considering whether the development is acceptable in principle, the loss of the agricultural land is a material planning consideration.

The National Planning Policy Framework (para 175 footnote 58) states that where a significant development of agricultural land is demonstrated to be necessary areas of poorer quality land should be preferred to those of higher quality. Annex 2 indicates that the best and most versatile agricultural land is in grades 1, 2 and 3a.

Policy CS9 of the Core Strategy also states that development should “maximise local food cultivation by avoiding the best and most versatile agricultural land”.

The area of land is not currently used for agriculture and the Natural England land classification map shows the land as Grade 4 quality. It is not therefore considered that the loss of the best and most versatile agricultural land. If the proposal were acceptable a contribution towards allotment provision would be required.

#### 5.8 **Flood Risk/Drainage**

Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy and PSP20 of the Policies. Sites and Place Plan in accord with the National Planning Policy Framework seeks to reduce and manage the impact of flood risk through location, layout, design, choice of materials and the use of Sustainable Urban Drainage Systems (Suds).

The application site is located within Flood Zone 1, the lowest area of Flood Risk. In terms of surface water drainage, the proposal is considered acceptable in drainage terms subject to the final development incorporating a full sustainable urban drainage system. If the application were acceptable a detailed condition to secure an



appropriate system would be attached to the decision notice setting out clearly the details that would be required in order to discharge that condition.

In addition an informative will be attached to the decision notice to advise the applicant that where works are required to any ordinary watercourse/ditch, this might require formal consent from the Environment Agency.

No objection is raised by the Environment Agency however if acceptable an informative would be added to the decision notice indicating that formal consent would be needed to undertake works to the river to the west of the site as is shown on the submitted details. In addition agreement to connect to the public sewer would be needed from the service provider Wessex Water.

Subject to the above recommended condition and informatives the proposed development is considered acceptable in drainage terms.

## 5.9 **Environmental Protection**

Policy CS9 indicates that new development will be expected to protect land, people and buildings from pollution and also to promote the re-use of contaminated land with appropriate remediation.

### *Contamination*

Although former use of the land is understood to have mainly been agricultural, there is a potential for unrecorded filled ground on site. In addition the Design and Access Statement reports that some of the land has been used as a site compound for nearby railway works. It is therefore considered prudent to undertake a minimum of a desk study and limited site investigation to ensure there are no unacceptable risks of contamination to the proposed development.

If the proposal were acceptable a condition would be added to the decision notice to secure the desk based study, to mitigate against contamination if it found, to provide verification of those works and to ensure further mitigation should contamination be subsequently be found during the construction period.

### *Noise*

A detailed noise report has been submitted with the application, with the impact from the adjoining road and railway line being the main consideration.

The report has been considered and there is no objection providing the applicant strictly follows the recommendations set out in this report to control and mitigate road traffic and rail noise. Such mitigation would include high spec double glazing with trickle ventilation/wall vents in the exposed habitable rooms adjacent to these noise sources and/or as identified; the external amenity and gardens on the perimeter/exposed properties will require a 2 metre high noise barrier /acoustic type fence.

If the application were considered acceptable a condition to ensure that works are carried out in accordance with the report would be attached to the decision notice and that would include the provision of the acoustic barrier.

## 5.10 **Public Rights of Way**

Policy CS8 states that all new development will be encouraged to support travel by other means than the private car, with this being achieved among other means by the provision of and integration of walking, cycling and public transport into the local network.

Policy PSP10 states that all existing and proposed active travel routes will be safeguarded. Active travel routes include any public right of way or other routes specifically catering for travel by pedestrians, cyclists or any combination of these groups.

Public Footpath LSO/47/10 otherwise known as the Frome Valley Walkway runs from north to south across the site. The Council would like to see improved surfacing for the path and improved accessibility with access gates provided on land within the applicant's control of the highest possible standard to allow access for all (kissing gates). If the application were acceptable, this would represent a benefit of the proposal with an appropriate condition securing the enhancement.

## 5.11 **Heritage**

The development proposals have the potential to impact upon the setting of the grade II listed Spring Grove House and the grade II listed Hartley House, both located to the north of the site. The proposals could also impact on the locally listed former Post Office located to the north-east. A heritage statement has been submitted with the application and this has looked to identify the significance of the two main designated heritage assets as required by para 194 of the NPPF.

Para 201 of the NPPF states that where a proposal would result in substantial harm or loss of significance, substantial public benefits should outweigh that harm or loss (further caveats set out in Para 201 a-d must all be engaged) and if that is not the case the application should be refused. Para 202 indicates that where a development will lead to less than substantial harm to the significance of a designated heritage asset this should be weighed against the benefits of the proposal. This assessment is further refined in para 18 of the National Planning Policy Guidance that states that "within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated". This assessment must be undertaken independently of the overall planning balancing exercise set out towards the end of this report below.

Hartley House is a former toll house. The relationship between the toll house and Old Sodbury is of historic importance. The rural location forms part of this significance. It is considered that inter-visibility between both Spring Grove House and Hartley House and the buildings within the development would be restricted particularly by landscape planting. There would be some however particularly in views from the east and the west and to a more limited extent when viewed from the Frome Valley Walkway that crosses the site. The development would result in an urbanising effect on the character of the site and its surroundings including the heritage assets for which the rural setting is key to their significance. Officers consider the degree of harm to be greater than that set out in the submitted heritage statement. It is also considered that there would be some impact upon the significance of the locally listed post office but to a limited degree.

In summary the development would cause harm to the setting of the grade II listed Spring Grove House and the grade II listed Hartley House and so would neither sustain nor enhance the significance of these designated heritage asset contrary to CS9 and PSP17 and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Given the general sparsity of the built environment more focus is drawn to the listed buildings and an urbanising effect would have an impact. In accordance with the Framework (and guidance para 18), it is considered that the proposals would result in less than substantial harm towards the lower end of the spectrum to the significance of the grade II with the impact on Spring Grove House being slighter further down the spectrum.

Turning to the weighing up exercise required by Para 202, the identified harm is set out above, it is less than substantial and at the lower end of the spectrum with the harm to Spring Grove House at the very lowest point. The benefits of the scheme would be 35 dwellings of which 35% would be affordable, albeit in a location as set out elsewhere in this report where it conflicts with the strategic objectives of the development plan and where there is a housing land supply in excess of 5 years with the housing delivery targets being met. The benefits would also include some jobs associated with construction, some expenditure in area from local residents, some additional local authority funding through CIL receipts and some limited improvements to the public right of way.

Purely in terms of the heritage “weighing up exercise” it is considered that the benefits marginally outweigh the identified harm.

## 5.12 **Urban Design**

Policy CS1 of the Core Strategy states that development will only be permitted where the highest possible standards of design and site planning are achieved, having regard to siting, form, scale, massing detailing, colour and materials are informed by respect and enhance the character, distinctiveness and amenity of the site and its wider context. The importance of good design has recently been emphasised in the changes to the National Planning Policy Framework (July 2021).

The submitted design and access statement sets the context and identifies a variety of dwelling types within the area. Features identified include: small front gardens; stone boundary walls; a mix of Cotswold Stone; reconstituted stone and red clay tiles; bays and porches. The immediate surroundings comprise intermittent and limited development along the main road with the bulk of Old Sodbury to the north-east. The site itself is relatively flat with a gentle fall from the access to the north-east and drop to the railway line at the rear.

The applicant was invited at the pre-application stage to present the scheme to the South-West design review panel but this has not taken place.

Turning to the scale of the proposed development. Within context domestic buildings are generally quite modest in scale. Within this proposal building heights are limited to 2-storeys across much of the site, with single-storey properties along the eastern

boundary and is considered as such that this is appropriate for the character of the area.

While the applicant has not considered a review by the design panel negotiations have taken place to secure improvements to the layout.

A concern was raised regarding the placement of the utilities and substation next to the entrance given that this is a highly visible location. The latest plans still show the structure however some additional landscape screening is welcomed. If the proposal were deemed acceptable then this would form part of a landscape/planting condition.

Officers welcome the provision of a pavement on the northern side of the central spine street as this gives some choice for pedestrians using the public realm and offers a potentially safer way to travel through the site, as compared with a more shared space approach.

Although some landscape concerns have been identified, purely in design terms, the north-south PROW (Frome Valley Walkway) that runs through the site is well-overlooked and defined by surrounding properties. Alterations have been made to secure surveillance and interest over the road that forms the spine street and the public right of way.

The main concern with the proposed layout relates to the predominance of parking provision (this relates to the sustainability of the site also see above). There are certain areas where this in fact detracts from the street scene. It should be noted however that some modest changes have also been secured.

Initially Plots 3 and 4 seemed to be surrounded by parking spaces, with 8 spaces to the front and sides. This had a negative impact upon the street scene and quality of the public realm. This has been amended on this prominent location with just four spaces to the side of Plot 3.

In a similar way, the parking to the fronts of plots 27-31 is considered to dominate the street in a prominent location as you enter the site (albeit slightly offset from the entrance/south facing view). It would have been preferable if more landscaping could have been introduced in order to break up the parking. Two pairs of slightly wider and larger semi-detached properties in that location would provide a more comfortable arrangement, with a more suitable amount of space for landscaping between pairs of parking spaces. An additional tree has been added but the effect is still disappointing.

The arrangement of properties around the existing tree in the SW corner of the site is welcomed but the 4 parking spaces to the front of the garages for plots 14 and 15 somewhat detracts from the street scene and has not been amended during negotiations. .

Turning to materials, as set out above natural stone is used widely locally. For this reason it is important that the key plots on the site are treated in higher quality materials. Key plots are identified as 2, 8, 10, 11, 19, 32. Changes have been made to largely secure high quality materials for these plots.

Another issue relates to boundary treatments. While the main dwellings are largely built of appropriate materials where a boundary wall extends of the property there are location where reconstituted stone has been used and this creates a disconnect between the elements. This affects This affects plots 2, 8, 11, 19 and 32 where Bekstone Recon Stone is shown. Boundary treatments are almost exclusively natural stone within Old Sodbury and this approach should be followed within the site in the prominent locations.

All private drives and driveways should be constructed in a finer and higher quality material than tarmac. A range of materials could be appropriate, but a mixture of gravel or slightly harder concrete pavers could work well. Officers consider that The paving surfacing strategy is inconsistent, in that some of the parking bays are treated in the tegula paving while others are in tarmac. There should be a consistent approach, ideally with the main access routes in tarmac, with all other routes in block paving. This would develop a simple hierarchy across the site. The main layout plan shows the private drives in a lighter colour which is separate from the main central street. All of the private drive areas indicated on this plan should be treated in the tegula paving, rather than only a few areas as shown in the materials plan. This approach would setup a clear hierarchy of spaces and add a sense of quality for the development.

In summary the design of the proposal is largely acceptable however the achievement of a high quality scheme would require agreement on materials. If the scheme were considered acceptable a condition would be added to agree materials through the submission of samples and construction of panels. As set out by the landscape officer the use of the correct tiles is also critical given views to the site from the AONB and if acceptable a condition would cover this aspect as well.

### 5.13 **Archaeology**

Policy CS9 seeks to ensure that new development conserves, and enhances heritage assets in a manner appropriate to their significance.

The applicant has submitted a historic environment assessment which has been reviewed by the Council Archaeologist and it is considered that the site does have archaeological potential. If the proposal were considered to be acceptable a condition would be added to require an initial trench evaluation followed by mitigation if necessary. Thereafter the approved programme of mitigated measures and method of outreach and publication would be required to be implemented in all respects.

### 5.14 **Landscaping**

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

This is a full planning application thus the proposed landscaping and layout are being considered at this stage. The two areas of consideration are therefore both the impact of the proposal upon the existing landscape character and also in terms of the proposed landscaping how the development responds to the site and its setting. Alongside the Design and Access Statement the applicant has submitted a Landscape and Visual Impact Appraisal (LVIA) which has been enhanced following a request by the Council Landscape Officer.

### *The Site and Landscape Context*

The site comprises a rectangular shaped site that is situated behind a linear strip of allotments with a narrow projection (for drainage purposes) at the south west corner. There is a native hedgerow that doglegs across the south western side of the main site. With respect to trees there is a category C Ash tree in this south west projection, a category A Oaktree that overhangs the north-west corner of the site and a Category B Horse Chestnut along the eastern edge of the site. A modest Elm with bramble hedge forms the northern boundary where the site adjoins the allotments and on the southern side the boundary is marked by a post and wire fence beyond which lies the railway in a cutting.

Within context the site can be viewed by those crossing on the Frome Valley walkway. Those using the A432 would see the site within a rural context when approaching from either side and when going eastwards the backdrop comprises intermittent views of the Cotswold AONB (the views of the escarpment are identified as a key landscape characteristic of the area in the SPD).

### *Landscape Impact and Proposed Landscaping*

A number of concerns regarding the development were raised with the applicant from the outset although in the interest of balance aspects of the proposal were also welcomed in landscape terms.

Officers note that hedgerow will be removed at the south-western part of the site in order to accommodate the attenuation basin. Tree protection measures are therefore particularly important for this area. A detailed arboricultural report has been submitted with the application and details of tree protection including the checking of protection prior to the commencement of development. If the proposal were deemed acceptable a condition would be added to the decision notice to ensure that all works take place in accordance with the submitted details.

With respect to views to and from the escarpment, clearly the development will intrude into views to and from the escarpment/AONB and for this reason were the proposal acceptable careful consideration would be given to colours of the roofing materials in particular the use of subdued colours would be preferable.

With respect to the proposed landscape strategy, a stronger green gateway feature at the access was initially requested and the location of a sub-station was a concern here. The applicant has indicated additional planting on either side of the entrance and around the sub-station, and in addition more planting is shown at the entrance of the Frome Valley Walkway.

There is a landscape concern that a priority view has not been achieved eastwards along the access road from the Frome Valley Walkway to frame the hillside and soften the appearance of the development. This could be achieved by using tree planting and landscaping along the road. Although not a reason for refusal, this is regrettable.

The location of a number of garage units along the northern boundary was noted in the initial layout. This made reinforcement of the existing hedgerow difficult given a lack of space. In addition a dwelling on the western edge made screening difficult on that side. Officers welcome alterations in the overall layout which makes more effective screening possible. However there remain concerns regarding maintenance access widths particularly on the eastern end of the south boundary. At several locations across the site tree planting appears very close to properties and could cause damage to properties.

Given the importance of the Frome Valley Walkway as a long distance recreational route, consider that the proposed housing layout and edge treatments to either side of the route it would be preferred if this was reconsidered the substitution of the knee rail by low walling/hedge planting/sturdy timber bollards is also required; see also comments above on views. As with some other locations (see paragraph above), there appears to be a conflict at plots 20 to 25 as to how much space is available for hedgerow planting. Again further details would be required by condition if the proposal were deemed acceptable.

### *Summary*

With respect to the impact of the proposal upon the existing landscape subject to the appropriate use of materials in particular roof tiles the proposal is considered not one that would warrant the refusal of the application. The Landscape Visual Impact Assessment submission with addendums is comprehensive albeit some understatement of indirect impacts is noted.

With respect to the landscaping proposed, the main concerns are set out above. They can be summarised as doubts over the available space for the growing of some of the larger tree species in some locations. The lack of a view forwards to the AONB and the need for a better integration into the layout for the Frome Valley Walkway. A small concern over how usable the public concern maybe. Some of these concerns should the scheme be deemed acceptable on other grounds could be overcome by the use of conditions as follows:

Tree/hedgerow protection plan to BS5837: 2012.

Detailed planting plans 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).

A landscape and ecological management plan covering the enabling works operations/period and a subsequent 20 Year management period, identifying existing and proposed landscape and ecology related site assets, associated management objectives, schedules of annual maintenance work together with longer term management operations.

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 hard landscape materials and site furniture products.

Detailed design for attenuation basin to demonstrate how its profile/appearance will be sympathetically integrated into the open space.

## 5.15 **Ecology**

The National Planning Policy Framework (Section 11) indicates that the planning system should contribute to and enhance the natural and local environment primarily through minimising impacts on biodiversity and providing net gains in biodiversity where possible (Chapter 15). Core Strategy Policy CS9 and PSP19 of the Policies Sites and Places Plan also require that new development shall conserve and enhance the natural environment, avoiding or minimising impacts on biodiversity.

A detailed Ecological Impact Assessment has been submitted with the application which has been supplemented with additional information at the request of the Council Ecologist.

The site is not covered by any statutory or non-statutory nature conservation designations. It is of note that the River Frome lies to the west of the site (and were the development considered acceptable a condition requiring a Construction Environmental Management Plan to avoid negative impacts on the river would be applied). In terms of the habitat, this comprises semi-improved grassland, scrub and hedgerows.

Turning to individual fauna identified in the submitted appraisal:

Bats - No trees were recorded as supporting potential bat roost features, though not all potential features could be seen due to ivy cover, however the boundary will be retained. There are foraging opportunities on site and within the wider site, it is expected that a sensitive lighting scheme will be required prior to commencement of works. If the application were considered acceptable an appropriate condition would be attached to the decision notice.

Great Crested Newts (GCN) – The submitted assessment identifies a pond 145 metres to the south-west of the site which supports (GCN) and a pond to the south of the railway line 125m distant. The report identifies a pond on the western boundary where there is a record of GCNs. However no GCN are identified on the actual site. Additional information was received from the applicant which proves that the pond is a damp depression and therefore not suitable for breeding Great Crested Newts. A suitable Reasonable Avoidance Measures (RAMs) report has been submitted and is acceptable. If the development were considered acceptable a condition would be included on the decision notice to ensure that the development took place in accordance with the RAMs report.

Birds – The report recommends mitigation and enhancements for birds which are present on site.



Reptiles - Previous surveys (2018) found that reptiles were not present on site, though this report has not been reviewed. Due to the age of the survey a reptile mitigation strategy would be required for site clearance to safeguard reptiles that may have colonised the site since 2018 as there are historical local records for slow worms. If the application were considered acceptable a condition would be attached to the decision notice to secure this.

Hedgehogs - Hedgehogs have not been detailed within the report and as a species of principle of importance under the Natural Environment and Rural Communities Act (NERC) consideration is required during development and mitigation to allow for dispersal of hedgehogs post-development, this is to be detailed within the CEMP and LEMP, prior to commencement of works which would be required by condition if the development were considered acceptable.

Invertebrates - The site was not assessed for its potential to support a diverse range of invertebrates, however from the descriptions of the habitats and the local records it is not thought that it would support notable species. The submitted report identifies enhancements which are to be made to improve the site for invertebrates which would be included within a LEMP.

Thus in terms of the impact upon ecology the proposed development is acceptable and if the scheme were also considered acceptable the conditions described above would be required to be attached to the decision notice.

## 5.16 **Transportation**

An assessment regarding the "Travel Sustainability" of the development is made in Section 5.4 and 5.5 above. The following section will consider whether the access, parking provision and layout are appropriate having regard to the impact upon the surrounding highway network.

With regard to the specific impact of development upon the highway network NPPF (para 111) states:

*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of development would be severe.*

Following the NPPF, PSP11 (1) states:

*Development proposals which generate a demand for travel, will be acceptable where appropriate, safe, accessible, convenient and attractive access is provided for all mode trips arising to and from the proposal.*

PSP16 sets out the expected parking provision for residential development.

### Access

The setting back of the site from the road at a point where 85<sup>th</sup> percentile traffic speeds are significantly higher than the 30 mph speed limit on Badminton Road at the site

access does not provide an active frontage to encourage drivers to reduce speeds. If the application were acceptable it would be necessary to consider the provision of infrastructure such as village gateways to reduce speed and a signalised pedestrian crossing of the A432.

Notwithstanding the above it is necessary to consider the access proposed from the development which will be onto A432, a strategic road (major road network). The road caters for a relatively high proportion of HGV's that are mixed with cyclists and other vehicles.

There is an objection to the principle of building out into the road in order to achieve an appropriate visibility splay. It is noted that the developer has carried out a stage 1 Road Safety Audit of the proposals and this audit has revealed no safety concerns.

However, the local highway authority view remains that the buildout is a contrived / unusual design that pushes the southern kerb line of this locally strategic route into the road to enable visibility splays, and therefore pushes cyclists into a narrowed albeit still wide road, with a resulting increased potential for collisions. The A432 historically had a very poor personal injury collision record. The road is considered to have a high proportion of HGV vehicles but also is used by cyclists and other road users. Officers are aware that there have been collisions on this stretch of road. In the light of this the arbitrary narrowing of the road (something that road users would have to negotiate and would not be expecting on a uniform width road), would reduce road space resulting in highway safety concerns. There is therefore an "in principle" objection to making alterations to a main road in this way where there is no wider public benefit.

Traffic speed surveys on the A432 past the site are shown to be significantly higher than the 30mph limit, which if maintained in the future require longer visibility splays to be provided. Current guidance requires designs to provide for the observed speed, which in this case is excess speed above the speed limit, rather than for the speed limit itself.

The A432 past the proposed site entrance is straight and wide and has very limited street activity / limited urban feel, so whilst the 30mph speed limit is clear and legally enforceable, there is limited street activity that would naturally encourage lower speeds. The proposed dwellings would be distanced from the A432, separated by allotments and vegetation and not visible so won't encourage slower speeds through street activity.

As a solution the developer has proposed to fund traffic calming measures, including enhanced village gateway features - more substantial signs, possibly planters, and Dragons Teeth or similar markings on the road to encourage a reduction in traffic speeds. This may have the effect of reducing speeds, and the University of Leeds *driving simulator* case study from 2009 is referenced within their technical report which suggests that gateway features and especially some form of rumble strip leading towards the 30mph limit has the potential to significantly reduce traffic speeds. Furthermore the developer has proposed to fund a signalised pedestrian crossing nearer the village centre, which will also help reduce traffic speeds, though that influence will be closer to the centre of the village. These suggestions are welcomed as they should avoid the need for the build out and are considered in the light of Para 110d of the National Planning Policy Framework that states that development impacts

in highway terms should be considered in the light of whether impacts can be mitigated.

Notwithstanding the above, it is important to note that for the build out to be avoided and therefore make the development acceptable to the Local Highway Authority on this issue, the traffic calming measures would need to be agreed and implemented in advance of the development's construction, with sufficient time for traffic speeds to settle.

In summary therefore it is considered that the proposed measures have the potential to avoid the need for the build out but in the absence of a legal agreement to secure these at the time of making the decision (and the in principle objections to the development already highlighted above the following refusal reason is required:

*In the absence of a S106 legal agreement to secure necessary traffic calming/speed reduction measures on the wider highway network there is an objection in principle to the access design which would need to accommodate visibility splays for the excess speed on the A432 past the site, resulting in a contrived build out on the southern side of the road. This asymmetrical design would reduce the ability to introduce future safety infrastructure such as cycle lanes which is a Council objective across the District, and in officers' view is considered detrimental to highway safety. It is therefore contrary to Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP11 of the Policies Site and Place Plan (Adopted) 2017; and the provisions of the National Planning Policy Framework 2021 [para 110 (d)].*

#### Parking

Having regard to the off-street parking provision required by PSP16, it is calculated that 69 spaces would be required with that figure including 7 visitor spaces. The layout shows 85 spaces (with 5 for visitors). Justification for the level of parking has been sought but not secured. Cycle provision is acceptable. There is no objection to the parking provision (the Council has a minimum standard) but alterations to the layout are sought – see Urban Design). As indicated elsewhere in the report the high level of parking would it is considered result in a car dominated site and the use of the car given the location and access to facilities and services would predominate. If the application were acceptable a condition would seek to secure the provision of at least 20% of the car parking spaces having access to Electric Vehicle Charging.

Refuse and Recycling Collections – This is considered acceptable.

#### 5.17 **Environmental Policy/Responding to Climate Change**

Chapter 14 of the National Planning Policy Framework (NPPF) sets out the objective of “meeting the challenge of climate change”. Para 152 sets out that the planning system has a role in supporting the transition to a low carbon future. It has been established that local planning authorities may include policies in their Development Plan requiring a proportion of energy used in development in their area to be energy from renewable sources.

In accordance with the NPPF Policy PSP6 states that:

*All major greenfield residential development will be required to reduce CO2 emissions further by at least 20% via the use of renewable and/or low carbon energy generation sources on or near the site providing this is practical and viable.*

The Council will also take positive account of and support development that provides further energy reduction, efficiency, renewable and low carbon energy measures on or near the site where measures comply with other policies of the plan.

The applicant has submitted an Energy Statement that seeks to demonstrate compliance with PSP6 with respect to the 20% reduction but also seeks to secure positive weight through other measures.

In summary it is not considered that sufficient information has been submitted to demonstrate that the proposal meets the target of at least 20% reduction in renewable and or low carbon energy generation sources. Also in terms of the measures put forward to allow “a positive account and support” further information is required to allow positive weight to be given.

It is considered that although not policy compliant, these measures could be secured by condition were the development considered acceptable in other respects (and these conditions would be requested should there be an appeal).

Conditions would be required to:

Ensure the revision of the Energy Statement to include full details of the air source heat pumps be installed in each dwelling including the specification, output capacity (kW), and details of the heat distribution system (emitters), domestic hot water storage and heating controls. The use of air source heat pumps has been agreed in principle by the applicant.

A condition to require a thermal analysis to show that the development would not be subject to overheating. The analysis shall use the methodology set out in Section 2: Dynamic thermal modelling of Approved Document O, 2021 edition, Building Regulations 2010. Where the analysis shows that one or more dwellings are liable to overheating suitable mitigation measures shall be incorporated into the design and a revised Energy Statement describing these provided to the local planning authority for approval. Thereafter, the scheme shall be constructed in accordance with the revised Energy Statement. This would then allow “positive account” to be taken of this measure as per PSP6.

Under current policy while the provision of Electric Vehicle Charging Points is encouraged, this is not required by policy. The applicant has agreed to this provision and an appropriate condition would be required to secure this.

Finally and to secure compliance with the requirement for the 20% reduction in CO2 emissions a condition would be required to ensure the provision of calculations to show the reduction in energy demand and the renewable energy generation measures in accordance with the methodology set out in guidance. This will take into account all the measures proposed including Solar PV, heat pumps etc.

## 5.18 **PLANNING OBLIGATIONS**

The Development will be CIL liable so the S106 requirements (Planning Obligations) would be secured in addition to the CIL liability. Unlike planning obligations the collection and liability for CIL is not -negotiable as part of the planning application.

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations when considering planning applications. Under these regulations the Council was required to maintain an infrastructure list to which its CIL receipts would be applied, known as the Regulation 123 list.

In implementing policy CS6 these regulations prevented S106 obligations from making provision for any financial contributions towards any infrastructure on the Council's infrastructure list. In addition there was a cap on the number of S106 obligations that a council could enter into in relation to infrastructure not on its list. There was a limit of no more than five S106 obligations making contributions towards infrastructure not on the Council's list.

In September 2019, these restrictions were removed. As set out in the new South Gloucestershire Council Community Infrastructure Levy (CIL) and Section 106 Planning Obligations Guide there is no longer a requirement for a Council to maintain a (Regulation 123) infrastructure list. In implementing CS6 financial contributions via S106 obligations can be provided for **any** infrastructure provided the tests in regulation 122 are met. There is also no longer any limit on the number of S106 obligations that can be used for any particular infrastructure provided the regulation 122 tests are met. These are whether the obligation is:

Necessary to make the development acceptable in planning terms;

Directly related to the development; and

Fairly and reasonably related in scale and kind to the development.

In this instance, if the application were considered acceptable it is considered that the following planning obligations as set out below in 5.18 to 5.21 below and are consistent with the CIL Regulations (Regulation 122).

## 5.19 **Affordable Housing**

Affordable Housing is sought in line with Policy CS18 of the Core Strategy and Affordable Housing/Extra Care Housing SPD. Accordingly the provision of the following terms (secured in a S106 agreement) is necessary for policy compliant scheme:

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF (based on 35 dwellings 12 affordable houses should be provided without public subsidy distributed throughout the site in clusters of no more than 6 units).
- Tenure split of 76% social rent, 3% affordable rent and 21% shared ownership as identified by the Wider Bristol Strategic Housing Market Assessment (SHMA). However, as the 3% for Affordable Rent generates just 48 of a unit, this

requirement will be absorbed within the Shared Ownership tenure thus 76% social rent (9 homes) and 24% shared ownership (3 homes).

- A range of affordable unit types to meet housing need based upon the findings from the SHMA is shown below. The figures include the offer from the applicant which is accepted.

### **Social Rent**

Percentage	Type	SHMA	Offer	Min Size m <sup>2</sup>
22%	1 bed 2 person flats	2	4	50
16%	2 bed 4 person flats	1	-	70
29%	2 bed 4 person houses	3	2	79
29%	3 bed 5 person houses 2 storey	3	2	93
4%	4 bed 6 person houses 2 storey	-	1	106
Total		9	9	

### **Shared Ownership**

Percentage	Type	SHMA	Offer	Min Size m <sup>2</sup>
16%	1 bed 2 person flats	-	-	50
17%	2 bed 4 person flats	-	-	70
34%	2 bed 4 person houses	1	1	79
33%	3 bed 5 person houses 2 storey	2	2	93
0%	4 bed 6 person houses 2 storey	-	-	106
TOTAL		3	3	

The original Affordable Housing Statement referred to Affordable Rent as the primary Affordable Housing tenure in the proposal. For clarity, the highest need identified within the SHMA is for the Social Rent tenure. This change has now been made and is acceptable.

### **Clustering**

Following negotiation the requirement for there to be no more than 6 AH units in any cluster has been met.

### **Design**

Affordable Homes to be built to the same high quality design standards and visually indistinguishable from the market units and in addition, Part M of the Building Regulations accessibility standards M4(2), Secured by Design Silver, Part Q Building Regulation standards and compliance with the RP Design Brief;

- 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; Ceiling height tiling to 3 sides of bathroom to be provided;
- iii. Provide wall mounted shower (either electric or valve and kit);
- iv. Provide gas and electric points to cooker space (where gas is available);
- v. Painted softwood curtain battens to each window (where construction is traditional as opposed to timber frame)

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

### **Wheelchair Provision**

8% of Affordable Homes to meet Part M of the Building Regulations accessibility standards M4(3)(2)(a): 8% of 12 results in .96 of a unit. The new Affordable Housing Statement proposes that a 4-bed home (plot 26) would be built to the M4(3)(2)(a) standard. This is accepted.

### **Delivery and Phasing**

The Council to refer potential occupants to all first lettings and 75% of subsequent lettings. Delivery is preferred through the Council's list of Approved Registered Providers. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to. Affordable Homes to be built out with the market housing on site in line with agreed triggers within the S.106 Agreement.

### **Rent Levels and Affordability**

Social Rent homes to be let at Target Rent (Rent Standard Direction 2014). Shared Ownership homes to be sold at no more than 40% of market value, and annual rent on the equity retained by the RP should be no more than 1.5%.

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.

### **Summary**

If the proposal were deemed acceptable Affordable Housing would be 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 generates an Affordable Housing requirement of 12 homes consisting: of

Social rent: 9 units at plots 5, 6, 22, 23, 24, 25, 26, 29 & 30

Shared Ownership: 3 units at plots 7, 21 & 31

To be provided on site at nil public subsidy and in line with the comments set out above. In addition if acceptable a condition would be added to the decision notice to ensure that the development is constructed to meet Part M of the Building Regulations (Accessibility)

These terms have been agreed with the applicant.

## 5.20 **Education**

Policy CS6 of the Core Strategy seeks to secure contributions towards the provision of necessary infrastructure to support the development of sustainable and healthy communities.

Following amendments to the CIL Regulations (Sept 2019) and the deletion of regulation 123, the Council is no longer prevented from seeking financial contributions through section 106 obligations for items of infrastructure that were listed on its Reg. 123 List, or from pooling five or more of these contributions together to contribute towards one type of infrastructure that is not on the list.

The adopted South Gloucestershire Council Community Infrastructure Levy (CIL) and Section 106 Planning Obligations Guide SPD adopted March 2021 indicates that unlike previously as a result of the above change land, works and funding for education, community and health facilities can be secured through S106 legal agreements.

**Early Years:** The provision for Early Years within the Chipping Sodbury /Cotswold Edge Ward is provided by 6 settings and 9 Childminders. This development is anticipated to yield an additional 3 children that would increase pressure on places in the ward.

The contribution would be required to cover the pupil yield from this development increasing demand for places in the area.

**Primary:** In South Gloucestershire there are 4 primary schools within a 2 mile radius (straight line distance) of the development site. However, 1 of these has a walking route of 3.2 miles. The projected numbers for these schools indicate insufficient places to absorb any additional yield from new housing developments based on projected numbers on roll by 2023. Pupil yield 10.

The contribution would be required towards the building of a new Primary school or for additional accommodation at an existing Primary school to allow them to breach current planned admission numbers, both options would be within a 2 mile radius of the proposed development site.

**Secondary:** In South Gloucestershire there are 2 secondary schools within a 3 mile radius of the development site. The projected numbers for these schools indicate



insufficient places to absorb any additional yield from new housing developments based on projected numbers on roll by 2028. Pupil yield 5.

The contribution would be required for additional accommodation at an existing Secondary school within 3 miles of the development site to allow them to breach current planned admission numbers.

No of Dwellings	Nursery Contribution	Primary Contribution	Secondary Contribution	Total Contribution
	£	£	£	£
35	31,671	158,910	120,420	311,001

The cost per place is calculated using the Department for Education cost calculator of £10,557 per additional nursery place, £15,891 per additional primary pupil place and £24,084 per additional secondary pupil place. Both are indexed as at the Quarter 4 2019 value of the Royal Institute of Chartered Surveyors Building Cost All-in Tender Price Index.

## 5.21 **Community Infrastructure**

CIL Regulations were amended in September 2019 widening the scope for S106 funding where it satisfies the regulation 122 tests. New residential development of this scale is expected to give rise to significant demand for community and cultural facilities. Enhancements to existing facilities are required to provide for a wide range of activities for different age groups, abilities and interests. This includes contributions towards library enhancement and contributions towards additional library stock.

The nearest South Gloucestershire library facilities are at Chipping Sodbury library located on Chipping Sodbury High Street 2.5km from the application site. This library is small and run by volunteers and offers a limited but important local library service. A full range of library services can be accessed at Yate library located in Yate Town Centre 3.9km from the proposed development. Providing a welcoming, safe and modern environment is essential for the success of the library service. Additional usage on the building fabric and equipment will lead to increased wear and tear and will need increased maintenance. Without a contribution to mitigate for the impact of additional demand on the library service the proposed development would not comply with Policy CS23 and would be an unsustainable addition to the community.

The cost of fitting out a new library including shelving, IT and other related furniture is £263.94 per sqm. Based on the standard applied of 30sqm per 1,000 population this results in a cost of £7.92 per capita.

Based on a future population of 82.2 residents the following is requested:

82.2 x £7.92

**Contribution required towards library enhancement is £651.02**

Additional stock is also required to meet the demand arising from the new residents.

Based on a future population of 82.2 residents the following is requested:

$82.2 \times 0.75 = 62$  (rounded) items of stock to be supplied

The average cost per item of stock is £11 (including processing costs)

**Contribution required towards additional stock is £682.00**

## 5.22 Open Space/Green Infrastructure

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

More specifically to ensure the provision of the above benefits Policy CS24 of the Core Strategy seeks the provision of green infrastructure, outdoor space, sport and recreation facilities. The policy requires that new developments must comply with all the appropriate local standards of provision in terms of quantity, quality and accessibility, be delivered on-site, unless it is demonstrated that partial or full off-site provision or enhancement creates a more acceptable proposal and the functionality and usability of spaces and facilities must be suitable for their intended purposes. Environments for play are required to be delivered as an integral part of site design within both public and semi-private communal open space areas.

Using current average occupancy data and the proposed number of dwellings, it is estimated that the proposed development of 35 dwellings would generate a population increase of 82.2 residents. Having regard to this figure Appendix 5 of the Core Strategy sets out the Green Infrastructure, sport and recreational standards that would be expected to be provided, (where there is an existing shortfall and in this case an audit of existing provision has demonstrated that there is an existing shortfall of all categories of open space within the recommended access standards).

The proposed development will include an area of informal recreational space at the south-west corner. If the scheme were to be recommended for approval then this area would need to be covered by an appropriate maintenance arrangement (management company).

The applicant has indicated that:

- An on-site play area isn't proposed because there is an established village play area just to the north that can be expanded and improved – a crossing point would be offered within a future S106 agreement
- Access rights can be reserved in due course (when formulating final landscaping plans and S38 agreement) over the drive to allow the POS around the

basin to be counted as such, benches and other equipment (bins, stepping logs, pathway) can be provided here as part of detailed landscaping scheme to maximise its use;

- The surface water basin itself is not included in the POS calculations and
- The maintenance strips to the boundary hedgerows and trees are on the whole to be gated (details will be shown on detailed landscaping plans in due course) and publicly inaccessible due to security issues, these areas are not counted as POS on the attached plan, on the whole the strip is much more than 1m in width so reference to that is incorrect.

Thus if the application were acceptable the following would need to be secured through a S106 legal agreement.

Category of Public Open Space	Minimum Spatial Requirement to Comply with Policy CS24 (SQM)	Amount Proposed On Site	Shortfall in Provision (SQM)	Pro-Rata Contribution (per sq.m)	Contributions toward off-site provision or enhancement	Pro-rata Maintenance (per sq.m)	Maintenance Contribution
Informal Open Space *	952.8	987	-34.2	£28.44	£0.00	£0.00	0
Natural and Semi-Natural Open Space	1233	595	638	£15.76	<b>£10,053.41</b>	£26.1404	£16,677.58
Outdoor Sports Facilities	1315.2	0	1315.2	£56.55	<b>£74,374.82</b>	£17.12	<b>£22,510.70</b>
Provision for Children and Young People	198	0	198	£189.49	<b>£37,518.37</b>	£199.25	<b>£39,450.85</b>
Allotments	164.4	0	164.4	£10.37	<b>£1,704.86</b>	£13.22	<b>£2,173.81</b>

The legal agreement will also require the inspection of the open space provision prior to its transfer to the private management company to ensure that it is being provided in accordance with the above requirements (the Council charges a fee (£62.30 per 100sq.m.plus £600 core service fee) for this inspection. The applicant has agreed to the above terms.

### 5.23 **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.

### 5.24 **Planning Balance**

Positive weight (albeit in a location that conflicts with the strategic objectives of the development plan) is given to the provision of 35 dwellings and subject to the signing of a legal agreement to the provision of 12 units of affordable housing which would have wider public benefits. Some limited weight is given to the jobs associated with the construction of the development, increased expenditure in the area from future residents as well as additional funding for the local authority through New Homes Bonus and Council Tax Receipts. Some weight can be given to improved infrastructure to the Frome Valley Walkway where it crosses the site which would be used by non-residents and residents alike.

Insufficient information has been submitted to demonstrate that the proposal is compliant with Policy PSP6 (see 5.17) although it is considered that this can be achieved and were the proposal acceptable suitable conditions could be applied. In addition any further energy reduction measures or efficiency measures have not been fully explained. It is considered that there could be potential for positive weight to be given in this area but not at present.

The signing of an appropriate legal agreement towards the provision and maintenance arrangements of on-site and off-site public open space, as per Section 5.21 above, school place provision, library service provision would ensure that the scheme would mitigate, in accordance with policy, against the adverse impacts that would result on local service provision. As such the signing of such an agreement would result in a neutral impact.

The applicant has offered traffic calming measures, although the details of these have at the time of making this decision not been agreed and would need to be secured through a legal agreement. Such provision could include a crossing as well as features to slow traffic. While these would have some wider public benefits they largely benefit the site itself, firstly by giving access to the limited facilities that Old Sodbury can provide (via the crossing) and secondly to avoid the need to have a "build-out" (discussed above) at the site access which would not be acceptable for the reasons that are discussed above.

There is considered to be a significant harm from the provision of the development in this location. The Council is able to demonstrate a land supply of 6.14 years and has more than exceeding the housing delivery test as set out in Section 5.2 above. The Council is therefore able to demonstrate that it is providing more than adequate housing provision in those areas to which provision is directed through policies that carry full weight for decision making purposes.

The site is located outside of the defined settlement boundary and for the purposes of decision making is therefore located in a rural area. Policy CS5 of the Core Strategy (and Policy CS34 – development in rural areas), confirm among other matters that development will be directed to the most sustainable locations. The policy indicates that most development will be directed to the North and East Fringes of the Bristol Urban Area, with other development but only of an appropriate scale being directed to Yate/Chipping Sodbury/Thornbury and within settlement boundaries. In the open countryside development will be strictly limited. As such this development, located outside of those areas where development is directed clearly fails the requirements of the locational policies, principally CS5 and CS34.

Given the location of the site on the main A432 and proximity to Old Sodbury where some limited services are available it is not considered that the site could be defined as isolated in terms of any definition within the Framework however this does not mean that the development meets the sustainability aims of the development plan and the framework. As set out in the report above, it is considered that the distances involved are unlikely to make accessing most facilities an attractive proposition by foot or cycling for the majority of future occupants. The site will be at distance from most of the day to day needs of future residents such as health care, supermarket and secondary schools. The bus service is limited and it is not considered that this would dissuade residents from undertaking the majority of trips by private motor vehicle (the over provision of car parking spaces lends further weight to this position). For this reason the development in this countryside location is not considered acceptable as it would not fall within the definition of a sustainable development.

Some limited weight is given to the harm to the heritage assets identified in Section 5.11 above. That harm is however at the low end of the spectrum of less than substantial harm.

In accordance with the requirements of S38(6) of the Planning and Compulsory Purchase Act 2004 the application must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the Framework specifies that where a planning application conflicts with an up to date development plan permission should not usually be granted unless material considerations in a particular case indicate that the plan should not be followed.

It is considered that the development would result in a significant conflict with the development plan and would not amount to sustainable development. It is not considered that any benefits that would accrue from the scheme would outweigh this conflict and therefore the recommendation is that the proposal should be refused.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 Planning Permission is refused for the reasons set out below.

## **REASONS FOR REFUSAL**

1. The site is situated outside the existing urban area and it is not within a defined rural settlement; it is therefore in a location where development should be strictly controlled. The proposed development would conflict with the spatial strategy of the District: the amount of development cannot be considered limited. The proposed development is therefore contrary to policy CS5, and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP40 of the South Gloucestershire Local plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework February 2021.
2. The development would fail to provide safe, useable walking and, or cycling routes to the majority of key services and facilities as set out within Policy PSP11. Furthermore, the site would be inappropriately distanced from many of these facilities and the bus service is very restricted/limited. For these reasons the site is unsustainable as future occupants would have to rely heavily on travel by private car. The development is therefore contrary to Policy PSP11 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework 2021.
3. In the absence of a S106 legal agreement to secure necessary traffic calming/speed reduction measures on the wider highway network there is an objection in principle to the access design which would need to accommodate visibility splays for the excess speed on the A432 past the site, resulting in a contrived build out on the southern side of the road. This asymmetrical design would reduce the ability to introduce future safety infrastructure such as cycle lanes which is a Council objective across the District, and in officers' view is considered detrimental to highway safety. It is therefore contrary to Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP11 of the Policies Site and Place Plan (Adopted) 2017; and the provisions of the National Planning Policy Framework 2021 [para 110 (d)].
4. In the absence of an appropriate planning obligation to secure affordable housing, in accordance with the provisions of Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) Dec. 2013, the proposed development would fail to

make appropriate provision for affordable housing in the district. The development is therefore contrary to Policy CS6 and, CS18 and of the South Gloucestershire Local Plan: Core Strategy (Adopted) Dec. 2013; The South Gloucestershire Affordable Housing and ExtraCare SPD (Adopted) April 2021 and the provisions of the National Planning Policy Framework 2021.

5. In the absence of an appropriate planning obligation to secure a contribution towards the provision, enhancement, and maintenance thereof, public open space the proposal fails to mitigate its own impact to the detriment of the locality. The proposed development is therefore contrary to policy CS6 and CS24 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework 2021.
6. In the absence of a Section 106 legal agreement to the contrary the proposal fails to mitigate against additional pressure on the Library Service provided at Yate and Chipping Sodbury contrary to Policies CS6 and CS23 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework 2021.
7. In the absence of a Section 106 legal agreement to secure contributions towards creating primary and secondary school places for the pupils generated by the proposal, the proposal fails to provide adequate mitigation to address the impact upon local education provision arising from the development and is contrary to Policy CS6 and CS23 of the adopted South Gloucestershire Core Strategy: Local Plan 2013 and the provisions of the National Planning Policy Framework 2021.

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

**CIRCULATED SCHEDULE NO. 03/22 - 21st January 2022**

<b>App No.:</b>	P21/04721/F	<b>Applicant:</b>	Enso Green Holdings M Limited
<b>Site:</b>	Land At Elm Farm Bristol Road Iron Acton South Gloucestershire BS37 9TF	<b>Date Reg:</b>	6th July 2021
<b>Proposal:</b>	Installation of a solar farm and battery storage facility with associated infrastructure	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	367094 183420	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Major	<b>Target Date:</b>	25th October 2021



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 100023410, 2008. N.T.S. P21/04721/F



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

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

The application appears on the Council's Circulated Schedule procedure following the receipt of 3no. support comments which are contrary to the officer recommendation within the report.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the installation of a ground mounted solar farm and battery storage facility, and associated infrastructure such as internal access tracks, CCTV, fencing and landscaping.
- 1.2 The application includes the construction, operation, maintenance and decommissioning of a 24MW solar farm, with a lifetime of 35 years. The site is located at Elm Farm, Bristol Road, and is outside the settlement boundary, within the Green Belt and the setting of several listed buildings including the Grade I listed Acton Court. The site is also partially within Flood Zones 2 and 3.
- 1.3 During the course of the application extensive negotiations between the LPA and the applicant have resulted in revised landscape and ecological schemes, as well as additional details relating to issues such as flooding, highways and heritage. All structures have also been removed within 5m of the public rising main in accordance with requirements from Wessex Water.
- 1.4 A planning condition would be applied to any consent for the proposal to be removed after its 35 year lifetime. This would cover full decommissioning of the project and reinstatement of the land to its prior condition (with the exception of landscaping and ecological additions) upon either the cessation of power from the scheme, or the expiry of the 35 year period from the energisation date. At the end of the scheme all components would be removed and the agricultural function of the site would be recommenced in full against a backdrop of bio-diversity benefits which would endure beyond this period. The site is capable of continued sheep grazing throughout the lifetime of the project, maintaining an agricultural use of the land throughout solar operations.

### **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
CS2	Green Infrastructure
CS3	Renewable and Low Carbon Energy Generation

CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP6	Onsite Renewable and Low Carbon Energy
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.

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

SPD – (Adopted) March 2015

Renewables SPD: - 2014

South Gloucestershire Landscape Character Assessment SPD (Revised and Proposed for Adoption November 2014)

**3. RELEVANT PLANNING HISTORY**

- 3.1 P21/010/SCR - Screening Opinion for the creation of solar farm and battery storage on 44ha. – EIA development - 23.03.2021

**4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 This application has been determined in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.2 Given the scale and nature of the proposed development and having regard to its location, the application has been submitted with an Environmental Impact Assessment.
- 4.3 An Environmental Statement describing and assessing the direct and indirect significant effects of the proposed development has been submitted with this application and includes information on matters of waste, pollutants and nuisances, population and human health, water resources, biodiversity, landscape and visual impact, transport and access, land uses, land stability

and transboundary effects. The Environmental Statement is largely focused on the impact to Heritage Assets.

## 5. CONSULTATION RESPONSES

- 5.1 Iron Acton Parish Council – *“1. Cumulative effects of this & other similar proposals in close proximity locally on the visual landscape & listed buildings such as Acton Court.  
2. Concerns relating to the extent to which the wider community have been consulted.”*
- 5.2 Ecology – No objection providing the development proceeds in strict accordance with the Mitigation Measures.
- 5.3 Historic England – *“Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 199 and 200. 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.”*
- 5.4 Arts and Development – No comment.
- 5.5 Avon Gardens Trust – *“The proposed site is only 200m. away from Acton Court, a Scheduled Monument and Grade I Listed building. The Conservation Area of Iron Acton is located 200m east of the site, which in AGT’s opinion makes this an exceptional area that should not be bounded by a solar farm development. Therefore, Avon Gardens Trust strongly objects to this development in this location.”*
- 5.6 Conservation – Objection due to harm caused to heritage assets.
- 5.7 Crime Prevention Officer – No objection, aspects such as fencing could be improved.
- 5.8 Landscape – No objection subject to conditions relating to advanced/early planting scheme, set of detailed soft landscape/planting plans and an updated LEMP.
- 5.9 Archaeology – Objection due to harm caused to the historic landscape, Deer Park and other features historically associated with Acton Court.
- 5.10 Drainage – No objection subject to the submission of a Flood Evacuation Plan.
- 5.11 Tree Officer – No objection providing the trees are protected in accordance with the submitted Arboricultural Report.
- 5.12 Environmental Policy and Climate Change – Support
- 5.13 Wessex Water – No objection

- 5.14 Transportation DC – No objection subject to conditions requiring widening of the access and egress points and compliance with the submitted Construction Traffic Management Plan.
- 5.15 Environment Agency – No objection subject to the permission being carried out in compliance with the submitted FRA.
- 5.16 Environmental Protection – No objection.
- 5.17 Urban Design – No comment.

### **Other Representations**

#### 5.18 Local Residents:

20 objection comments have been received, as well as a petition signed by 41 people. The comments are summarised as:

- Supporting documents inaccurate and unsubstantiated
- No information relating to the size or number of solar panels
- No information relating to the power capacity of battery storage nor total energy storage capacity
- The proposal would have a significant impact on the environment
- Industrialisation of a greenfield site
- No evidence for CO2 displacement
- Government concern regarding sustainability of renewable energy
- No carbon assessment submitted
- No evidence the proposal is essential infrastructure
- No Exception Test submitted
- Pile driven posts will impede water flow
- Round-trip energy losses during charging and recharging would reduce the amount of electricity delivered to the grid
- The battery storage facility is a profit making scheme for energy trading
- Danger from battery overheating
- Sheep grazing unlikely due to grass grown in shade
- Limited information on maintenance
- Soil unlikely to be good quality after decommissioning
- No justification for proposal to be sited on best and most versatile land
- National comparisons irrelevant
- No very special circumstances identified
- Inappropriate development in the Green Belt
- Proposal would not conserve the landscape
- Harm to Heritage Assets
- No wider environmental benefits
- No secure and reliable energy generation capacity
- Solar farm not essential infrastructure
- Solar farms visually unattractive
- Fences areas and active suppression of vegetation harmful to ecology
- Agricultural use defines the area
- Other areas and other means of generation would be more suitable
- Overdevelopment in area for solar farms

- Solar farms inefficient in the UK
- No guarantee the company will still exist when the proposal is to be decommissioned
- Ecological surveys do not give a true picture
- Visible from Acton Court particularly during winter months
- Potential for existing screening to be removed due to ash dieback
- Farmland should be retained to avoid relying on imports
- No proposed photomontages
- Acton Court is a Scheduled Ancient Monument

3 support comments have been submitted, summarised as:

- Solar preferable to wind turbines or pylons
- Country is working towards zero carbon energy production
- Better habitat for wildlife and plants
- Scheme will have few disadvantages
- Little disturbance from scheme aside from basic maintenance
- Visual impact will be minimal
- Site would revert after 35 years

## 5. **ANALYSIS OF PROPOSAL**

### Principle of Development

- 5.1 Paragraph 147 of the National Planning Policy Framework (the Framework) sets out that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. Paragraph 151 sets out that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 5.2 As policy CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 includes a requirement that development in the Green Belt will need to comply with the provisions in the Framework, then whether the proposal conflicts with this policy depends on whether very special circumstances exist (as set out in the Framework). Similarly, policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 states that inappropriate development is harmful to the Green Belt and will not be acceptable unless very special circumstances exist.

### Effect on openness

- 5.4 A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. Openness is generally accepted to mean absence of structures or activity.

- 5.5 The proposal involves the use of approximately 38 hectares of land for the installation of a ground mounted solar farm and battery storage facility, and associated infrastructure such as internal access tracks, CCTV, fencing and landscaping.
- 5.6 The solar farm will consist of approximately 40,300 panels, with each individual panel at a height of 3m, depth of 4.6m and width of 3.5m. There is between a 2.5m – 5m wide distance between each row of panels. The battery storage to the south east of the site comprises 24 units at 2.9m in height, 2.4m in width and 12.2m long. Adjacent to the battery storage are 2no. storage containers, an auxiliary transformer, control room and substation. Access roads are to be included throughout the site, and 2m high galvanised steel fencing is proposed around each set of panels, with 2.5m security fencing surrounding the equipment area.
- 5.7 The development would be carried out on land which, as agricultural fields, is currently open. As such, the development would erode the sense of openness for this site, both spatially and visually.
- 5.8 Landscape impacts will be explored in further depth later in this report, however as a brief summary, a significant amount of screening is proposed however views of the site will still be possible, particularly in the short term.
- 5.9 Although the operational period of the scheme is 35 years, this is not considered to be temporary when measured against the human lifespan. The scheme is considered as semi-permanent, as it will ultimately be removed.
- 5.10 There would be a clear loss of openness as a result of the development overall.

#### Impact upon Heritage Assets

- 5.11 Para 189 of the National Planning Policy Framework states:

*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate deskbased assessment and, where necessary, a field evaluation.*

- 5.12 Para 193 of the National Planning Policy Framework states:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should*

*be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

5.13 Para 194 states:

*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*

5.14 Para 196 states:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

5.15 Policy PSP17 of the Policies, Sites and Places Plan and policy CS9 of the Core Strategy relate to conservation, and seek to protect the character and appearance of conservation areas and the significance and setting of heritage assets. These policies are up to date and in accord with the provisions of the National Planning Policy Framework.

#### Acton Court

5.16 Acton Court is a site of national and, in some cases, international importance, reflected through its designation as a Scheduled Ancient Monument (SAM) and grade I listing. The SAM encompasses the medieval moated site and associated features, including garden remains and parts of its water management system. Within the moated island are the buried archaeological remains of the C13 manor house and those demolished parts of the present C15/C16 house. The grade I listing relates to the east range completed in 1535 and the only remaining standing element of the Tudor house. The south court and east court boundary walls, developed later in the sixteenth century are grade II listed.

5.17 Acton Court served as one of two manor houses by the 12th century, owned by the Acton family who rebuilt and improved the manor house and the surrounding manorial estate with deer-parks and fishponds. As the Acton's wealth grew, the estate was enlarged to include Acton Ilgar which then ceased to be a separate manor. The estate passed to the Poyntz family in 1344 who remained Lords of the manor until 1683. As well as substantially rebuilding the church in the late 14th or early 15th century, the Poyntz family made many changes to Acton Court reflecting their increased status as royal courtiers.

5.18 Following the Battle of Bosworth, Sir Robert Poyntz was knighted, raising the status of the family significantly. Henry VII came to Acton Court in 1486 en-route to Bristol, during a royal progress. Archaeological investigations have revealed that at this time, beyond the moated house, an extensive walled garden existed to the north. Sir Robert Poyntz remained in favour when Henry VIII succeeded to the throne and achieved the position of chancellor to Queen Catherine of Aragon.

- 5.19 Sir Robert's grandson, Sir Nicholas Poyntz, a courtier and naval commander, inherited Acton Court in 1532 and continued to enjoy the royal favour bestowed on his grandfather, including receipt of a knighthood. The ceremony may have taken place at Acton Court when Henry VIII and Anne Boleyn, and their retinue, stayed there from 21 to 23 August 1535, during the course of their royal progress of the west of England. Dendro-chronology has confirmed that the east range was built and decorated in just nine months, specifically for this royal visit of 1535.
- 5.20 The external design of the east range was perhaps of secondary concern after the interior decoration of the Royal apartments and its appearance was largely dictated by the functional needs of the interior; boldly projecting stacks to house fireplaces and garderobes. The Tudor decoration at Acton Court is regarded by international experts in this field as without equal elsewhere in the country, and for this reason Acton Court is of extremely significant artistic interest. At this date the east elevation fronted service ranges to the east and the medieval house to the west. However, the south gable, and its remarkable, vast oriel window (now reduced in size but which can be appreciated by the remaining stone jambs) was designed for external show, and would have formed the principal elevation, the house at this time being approached from the south. This window would have been enormous in scale for this time, providing extensive views out, and an abundance of natural light. This would have shown the interior paint decoration off fully.
- 5.21 The first floor was divided in to three large interconnecting rooms, each with fireplace and garderobe and decoration, of which substantial traces survive and are internationally significant. The degree of privacy afforded each room increased from south to north with bed chamber at the rear (north) and presence chamber, which was a public room, at the southern frontage. Views from the south and west windows of Acton Court are extremely important. Today the privy chamber has a window, of reduced size, looking west, towards the site. This room contains some of the best preserved friezes.
- 5.22 The construction of the east range as the Royal apartments marked the start of a major programme of rebuilding by Sir Nicholas, which continued for almost 25 years, until his death in 1556. This included the building of new north and west ranges, and the south range modernised, to create an outwardly-regular courtyard house. Nicholas Poyntz was a member of the Duke of Somerset's circle and the evolution of the building work at Acton Court can be seen to reflect his increasing regard to symmetry and classical architectural detail of the early English Renaissance, innovative and highly influential in the design of large country Courtier's houses of the later Tudor, Elizabethan and Jacobean period, now referred to as 'Prodigy Houses'. Being such a rare and well preserved example, Acton Court is of extremely high architectural and historic interest.
- 5.23 The house Nicholas inherited in 1532 was compact in plan, surrounded by a moat, and consisted of three ranges of 13th century origin; including a south range with hall, and a chapel and undercroft to the west. The original walled gardens created by Robert Poyntz to serve the moated manor house were to the north of the house and are understood to have relied on a water



- management system which included a culvert connecting the reservoir north of Acton Lodge with the roughly circular pond to the north of the former walled garden at Acton Court. This watercourse, either open or covered, is thought to have run between the northern pond in a north south direction through the centre of the walled garden, feeding in to the moat and flowing out via the south west pond in to the embanked conduit running obliquely across the field to the west north west of the house.
- 5.24 In the mid 1550's the walled south court was constructed. The court was wider than the house but aligned axially on the porch, which was off centre to the south elevation. The garden was enclosed with a crenellated dry-stone wall, positioned to give the south range an impression of balance. The bastion at north end of the west wall remains and has splayed slit windows. At the south west corner are foundations of a circular tower. The tower had an internal diameter of 2.1m and a suspended floor c1m above inner courtyard level. There was a fireplace within and therefore roofed. It is presumed that there was a matching tower in the south east corner (now a barn) and that the Latteridge Road gateway was originally at the centre of this south courtyard south wall as this was the principal entrance.
- 5.25 The Third Duke of Buckingham's garden at Thornbury Castle, contemporary with Nicholas Poyntz work at Acton Court, included the Privy Garden, overlooked by the Dukes apartments on one side and which featured raised first floor wooden galleries on the remaining three sides offering raised views of the gardens below, and attached to embattled stone walls, with windows through which the outer court and adjacent churchyard could be seen. It is likely therefore that at Acton Court views from the garden and tower, out to the south approach and the west deer park, were possible and not unintentional. Views towards the west, and the application site, are achievable today from the tower and bastion windows. The creation of these courtyard walls illustrate a widening formality, enclosing the house and creating a more formal entrance. Other than a section replaced by a barn in the nineteenth century the south court walls remain in-tact and are listed grade II.
- 5.26 In the early seventeenth century the axis of the building was re-orientated from the principal south elevation to the east by the construction of the existing east court and gateway with flank walls. It is thought that it was at this time that the stone gateway with four centred arch and pediment (grade II listed) was moved from the former south entrance.
- 5.27 By the time the east court was created the south range was becoming distinctly old-fashioned, reflecting the decreasing fortunes of the Poyntz family, and the south approach, to an extent, obsolete.
- 5.28 The descendants of Sir Nicholas Poyntz undertook only minor building work. A polygonal stair tower was added between the north and east ranges in 1576, and the present east courtyard was created, altering the axis of the house from south to east. Acton Court was sold in 1683 following the death of the last family member without heir. The house, by this time, was no longer fashionable and probably in a poor state of repair. Its conversion from mansion to farmhouse appears to have taken place rapidly after its sale. Comfortable

suites of lodgings for guests and formal meeting areas were adapted to a utilitarian use. The Royal Presence chamber was converted to a cheese loft. Many of these changes were however reversed in the late twentieth century and so in fact affect the ability of Acton Court to demonstrate its conversion to a farm and farmhouse. The 'restoration' to the Tudor period has had the effect of strengthening the overall illustrative and aesthetic value of the house and its ability to invoke the Tudor age, which is of enormous value to its character and value.

- 5.29 The building's fortunes declined to the point of dilapidation in the 20th century. It is due in part to this neglect that Acton Court was left largely untouched and as a result a unique Tudor building has been preserved virtually intact.
- 5.30 Except the mostly buried wall footings, which have survived well, no part of the 13th – 15th century manor building remains standing. Only the east wing and half of the truncated north wing containing the long gallery survive.
- 5.31 The true importance of Acton Court was only discovered in the 1980's following the acquisition of the parlour house, then only grade II listed, by the Bristol Visual and Environmental Trust and subsequently purchase a Scheduling by English Heritage. What followed was a major scheme of archaeological excavation, evaluation and building recording. A 400 page monograph documents the work and findings. This has formed the basis for a thorough and detailed understanding of the site and its significance.

#### Above ground impact on Acton Court

- 5.32 The post-medieval structure of Acton Court possesses an unparalleled ability to illustrate the evolution of an early Tudor courtier's house. Despite some demolition and adaptation from the late-18th century onwards, the 16th century house remains remarkably complete and is one of the best-preserved mid-16<sup>th</sup> century houses in the country. For this reason the building is a grade I listed of significant architectural, historic and artistic interest. When considering development in proximity to the building and within its setting it is essential that the original status of this site is understood and that no harm is caused which could jeopardise its future conservation.
- 5.33 The setting of Acton Court can be considered to encompass the walled courtyard gardens to the north, south and east, as well as wider land belonging to the medieval and post medieval estate, including deer parks. While there has been much change to the design of the walled gardens, with loss of features, it is important to understand what they contributed to the wider architectural composition. Similarly, while the west and east deer park and features within are no longer part of the Acton Court estate, an understanding of what they contributed to the original landscape setting, as well as the historic and functional role they played, is of importance. It can be demonstrated that the west deer park, including much of the application site, remained part of the estate for over 600 years and the isolated position, detached from the nearby settlement reflects the wealth and status of the Poyntz family. Maintaining the open, undeveloped and essentially rural character, is fundamental to preserving that significance and setting.

- 5.34 While today we associate the east, roadside entrance, as the principal elevation, by the mid fifteenth century, the principal approach to the site was from the south, in to the south courtyard which framed the newly developed and architecturally balanced elevation. The Tudor site would have formed a far more dominant feature in the landscape than it does today, the buildings extending much further then. However, Acton Court does remain a key focal point in the landscape, and a dominant structure. The addition of a large site of solar panels will visually compete with the building and form a distracting feature in the landscape. For such a high status house, which would have historically sat within extensive, private grounds, Acton Court now possesses a significantly diminished land holding. Although the land around the site has changed, there is still relatively little development and so Acton Court still has a sense of isolation from the settlement, in a rural landscape, suggesting the importance and status of the site for several centuries. The replacement of open fields with a solar farm will reduce that sense of isolation and importance. Because the surroundings have been modernised, it places extra weight on preserving the remaining landscape.
- 5.35 Clearly the landscape surrounding Acton Court reflects a post-enclosure field system, not a deer park, although archaeological relic features do remain. Other than the railway line, the field network within and adjacent to the site remains the same as shown on the historic nineteenth century OS maps and reflects the long period of use of the building as a farmhouse which, while certainly not its hey-day, is still of importance to the story and history of the building. Acton Court has always relied upon and been connected with the surrounding land, and this aspect of its special interest places an importance on maintaining the character of the agrarian setting. The rural setting is also a fundamental aspect of the aesthetic significance of the site and compliments the more vernacular aspects of later developments at the site. The calm, peace and tranquility play an influential part in the aesthetic appeal. Contrary to this, a solar farm is of a highly industrialised character and appearance, harming the aesthetic interest. The noise of the construction stage would inevitably have a negative impact on tranquillity.
- 5.36 Indicative photomontages taken from Viewpoint A and B 'View from window of central room of royal apartments, Acton Court', show that it will be possible to partially see the solar panels from this location through the trees when not in foliage. This room is the privy chamber of the royal apartments within the east wing and contains some of the best preserved friezes. Being a high quality Tudor building surviving in such well-preserved condition and built specifically for the royal visit, the east wing is of outstanding architectural and historic importance. The privy chamber is of outstanding artistic significance. The value of the outlook and connection with the surroundings and setting of the building is a fundamental aspect of the design or function of the asset, the views possessing key historical or cultural associations. The visibility of a large scale solar development at this proximity, however filtered the view or limited, would be extremely damaging to the significance and appreciation of these rooms.

5.37 The extent of the medieval estate is not fully understood however it is clear that land within the application site formed part of the west deer park which was integral to the function, design and use of Acton Court for over 600 years. The designed gardens are understood to have originally been to the north, then developed to the south and later to the east. Those to the north and south and dating from the sixteenth century are thought to have incorporated a water system although it is not fully understood how this was laid out and how far it extended to the west. Certainly the tall crenelated walls to the south court were designed to create an enclosed setting to the house, a designed setting affording privacy to the occupants and emphasising further a public display or grandeur and power. The walls have evidence of windows and the remains of a raised tower. It is not unreasonable to suggest therefore that key views of the land to the west was not possible or intended.

5.38 A 15m hedgerow planting buffer is proposed to the eastern boundary (to railway line). That to the northern field is proposed as early planting. This boundary is intended to help screen the development from views from Acton Court. The Planning Statement states:

*7.38 It is considered that the site makes a small contribution through setting to the significance of the Grade I Listed Acton Court, the Grade II Listed Walls to the South Court, and the Iron Acton Conservation Area; but that in each case, this contribution is mostly derived from an historical association rather than a strong surviving visual association.*

*7.39 To ensure that the proposed development is fully screened in views from Acton Court, a 15m wide belt of trees is proposed on the west side of the mineral railway line (i.e. along the eastern boundary of the site).*

5.39 This statement begs the question that if the significance is derived from historical, as opposed to visual, association, planting would not mitigate this harm and therefore the harm remains. The application downplays the amount of inter-visibility there would be however if there is so little anticipated it is not clear why tree planting is proposed as mitigation.

5.40 It is considered that both historic and visual association between Acton Court and the site contribute to the significance. Until the planting is established, any visual harm would remain in the intervening years. Setting GPA3 advises against reliance on tree screening: Tree planting may not be reliable in winter months and would take many years to establish, resulting in a higher level of harm during this period. Furthermore, the visual impact of the development on views from the site towards Acton Court would not be mitigated by the planting.

5.41 Considering these inward looking views towards Acton Court, it is currently possible to view the lofty profile of the steep roofs, stacks and solid walls of Acton Court, which are clearly discernible above the tree line from positions within the site, as well as other points in the locality, including those within or toward the conservation area. The height to eaves is 9.7m, which is tall by local standards, and the walls constructed of thin pennant rubble and set in ochre coloured loam.

- 5.42 Depending on the specific position of the viewer within the site, 3m panels would either entirely obscure these views or form a highly prominent feature within the foreground. There are also locations at higher ground to the west (Latteridge) and footpaths to the east, from where it is possible to see elements of the settlement of Iron Acton, including the church tower and Acton Court as prominent focal points, providing a visual reminder of the centuries old association between these structures. The solar development would be visible in these views.
- 5.43 The photographs contained within the Heritage Note help indicate clearly the potential visual impact of the development proposals. The potential appearance of the solar panels in any views of “inter” or “co-visibility” will clearly range in impact, but even where limited to glimpses, there will be a harm when considering the impact on views both in isolation but also cumulatively.
- 5.44 The mitigation planting further reinforces the railway line, which is a modern feature in the landscape and therefore does not in itself do anything to maintain or enhance the historic landscape character or enhance the setting of the heritage assets at Acton Court.
- 5.45 The additional 15 metres of tree planting, if grown to a height and thickness to serve to obscure views of the site from the east, may have the undesired effect of restricting or obscuring views of the building from the site, further visually divorcing the two. This would have a harmful impact on the buildings setting and the historic significance of the west deer park. The mitigation planting proposed is not a convincing mitigation to the harm identified.
- 5.46 Critical to the conservation of heritage assets is their viability. It is considered that in fulfilling the requirement to conserve significance, weight should be given to the visitors’ enjoyment and experience of the site as ultimately this may help to sustain the use and long term conservation of the building. Even if the development was argued to not impact on the historic or architectural significance of the listed building, if it detracted from the use or aesthetic appeal of the site, this in itself could negatively impact its long term viability and conservation. While an asset of lesser importance may be less sensitive to this sort of impact, it is considered that the visitor experience and aesthetic value of the setting at Acton Court is particularly vulnerable to further modern development.
- 5.47 By reason of scale, appearance and siting, the proposal would cause harm to the setting and significance of Acton Court, a grade I listed building. The proposals would result in less than substantial harm in the middle to higher end of the spectrum.

#### Impact on Archaeology of Acton Court

- 5.48 The application, for a solar farm, is situated in an area of great archaeological and historical interest. Although there are archaeological sites within the wider area, it is the proximity of the proposed solar farm to Acton Court, and its associated heritage, that is of most concern.

- 5.49 Whilst the core residence of the Medieval Manor (the Manor House) is to the east of the proposed development site and in the grounds of Acton Court, manors controlled extensive areas of land surrounding the primary residence. This land was utilised for a variety of reasons and the survival of fishponds, the deer park, ridge and furrow and pillow mounds (rabbit warrens) within / surrounding Acton Court are all clear indicators of its high-status and of its manorial history.
- 5.50 The Project Site was, therefore, undoubtedly part of the Medieval Manor at Acton Court. Part of it would become a Deer Park, shortly after the manor was built, and would be part of the estate until the 20th century. Therefore, features on the Project Site are directly connected to the monument. The archaeological features in question are the ridge and furrow, the water management system, the deer park (and pale) and the “ride”. All of these represent fossil or relic elements of a historic landscape.
- 5.51 Ridge and Furrow is recorded within the proposed development site as well as directly adjacent to Acton Court. It is accepted (as stated in the HA – para 5.38) that the ridge and furrow on the proposed development site is in a poor state of preservation. However, I disagree that they are of limited historical interest and make no meaningful contribution to the historic landscape. The HA relies purely upon the entry in the Historic Environment Record (HER), which dates these features to the Post-Medieval period largely based on the judgement that as they are located within the bounds of the Medieval Deer Park, they could not have been formed until after the Deer Park went out of use in the 17th century, otherwise they would have taken away valuable parkland.
- 5.52 However, Historic England have stated that the ridge and furrow is more characteristically of Medieval date than Post-Medieval date and assert that it was extant prior to the Deer Park and that it was incorporated into the park as a show of wealth and prestige (to show that the Lord of the Manor could take agricultural land out of use).
- 5.53 There can be little doubt that at least some of the ridge and furrow in the immediate landscape of Acton Court dates to the Medieval period as the excavations and landscape assessment in the late 1980s have shown that a large bank and ditch (almost certainly the Deer Park boundary) cut this ridge and furrow, therefore showing that the ridge and furrow was there before the Deer Park.
- 5.54 There is some further, although less conclusive, evidence that the ridge and furrow is of an earlier date than set out in the HER and the HA. The excavations at Acton Court undertaken in the late 1980s uncovered a feature very similar to a furrow, and which contained organic material. This “furrow” was cut by a later part of the moat of the Medieval Manor, implying that it was present prior to the building of the moated site, and at the very least, earlier than 1535 (the excavator’s period 4 classification).
- 5.55 As such, it is much more likely that the ridge and furrow recorded on the Project Site dates to the Medieval period. As there was a settlement on this site for at least 50 years before the Deer Park was established, it is likely that this ridge

- and furrow served this residence. Even if it is not, and is indeed later, the ridge and furrow is an important part of the changing nature of Acton Court and contributes greatly to our understanding and appreciation of the site, as well as being a relic element of a historic landscape associated to a significant heritage asset.
- 5.56 The Heritage Note states that the ridge and furrow would be preserved within the development. Given the proposals have solar arrays covering nearly all of the land contained within the red line boundary, it is difficult to see how this is the case.
- 5.57 The Deer Park is first recorded in 1312 but may have been established as far back as 1285 when Sir John de Acton was knighted. It was quite small as by 1321-2 it was recorded as only being c.15ha. Excavation and assessment in the 1980s show that the Deer Park boundary extended north through the grounds of Acton Court before turning westward towards the proposed development site (largely paralleling the B4059). This is already recorded in the scheduling description, but the geophysical survey accompanying the Heritage Assessment for the application, seems to show this continuing into the Project Site, which is a welcome piece of information.
- 5.58 In its original iteration, the Deer Park would have been directly related to the Moated Medieval Manor, serving this increasingly high-status dwelling. Later, the Deer Park was expanded to include most of the fields that currently make up the proposed development site, encompassing an area of 49.5ha by 1649 and 62ha by 1683 (although by this time it was no longer a functioning Deer Park). At what point the original Deer Park was expanded is unclear, but documentary evidence implies that it was gradually enlarged during the 14th century. Nevertheless, the original deer park likely occupied the northern part of the development site, in the fields bordering the B4059. Whilst views towards this would undoubtedly have been of importance, the functional association of the Deer Park to the Manor would have made a major contribution to its significance.
- 5.59 Connected to this is the 'Ride'. Set within the bounds of the proposed development, this linear strip of land is orientated WNW-ESE and was likely to have been the formal ride associated with the Deer Park, a place through which those embarking on the hunt entered the Deer Park. It is called the Walk in the Tithe Apportionments and the east Deer Park has a corresponding 'Avenue'. As the HA points out, this element of the landscape would not be touched by the proposed development as no solar arrays are to be positioned there. However, this is a key remaining element of the Deer Park and encroachment upon this historic feature would be harmful as it would result in change to a historic landscape that has surrounded it for centuries.
- 5.60 There is evidence for a water management system NW of Acton Court, connecting Laddon Brook to the Medieval Moat. The Heritage Assessment suggests that this water management system is outside the proposed development site red line boundary, and is instead located north of the B4059 at the point of the mineral railway bridge. It is unclear how this conclusion has been reached however, as this is simply as far as the feature was identified on

historic aerial photos. Potential for survival of a water management system is possible in the northern part of the proposed development site.

- 5.61 The Heritage Assessment states that there are no clear views of the Scheduled area from the proposed development site and Acton Court and its associated elements, and therefore concludes that there would be no harm to the Scheduled Monument (or rather it does not consider the impact of harm at all to the Scheduled Monument because of this).
- 5.62 However, the assessment was undertaken when vegetation was fairly dense and during winter the tree cover would be significantly thinner offering views to and from the proposed development site. Even if screened, it would take time for vegetation to become firmly established and even then, it would not entirely eliminate views across to the proposed development site, particularly in winter, which would be reveal an entirely alien landscape of solar panel arrays. These would be reflective and at the very least, totally out of keeping with the existing and surrounding landscape.
- 5.63 There are elements of the Scheduled Monument that have been integrated into the Listed Building (the south and west ranges) and there is a greater potential for these to be impacted by the development than other elements. Therefore to suggest that there would be no impact to the setting of the Scheduled Monument is incorrect. There would be a degree of intervisibility, and this would result in harm to the heritage asset.
- 5.64 Intervisibility is not the only factor that contributes to setting. Historic England's The Setting of Heritage Assets (GPA 3) states that:
- Setting is the surroundings in which an asset is experienced. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced... by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.*
- 5.65 The landscape surrounding Acton Court and within the proposed development area retains elements of the historic landscape that contribute to an understanding and appreciation of Acton Court in all its phases, and their destruction, encroachment, removal or alteration would be harmful to the significance of this highly important site, removing features that were long-lived parts of this asset. Survival of these types of landscape feature, surrounding an asset such as Acton Court, and part of its original function and use, is rare in South Gloucestershire and relic field system / relic historic landscapes should be retained for the contribution they make to the significance of these heritage assets.
- 5.66 Overall, there would be a significant change to the landscape surrounding Acton Court, removing the open and agricultural land and replacing it with a densely populated solar farm. This would not only encroach on Acton Court itself, but would entirely remove the setting of the Deer Park and the other features historically associated with Acton Court and its earlier iterations.



- 5.67 The proposal would represent a total alteration to a historic landscape directly associated with a monument of the highest regard, destruction of the historic character of the area and partial destruction of above and below ground archaeological features (e.g. ridge and furrow) associated with Acton Court, none of which could be restored afterwards. The proposals would result in less than substantial harm in the middle to higher end of the spectrum.

#### Above ground impact on the Deer Parks and Acton Lodge

- 5.68 The application site includes land that was originally part of the Acton Court estate and within the boundary of the west deer park, which was the first deer park associated with the early 14th century manor house. It extended down the western side of the village towards Algars Manor and was created from arable land. It almost certainly contained fallow deer, but also would have served a variety of other functions including grazing, pannage, and timber. The majority of deer parks in southern Gloucestershire were, as elsewhere, created in the 13th and early 14th centuries. The later parks, which tended to occupy land of greater agricultural value, were designed principally as sporting amenities. The present alignment of the former Bristol Road, which joins the lane from Algars Manor, incorporates a sharp turn northwards along the eastern boundary of the park which raises the possibility that the original road line may have been diverted when the park was extended.
- 5.69 The later deer park at Acton Court which was established in the 15th or 16th century to the east of the Court and included a hunting stand or lodge; a three storey, square prospect tower built almost exactly in the centre of the park and which would have overlooked the whole of the enclosed park area, including Acton Court and West park. It could also have combined several other functions, acting as a hunting stand, a gazebo, a banqueting house or a keeper's dwelling. This 15th/16th century tower still survives to its full height, incorporated in to Acton Lodge Farm (grade II listed) and can be seen from various locations around the village, including from the front of the Church where it forms the focal point of an important view northwards, understood to be a formal ride or avenue through the Tudor deer park.
- 5.70 Remnant features within the landscape reflect the possible physical and functional relationship between Acton Court and the deer park. Within the application site the narrow field running in an east west direction is named on the Tithe apportionment as 'The Walks' and is likely to have provided access through the park to the meadow adjacent to Ladden Brook. The east park has a tree lined avenue, named 'The Avenue' on the tithe map, running north from the church may represent another ride.
- 5.71 In contrast to the west park, which may have been in use for almost four centuries, the east park had a much shorter life. The reason for this is that it occupied land of much higher quality, which was worth converting back to agriculture at an earlier date. The disparking in 1582 should not be seen as a sign of poverty but sensible land management. Acton Lodge passed from the ownership of the Poyntz family in 1683. The west park at Acton Court appears to have contained deer until the late seventeenth century.

- 5.72 The historic association between Acton Court and Acton Lodge is an important aspect of the historical significance of both buildings and their landscape setting, the vista between the two being an intentional and fundamental element of the design. The physical form of tower, still evident in the building today, contributes to an understanding of its original design and purpose, including to survey and appreciate the wider surrounding landscape setting of Acton Court.
- 5.73 Concerns were initially raised that the proposed development would form an intrusive and harmful backdrop to Acton Court in views from the tower. Photographs have been submitted within the Heritage Note of the aspect achieved from the top window of the west elevation of the tower looking back towards Acton Court.
- 5.74 From the photographs submitted there are clearly only limited views of Acton Court and the land beyond. The views of the landscape westward are however somewhat impinged by the branches of an adjacent tree, which if removed or lost when the tree fails, would open up the potential aspect of the surrounding landscape.
- 5.75 The proposals would appear intrusive and visually harmful, and in respect of the overall significance of Acton Lodge would be limited and would result in less than substantial harm towards the lower end of the spectrum.

#### Church of St James the Less

- 5.76 According to the Listing description, the Church of St James the Less is of late-14th to early-15th century date. It is mainly of the Perpendicular style. The three-stage tower and churchyard cross were commissioned by Robert Poyntz in the early-15th century; at this time, he owned and occupied the medieval antecedent to the present building known as Acton Court. The Poyntz Chapel within the church has three incised stones to the Poyntz family.
- 5.77 As a Grade I Listed Building, the Church of St James the Less is a designated heritage asset of the highest level of significance as defined by the NPPF. That significance is predominantly derived from the special architectural and historic interest of its built form and fabric.
- 5.78 Elements of its setting that make a lesser contribution to significance are:  
Its elevated, prominent position on High Street, within the historic settlement core of Iron Acton;  
- Its associated walled churchyard and former rectory to its south;  
- Its historic association with the Poyntz family and thus Acton Court and Acton Lodge – the first edition OS map shows an avenue connecting the church and Acton Lodge Farm, and there seems to be a glimpse of Acton Lodge Farm in the views from the churchyard along this alignment;  
- The close-ranging views of the asset from its walled churchyard (including the south side) and from High Street;  
- The mid-ranging views of the church tower from the B4059/Wotton Road junction; and

- The long-ranging views of the church tower from the public right of way that runs parallel to the former avenue through the former east deer park, due south of Acton Lodge Farm.
- 5.79 There is a designed landscape and visual link between the Church of St James the Less and the former east deer park of Acton Court. There is no such direct association between the church and the former west deer park, i.e. the proposal site. The church, Acton Court, and Acton Lodge Farm feature in panoramic views from the aforementioned public right of way through the former east deer park – but the site cannot be readily discerned.
- 5.80 The site is seemingly not co-visible in any close-, mid-, or long-ranging views of the church). The glimpses of the church from certain locations within the site are incidental views of the asset. There is no visibility of the site in views from the churchyard.
- 5.81 The proposals would therefore not result in any change in setting that would harm the special architectural and historic interest of this grade I listed building.

#### Iron Acton Conservation Area

- 5.82 The site is not included in the conservation area however it is likely that it will be visible from certain locations within the conservation area. The adopted SPD includes a character area which relates to Acton Court and former lands: Acton Court, Acton Lodge Farm and former deer park (east park), which are all with the boundary. In describing Acton Court the SPD states:

*It is located in a very rural, agricultural landscape with fields divided by low stone walls and field hedges. Small coppices and concentrations of trees around Lodge Farm and to the north and south of Acton Court provide the main tree cover in the area although individual trees are dotted along field boundaries. This comparatively open landscape means that it is possible to see one, if not more of the three principal heritage assets of the conservation area from most locations; Acton Court, Acton Lodge Farm and the Church of St James the Less. Whilst Acton Court is the dominant building of this area, the tower of Acton Lodge Farm was an important eye-catcher on the skyline, reinforcing the historical context and significance of this landscape.*

*...this area has a very isolated and rural feel,...*

- 5.83 The associated Preservation and enhancement strategy is as follows:
- *Ensure that development, uses and other changes that require planning permission do not harm the character, significance or setting of Acton Court, or the significance and setting of archaeological features and other heritage assets that surround it.*
  - *Protect the historic landscape setting and important views of heritage assets.*

*New development should protect important views, vistas and open fields that contribute to the character, appearance or setting of the conservation area and the setting of designated heritage assets.*

- 5.84 The development is not considered to accord with these preservation and enhancement strategies, instead causing less than substantial harm to this designated heritage asset towards the lower end of the scale.

#### Level Crossing Cottage

- 5.85 Level Crossing Cottage was built as the dwelling for the keeper of the adjacent level crossing for the former railway line from Yate to Thornbury. The line opened in 1872 and carried passengers until 1944 and freight until 1966 when it was closed entirely. The track was re-laid in 1972 to serve the new Stone Terminus at Grovesend Quarry. In 2013, the quarry was closed and the line became disused once more.
- 5.86 Level Crossing Cottage is described as A Victorian railway level crossing keepers house of very attractive design, very similar in detail to Tytherington & Iron Acton Station Masters houses. Built of local limestone with Bath Stone dressings, it still retains the wooden finials at the gable ends. The architecture is typical of the type and period. The railway line is an important element of its setting and significance, and therefore an understanding of the purpose of the railway line – transporting goods through the landscape - could be argued as relevant to it's appreciation. Therefore a shift from rural to industrial landscape certainly would have an impact on the ability to appreciate the historic character of this landscape at the time that the railway infrastructure was constructed.
- 5.87 The significance of the Level Crossing Cottage has been further addressed within the Heritage Note and whilst noted, the potential impact of the development on the setting has been somewhat downplayed. It is considered that the visual impact of a solar farm almost directly opposite the building would have impact, and that there would be co-visibility of the two, especially in views from the east looking west. While the site may have no historic association with the building, the visual impact of the proposals will clearly change the existing rural setting that this once isolated cottage has enjoyed since it was built. While this clearly would leave the significance of the building largely intact, its setting would change, and this change would be harmful.

#### Acton Court Gardens

- 5.88 The gardens at Acton Court are locally listed and included on the Gazetteer of Historic Parks and Gardens in Avon, maintained by Avon Gardens Trust. Gardens which are of local importance for their historic, horticultural, arboricultural, ecological, architectural or archaeological values are included on this gazetteer. The significance of the gardens and the impact of the development on that significance and setting is discussed above. Harm is considered to result from the development to this locally listed asset. This said, in determining the application against local and national planning policy, the significance of the grade II listed boundary walls and the contribution the

gardens make to the significance and setting of the grade I manor house must be prioritised over the local designation.

#### Climate change and renewable energy

- 5.89 There is a strong national and international agenda to reduce CO2 emissions through the generation of energy from renewable sources.
- 5.90 At a national policy level, the Climate Change Act 2008 set a legally binding, UK-wide carbon emissions reduction target of 80% by 2050 from a 1990 baseline with emission reductions divided into interim five-yearly targets. However, in its Progress Report to Parliament in June 2018, the Committee on Climate Change (CCC) found that despite progress in the power sector the UK is not on course to meet the legally binding fourth and fifth carbon budgets and ‘the UK’s continued claim for climate change leadership now rests on continuing the reduction in power sector emissions.
- 5.91 The UK is also a signatory to the 2016 Paris Agreement which aims to hold the increase in global average temperatures to well below 2 degrees above preindustrial levels and to pursuing efforts to limit the temperature increase to 1.5 degrees above pre-industrial levels.
- 5.92 In June 2019, following updated advice from the CCC in its report ‘Net Zero – The UK’s contribution to stopping global warming’, the Government amended the Climate Change Act from an 80% reduction in emissions by 2050 against a 1990 baseline, to a target Net Zero Carbon target. At a local level, more than 400 Councils, including SGC, have declared a Climate Change Emergency and agreed to work toward cutting CO2 emissions at a faster rate than the UK government target of Net Zero Carbon by 2050. SGC has also signed up to the UK100 pledge to ensure 100% renewable energy across the district by 2050, currently only 4.8% of the districts energy needs is generated renewably from within the District. There are no statutory targets set by government for reductions to be achieved in each district.
- 5.93 In summary, European, national, and local policy encourages renewable energy developments to help mitigate the effects of climate change provided that full consideration is given to other environmental impacts.
- 5.94 The overarching aim of the planning system is to contribute to the achievement of sustainable development i.e. “meeting the needs of the present without compromising the ability of future generations to meet their own needs”. This can be achieved through economic, social and environmental means. Moving to a low carbon economy, mitigating and adapting to climate change and using natural resources prudently fall under the environmental objective.
- 5.95 Para 152 indicates that the planning system should support the transition to a low carbon future in a changing climate through among other factors supporting renewable and low carbon energy and associated infrastructure.

5.96 Para 158 sets out that ‘when determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.’

5.97 The NPPG reiterates that addressing climate change is one of the key land use planning principles. Paragraph 1 states:

*Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.*

5.98 However Paragraph 5 states and this forms the basis for the assessment of the wider material planning considerations:

*There are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts. The views of local communities likely to be affected should be listened to.*

5.99 Paragraph 7 indicates that in considering planning applications it is important to be clear that:

- The need for renewable or low carbon energy does not automatically override environmental protections;*
- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases;*
- local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas;*
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;*
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration;*

*- protecting local amenity is an important consideration which should be given proper weight in planning decisions*

- 5.100 Policy CS3 sets out that proposals for the generation of energy from renewable or low carbon sources, provided that the installation would not cause significant demonstrable harm to residential amenity, individually or cumulatively, will be supported. In assessing proposals, significant weight will be given to the wider environmental benefits associated with increased production of energy from renewable sources; proposals that enjoy significant community support and generate an income for community infrastructure purposes by selling heat or electricity to the National Grid; the time limited, non-permanent nature of some types of installations; and the need for secure and reliable energy generation capacity, job creation opportunities and local economic benefits.

CS3.1: The wider environmental benefits associated with increased production of energy from renewable sources;

- 5.101 This report has set out above that the direction of both international and national policy is overarching desire to increase the amount of energy produced from renewable sources.
- 5.102 In this instance, the proposed development would make a reasonable contribution to the South Gloucestershire Climate Change Strategy (CCS) which carries the objective of reducing the reliance on unsustainable energy generation in the interests of reducing the impacts of climate change. This is directly linked to the UK commitment to reducing the impact of climate change. It is considered that the proposed development would make a positive contribution to the South Gloucestershire CCS and would bring positive wider environmental benefits, and this should be given weight in determining this application.
- 5.103 To place the development in perspective, in September 2019 South Gloucestershire had 170MW installed renewable energy (source – South Gloucestershire Renewable Energy Progress Report 2018-19 Regen). Solar development makes up 91MW of this capacity. Within this context, a 24MW scheme represents a modest increase in renewable energy production. The Proposed Development would supply clean renewable energy the National Grid, providing the equivalent annual electrical needs of approximately 6,300 family homes in SGC. The anticipated CO2 displacement is around 5,490 tonnes per annum, which represents an emission saving equivalent of a reduction in approximately 1,820 cars on the road every year.
- 5.104 The battery storage facility would be utilised to reinforce the power generation of the solar farm by being utilised to store excess energy from the solar farm which can then be released into the grid network during times of increased demand.

CS3.2: Proposals that enjoy significant community support and generate an income for community infrastructure purposes by selling heat or electricity to the National Grid.

- 5.105 The submitted statement of community involvement statement sets out the level of community engagement that has taken place.
- 5.106 Members of the development team met virtually with Iron Acton Parish Council on 15 March and 6 May 2021 and Tytherington Parish Council on 29 March 2021. Both Parish Councils were provided with the public consultation brochure prior to it being distributed to the public.
- 5.107 Clark, Cllr Claire Young and Cllr Jon Lean) were provided with the consultation material and offered virtual briefings.
- 5.108 Overall, the consultation feedback received via the submitted feedback forms was positive. Of the 10 local residents that provided feedback, 8 (80%) were in favour of the proposal, and 2 (20%) objected.
- 5.109 Support and objection comments have been submitted to the LPA and these are listed above. The application cannot be considered as having significant community support. Many of the points are covered within the specific assessment sections of this report.
- 5.110 In terms of a community benefit, the applicant has provided a letter of commitment for a community benefit contribution of £15,00 to Acton Aid in order that be used to the direct benefit of the community. In addition, a contribution of £1,000 to Floral Friends. These would be one-off payments, to be paid on commissioning of the project.

#### CS3. 3: The time limited, non-permanent nature of some types of installations

- 5.111 The development is proposed for a period of 35 years after which the site would be returned to its current condition, with the exception of the ecological and landscape improvements.
- 5.112 A 35 year period, whilst obviously non-permanent in the strictest sense, is not temporary. The earlier generation of sites were usually for a 25 year period. It is not considered that any significant weight can be given to this. This said, should national, local or global situations arise, the panels could be removed and the land reverted to agriculture within a few months.

#### CS3.4: The need for secure and reliable energy generation capacity, job creation opportunities and local economic benefits

- 5.113 The government, in producing the Solar Radiation maps of the UK, have identified areas of the country receiving higher levels of solar radiation. South Gloucestershire is identified as falling in an area receiving high levels of solar radiation. The solar proposed solar farm is therefore considered to be a reliable source of renewable energy. In addition the battery storage element should be noted.
- 5.114 It is not considered due to the way solar farms operate that, with the exception of commissioning and de-commissioning, the site will generate notable local employment opportunities.



5.115 In summary the application proposal is considered to carry significant beneficial weight principally due to point 1 of Policy CS3 above but also elements of point 4 in particular. Having regards to the above, the proposed solar energy farm would make a contribution towards renewable energy production in South Gloucestershire and the objectives of the CCS, as well as contributing towards the National commitment. These benefits therefore carry significant weight in considering this planning application.

#### Alternative sites

5.116 In terms of site selection, a difficult balance has to be struck between finding sites of sufficient size with good grid connection, with acceptable landscape, residential amenity, ecology, hydrology, heritage and transport impacts. The point of connection is a significant driver for site selection. Paragraph Paragraph 006 of the NPPG advises that '*Examples of considerations for particular renewable energy technologies that can affect their siting include proximity of grid connection infrastructure and site size.*' It is of course true that a solar farm cannot be developed without a suitable grid connection. The connection to the grid will be made at the National Grid Iron Acton Substation, located approximately 1 km north from the site. The cable would run below ground from the boundary of the Site directly to National Grid owned land at the substation. Applicant signed a Bilateral Connection Agreement and Construction Agreement with National Grid allowing connection for a future intended solar and battery project to the point of connection at Iron Acton substation. This secures the capacity available on the grid at the substation for a fixed period of years.

5.117 Given the technical constraints in choosing a suitable site adjacent to the point of connection to the Iron Acton substation, no reasonable alternative sites of appropriate size have been identified by the Applicant which could accommodate the development proposal within 5km of the point of connection.

#### Agricultural land classification

5.118 A report has been commissioned by Enso Green Holdings to determine the quality of agricultural land at the site. The ALC system divides agricultural land into five grades (Grade 1 'Excellent' to Grade 5 'Very Poor'), with Grade 3 subdivided into Subgrade 3a 'Good' and Subgrade 3b 'Moderate'. Agricultural land classified as Grade 1, 2 and Subgrade 3a falls in the 'best and most versatile' category in Paragraph 170 and 171 of the National Planning Policy Framework (NPPF) revised in February 2019.

5.119 Paragraph 174 of the NPPF states that:

*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

5.120 Paragraph 175 states:

*Plans should: distinguish between the hierarchy of international, national locally designated sites; allocate land with and the least environmental or amenity value, where consistent with other policies in this Framework(58);*

With footnote 58 stating:

*Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.*

5.121 Within the site, it has been found that 3.9Ha, or 10.3% of the land is Grade 1, 3.8Ha or 10% of the land is Grade 2, 8.7Ha or 22.9% of the land is Grade 3a, and 20.4Ha or 53.7% of the land is Grade 3b.

5.122 Ministry of Agriculture, Fisheries and Food (MAFF) provisional (Pre 1988) ALC information shows that South Gloucestershire District has a high proportion of agricultural land in Grade 3, i.e., 75.4% compared with 48.2% in England as a whole. Therefore, the predominance of land in Grade 3 at the Site, i.e., 29.1ha, or 76.6% of the Site (comprising 8.7ha of Subgrade 3a and 20.4ha of Subgrade 3b) is consistent with 75.4% of Grade 3 land in the District.

5.123 It is important to consider that the construction of a solar farm at the Site is reversible development, i.e., the solar panels will be removed following the operation life of the scheme, and the land would be returned to agricultural production. In many respects, the management of the land under solar PV panels over the operational life of the scheme can improve soil health, such as increasing soil organic matter (SOM), and hence soil organic carbon (SOC), increasing soil biodiversity, and improving soil structure. This is consistent with aims and objectives for improving soil health in the Government's 25 Year Plan for the Environment.

5.124 Therefore, development of agricultural land at this Site would not significantly harm national agricultural interests in accordance with paragraph 1716 of the NPPF or Development Plan policy in relation to CS34.

### Landscape

5.125 The proposed development site covers some 38 hectares and comprises 8No. agricultural fields, It is bounded to the north, by the B4059; the east, by the minerals railway; the SE, by the B4058 Bristol Road, off which the site is currently accessed; the south and SW, by agricultural field boundaries; and the NW, by the Ladden Brook.

- 5.126 The northern two thirds of the site is crossed by a network of drains that flow westwards into the Laddon Brook. A small pond lies within the centre of the site to the SE in the curved ditch, and a second pond adjacent to its SW edge where the boundary projects towards the Laddon Brook.
- 5.127 The Ecology Assessment Report has assessed the majority of internal and perimeter site hedgerows as being 'intact hedge and trees, species-rich'. AIA Report has identified a number of Category A and B trees located across the site including mature Oak specimens. Overhead power lines on pylons cross the SW part of the site from NW to SE.
- 5.128 The site itself lies within the western margin of SGC Landscape Character Area (LCA) 8: Yate Vale, adjacent to the southern edge of LCA 9: Tytherington Plain the boundary of which follows the B4059. This part of the vale is crossed by a number of public footpaths, including the Frome Valley Walkway that lies some 300m to the south of the site. National Cycle Route 410/Avon Cycleway passes the site some 300m to its east. This part of LCA 8 is overlooked from the west by The Marle Hills and the Rudgeway and Tytherington Ridge from the west, and Wickwar Ridge and Cotswolds Scarp from the east.
- 5.129 Appendix 3 sets out the LVIA methodology, but contains no definitions for landscape sensitivity, or magnitude of either landscape or visual effects. However Section 3.2 of the main LVIAI report does supply this information. Figure 2 helpfully shows the relationship of the site to the Iron Acton Conservation Area, and South Gloucestershire GI strategic infrastructure with reference to Policy CS2.
- 5.130 Figure 4 shows the ZTV and 8No. representative assessment VP locations, together with a complementary number of illustrative viewpoint locations. The supporting illustrative material shows that the solar PV scheme will be visible from relatively few locations, which take in the B4059 corridor, western edge of the Conservation Area, and an arc of publicly accessible land to its south and SW between VPs 5 and 6.
- 5.131 4No. photomontages are provided for:
- VP2: B4059 where it lies adjacent to the Minerals Railway
  - VP3: Acton Court turret wall (Appendix 8 contains a further illustrative photomontage from the royal apartments in Acton Court)
  - VP5: footpath LIA/36 near Laddenside Farm
  - VP6: footpath LIA/38 crossing the Marle Hills
- 5.132 As shown on Landscape Plan – 30 and confirmed in the Planning Statement (paras. 7.34 to 7.46), a 15m wide tree belt is proposed to the west edge of the mineral railway to fully screen views from the Grade I listed Acton Court. The visual effect on VP 3 has been assessed as 'Negligible adverse'.
- 5.133 The Landscape Officer considers that the short-term visual effects on VPs 5 and 6 will be slightly greater than assessed, namely 'Small-Medium adverse' on VP5 and 'Small adverse' on VP6.

- 5.134 The applicant has confirmed that no roadside vegetation will be lost to the underground connection cable route along the B4059.
- 5.135 LVIA Section 7.2/Table 2 assesses the stand-alone landscape effect on the site and adjoining section of the B4059 as being 'large' scale, with a corresponding adverse effect of 'Moderate-Slight' significance on the part of LCA 8: Yate Vale within which the site lies, which will reduce to 'Slight-Minimal adverse' as mitigation planting establishes.
- 5.136 Figure 10 shows the cumulative ZTV for the scheme in conjunction with other solar PV sites. The scheme together with the location of Perrinpit Lane site would complete an 'arc of solar PV development' between Frampton Cotterell and the M5 motorway.
- 5.137 LVIA Section 8 discusses cumulative effects, which will not exceed 'Slight-Minimal adverse' significance (see also Figures 10.C and 11). The Landscape Officer considers there will be a discernible change in how people perceive the character of the landscape, and their enjoyment of it, as they move between the various solar PV schemes.
- 5.138 The proposed mitigation strategy is described in the DAS, and LVIA Section 6.3, and includes:
- Creation of a new nature area ('The Walk'), including restoration of remnant historic hedgerows and field pattern character, which comprises the narrow linear field extending westwards from the minerals railway across the centre of the site (see Soft Landscape Plan -31, and description in LEMP under Objective 3 on page 13).
  - An enhanced GI corridor along the Minerals Railway to help mitigate the visual impact on Acton Court (see above).
  - Enhanced grassland habitat along the margins of Ladden Brook and waterbodies within the site.
  - Strengthening of existing field boundaries through new planting and relaxation of management, together with relaxation of management of field margins/fringe areas to improve biodiversity.
  - Low intensity grazing of areas beneath and around solar panels by sheep.
- 5.139 A 15m wide tussocky grass and hedgerow buffer has been proposed to the outside of the perimeter fence adjacent to the Laddon Brook.
- 5.140 The 15m wide tree belt is proposed to the west edge of the mineral railway (to screen views from Acton Court) is shown on Plan-30 as early planting of Hedgerow Mix 1, which includes a number of taller growing tree species. Advanced/early tree planting is proposed for this area.
- 5.141 Severance of the internal vegetation framework has been largely minimised. A section of the track does impinge upon the Root Protection Zone of one tree, however there is an existing gateway in this location and the trees will be protected during construction in line with the submitted AIA.

- 5.142 The LEMP provides a logical sequence of information, and considers the objectives set out in SGC Landscape Character Assessment SPD. Cross reference is also made to the Green Infrastructure SPD.
- 5.143 The LEMP also considers the scope of management operations required as part of the enabling works, and also discusses decommissioning after the operational period.
- 5.144 New hedgerows will be allowed to grow to a minimum 6m height. Planting will be maintained for its first 3 years to assist establishment. A private management company will be appointed and tree health will be monitored by a qualified arboriculturalist.
- 5.145 Overall, a significant amount of planting is proposed to the site, comprising around 22,630m<sup>2</sup> of structure planting and hedgerow enhancement; 1,330m<sup>2</sup> of woodland copse planting; 51,680m<sup>2</sup> of grassland improvement including wildflowers; 1,900m<sup>2</sup> of low scrub planting, and 7no. oak trees. The proposal greatly improves GI corridors and connectivity across and within the site.
- 5.146 Given the limited visibility of the site due to the existing vegetated field boundary network, the proposed planting and future management, the visual impacts in landscape terms are considered to be limited, and in isolation, acceptable, subject to conditions relating to advances/early planting, further detailed soft landscape/planting plans and an updated LEMP.

### Ecology

- 5.147 An Ecological Assessment Report (Enso Energy, June 2021), Ecological Mitigation Strategy (Enso Energy, October 2021) and a Landscape and Ecological Management Plan (Enso Energy, October 2021) has been submitted. The site is not covered by any designated sites.
- 5.148 Habitats within the existing site include:
- Arable
  - Poor semi-improved grassland
  - Running water
  - Dry ditch
  - Standing water
  - Species-rich hedgerow with trees
  - Species-poor intact hedgerow
  - Species-poor defunct hedgerow
  - Dense/continuous scrub
- 5.149 The northern margin of field 9 was noted to support a diverse forb sward, in the report it states that the proposals will retain this margin and other internal field grass margins between the perimeter security fence and hedgerows. Small sections of hedgerow will be removed. A buffer will be created from the boundary features and the ponds will be retained.

- 5.150 A number of trees were noted to support potential bat roosting potential within the boundaries, however these will be retained. Habitats on site were considered to be of moderate potential for foraging bats. The linear features also offer foraging and commuting opportunities.
- 5.151 Ponds that have been recorded in the report are within 250m radius of the site and 50m of the proposed cable route. Three ponds were identified within 250m of the site and three ponds within 50m of the cable route. Two additional ponds were also assessed in the wider area. Enso Energy were informed by owners of P6 and P8 that the no ponds are no longer present. Ponds 3 and 4 were inaccessible for survey, however P3 is located beyond a busy road reducing the likelihood of GCN dispersing to the site. The owner of P4 informed that the pond is stocked with fish and used by waterfowl, reducing the likelihood of GCN being present. eDNA surveys found that GCN were present at P5. Reasonable Avoidance Measures (RAMs) have been recommended.
- 5.152 The hedgerows have the potential to support dormice, these will be retained and protected, however short sections will be removed which will be done under RAMs.
- 5.153 No signs of otter were recorded during the survey, though there are records of otters being present in the local area which may use Ladden brook, though the ditches on site are mostly unsuitable. There is a proposed stand off buffer of 8m to prevent disturbance to otters.
- 5.154 The report details that the nature and location of site lacks potential to support wintering bird populations. The linear features will provide nesting opportunities. Skylark are present in low breeding numbers and were found across the whole site. Within the report it states that the nature of the proposal (solar panels) will not likely impact on skylarks due to the enhancements that will be implemented and the disturbance being to sub-optimal habitat, and sufficient mitigation has been proposed to ensure disturbance will not occur during development.
- 5.155 The majority of the habitat is not optimal for reptiles, though they are likely to be confined to the boundary habitats.
- 5.156 No signs of water vole were recorded, however some of the ditches were considered suitable, they are presumed absent or present in low numbers. A pre-commencement survey has been recommended, and this is to be undertaken immediately prior to works starting and if presence is confirmed works cannot commence until sufficient survey / licensing requirements if applicable have been met.
- 5.157 No evidence of badgers was recorded on site, however a mammal hole was recorded in the railway embankment though limited access meant this could not be investigated further. Mammal holes/gates will be installed to ensure continuous use for badgers and other small mammals.
- 5.158 There are suitable habitats on site for hedgehogs, which would be mainly confined to the boundaries.

- 5.159 As the fields are subject to regular management, it is unlikely that they will support a wide assemblage of invertebrates.
- 5.160 Overall, the proposals provide suitable mitigation measures to prevent harm to ecology within the site. The proposed additional planting would provide a 19.46% biodiversity net gain. In regards to ecology, the proposals are considered to be acceptable, subject to a condition requiring the proposed mitigation to be carried out.

#### Farm diversification

- 5.161 There is support in national (NPPF paragraph 83 (b)) and local policy (Core Strategy CS34 and Local Plan PSP28) for farm diversification projects that meet sustainable development objectives and help sustain agricultural enterprise, subject to not adversely affecting the countryside and residential amenity.
- 5.162 The additional income generated by the development will help to secure the farming business. Renewable energy is an important form of farm diversification, recognised by the National Farmers Union (NFU) as an important step towards making British agriculture carbon neutral within two decades. The proposal accords with the development plan in this regard.

#### Flooding and drainage

- 5.163 The proposal is sited partially within Flood Zones 2 and 3. In accordance with the NPPF Flood Risk vulnerability classification, the proposal is considered to be Essential Infrastructure (solar farms).
- 5.164 The Site is low-lying and relatively flat; the topographical survey indicates that the highest level of approximately 52.0 metres Above Ordnance Datum (mAOD) is in the eastern part of the Site adjacent to Bristol Road. The Site falls gently in a westerly direction towards Ladden Brook to a level of approximately 49.0 mAOD.
- 5.165 Two 'main rivers' are located within or along the boundaries of the Site. The largest 'main river' is Ladden Brook which borders the western Site boundary and flows in a southerly direction. A short distance upstream of the Site, Ladden Brook passes beneath Letteridge Lane. According to the Flood Estimation Handbook (FEH) website, Ladden Brook has a catchment area of 42 km<sup>2</sup> at the Site location.
- 5.166 An unnamed tributary of Ladden Brook (hereafter referred to as Acton Court Brook) flows through the Site. This watercourse enters the Site at the eastern boundary where it is culverted beneath the Mineral Railway and ultimately discharges into Ladden Brook at the western Site boundary. Acton Court Brook is classified as a 'main river' and has a small catchment area of 2.2 km<sup>2</sup>.

- 5.167 Ordnance Survey (OS) mapping and the topographical survey indicate a number of smaller 'ordinary watercourses' within the Site, in the form of land drains along field boundaries. These watercourses drain to Acton Court Brook and/or Ladden Brook. There are no other significant watercourses or water bodies within the surrounding area.
- 5.168 The EA's flood map for planning indicates that the majority of the Site is located within Flood Zone 2 (medium risk) and Flood Zone 3 (high risk). Detailed flood level data has been received from the Bristol Frome ISIS model.
- 5.169 The EA's surface water flood risk indicates that limited areas of the Site are at risk of flooding from this source. It should be noted that solar panels would be elevated on framework at least 0.8 m above ground level and, therefore, would not impede any surface water flow paths. It is anticipated that the effects relevant to the Proposed Development would be no worse than the modelled fluvial events.
- 5.170 The EA's historic flood map indicates that there are no historic flood records for the Site itself. A historic flood extent is located approximately 30 m to the south of the Site on Bristol Road, which occurred in 1960 as a result of fluvial flooding.
- 5.171 A review of the EA's reservoir flood risk map identifies that the majority of the Site is at risk from reservoir flooding. The EA's mapping indicates that in a failure of the reservoir, the majority of the Site could be affected by flooding to depths of less than 0.3 m, whilst some areas could be affected by depths of between 0.3 m and 2 m. However, this map is based upon a worst-case scenario and it is considered unlikely that flooding would be to the extent modelled. It is therefore considered that flood risk to the Site from reservoir flooding is negligible to low, and, therefore, no specific mitigation is considered necessary from this source.
- 5.172 The modelled flood levels confirm that most of the Site is located within Flood Zone 2 and Flood Zone 3; the majority of which is classified as Flood Zone 3b (functional floodplain) and, therefore, can be expected to flood frequently.
- 5.173 It is necessary to apply an allowance for climate change to the 1 in 100 year event to determine the future flood level. The operational lifetime of the development is 35 years and, therefore, the climate allowance for the years 2040 to 2069 is appropriate. The Proposed Development is classified as 'essential infrastructure' and, therefore, the 'upper end' allowance of 40% should be applied for the Severn River Basin District. The model only includes a 20% climate change scenario; however, the 1 in 1000 year flow rate is over 40% greater than the 1 in 100 year flow rate and, therefore, the 1 in 1000 year event can be used as a conservative estimate of the 1 in 100 year plus 40% climate change scenario.
- 5.174 The panels, containers and electrical equipment will be raised above the 1 in 100 year flood levels including a 40% allowance for climate change (i.e. the 1 in 1000 year event). To achieve this, the solar panels will be elevated on



- framework above the flood depths and, therefore, flow would not be impeded and the displacement of floodplain storage would be negligible.
- 5.175 The flood depths for the majority of the Site are shallow and elevating the panels 0.8 m above ground level will provide a significant freeboard in most areas. However, in the northern part of the Site, it will be necessary to increase the height of the panels further (i.e. up to 1.2 m above ground level, whilst maintaining a maximum height of 3.0 m at the back of the panels).
- 5.176 A sequential approach has been taken in the layout whereby the most vulnerable parts of the development will be located in the areas at lowest risk of flooding. In particular, the substation and battery storage facility will be located in Flood Zone 1.
- 5.177 It is necessary to distribute the inverter stations throughout the Site, as these convert direct current (DC) generated by the panels into alternating current (AC) and, therefore, need to be located in close proximity to the solar arrays. As the inverter stations cannot be practicably located outside of the flood extent, these will be raised on supports above the 1 in 100 year flood level including a 40% allowance for climate change.
- 5.178 With the above mitigation measures, the Proposed Development would remain operational in all modelled flood events.
- 5.179 Floodplain storage compensation should be provided for any loss in fluvial floodplain volume. The EA's 'Flood Risk Assessments: Climate Change Allowances' guidance states that *"in the majority of cases use the higher central allowance to calculate floodplain storage compensation"* and *"use the upper end allowance... when the affected area contains essential infrastructure"*. Therefore, it is appropriate to use the 1 in 100 year with 40% climate change flood levels to assess floodplain storage compensation.
- 5.180 Solar arrays have only been located within Flood Zone 3 where the depth of flooding is below the level of the solar panels, i.e. where only the framework would be inundated and, therefore, flow would not be impeded and the displacement of floodplain storage would be negligible.
- 5.181 The metal framework that supports the solar panels would be fixed into the ground with posts pile-driven into the ground. The posts are formed of a C-shaped section of 4 mm galvanised steel and, therefore, would displace a very small volume of water. The inverter stations will be elevated above the 1 in 100 year including 40% climate change flood level, to minimise any displacement of floodplain storage.
- 5.182 Therefore, it is concluded that there would be a negligible loss in floodplain storage and it is not considered necessary to provide floodplain compensation. As such, it is concluded that the Proposed Development will not result in a significant increase in flood risk elsewhere.

- 5.183 It is anticipated that personnel will only be on-site during the construction phase of the Proposed Development and for occasional maintenance visits once construction has been completed. There will be no other personnel present at the Site for the majority of the operational lifetime of the development. On this basis, it is concluded that construction and maintenance personnel would be safe during the design flood event for the operational lifetime of the development.
- 5.184 The developer and maintenance contractor would sign up to the EA's flood warning service for the local area, to ensure that sufficient warning is provided in the event of an extreme flood. This will ensure that, should EA issue a flood warning for the area, all personnel would have sufficient time to leave the Site or reschedule their planned visits.
- 5.185 The surface water drainage strategy has been based on the research report "Hydrologic Response of Solar Farms" (Cook and McCuen, 2013) published in the Journal of Hydrologic Engineering. It should be noted that the report states "this study, along with design recommendations, can be used as a guide for the future design of solar farms".
- 5.186 Cook and McCuen (2013) demonstrates that solar panels do not have a significant effect on runoff volumes, peaks or time to peak if grass cover is well maintained underneath panels and between rows. Therefore, the proposed planting framework will maintain the current hydrological response of the Site and will not increase flood risk elsewhere.
- 5.187 The proposed planting framework will reduce runoff, encourage interception, infiltration and evapotranspiration and provide water quality treatment before surface water enters the watercourses within and surrounding the Site. The proposed planting will also provide sufficient mitigation against soil erosion.
- 5.188 Grass cover should be inspected and maintained at least twice a year, which is considered an appropriate level of mitigation. It is recommended that during maintenance, any patchy grass or bare ground is re-seeded.
- 5.189 The inverter stations, battery storage facility and associated buildings within the substation compound will be located above a 300 mm deep sub-base formed of permeable material, i.e. gravel (MOT Type 3). The plan area of the sub-base will extend at least 500 mm beyond the footprint of the container or cabin.
- 5.190 The permeable sub-base would receive surface water from the containers or cabins and would promote infiltration to the ground without concentrating runoff. This will mimic the existing greenfield surface water runoff arising from the Site and ensure that runoff rates are not increased post-development. All proposed roads and tracks will be constructed of a permeable material and, therefore, there would be no increase in runoff from these areas.
- 5.191 This FRA has therefore demonstrated that the proposed development will be safe and that it would not increase flood risk elsewhere.

5.192 In terms of the Sequential Test, the solar farm needs to be in its proposed location due to the available capacity in the national grid in this area, owing to its close proximity to the electricity distribution station to the north. Given the site area, it has been concluded that no other suitable sites in the vicinity of the electricity distribution station are reasonably available which have a lower risk of flooding. The Sequential Test is considered to be passed.

5.193 An Exception Test has also been submitted. Para 164 of the NPPF states:

*“The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:*

*a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*

*b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”*

5.194 The broader sustainability benefits to the community required for the first part of the exception test are set out within the Planning Statement, predominantly being the generation of renewable energy and biodiversity benefits associated with the proposal. The FRA demonstrates that the development will be safe for its lifetime, without increasing flood risk elsewhere in accordance with the second part of the exception test. In accordance with Paragraph 165 there are considerable wider sustainability benefits to the community that outweigh the flood risk, therefore satisfying both parts of the exception test.

5.195 The proposal is considered to be acceptable in terms of flooding and drainage, subject to conditions requiring the development to be carried out in accordance with the submitted FRA and the submission of a Flood Evacuation Plan.

#### Transportation and highways

5.196 The main impact in terms of transport is during the 25 week construction period. The application is supported by a Construction Traffic Management Plan.

5.197 A route for construction and delivery traffic from the M5. This follows the A38 from Junction 14 to the B4059 Church Road Rudgeway, through Latteridge entering the site via a widened agricultural access to the east side of Ladden Brook. Construction and Delivery vehicles will exit the site onto the B5058 Bristol Road turn left and rejoin the B4059 at Iron Acton back to Rudgeway. This route is agreed as suitable for the large vehicles requiring access during the construction phase.

5.198 Construction activities and deliveries will be carried out Monday to Friday 08:00-1800 and between 08:00 and 13:30 on Saturdays. No construction activities or deliveries will occur on Sunday or Public Holidays. Where possible, construction deliveries will be coordinated to avoid construction vehicle

movements during the traditional AM peak hour (08:00-09:00) and PM peak hour (17:00-18:00).

- 5.199 The applicant has advised that approximately 337 deliveries will be required (average of 3 deliveries per day or 6 two way movements per day) The largest vehicle to deliver this equipment will be a 16.5m articulated vehicle. The size and frequency of construction and delivery vehicles will not have a significant impact on congestion.
- 5.200 Wheel washing, the use of banksmen and before and after works photographic condition surveys of the adjacent highway are included and agreed.
- 5.201 Both of the points of access benefit from sufficient existing visibility splays. Large HGV track plots have been provided for each access and egress.
- 5.202 There is no transport objections, subject to the access and egress points being widened in accordance with the submitted details and being surfaces appropriately, and for works to be carried out in accordance with the submitted Construction Traffic Management Plan.

#### Residential amenity

- 5.203 A Noise Impact Assessment has been produced to accompany the planning application. The assessment considers the potential noise generation from the plant associated with the Proposed Development, with respect to existing sound levels in the area. The assessment methodology contained in British Standard 4142:2014+A1:2019 Method for rating and assessing industrial and commercial sound has been used in conjunction with supplementary acoustic guidance.
- 5.204 The assessment identifies that the Proposed Development will give rise to rating noise levels that are typically below the measured day and night time background sound levels in the area, at the closest assessed residential receptors, thus giving rise to a Low Impact.
- 5.205 Consequently, the assessment demonstrates that the development will give rise to noise impacts that would be categorised as No Observed Adverse Effect Level (NOAEL) within the PPG Noise guidance.
- 5.206 The possible effects of glint and glare from the Proposed Development have been assessed through the preparation of a Glint and Glare Study. This assessment includes to the possible impact upon surrounding dwellings.
- 5.207 The modelling has shown that solar reflections are geometrically possible towards 54 out of the 75 assessed dwelling receptors. The assessment has shown that due to existing and proposed vegetation, as well as other obstacles such as existing buildings, there will be no significant impact from glint and glare and no mitigation is required.
- 5.208 Overall, the proposal is not considered to cause significant harm to residential amenity.

## Crime and safety

- 5.209 Paragraphs 92, 97 and 130 of the National Planning Policy Framework require crime and disorder and fear of crime to be considered in the design stage of a development. Other paragraphs such as 8, 106, 110, 108, 112, and 119 also require the creation of safe environments within the context of the appropriate section. In addition Policy CS1 – High Quality Design of the South Gloucestershire Local Plan: Core Strategy (December 2013) in Point 9 states that development proposals will be required to demonstrate that they take account of personal safety, security and crime prevention.
- 5.210 Rural crime, and concerns of increased crime, as a result of solar farm developments are common concerns raised during public consultation. In the past decade, in which large scale ground mounted solar farms have been common in the UK, while such developments have been targeted by criminal gangs and opportunistic thieves (typically during construction) solar farms are generally not considered to cause increase in crime rates in a locality.
- 5.211 The perimeter of the site will be fenced with a tensile deer fence (corresponding to a typical deer fence) and will be a minimum of 2 m high (2.1 m including posts), with any entrance secured by gates of similar strength and construction secured with padlocks meeting BS EN 12320 (Grades 56). The perimeter of the battery storage facility will be a 2.4 m high welded steel wire mesh (SR2) coloured green.
- 5.212 The site will be is secured with a full CCTV and intrusion system manned 24 hours a day by personnel contractually committed to act promptly on the site in case of an alarm.
- 5.213 During construction valuable plant and materials will be stored in a secured construction compound with a security team undertaking regular daily inspections. Other measures, as appropriate, will be employed to reduce the risk of crime and deter criminal activity from occurring during this period.
- 5.214 Whilst suggestions have been made by Avon and Somerset Constabulary in regards to improving security on site, such as security bolts and more secure fencing, these have not been brought forward by the applicant. The proposals are however considered to be adequate, and therefore acceptable.
- 5.215 Concerns have been raised by local residents in regards to the safety of the proposed batteries on site. The battery technology is likely to be Li-ion batteries. Fire risk within the Battery Energy Storage System (BESS) containers can be managed in a number of ways (in addition to the base chemistry of the battery cells) through the use of software and hardware fail safes and fire suppression systems. The BESS containers are fitted with monitoring systems to ensure the temperature within each cell of each battery module is monitored. If there is a temperature variation outside optimum operating conditions within an individual module this will trigger a response from the air conditioning units. If temperature increase continues or there is a failure of the air-conditioning units, the BESS container will automatically partially or fully shutdown to mitigate against the risk of thermal runaway and

fire. In the very unlikely event of a battery fire in one of the modules, a fire suppression system would be automatically triggered. The fire suppression system would comprise FM200 gas or similar.

- 5.216 The proposed site is adjacent to the Railway Line. Modelling within the Glint and Glare study has indicated that solar reflections are geometrically possible towards 10 out of the 14 assessed train driver receptors. However, screening in the form of existing vegetation along the railway line and proposed hedgerows along the site boundary are predicted to obstruct all views of the reflecting panels.
- 5.217 The effect of glint and glare has also been assessed in regards to road users. Most of the roads within 1km of the proposed development are considered local roads where traffic densities are likely to be relatively low. Assessment is not recommended for local roads as any solar reflections from the proposed development that are experienced by a road user would be considered low impact. Geometric modelling was therefore only taken forward for receptors along the B4058 and B4059.
- 5.218 The modelling has shown that solar reflections are geometrically possible towards 5 out of the 16 road receptors along the B4058 and all 19 of the road receptors along the B4059. However, screening in the form of existing vegetation, surrounding dwellings, and proposed hedgerows along the site boundary are predicted to be significantly obstruct views of the reflecting panels.

#### Impact on Equalities

- 5.219 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.

#### Planning balance

- 5.220 The Framework indicates that development that is harmful to the Green Belt should not be approved except in very special circumstances. For such circumstances to exist, the harm to the Green Belt and any other harm must be outweighed by other considerations.
- 5.221 As set out above the proposal would be inappropriate development and the Framework establishes that 'substantial weight' should be given to this harm. Officers have identified that the proposed development would result in harm to

the openness of the Green Belt. In spatial terms, the proposals would inevitably result in some loss of openness as the proposals would be constructed on undeveloped land. It is acknowledged that the proposals, are quite well screened from wider public views. The harm to openness would be moderate. As set out above it is also necessary to whether there is any other harm.

- 5.222 Paragraph 199 of the NPPF states: *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 5.223 Such harm must include the harm to the heritage assets set out above. It is concluded that there is harm that is at the middle to upper end of less than substantial to Acton Court, both a Grade I listed building and Scheduled Ancient Monument, considered to be highly-designated and nationally important heritage assets. Less than substantial harm towards the lower end of the scale has been identified in regards to Acton Lodge and Iron Acton Conservation Area. Harm has also been identified to Level Crossing Cottage, a non-designated Heritage Asset. There is limited harm to landscape. Substantial weight is attributed to the accumulation of the identified harm.
- 5.224 There are clear benefits to the proposal, in that the site would increase renewable energy generation during the time of a Climate Emergency, the provision of a 19.46% biodiversity net gain, and improvement to Green Infrastructure. There would be a small employment benefit that would result from the construction process and beyond to the operational phase. These would be considered to be public benefits, and cumulatively afforded substantial weight.
- 5.225 Also taken into consideration is the lifetime of the development. Although the operational period of the scheme is 35 years, this is not considered to be temporary when measured against the human lifespan. The proposal is therefore considered to be semi-permanent, and the lifetime of the development is therefore afforded limited weight.
- 5.226 In regards to Heritage, whilst the benefits are understood it is not considered that a clear and convincing justification has been made for the harm i.e. for the siting in this location. It is not considered in conclusion that the magnitude of the identified harm is outweighed by the public benefits.
- 5.227 Overall, the benefits of the proposal do not clearly outweigh the substantial harm caused by inappropriate development within the Green Belt (added to which is the moderate harm to openness and harm to the heritage assets which form a refusal reason in their own right). Therefore, the harm identified is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.

## **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 Planning Permission is refused for the reasons set out below.

## **REASONS FOR REFUSAL**

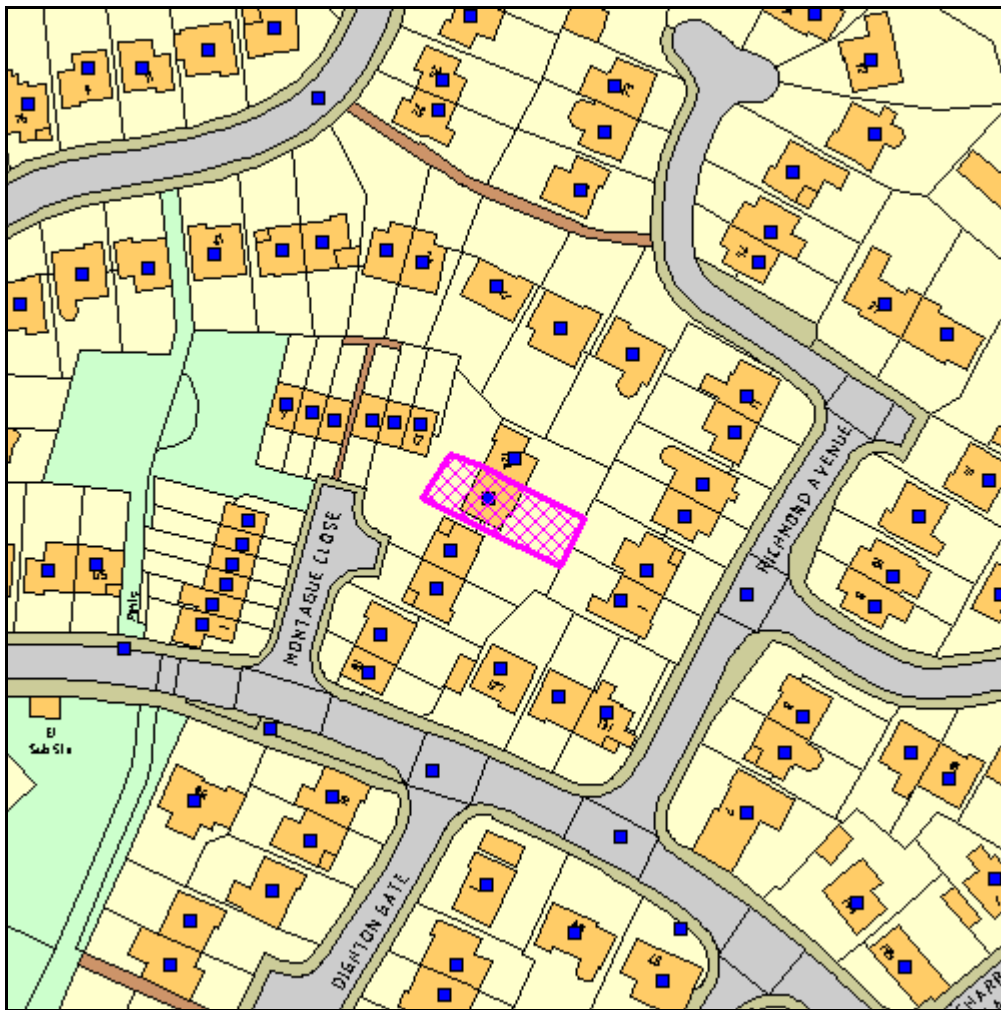
1. By reason of scale, appearance and siting, the proposal would be harmful to the setting and significance of Acton Court, a grade I listed building and Scheduled Ancient Monument, and detract from the setting of the grade II listed Acton Lodge and Iron Acton Conservation Area, and the non-designated Heritage Asset Level Crossing Cottage. The proposals would also detract from the character and appearance and accordingly the significance of the locally registered Acton Court Gardens. The significance of these designated heritage assets would therefore neither be preserved or enhanced, contrary to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; PSP17 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017; CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013. In accordance with the NPPF, the harm caused by the development proposals would result in less than substantial harm towards the upper end of the spectrum to the significance and setting to the Grade I listed Acton Court and Ancient Scheduled Monument. The harm caused by the development proposals would result in less than substantial harm towards the lower end of the spectrum to the setting of the grade II listed Acton Court and the Iron Acton Conservation Area.
2. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. Whilst Very Special Circumstances have been put forward, they are not considered to outweigh the harm identified. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP7 of the Policies Sites and Places Plan (Adopted) November 2017, Development in the Green Belt Supplementary Planning Document SPD June 2007 and the National Planning Policy Framework July 2021.

**Case Officer: Rae Mepham**  
**Authorising Officer: David Stockdale**



**CIRCULATED SCHEDULE NO. 03/22 - 21st January 2022**

<b>App No.:</b>	P21/04841/F	<b>Applicant:</b>	Mr Sharath Thokala
<b>Site:</b>	14 Montague Close Stoke Gifford South Gloucestershire BS34 8UZ	<b>Date Reg:</b>	12th July 2021
<b>Proposal:</b>	Erection of first floor side and single storey rear extensions to form additional living accommodation.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362431 180423	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	6th September 2021



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 100023410, 2008. **N.T.S.** **P21/04841/F**

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

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of first floor side and single storey rear extensions to form additional living accommodation.
- 1.2 The property is a semi-detached dwelling within the residential area of Bradley Stoke.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework  
National Planning Policy Guidance

#### 2.2 Development Plans

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

CS1 High Quality Design  
CS8 Access/Transport

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

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

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Parking Standards SPD  
South Gloucestershire Householder Design Guidance SPD (Adopted 2021)

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

#### 4.1 Stoke Gifford Parish Council

Stoke Gifford Parish Council object to this planning application on the grounds of lack of parking. (Members commented that the applicants diagram for proposed parking could not work in practice).

### Sustainable Transportation

An original response raised no transportation objections on the basis that there was adequate parking provision. Subsequent correspondence queried the layout/configuration of the proposed provision.

### Other Representations

#### 4.2 Local Residents

One letter of objection has been received, as follows:

*'The Sun transits from the rear left hand corner of 12A & 14's gardens (looking out the rear doors), to the front left (looking out of the front doors. The sun's transit in Winter is a lot lower than in Summer.*

*I wish to object to this planning application on the following grounds:*

*1. The single storey rear extension would restrict the direct sunlight into my living room, particularly during the Winter months.*

*2. The first floor side extension would severely restrict the sunlight into the rear of my garden again during the Winter months.*

*The planned extensions would have the overall effect of leaving my property quite dark, with the associated devaluation of my property & associated effects on my health.'*

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design

The proposals are considered to be of an acceptable standard in design and would be an acceptable addition, taking into account the main dwelling house and surrounding area. The proposals would be set down slightly from the ridge of the existing wall and inwards slightly from the front building line, giving it a subservient appearance to the main dwelling. Materials would be acceptable, matching the existing dwelling.

### 5.3 Residential Amenity

The comment and concerns above are noted. The single storey rear extension would project approximately 3.2 metres from the rear wall of the existing dwelling with a lean-to roof design, against the rear wall of the existing dwelling. Whilst up to the shared boundary, this is not considered to be an unreasonable depth in design and amenity terms, at single storey level. This scale is within the guidelines provided in the Householder Design Guide SPD, for single storey extensions on or near to the boundary. The two storey side extension would be above an existing side garage, on the other, detached side of the property and within the built footprint of the existing building. The extension in this respect

would follow the main building lines of the existing dwelling along the rear elevation.

5.4 It is not considered that the location of the extension, taking into account its scale and proximity, could be reasonably considered as materially overbearing, resulting in an oppressive or enclosed environment. The 'right to light' is related to planning considerations on natural light but it is not distinguished as a consideration in its own right. The right to light is an easement established under common law. The planning system will seek protection, by resisting development with overbearing impacts, but does not grant a right to light. In planning terms, given therefore the distance, orientation and relationship with adjacent property in this direction, and the scale and position of the extension relative to the existing house, it is not considered that the extensions could be considered an unreasonable addition to the property and in this instance it is not considered that it would give rise to unreasonable, significant or material residential amenity impact by way of overbearing impact, such as to warrant objection and sustain refusal of the application on this basis.

#### 5.5 Transportation

The proposals include creating a fourth bedroom. South Gloucestershire minimum parking standards state that 3 and 4 bed dwellings require 2 off street parking spaces. Essentially therefore the parking requirements for the site remain as existing. Subject to the two spaces on the proposed plans being provided and maintained this accords with the parking provision requirements for the site. In terms of the usability and layout of the existing and proposed parking provision, the existing garage will not be available following the extension. The applicant's state that this garage does not in any case meet in any case meet the required adopted dimensions for a recognised parking space. One space remains in front of the garage and a further one is proposed to the front of the property, within the red line boundary. Whereas originally parking spaces were shown as provided toward the northern edge of the front of the dwelling and associated curtilage, revised plans have subsequently been received showing one space on the driveway, immediately in front of the existing garage area, and one immediately adjacent. These spaces accord with the dimensional requirements and provides greater and adequate scope for manoeuvrability and easier access to and from the spaces. Photos are also provided demonstrating use of the spaces.

#### 5.6 Equalities

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

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

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted, subject to the conditions recommended.

## **CONDITIONS**

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:  
Existing and Proposed Layout Plans (Ref A-2), received by the Council on the 12th July 2021 and Existing and Proposed Elevations, including revised plans and parking layout (Ref A-2), received by the Council on the 2nd October 2021.

Reason

To define the terms and extent of the permission.

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

Reason

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

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

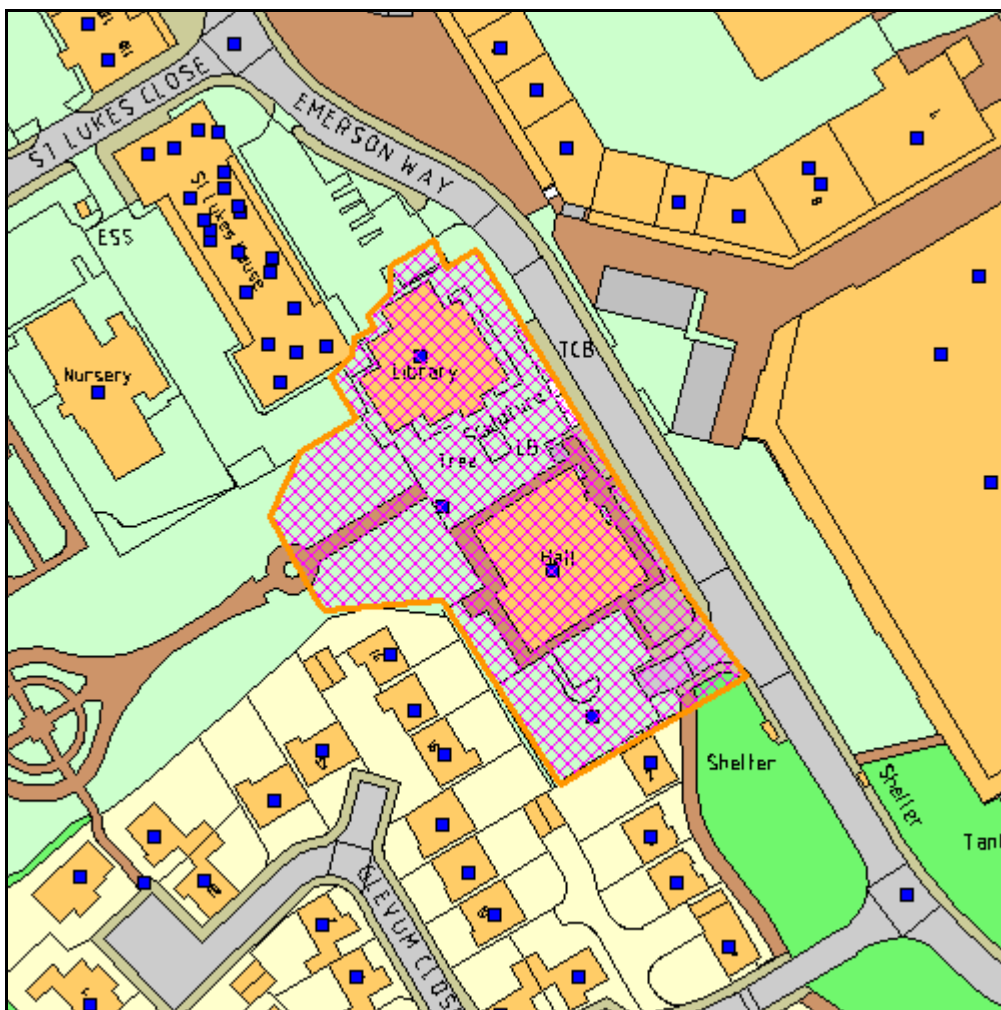
Reason

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

**Case Officer: Simon Ford**  
**Authorising Officer: Suzanne D'Arcy**

**CIRCULATED SCHEDULE NO. 03/22 - 21st January 2022**

<b>App No.:</b>	P21/05532/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Emersons Green Library Emerson Way Emersons Green South Gloucestershire BS16 7AP	<b>Date Reg:</b>	5th October 2021
<b>Proposal:</b>	Erection of single storey front extension to form group learning space (Class F1).	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	367092 177145	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th November 2021



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 100023410, 2008. **N.T.S.** **P21/05532/R3F**

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

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

This application appears on the Circulated Schedule in accordance with the Constitution given that the applicant is South Gloucestershire Council itself.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a single storey extension to the front of the existing library building at Emerson's Green. The proposed extension is modest in size and will be attached to the southeast corner of the building. The area is currently covered in hardstanding.
- 1.2 The purpose of the extension is to provide a small group learning space and will effectively infill an existing corner.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework 2021  
National Planning Policy Guidance

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

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS23	Community Infrastructure and Cultural Activity

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport
PSP16	Parking Standards
PSP22	Unstable Land

#### 2.3 Supplementary Planning Guidance

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

### **3. CONSULTATION RESPONSES**

- 3.1 No responses received contrary to the officer recommendation



## 4. ANALYSIS OF PROPOSAL

### 4.1 Principle of Development

The application relates to an existing library at Emerson's Green. The purpose of the extension is to provide a small learning space that can be used by visitors to the library. Policy CS23 states that 'The Council will work... to provide additional, extended or enhances community infrastructure and encouraging participation in cultural activity'. The policy also explains that existing community infrastructure will be retained unless certain criteria are satisfied. The proposal will help to improve the facilities offered at the library and thus is fully compliant with the requirements of CS23. The principle of development is therefore acceptable subject to the assessment below.

### 4.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP1 and PSP38 of the Policies, Sites, and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. The proposal has been carefully assessed and has found to be in compliance with these policies. Given the location on the front elevation, a matching materials condition is recommended to ensure a successful assimilation.

### 4.3 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. Due to the distance from residential properties, the impact on residential amenity is deemed to be acceptable. The extension will be used in conjunction with the existing library and thus is not expected to cause any unacceptable levels of disturbance for residential dwellings on Glevum Close

### 4.4 Transport

Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. The proposal has been carefully assessed and has found to be in compliance with this policy, with the plans considered acceptable by the highways officer. The small extension is unlikely to generate any noticeable number of traffic movements over and above that already associated with the use of the library.

### 4.5 Trees

A TPO'd Oak tree stands outside of the application site on the main pedestrian thoroughfare from Emersons Green Town Centre to the park. There is potential for damage to this tree during the construction phase if machinery, materials storage etc. takes place close to this tree. A condition will be attached to ensure that tree protection fencing in accordance with BS5837:2012 is erected prior to the commencement of development and maintained at all times during the construction phase. An informative will also

be added to ensure that the applicant is reminded of their obligations with respect to the TPO'd tree.

#### 4.6 Unstable Land

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Coal Mining Risk Assessment (1 October 2021, prepared by Prichard Barnes Architects), which accompanies this planning application.

4.7 The report correctly identifies that the application site may have been subject to past coal mining activity. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth and historic unrecorded underground coal mining at shallow depth associated with a thick coal seam outcrop.

4.8 However, your officer is mindful that this extension is limited in size in comparison to the size of the existing building. The building is surrounded by development and the ground has been worked in the past when the library and village hall were originally constructed. In light of this, a condition requiring a coal mining investigation is considered to be unreasonable. Notwithstanding this, an informative will be attached to any consent granted to draw the applicant's attention to the comments of the Coal Authority.

#### 4.9 Consideration of likely impact on Equalities

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

### 5. CONCLUSION

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

### 6. RECOMMENDATION

6.1 It is recommended that planning permission is **GRANTED**.

## **CONDITIONS**

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

Reason

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

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

Reason

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

3. An Oak tree protected by a Tree Preservation Order stands outside of the application site on the main pedestrian thoroughfare from Emersons Green Town Centre to the park. Prior to the commencement of development, tree protection fencing in accordance with BS5837:2012 must be erected and retained at all times through the construction period. For the avoidance of doubt, no materials shall be stored within the tree protection fencing and no activities carried out.

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

4. The development hereby permitted shall take place in accordance with the following plans:

Received by the Council on 13th August 2021:

PBA\_004revB - Existing 3D views  
PBA\_008revE - Proposed 3D views  
PBA\_002revB - Existing Ground Floor Plan  
PBS\_003revB - Existing Elevations  
PBA\_005revB - Proposed Site Plan  
PBA\_006revB - Proposed Ground Floor Plan  
PBA\_007revB - Proposed Elevations

Received by the Council on 20th August 2021:

PBA\_001revC - Existing Site Plan

Reason

To define and clarify the permission.

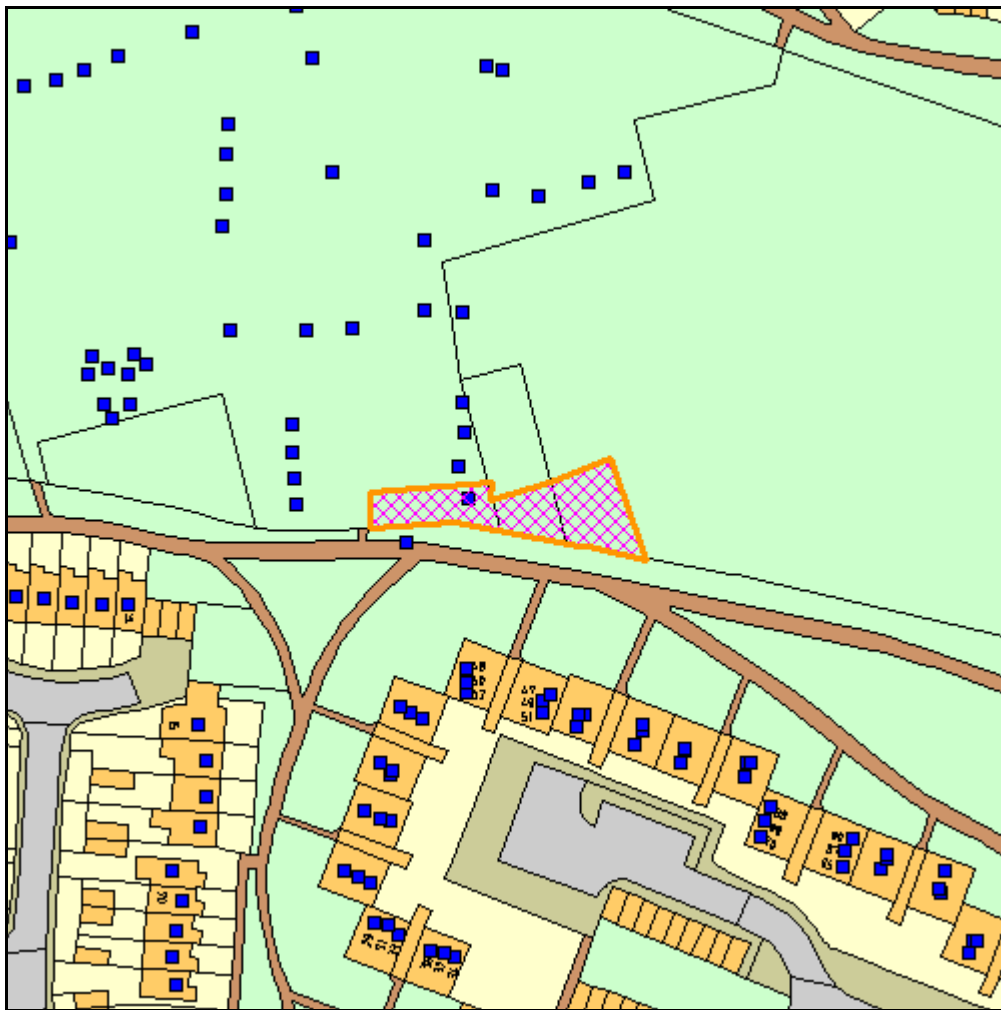
**Case Officer: Marie Bath**

**Authorising Officer: Suzanne D'Arcy**

**CIRCULATED SCHEDULE NO. 03/22 - 21st January 2022**

<b>App No.:</b>	P21/06061/F	<b>Applicant:</b>	Mrs J Wellington
<b>Site:</b>	12 Maple Walk Yate South Gloucestershire BS37 4FQ	<b>Date Reg:</b>	11th October 2021
<b>Proposal:</b>	Erection of a single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370532 181412	<b>Ward:</b>	Dodington
<b>Application Category:</b>	Householder	<b>Target Date:</b>	6th December 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.

**This application has been referred to the Circulated Schedule following the receipt of a representation from Yate Town Council objecting the proposal, contrary to the officer recommendation.**

## **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the erection of a single storey rear extension to form additional living accommodation.
- 1.2 The application site is an end of terrace dwelling, located at 12 Maple Walk, and set within the area of Yate.
- 1.3 The property briefly comprises front and rear gardens and is adjacent to protected trees. This has been addressed within this assessment.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework  
National Planning Practice Guidance

### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007  
Householder Design Guide SPD (Adopted) March 2021

## **3. RELEVANT PLANNING HISTORY**

### 3.1 **P21/04510/F (Refused – 03/08/2021)**

*Erection of a single storey rear extension to form additional living accommodation.*

Reasons for Refusal:

1. *The proposed development would result in a poorly designed addition with inappropriate proportions and form that would not sufficiently reflect the existing characteristics of the host property or that of the surrounding context. Due to this, it is therefore considered the development is contrary to policies CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), and, the South Gloucestershire Householder Design Guide (Adopted March 2021).*

2. *Due to insufficient information by reason of the absence of an arboricultural report with tree protection plan and an arboricultural method statement prepared to British Standards (BS:5837:2012 ) by a qualified Arboriculturalist, the proposal is likely to be harmful to the protected Field Maple (and potentially other protected trees close to the site) contrary to policies PSP2, PSP3, PSP19 and PSP38 of the South Gloucestershire Policy Policies Sites and Places Plan (Adopted) 2017.*

**4. CONSULTATION RESPONSES**

4.1 Yate Town Council

Object: This looks very similar to an earlier application, where we said we were supportive of the concept of an extension for a disability user, but the extension and development is too close to the hedge and trees. During the development of the estate the houses had been put as close to the trees as possible so no scope to get any closer. They need to locate the extension further across their property ie away from the trees/ hedge.

4.2 Tree Team

26/10/2021:

Due to the close proximity to the protected Field Maple, the viability of having an extension in the proposed location is extremely limited. The garden is already very small, and the constraints from the protected tree would mean that a suitable method of construction, where the tree is not negatively affected, is unlikely.

If it is felt that it is possible then I would welcome a tree constraints plan, tree protection plan, AIA and AMS in conjunction with BS5837: 2012, as well as a comprehensive construction method statement relating to the installation of piles/foundations. This needs to be provided prior to determination.

Updated comments – 14/01/2022:

The Tree Officer is satisfied that the installation of the extension is feasible, without having a detrimental impact on the protected tree, if carried out as detailed within the Arboricultural Report written by Silverback Arboricultural Consultancy Ltd dated November 2021. Please can this report be added as an approved document.

4.3 Local Residents

One comment of support has been received and one letter of objection, as summarised;

- Concerns over the safeguarding of the protected tree and adjoining hedges
- Whether the extra land to the side of the property been claimed legally
- Safety of residents at the property
- Overlooking
- Concerns that the rear garden will be too small if the development goes ahead

Officer's response to comments:

Confirmation and supporting evidence were provided by the agent of the application on 07 December 2021 that the land in question legally belongs to the applicant.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (adopted November 2017) permits development within existing residential curtilages (including extensions) in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. Additional guidance on achieving good design for householder developments is set out in the Household Design Guide supplementary planning document (SPD), which was formally adopted in March 2021. The development is acceptable in principle, subject to the following detailed consideration.

5.2 The proposal seeks to erect a single storey extension, or 'pod', to the rear of the application property. The plans show that the pod would measure 3.5m in width and 4.2m in depth. Additionally, the pod would be finished with a flat roof measuring 3.0m in height.

5.3 The plans also show that the extension would be constructed and finished in materials which match that of the host property. The extension would also include the addition of 1no. window to the rear elevation and 1no. window and external door to the side elevation.

### 5.4 Design & Visual Amenity

Policy CS1 of the Core Strategy states that development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Furthermore, policy PSP38 of the Policies, Sites and Places Plan expresses that development within existing residential curtilages, including extensions and new dwellings, will be acceptable where they respect the character and appearance of the host dwelling and existing street scene by taking into account building line, form, scale, proportions, architectural style, landscaping and use of materials. The policy also underlines the importance of development within residential curtilages and the impact that this has on

residential amenity, and that development should not prejudice the private amenity space or the amenity of neighbours.

- 5.5 Additionally, the Householder Design Guide SPD sets out general design guidance principles in which extensions and alterations should aim to; be of overall high-quality design, achieve successful integration by responding to the characteristics of the host dwelling and prevailing street scene and be subservient in scale and character.
- 5.6 In terms of its design, the case officer has considered the proposal in relation to the previously refused application on site and whether previous reasons for refusal have been overcome. The design of the extension is relatively simple and mostly respects the general design principles set out within the SGC Householder Design Guide.
- 5.7 The siting of the extension has been amended to sit flush to the building line of the host property and sitting much more coherently within its context. The size and proportions of the extension are of a suitable form and would provide a harmonious addition to the application dwelling.
- 5.8 It is considered that a lean-to roof may be a more appropriate roof design, in line with the guidance within the SPD, however, the case officer does not warrant this as a reason to refuse the application given the overall compliance with the scheme in relation to design policies and guidance.
- 5.9 For these reasons, the proposal is found to be compliant with the policies set out in the development plan and the SGC Householder Design Guide supplementary guidance which seeks to promote high quality design.
- 5.10 Residential Amenity  
PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts. Similarly, policy PSP43 reinstates the requirement for the provision of sufficient private amenity space standards and that private and communal external amenity space should be; functional, safe, accessible, of sufficient size and should take into account the context of the development and, including the character of the surrounding area.
- 5.11 Similarly, Technical Advice Note: Assessing Residential Amenity provides supporting guidance on residential amenity considerations and how the above policies are applied in the determination of applications.
- 5.12 The property itself is an end of terrace dwelling which is attached to its neighbour at No. 13. This neighbour has been given consideration within this assessment.
- 5.13 Given the overall depth, height and form of the extension, it can be demonstrated that the proposed works are unlikely to have a detrimental impact on the residential amenity of the neighbour. Additionally, the positioning of the



proposed extension is approximately 2.6m away from the boundary of this neighbour, with no windows to this particular side elevation.

- 5.14 It is noted that the extension would include a window and external door to the side elevation of the structure. However, this side elevation looks over to the private gardens of the application property and adjacent open space. The resultant impact is therefore that there is no impact to residential amenity by means of overlooking or loss of privacy.
- 5.15 Consideration has also been given to the impact of the proposal on the private amenity space enjoyed by current and future occupiers of the property, particularly given that there is a large, protected tree, including its canopy, in the rear garden. The garden space would be reduced as a result of the proposal however, the property benefits as an end of terrace plot with additional side garden space, as well as space to the side of the proposed extension adjacent to the neighbour's boundary. The case officer is therefore of the view that the remaining garden space, should the development proceed, will be reduced but will be of a sufficient size, form and functionality to be considered acceptable in this instance.
- 5.16 The case officer also notes the comments regarding the safety of occupiers of the property and the potential use of the private amenity space enjoyed by the application property, as raised as a concern from a neighbour. However, this is not a concern that can be dealt with as part of a planning application. The application itself is being determined under its own planning merit.
- 5.17 For the reasons set out above, the case officer finds the proposal compliant with PSP8 and PSP43 of the development plan which seeks to protect and safeguard the residential amenity of the neighbouring properties and the current and future occupiers of the property.
- 5.18 Trees  
The case officer notes the presence of a protected field Maple tree within the rear garden of the application property and has taken into account the comments raised from the tree officer in this respect. Throughout the course of the application process an arboricultural report has been submitted to address viability and appropriateness of the scheme in relation to the protected tree.
- 5.19 Following the submission of the arboricultural report and the updated comments from the tree officer, the case officer finds that there is sufficient evidence to demonstrate viability and protection of the tree on site. On that basis, it would be appropriate to apply a condition to the planning permission in order to ensure works are carried out in accordance with the arboricultural report to safeguard the protected tree. No further concerns are therefore raised.
- 5.20 Parking Standards  
PSP16 requires developments to provide levels of parking based upon the number of bedrooms at a dwelling. Where an increase is proposed, proposals should demonstrate that adequate off-street parking can be provided to accommodate increase in demand.

- 5.21 It is not proposed to alter the existing parking arrangements however, it is proposed to incorporate an additional bedroom on the ground floor of the property as part of the proposal. On that basis, the property would be expected to provide 2no. off street parking spaces in line with PSP16 of the development plan.
- 5.22 There are 2no. allocated parking space associated with this property, and therefore no further parking or transportation objections are raised and the proposal is considered compliant with PSP16 of the development plan.
- 5.23 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 permission is **APPROVED**.

## CONDITIONS

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

### Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the following plans:

Received by the Local Authority on 11 September 2021:  
Block and Site Plans (Drawing No. DS21-A11.5 - Revision B)  
Proposed Elevations (Drawing No. DS21-A11.3.1 - Revision B)  
House Plan Existing and Proposed (Drawing No. DS21-A11.4 - Revision B)

Received by the Local Authority on 11 October 2021:  
Existing Elevations (Drawing No. DS21-A11.2 - Revision A)

Received by the Local Authority on 06 January 2022:  
Arboricultural Report

Reason

To define the terms and extent of the permission.

3. Works are to be carried out in accordance with the Arboricultural Report (Silverback Arboricultural Consultancy Ltd November 2021) which seeks to protect the protected tree on site.

Reason

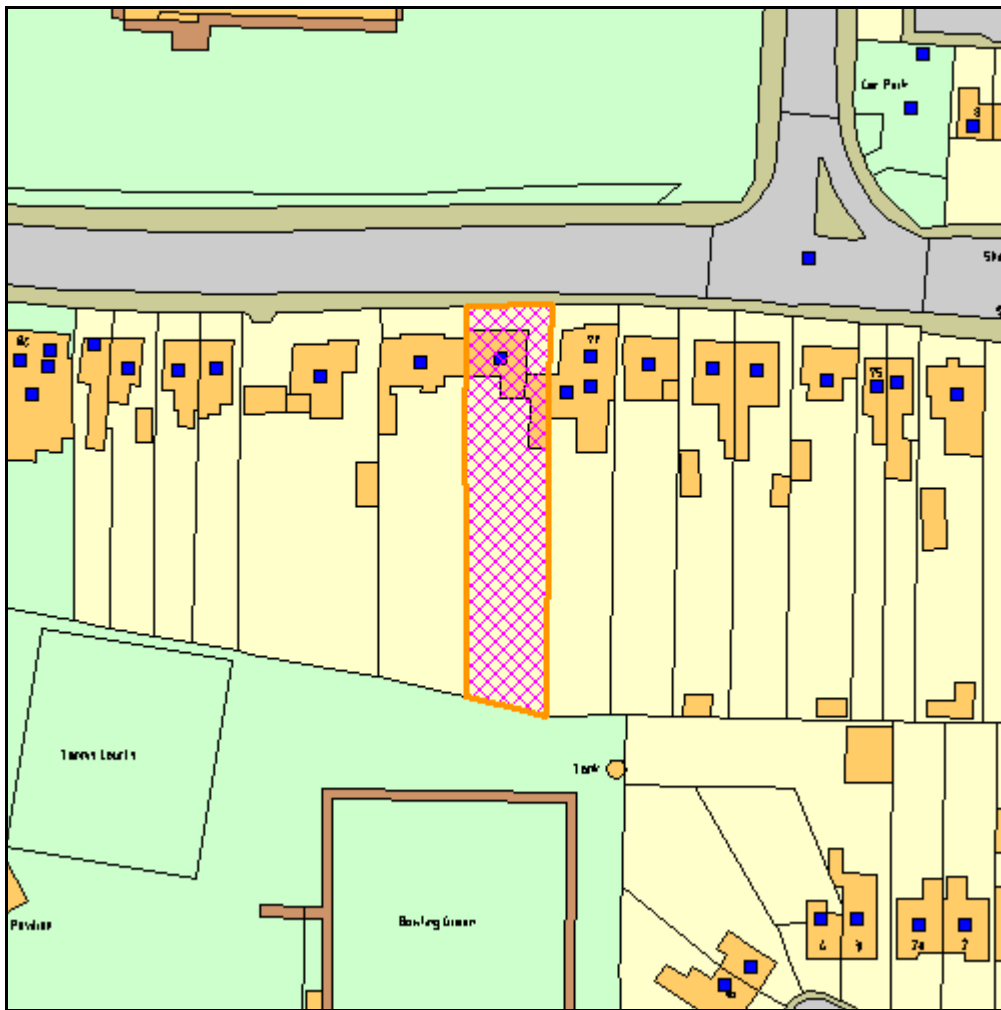
To comply with policies CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

**Case Officer: Lucie Rozsos**

**Authorising Officer: Helen Ainsley**

**CIRCULATED SCHEDULE NO. 03/22 - 21st January 2022**

<b>App No.:</b>	P21/06891/F	<b>Applicant:</b>	Luke Rogerson/ Caroline Reeve
<b>Site:</b>	42 Station Road Yate South Gloucestershire BS37 4PW	<b>Date Reg:</b>	29th October 2021
<b>Proposal:</b>	Conversion of existing garage/outbuildings and erection of single storey extension to form annexe.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370458 182499	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Householder	<b>Target Date:</b>	21st December 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 APPEARING ON CIRCULATED SCHEDULE**

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

---

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the conversion of existing garage/outbuildings and erection of single storey extension to form annexe at 42 Station Road, Yate. The application site is not subject to any restrictive designations.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework  
National Planning Policy Guidance

#### 2.2 South Gloucestershire Local Plan Core Strategy (Adopted) 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) 2017

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

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013  
Residential Amenity TAN (Endorsed) 2016  
Householder Design Guide SPD (Adopted) 2021

### **3. CONSULTATION RESPONSES**

- 3.1 Yate Town Council – Objection until details are loaded. Technical error concerning upload of plans. [Officer Comment]: Plans now visible and correctly uploaded to application file.
- 3.2 Sustainable Transport – Further Information required regarding scaled plans and number of bedrooms.[Officer Comment]: This information has now been received and reviewed by officers.

## 4. ANALYSIS OF PROPOSAL

### 4.1 Annexe Use

The proposed annexe could be accessed independently of the main dwelling, however it would be physically attached, and share the existing parking facilities and rear private amenity space. As such, the provision of an annexe is acceptable subject to a condition ensuring it remains in ancillary use.

### 4.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policies 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.

4.3 Whilst the proposal would result in additional depth and mass to the existing built development, which could already be described as being disproportionate to the host dwelling by reasons of its expansive depth. However, it is acknowledged the neighbouring properties which front this section of Station Road are developed extensively to the rear, for which cannot be observed from public viewpoints. Subsequently, officers find that the proposed extension so that an annexe can be provided would not result in unreasonable harm, and thus would respect the character, distinctiveness and amenity of both the site and its context.

### 4.4 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.

4.5 It is noted that the proposed extensions would create a long elevation abutting the boundary shared with no. 44. However, the neighbouring property forms a commercial property, with the associated area of rear amenity land also having been developed relatively deep into the site. When taken into consideration the low eaves and ridge height of the proposed single storey extension, the proposed development would not result in any unreasonable harm to overbearingness, overshadowing or loss of light. No windows are proposed on the flank elevation and therefore levels of privacy would remain as existing.

### 4.6 Transport

Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards. The host property provides 4no. bedrooms and 3no. off-street car parking spaces (excluding the existing undersized garage). The resultant extension would provide one additional bedroom. With the residential parking standards being the same for a 4no. bed property as a 5no. bed property, with each requiring 3no. spaces, no additional parking provision would be required.

#### 4.7 Consideration of likely impact on Equalities

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

### 5. **CONCLUSION**

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

### 6. **RECOMMENDATION**

6.1 It is recommended that planning permission is GRANTED.

### **CONDITIONS**

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Received by the council on 17th January 2022: Combined Plans (Revised).

Reason

To define the terms and extent of the permission.

3. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 42 Station Road, Yate, South Gloucestershire BS37 4PW.

Reason

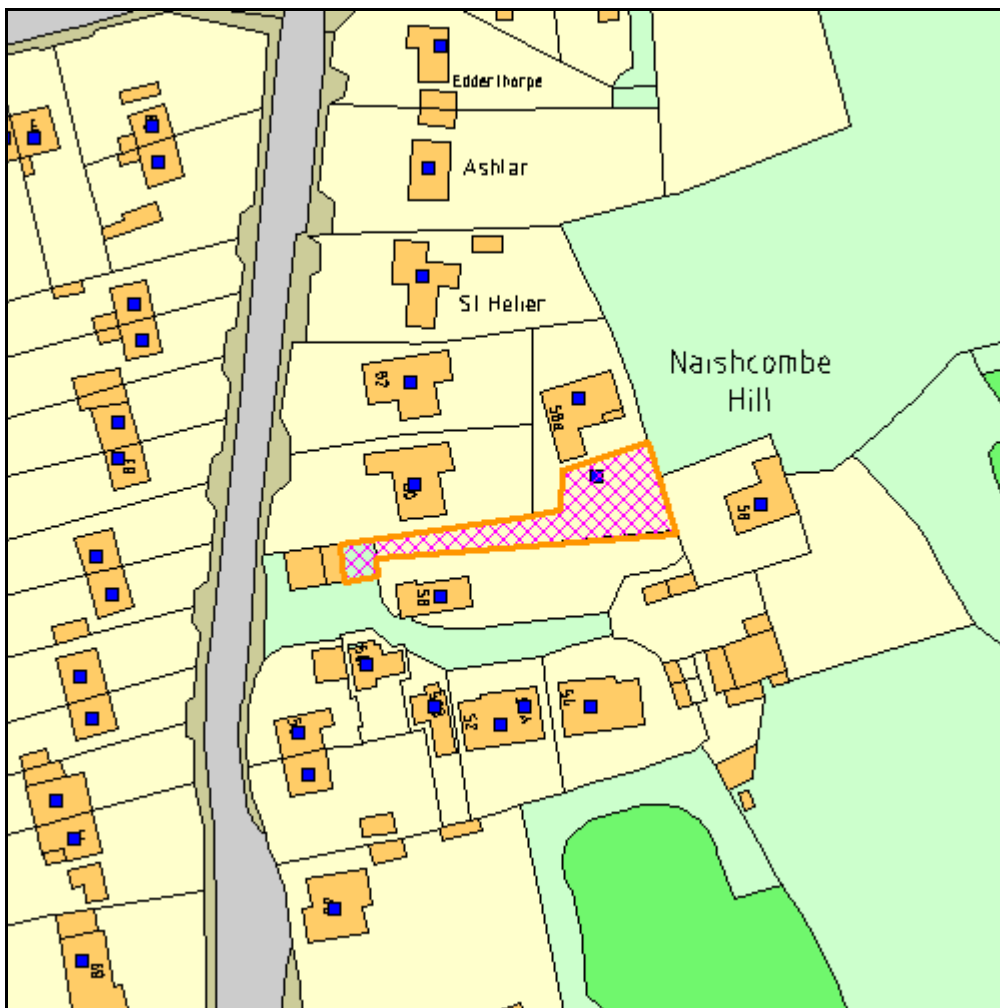
To protect the residential amenity of the occupiers and to ensure the building is not let as an independent residential unit, to comply with Policies CS1 and CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP8 and PSP38 of the Policies Sites and Places Plan (Adopted) 2017; and the National Planning Policy Framework.

**Case Officer: Thomas Smith**  
**Authorising Officer: Helen Ainsley**



**CIRCULATED SCHEDULE NO. 03/22 - 21st January 2022**

<b>App No.:</b>	P21/06927/F	<b>Applicant:</b>	Mr and Mrs Duggan
<b>Site:</b>	58A Naishcombe Hill Wick South Gloucestershire BS30 5QS	<b>Date Reg:</b>	1st November 2021
<b>Proposal:</b>	Conversion of existing annexe to form separate dwelling with associated works	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370354 173397	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd December 2021



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 100023410, 2008. **N.T.S.** **P21/06927/F**

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

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

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

---

### **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the conversion of existing annexe to form separate dwelling with associated works at 58A Naishcombe Hill, Wick.
- 1.2 The application site is within the settlement boundary of Wick, which is washed over by the Bristol/Bath Green Belt.
- 1.3 The existing annexe was retrospectively granted planning permission by virtue of application ref. P19/4159/F, originally established via application ref. PK18/0714/F - the original permission was not correctly implemented, resulting in the annexe being detached from the main dwellinghouse. The most recent application conditioned the annexe to remain within an ancillary use to the host building, subsequently this application seeks the removal of this condition to allow the annexe to form an independent dwellinghouse.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility

South Gloucestershire Policies Sites and Places Development Plan Document Adopted November 2017

- PSP1 Location Distinctiveness
- PSP7 Development in the Green Belt
- PSP8 Residential Amenity
- PSP16 Parking Standards
- PSP38 Extensions within Residential Curtilages
- PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) August 2007  
Residential Parking Standard (Adopted) December 2013  
Development in the Green Belt SPD

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

- 3.1 P19/4159/F – Approved – 26.09.2019  
Erection of a detached annexe ancillary to the main dwellinghouse (retrospective).
- 3.2 PK18/0714/F – Approved - 26.03.2018  
Erection of two storey front extension to include roof terrace to form annex ancillary to the main dwelling.
- 3.3 PK17/0541/F – Approved - 04.04.2017  
Erection of a single storey side and two storey rear extension to include roof terrace to form annexe.

### **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
Wick and Abson Parish Council – Objection

*- Parish Council would like to refer planning to the previous application submitted in 2019 whereby a condition of the agreed application was for the annexe not to be lived in.*

*- Overdevelopment of site and lack of parking.*

- 4.2 Other Consultees  
Lead Local Flood Authority – No objection.

Landscape Officer – No objection, condition recommended.

Sustainable Transport – No objection.

#### **Other Representations**

- 4.3 Local Residents  
One letter of objection has been received by the council from a neighbouring resident, the key points are summarised below:

- Did not attach the annexe as originally granted permission for;
- Loss of privacy and no fence erected between the neighbours property; and
- Excess traffic on private lane.

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

- 5.1 Principle of Development  
The physical presence of the existing annexe has already been established via the historical planning applications, subsequently the principle of development forms an assessment of the annexe departing from its ancillary use in connection of the host dwelling to forms its own independent dwellinghouse.

### *Green Belt*

- 5.2 Policy CS5 of the South Gloucestershire Core Strategy outlines the locations at which development is considered to be appropriate; new development is directed towards the existing urban areas. Policy CS5 also states that in order to deliver the strategy for development, the framework for the location and scale of development in other proposals for development in the Green Belt will need to comply with the provisions in the National Planning Policy Framework February 2019 or relevant local plan policies in the Core Strategy.
- 5.3 Concerning the sites location within the Green Belt, paragraph 150 of the NPPF allows for the re-use of buildings, provided they are of permanent and substantial construction, and that the openness is preserved and no conflicts arise with arrive with the purposes of the Green Belt as provided under paragraph 138.
- 5.4 Based on the geographical location of the application site which lies within an existing urban area, the principle of development is acceptable. As the existing building is of modern construction and has been in the use on ancillary residential accommodation, the conversion to an independent unit is compliant with the exceptions categories provided under paragraph 150 of the NPPF. Concerning the retention of openness within the Green Belt (described as lack of built form), whilst there is likely to be an increase in residential paraphernalia, the harm would be negligible as a result of the small scale and its location within an existing built-up area. As such, the proposed development is compliant with the overarching spatial strategy and the provisions of Green Belt policy contained within the NPPF.

### *Residential Conversion*

- 5.5 Policy PSP39 states that the conversion or sub-division of existing residential buildings into smaller units of self-contained residential accommodation will be acceptable, provided that they do not harm the character and amenity of the area within which they are located, prejudice the amenity of neighbours, provide adequate amenity space, and provide sufficient parking.
- 5.6 The existing building has been in use as an annexe ancillary to the host dwelling, and provides all the means to enable independent living. Additionally, being contained within the residential curtilage of the host building, the annexe can be considered as an existing residential building, albeit one of ancillary status.
- 5.7 With the existing building being in-situ, its retained presence as an independent dwellinghouse would not result in any significant or harmful changes to the character and amenity of the area. Concerning the amenity of the neighbours, as the annexe has been occupied as living accommodation for a significant period of time, the sub-division of the property would not prejudice the amenity of the neighbours. The provisions of private amenity space would be provided for both properties in accordance with policy PSP43. Existing off-street parking would be retained, and complies with the provisions of policy PSP16. The principle of development is therefore accepted.

#### Design and Visual Amenity

- 5.8 Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF.
- 5.9 No changes are proposed to the existing annexe and thus no objections are raised in terms of its visual appearance. However, whilst the siting of the annexe is uncomfortably close to the host dwelling, representing a cramped and contrived development – it is noted that should the application had been submitted as an independent dwelling in the first instance, officers consider that it would have been refused. However, as the structure is in existence, its physical impact on the surrounding environment would remain unaltered. As such, no objections can be raised.

#### Residential Amenity

- 5.10 Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.11 As similar to the sections above, the retention of the existing annexe as an independent dwelling would not result in any subsequent amenity issues when compared to the existing situation. Whilst the close relationship between the two buildings restricts outlook and results in overbearingness for one and other, this shortfall in amenity standard would likely come at the financial cost of the existing owner, for which does not form a material planning consideration.
- 5.12 It is noted that a new fence between the application site and neighbours had previously been agreed with the occupants and their neighbours, for which officers have been informed was not implemented. Whilst this is acknowledged by officers, this forms a civil matter outside of council control.

#### Access and Parking

- 5.13 Policy PSP16 provides the minimum residential parking standards. Two parking spaces would be retained for each house on site, this level of parking therefore complies with the minimum standards. Any additional vehicle movements would be negligible, and would not result in any severe impacts to highway safety. Subject to the provision of one electric vehicle charging point for each house, so to promote sustainable forms of transport in compliance with Policy CS8, no objections are raised.
- 5.14 Consideration of likely impact on Equalities  
In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material

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

## **6. 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 Grant planning permission subject to conditions.

## **CONDITIONS**

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Received by the council on 28th October 2021: Location Plan, Floor Plans, Block Plans, and Elevation Plans.

Reason

To define the terms and extent of the permission.

3. Within 60 days from the date of the decision notice, the applicant is to provide one electrical charging point per each house on site (i.e. provide 7kw charging infrastructure on site suitable for charging an electrical or ultra-low emission vehicle) all to be maintained satisfactory thereafter.

Reason

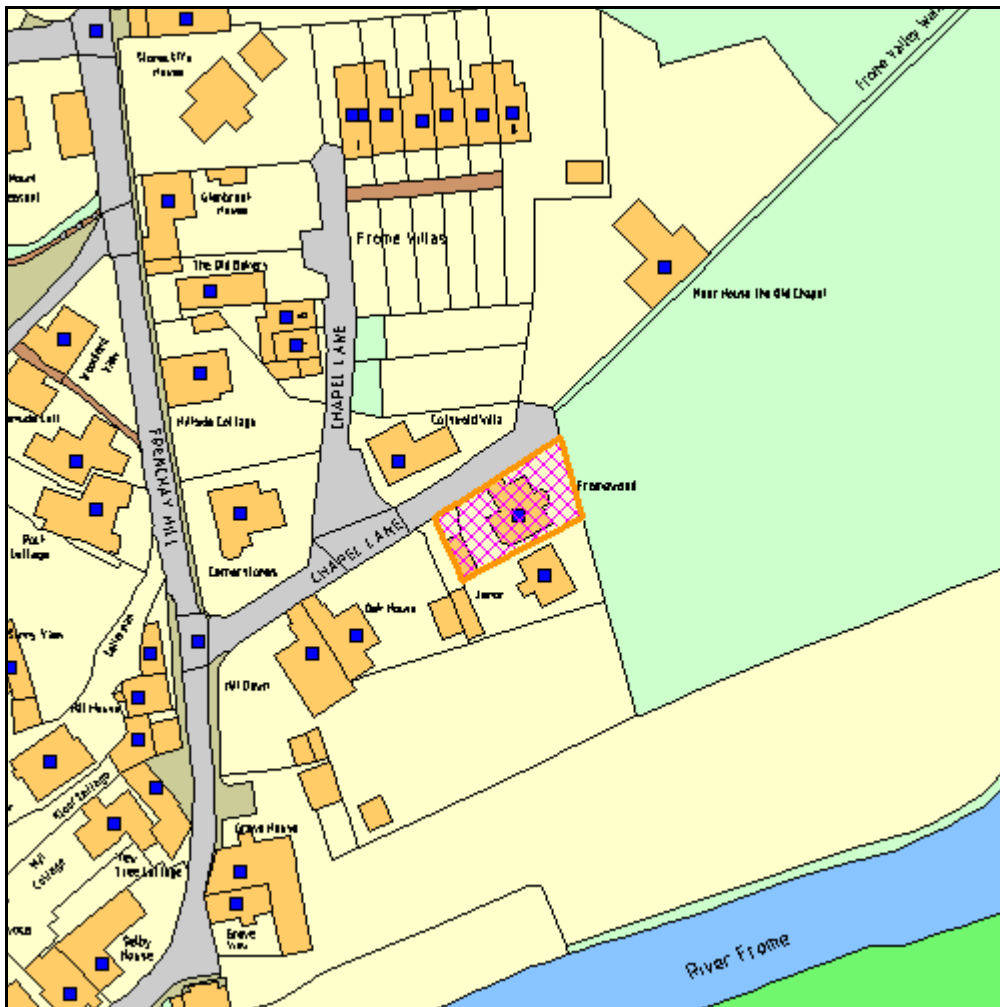
To promote sustainable forms of transport in accordance with policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

**Case Officer: Thomas Smith**

**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 03/22 - 21st January 2022**

<b>App No.:</b>	P21/06940/F	<b>Applicant:</b>	Seva Singh
<b>Site:</b>	Fromewood Frenchay Hill Frenchay South Gloucestershire BS16 1LS	<b>Date Reg:</b>	3rd November 2021
<b>Proposal:</b>	Erection of front porch. Erection of single storey side and rear and first floor rear extensions to form additional living accommodation. Installation of 1no. front and 1no. rear dormer, alterations and increase of roof line to facilitate loft conversion. Erection of 1.8m boundary stone wall (amendment to previously approved scheme P20/18696/F).	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364187 177362	<b>Ward:</b>	Frenchay And Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	28th December 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, as a result of a consultation response received, from the Parish Council, contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of a front porch, erection of a single storey side extension and rear and first floor rear extensions to form additional living accommodation, the installation of a dormer and an increase in roof height to facilitate a loft conversion and the erection of a 1.8m boundary wall. The application is an amendment to a previously approved scheme P20/18696/F. The main differences are a change to the existing low stone wall and fencing to a 1.8m high wall in natural stone with new gates with a new cat slide dormer on the back elevation and a minor increase in the size of the velux roof light on the back elevation
- 1.2 The house is within the Frenchay Conservation Area on the eastern edge of the village and abutting the Frome Valley Walkway. The dwelling is detached, and a more modern addition to the village/Conservation Area with a relatively simple and modest character.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March  
National Planning Policy Guidance

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS9 Managing the Environment and Heritage

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

PSP16 Parking Standards  
PSP17 Heritage Assets and the Historic Environment  
PSP38 Development within Residential Curtilages

#### **2.3 Supplementary Planning Guidance**

Frenchay Conservation Area SPD.  
Residential Parking Standards SPD

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

- 3.1 P20/18696/F - Erection of front porch. Erection of single storey side and rear and first floor rear extensions to form additional living accommodation.



Installation of a dormer and an increase in roof height to facilitate loft conversion. Approved 11.12.2020.

P21/00573/RVC - Variation of condition 2 to replace the approved plans attached to planning permission P20/18696/F. Erection of front porch. Erection of single storey side and rear and first floor rear extensions to form additional living accommodation. Installation of a dormer and an increase in roof height to facilitate loft conversion. Refused 24/3/21. Approved on Appeal.

P91/1983 - Erection of front porch. Approved 28/7/91

N5510 - Erection of first floor extension and an extension to the rear of the existing garage. Approved 17/5/79

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

##### 4.1 Winterbourne Parish Council

The comments of the Parish Council are Strong Objection. Members feel this is not only an over development of the site but the considerations regarding being located in the conservation area are not being met.

##### Conservation Officer

No objection. Condition recommended for the stonework and detailing of the wall.

##### 4.2 Sustainable Transportation

No objections

##### Tree Officer

The proposal seeks the removal of 1 no. Lawson cypress tree which is growing in very close proximity to the property and although provides amenity to the local area is not considered for a tree preservation order due to its proximity to the existing dwelling.

The applicant proposes to remove this tree and replant an ornamental Pear tree in the back garden to mitigate for its loss.

There are no objections to this proposal.

#### **Other Representations**

##### 4.3 Local Residents

No comments received

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

##### 5.1 Principle of Development

Local Plan policy advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the

retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. The site is also located within Frenchay Conservation Area and in this respect special regard must also be taken to the proposals impact upon the setting and context of the Conservation Area and conservation policy must also therefore be applied.

## 5.2 Conservation Area

Whilst within the area designated as the Frenchay Conservation Area, it is noted that the dwelling, in fact the pair of dwellings at this location, are more modern additions. The buildings offer little visual merit to the wider Conservation Area as existing.

5.3 The comments above are noted. Of further note however, a recent appeal decision for the site (see history section above) approved a development containing some of the aspects of this application. In particular it was concluded that *'the proposed extension would be modest in size although in combination with the approved extension it would be relatively large, wrapping around the side and rear of the host property. Although the proposal would increase the size of the approved side extension, being single-storey, it would appear subservient to the host property and would not detract from its simple and modest character'*.

5.4 This application incorporates what was approved at appeal, whilst also changing the existing low stone wall and fencing to a 1.8m high wall in natural stone with new gates, with a new cat slide dormer on the back elevation and a minor increase in the size of the velux roof light on the back elevation. The main issue for consideration is therefore these changes to existing permissions. There are no Conservation objections to the proposed changes. It is however acknowledged that the stonework and detailing of the wall, in the Conservation Area on a popular right of way, will need to be of a high standard. A condition is recommended to secure a sample panel of walling demonstrating stone type, colour, dimension, coursing, jointing, pointing and coping. On this basis, the proposals therefore in their own right and when considered against the impact upon the Conservation Area are considered to be of an acceptable standard in design, preserving existing levels of visual amenity. The proposals are of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials proposed are generally considered acceptable.

5.5 There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when planning permission for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Under Section 72 of the same Act, it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that full consideration has been given to these duties and the proposal is considered acceptable in this regard.

## 5.6 Residential Amenity

Given the location and nature of the proposals and their relationship with the surrounding properties it is not considered that they would give rise to material residential amenity impact upon other properties.

### 5.7 Transportation

It is not considered that the proposals would raise any material transportation issues and it is considered that sufficient off street parking can be provided. There are no transportation objections to the proposals.

### 5.8 Trees

The applicant is proposing to remove 1no. tree which is in very close proximity to the property. The tree is proposed to be replaced with 1no. Ornamental Pear in the rear garden following completion of the proposed extensions. This is considered acceptable and there are no objections to the proposal.

### 5.9 Consideration of likely impact on Equalities

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

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That planning permission is approved, subject to the conditions recommended.

## CONDITIONS

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Existing Plans and Elevations (Refs GA-02 and 03), received by the Council on the 28th October 2021 and Location Plan, Block Plan and Proposed Plans and Elevations (Refs GA-01C, GA-04D, GA05D and GA-06B), received by the Council on the 11th January 2022.

Reason

To define the terms and extent of the permission.

3. The materials to be used in the construction of the extensions to the dwelling hereby permitted shall match those used in the existing building.

Reason

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

4. A sample panel of walling, of minimum size of 1m2, demonstrating stone type, colour, dimension, coursing, jointing, pointing and coping shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

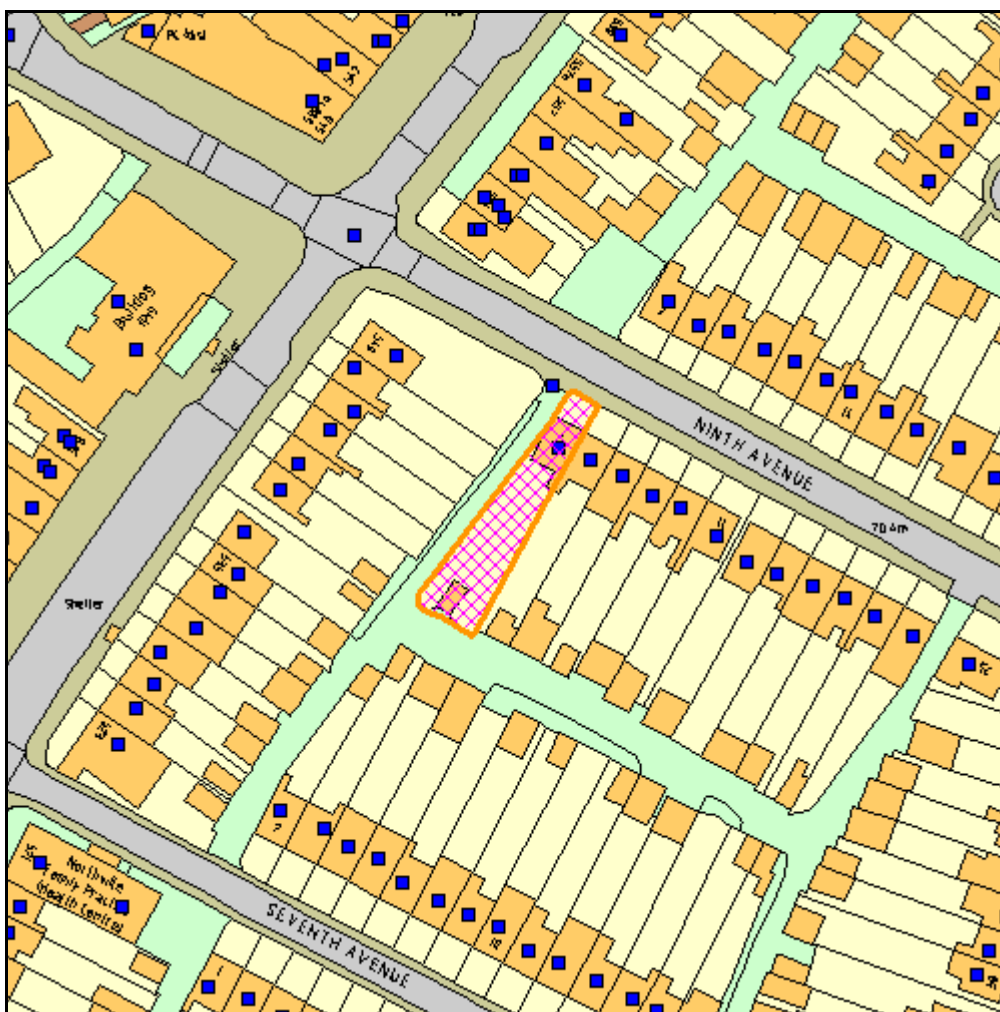
To maintain and enhance the character and appearance of the Conservation Area, and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Case Officer: Simon Ford**

**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 03/22 - 21st January 2022**

<b>App No.:</b>	P21/07494/F	<b>Applicant:</b>	Ben O'Connor
<b>Site:</b>	1 Ninth Avenue Filton South Gloucestershire BS7 0QW	<b>Date Reg:</b>	24th November 2021
<b>Proposal:</b>	Installation of hip to gable roof extension and erection of a single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360605 178211	<b>Ward:</b>	Filton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	17th January 2022



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

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

This application appears on the Council's Circulated Schedule procedure following an objection from the Parish Council contrary to the findings of this report and the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the installation of hip to gable roof extension and erection of a single storey rear extension to form additional living accommodation, as detailed on the application form and illustrated on the accompanying drawings.
- 1.2 The application site is set within the wider settlement boundary of Filton and comprises a modest end plot. The dominant feature within the site is an end of terrace dwellinghouse, externally finished with pebbledash render, displaying typical characteristics of the area. The property benefits from off-street parking, along with a generous size rear garden.
- 1.3 Here, it must be noted that since the application was initially submitted and consultations were received, revised drawings for the application have been accepted by the local authority. The amended plans have reduced the scale of the rear extension from two-storey to a single-storey.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

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

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

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

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted August 2007)  
Residential Parking Standards (Adopted December 2013)  
Householder Design Guide (Adopted March 2021)

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

- 3.1 No relevant planning history.

### 4. **CONSULTATION RESPONSES**

- 4.1 Filton Parish Council  
Objection. Overdevelopment of the property, potential parking issues and not in keeping with the area.
- 4.2 Sustainable Transport – Transportation DC  
No objection.
- 4.3 Local Residents  
No comments received.

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

- 5.1 Principle of Development  
The application site is situated within the north fringe of Bristol's urban area and is currently utilised as a C3 dwellinghouse. The proposed development would extend the area of living accommodation within the property at the expense of section of rear garden.

Policy PSP38 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. The proposal therefore accords with the principle of development subject to the following considerations.

- 5.2 Design and Visual Amenity  
Policy CS1 of the Core Strategy and policy PSP38 of Policies, Sites and Places Plans seeks 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 application site and its context.
- 5.3 ***Roof alterations***  
The proposal comprises the installation of hip to gable, along with the installation of 2no. skylights positioned on the dwellings front roof plane, in order to facilitate a loft conversion.
- 5.4 ***Minor modifications***  
The proposed development also includes the installation of 2no. windows located at ground floor and 1no. window situated at first floor to the host dwellings side (west) elevation.

5.5 ***Single-storey rear extension***

- The proposed single-storey rear extension will project (approx.) 4 metres from the rear elevation of the dwellinghouse and have a width of 5.8 metres. The extension will feature a simple lean-to roof, which will rise from an eaves height of 2.5 metres to a maximum ridge height of 3.8 metres. Installed within the roof structure will be 3no. skylights. Additionally, 1no. set of bi-fold doors will be positioned to the extensions rear elevation, permitting access to the garden.
- 5.6 The new rear addition will assist with the properties internal remodelling and refurbishment. The extension will enable relocation of the kitchen, as a result creating space for the introduction of utility and downstairs WC, benefiting for a modern family. External finish to the proposals will be render with tiled roof to match the host dwelling.
- 5.7 The hip to gable roof alteration would be the main change visible from the public realm. The predominant roof form in the area is hipped. However, officers are mindful that hip to gable alterations can take place under permitted development allowances and so such changes could take place in the vicinity at any time. Furthermore, the change to a gable is not considered to present any unacceptable degree of harm to the character of the street scene, particularly with examples of gabled roofs also within the close vicinity of the property.
- 5.8 Additionally, the extension appears subservient to the host dwelling, maintaining the properties architectural integrity, balance of the pair and character of the area. The proposals have been designed to respect the existing property through its proportions and choice of materiality, ensuring that the aesthetical appearance of the dwelling is harmonious and continues to complement neighbouring properties.
- 5.9 Following the above assessment, whilst the design does clearly have some pitfalls, on balance officers do not consider the proposal as a whole to be unacceptable in terms of design and consider the proposal to be broadly in compliance with CS1 and PSP38.
- 5.10 Residential Amenity  
Policy PSP8 of the Policies, Sites and Places Plan relates specifically to residential amenity in which it states development proposals are acceptable, provided that they do not create unacceptable living conditions or result in unacceptable impacts on the residential amenities of occupiers of the development or of neighbouring properties. These are outlined as follows (but not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.
- 5.11 The only potentially affected neighbours of this development would be adjoining property No.3 Ninth Avenue and No.549 Filton Avenue. Whilst, the proposed rear extension is to sit tight against the eastern boundary line. Adjoining property No.3 has a rear extension which projects (approx.) 2.6 metres, therefore the proposed extension will only protrude 1.4 metres beyond. Additionally, the extension is considered relatively modest in scale as a result of its single storey nature and lean-to roof form.



- 5.12 Furthermore, although multiple openings are to be positioned at ground and first floor to the side (west) elevation of the existing property. A distance of (approx.) 24 metres sits between the proposed windows and No.549 Filton Avenue rear windows. Referencing the Householder Design Guide SPD (adopted March 2021), where windows serving primary living accommodation in the rear of a dwelling face another dwelling, development that demonstrates a back to back distance of 20 metres to ensure privacy levels are protected, will be considered to reflect the highest possible standards of design. As such, it is considered that the proposed development would not result in any unreasonable harm to residential amenity, satisfying policy PSP8.
- 5.13 Supplementary to this, policy PSP43 sets out that residential units, are expected to have access to private external amenity space that is: functional and safe; of a sufficient size in relation to number of occupants; and be easily accessible. Although the proposed scheme builds on existing rear garden, the private external amenity space would continue to be in excess of the Council's design standards, complying with policy PSP43.
- 5.14 Transport (Access and Parking)  
Policy PSP16 sets out the Council's criteria for parking specifications. It states that parking space provision per dwellinghouse is proportionate to bedroom number. No details regarding the proposed function of the converted loft space has been provided as part of this application. As such, the proposed degree of occupancy within the dwelling is unknown. However, the submitted plans indicate that 5no. off-street parking spaces are available within the sites curtilage, satisfying policy PSP16.
- 5.15 Consideration of likely impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act, the public sector equality duty came into force. Among other things, those subject to the equality duty must have due regard to: eliminate unlawful discrimination; harassment and victimisation; advance equality of opportunity; and, foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

## **6. CONCLUSION**

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

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

## 7. **RECOMMENDATION**

7.1 That the application be **APPROVED** subject to conditions.

### **CONDITIONS**

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below (received 17th November 2021 - 14th January 2022):

Existing 3D Image  
Existing Block Plan  
Existing Elevation Plans  
Existing Floor Plans  
Location Plan  
Revised Proposed 3D Image  
Revised Proposed Block Plan  
Revised Proposed Elevations  
Revised Proposed Floor Plan Views

Reason

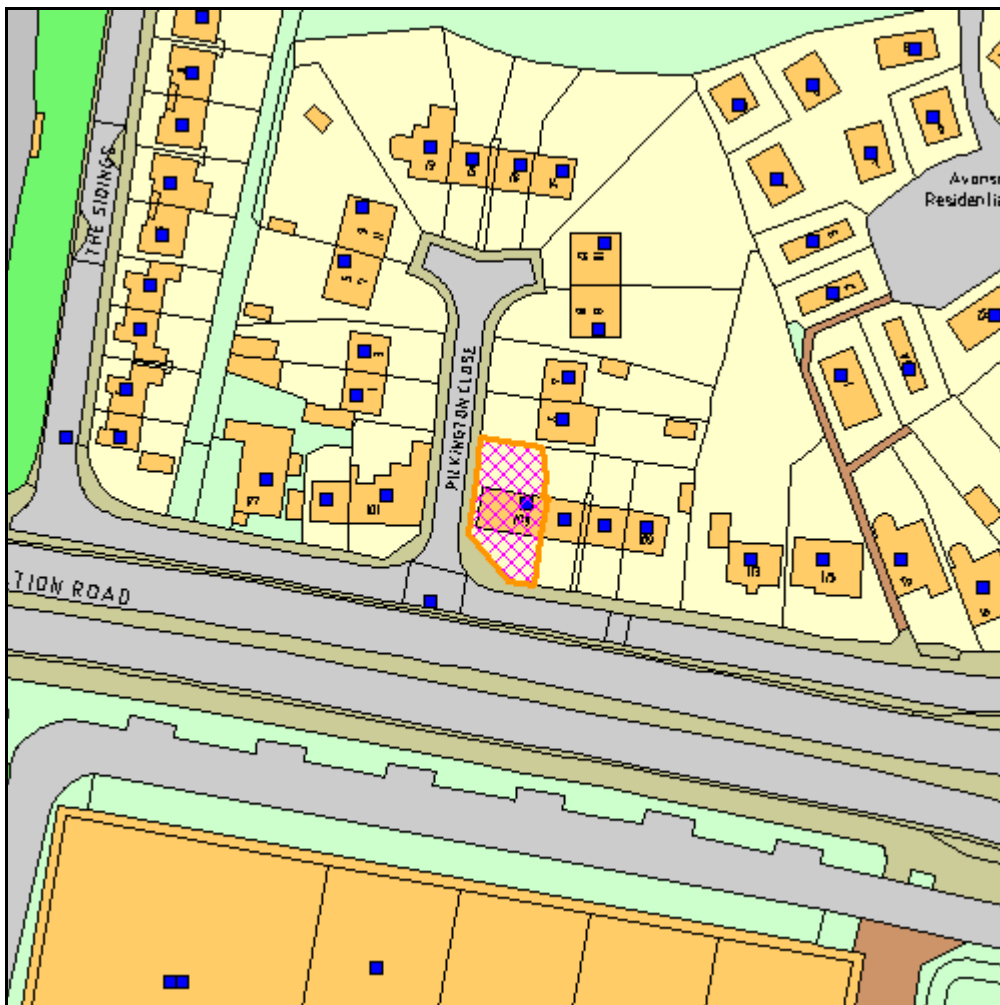
To define the terms and extent of the permission.

**Case Officer: Chloe Summerill**

**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 03/22 - 21st January 2022**

<b>App No.:</b>	P21/07563/F	<b>Applicant:</b>	Mr Chung Bui
<b>Site:</b>	103 Station Road Filton South Gloucestershire BS34 7JT	<b>Date Reg:</b>	24th November 2021
<b>Proposal:</b>	Change of use from a small house in multiple occupation for 3-6 people (C4) to a large house in multiple occupation for up to 7 people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	361239 178899	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th January 2022



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 100023410, 2008. **N.T.S.** **P21/07563/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 APPEARANCE ON CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the change of use from a small house in multiple occupation for 3-6 people (C4) to a large house in multiple occupation for up to 7 people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) at 103 Station Road, Filton.
- 1.2 The applicant site comprises a modest corner plot with the property itself forming a two-storey, semi-detached dwelling. The dwellinghouse displays typical characteristics of the area and benefits from off street parking as well as informal amenity space to the rear with it also recognised on-site development is not limited by any local development plan policies.
- 1.3 *Procedural Matters* – amended plans have been received from the applicant. This has not altered the description of development nor affected the scope of assessment, and as such, no further public consultation has been conducted. The case officer is satisfied this does not disadvantage the public interest.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

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

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management

PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Space

- 2.3 Supplementary Planning Guidance  
 South Gloucestershire Design Checklist (*Adopted 2007*)  
 Residential Parking Standards SPS (*Adopted 2013*)  
 SGC Householder Design Guide (*Adopted March 2021*)  
 SGC Houses in Multiple Occupation SPD (*Adopted October 2021*)

### 3. RELEVANT PLANNING HISTORY

- 3.1 Ref: P93/2119. Approve, 10.11.1993.  
 Proposal: *Erection of two-storey side extension to form kitchen and living room with two bedrooms and bathroom over (in accordance with amended plans received by the council on 25 August 1993 and 21 October 1993).*

### 4. CONSULTATION RESPONSES

- 4.1 Filton Parish Council  
 The Parish council have objected to this application on the grounds of potential increase in refuse waste and the proposed development would contradict the recently adopted SPD: Filton has a 11.2% concentration of HMOs.
- 4.2 [*Officer Comment*] The above comment has been noted with further discussion regarding waste and the adopted SPD found in section 5 of this report.
- 4.3 Sustainable Transport Officer  
 No objection in principle but request that the existing dropped kerb on Pilkington Close is widened to improve user safety of rear parking spaces. Likewise, the front parking space should have a dropped kerb to improve access. Lastly, no objections raised with regard to number of parking spaces provided.
- 4.4 [*Officer Comment*] The above comment has been noted with it recognised revised plans have been received. This is seen to address the above concerns, however, further discussion regarding transportation can be found in section 5 of this report.
- 4.5 Economic Development Officer  
 No comment received.
- 4.6 Planning Policy Officer  
 No comment received.
- 4.7 Flood and Water Management Officer  
 No objections raised.
- 4.8 Local Residents  
 No comments received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The primary consideration of this application is whether the change of use of a dwelling from C3 into C4 (house of multiple occupation) would have an unacceptable impact upon the surrounding area. This is primarily assessed against the tests outlined in the Houses in Multiple Occupation SPD (adopted 2021) which utilises available data (licensed HMOs) to provide an assessment of the concentration of HMOs and overall housing mix within the locality of the proposal.

5.2 Further to this, policy PSP39 states that where planning permission for an HMO is required, it will only be considered acceptable where the development would not prejudice the amenity of neighbours. Supporting text confirms the term “neighbours” should be taken to mean properties adjacent to, and surrounding the application site, and would therefore have reasonable potential to be directly affected by harmful impacts arising from the proposal(s).

5.3 In addition, policy PSP8 maintains that development proposals will only be acceptable provided they do not create unacceptable living conditions or result in unacceptable impacts on residential amenities of both the potential occupants and neighbouring properties. Unacceptable impacts include but are not limited to, noise and disturbance, which could arise from HMOs due their functioning less like traditional single households on a day-to-day basis.

5.4 Referring back to the SPD, prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become concentrated, particularly at an individual street level. Here, it is noted that Additional Explanatory Guidance 1 states the following should be taken into consideration when assessing the proposal as to avoid a likely refusal:

- Whether any dwellinghouse would be ‘sandwiched’ between two licensed HMOs; or,
- Result in three or more adjacent licensed HMO properties.

5.5 The current applicant property, 103 Station Road, does not have any neighbouring HMOs and would therefore not result in a dwelling being sandwiched between two licensed HMOs or result in three or more adjacent licensed HMO properties.

As set out in Policy CS17, providing a wide variety of housing type and sizes to accommodate a range of different households, will be essential to supporting mixed communities in all localities. Sub-division of existing dwellings and non-residential properties to form flats or HMOs can make a valuable contribution suitable for smaller households and single people as part of these mixed communities.

5.6 Policy CS17 does not define what is meant by ‘mixed communities’ in all localities. Instead, it acknowledges that implementation of this policy, and PSP39, will be made on a case basis through the development management process. Therefore, the HMO SPD aims to acknowledge that some

intensification, if carried out sensitively, and where it would not adversely affect the character of an area, can contribute to the local mix and affordability of housing, viability of local services, vitality of local areas and contribute to the Council's housing delivery targets.

- 5.7 Notwithstanding this, and as there are some localities that currently experience a concentration of HMOs, the SPD requires consideration to be given to the potential harm to support mixed communities due to the impact upon the defined character and existing amenity support – those applications which contribute towards a harmful impact should be resisted. Specifically, Additional Explanatory Guidance 2 states the following should be taken into consideration when assessing the proposal to determine if harm would arise:
- The development would result in the creation of an additional HMO in localities where known HMO properties already represent 10% of households; or,
  - More than 20% of households within a 100m radius of the application property would be registered as a licensed HMO property.

*(NB: For the purposes of this assessment, a 'locality' is defined by a statistical boundary known as a Census Output Area).*

- 5.8 In the case of 103 Station Road, it is recognised that HMO properties within the locality currently represent 11% of households, indicating the proposal would increase the concentration of HMOs within the Census Output Area and thus fail to meet Explanatory Guidance 2. However, the case officer notes that the host property already functions as a licensed HMO – a certificate designating small HMO status was assigned in October 2018 – which demonstrates that there would not be an increase in HMOs, but rather an increase in the number of bedrooms and therefore would meet the parameters of Explanatory Guidance 2. Here, it is not considered that the addition of 1.no bedroom was materially alter the property's day-to-day use nor have a subsequent impact on surrounding area, although the addition of 1.no bedroom does constitute a change of use and thus forms the basis of this application.
- 5.9 In terms of the number of properties within a 100m radius, 4 of the 49 dwellings are registered as a HMO, demonstrating the 20% limit would not be reached.
- 5.10 In respect of the above considerations, the principle of the change of use to a large HMO is therefore accepted. Notwithstanding this, the proposal must also be reviewed against other relevant areas of consideration (design, residential amenity and transport) to determine if local planning policies are satisfied.
- 5.11 Impact on the Character of the Area-Design and Visual Amenity  
Policies CS1, PSP38 and the SGC Householder Design Guide seek to ensure that development proposals are of the highest possible standards of design in which they respond to the context of their environment. This means that developments should demonstrate a clear understanding of both the site and local history to ensure the character, distinctiveness and amenity is well assessed and incorporated into design.

- 5.12 The only external works sought within this scheme is the demolition of existing outbuilding (the change of use primarily relates to internal reconfigurations). Due to this, the case officer raises no design objections as the character and appearance of the site is unlikely to be adversely affected, thus constituting compliance with policies CS1 and PSP38.
- 5.13 Residential Amenity  
As already set out, the principle of the change of use is not considered to significantly impact upon residential amenity.
- 5.14 However, policy PSP43 sets out minimum standards for private amenity space which should be functional, safe and of sufficient size in relation to occupants. Whilst this policy does not provide a standard for HMOs, it should be used as a reference point when assessing HMO applications. The policy confirms that a 1no. bed flat should have access to a minimum of 5m<sup>2</sup> external amenity space, suggesting the proposal should supply, at minimum, 35m<sup>2</sup> (7 x 1no. bed) of private amenity space. Initial concerns regarding the privacy of the rear space have since been addressed through the introduction of a 1.4-meter fence (see *Existing and Proposed Block plan – Drawing No: 3974.PL.02.C*) with the rear garden also demonstrating that the 35m<sup>2</sup> standard could be achieved, suggesting sufficient private amenity space would be provided for future occupants.
- 5.15 Notwithstanding this, the submitted floor plans demonstrate that internal space conditions are of a ‘cramped’ nature, but the case officer refers to the national HMO licensing application which ensures an assessment of property size and number of occupants for the conversion to a large HMO would be conducted. So, whilst concerns are raised with regards to internal space standards, this ultimately fall outside the scope of assessment.
- 5.16 Transport  
Policy PSP16 sets out the Council’s criteria for parking specifications. It states that parking space provision for a HMO is 1 space per 2 bedrooms and should be rounded up to the nearest whole number. A HMO of the proposed size is expected to provide 4no. on-site parking spaces. Submitted evidence unfortunately confirms this requirement cannot be satisfied – only 3no. off street spaces are provided within the site. Notwithstanding this, the case officer notes the comments of the Sustainable Transport Officer who raised no objection to the proposal in terms of the number of spaces. Here, it is recognised Pilkington Close has some available on-street parking which could accommodate a 4<sup>th</sup> vehicle from the applicant site. In consideration of this, the proposal is unlikely to have a detrimental impact on the adjoining street through the addition of parked car nor prejudice parking opportunity for neighbouring properties, although a condition should be used to secure the proposed on-site parking arrangements.
- 5.17 In addition to the above, policy PSP11 states development proposals that generate a demand for travel will be acceptable provided that access is appropriate, safe, convenient and attractive for all modes of travel arising to and from the site. It also outlines that access should not: contribute to serve



congestion; impact on the amenities of communities surrounding access routes; have an unacceptable effect on highway and road safety; and, should not harm environmentally sensitive areas.

- 5.18 Access to the proposed rear parking spaces would utilise an existing entry point from Pilkington Close and would also improve access through the introduction of an enlarged dropped kerb, suggesting safe and appropriate precautions would be taken with regard to the formalisation of the rear parking arrangements. Likewise, the parking towards the frontage of the property would include a wider dropped kerb with submitted details indicating visibility from the proposed vantage point would be of an acceptable standard. In addition to this and given that the development would only result in a modest intensification of road use, the proposed arrangements are unlikely to result in any severe highway or transportation issues. However, as the development relates to the highway, it is recommended that any works should be carried out in accordance with the Council's standards of construction, with all details and method of construction first to be agreed by the Council's Streetcare Manager.

### ***Transport Conclusion***

- 5.19 Subject to appropriate conditions and informatives, the case officer is satisfied that the proposed development adequately satisfies the requirements of policies PSP11 and PSP16, with no transportation objections raised.

### 5.20 Waste storage

Concerns of the parish council are referred to with regard to waste storage in which it is noted that both the original and revised block plan (3974.PL.02.C) includes secure bin storage and is considered of sufficient size for the proposed number of occupants, therefore addressing such concerns. However, an appropriate condition should be applied to secure such storage.

### 5.21 Consideration of likely impact on Equalities

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

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

## **6. CONCLUSION**

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

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

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

## **7. RECOMMENDATION**

- 7.1 That the application be **APPROVED** subject to conditions.

### **CONDITIONS**

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

Reason

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

2. The off-street parking provisions (which must be surfaced in a bound material to prevent it being dragged onto the public highway by vehicle tyres), cycle and refuse storage, as shown on the Existing and Proposed Block Plans (drawing no. 3974.PL.02.C Rev C) received by the council on 14th January 2022, shall be provided prior to the first use as a 7 person HMO and retained for those purposes thereafter.

Reason

In the interest of highway safety and to accord with policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

3. The development/works hereby permitted shall only be implemented in accordance with the following plans:

Site Location Plan (3974.PL.01)

Existing and Proposed Block Plans (3974.PL.02 Rev C)

Existing and Proposed Floor Plans (3974.PL.03 Rev A)

Reason

To define the terms and extent of the permission.

**Case Officer: Ben France**

**Authorising Officer: Helen Ainsley**