



## **REASON FOR REPORTING TO THE DEVELOPMENT CONTROL COMMITTEE**

Proposals for this site previously appeared before Members on 11 January 2018. This application represents a re-submission of the previous scheme, which was refused by Members, contrary to officer advice. Given that there has been a relatively short period between the applications, officers consider that this application should also be determined by Members and have subsequently referred this application to committee.

Furthermore, Members should note that following the refusal of PK17/2722/O the applicant has invoked their right to appeal. The Planning Inspectorate has confirmed that the appeal will proceed as a public inquiry. A start letter was received on 18 April 2018. The date of the public inquiry is yet to be confirmed; however, the authority's statement of case needs to be submitted to the Planning Inspectorate by 30 May 2018. The appeal proceedings act as a time pressuring in determining the current application as it would be beneficial to have the current application determined (or with a resolution) by the time the authority's statement of case is submitted.

As the earlier application is now at appeal, officers consider that it is most appropriate for Members to also determine the current application.

Originally, the proposal on this site was referred to committee by Councillor Sue Hope so that Members may consider highway safety – particularly the suitability of the access along Park Street – and whether this is 'major' development in the AONB.

Members will recall visiting the site as part of the Site Inspection Sub-Committee held on 17 November 2017. As the site was visited recently, it is not considered necessary or a prudent use of the council's limited resources for Members to revisit the site; this application is referred directly to the Development Control (East) Committee for determination.

The consultation period on this application expires on 4 May 2018. Therefore, any consultation responses received before the committee meeting will be provided as an update and the resolution is subject to no further issues being raised.

### **1. THE PROPOSAL**

- 1.1 This application seeks outline planning permission – with access and layout to be determined – for the erection of up to 21 dwellings with a new access onto Park Street. The application site is an agricultural field bounded to the north by the existing development on Park Street, to the south by properties on France Lane, and to the west by properties on Hunters Mead. To the east the land is open.
- 1.2 In terms of constraints and designations, the site is situated outside of the defined settlement boundary of Hawkesbury Upton, although adjacent to the boundary on the northern, southern, and western sides. The Hawkesbury Conservation Area is situated to the north and west of the site. Similarly, the historic Tithe areas of Hawkesbury Upton are located to the north of the site, with a section beyond the western boundary. Adjacent to the site, along Park Street, are a number of locally listed buildings. Turning to landscape, the site is within the Cotswolds Area of Outstanding Natural Beauty.

- 1.3 This application has been submitted in an attempt to overcome the reason for refusal of planning application PK17/2722/O (which is now at appeal). That application was refused for one substantive reason – that the proposed development comprised ‘major’ development in the AONB for which no exception circumstances had been advanced. In the current application, the number of dwellings proposed has been reduced to 21. This has resulted in a revision to the proposed layout. Otherwise, there is little difference between the current application and the earlier application.

## **2. POLICY CONTEXT**

### **2.1 Primary Legislation**

Town and Country Planning Act 1990  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Countryside and Rights of Way Act 2000

### **2.2 National Guidance**

National Planning Policy Framework March 2012  
National Planning Practice Guidance

### **2.3 Development Plans**

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

|      |  |
|------|--|
| CS1  | High Quality Design                                  |
| CS2  | Green Infrastructure                                 |
| CS4A | Presumption in Favour of Sustainable Development     |
| CS5  | Location of Development                              |
| CS6  | Infrastructure and Developer Contributions           |
| CS8  | Improving Accessibility                              |
| CS9  | Managing the Environment and Heritage                |
| CS15 | Distribution of Housing                              |
| CS16 | Housing Density                                      |
| CS17 | Housing Diversity                                    |
| CS18 | Affordable Housing                                   |
| CS24 | Green Infrastructure, Sport and Recreation Standards |
| CS34 | Rural Areas  |

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

|       |   |
|-------|---|
| PSP1  | Local Distinctiveness                                 |
| PSP2  | Landscape   |
| PSP3  | Trees and Woodland                                    |
| PSP6  | Onsite Renewable and Low Carbon Energy                |
| PSP8  | Residential Amenity                                   |
| PSP10 | Active Travel Routes                                  |
| PSP11 | Transport Impact Management                           |
| PSP16 | Parking Standards                                     |
| PSP17 | Heritage Assets and the Historic Environment          |
| PSP19 | Wider Biodiversity                                    |
| PSP20 | Flood Risk, Surface Water, and Watercourse Management |
| PSP21 | Environmental Pollution and Impacts                   |

|       |  |
|-------|--|
| PSP37 | Internal Space Standards                   |
| PSP40 | Residential Development in the Countryside |
| PSP42 | Custom Build Dwellings                     |
| PSP43 | Private Amenity Space Standards            |

## 2.4 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007  
 Residential Parking Standard SPD (Adopted) December 2013  
 Affordable Housing and ExtraCare SPD (Adopted) May 2014  
 Renewables SPD (Adopted) November 2014  
 Landscape Character Assessment SPD (Adopted) November 2014  
 CIL and S106 SPD (Adopted) March 2015  
 Waste Collection SPD (Adopted) January 2015 (updated March 2017)  
 Cotswolds AOMB Management Plan 2013-2018 (Endorsed)

## 3. RELEVANT PLANNING HISTORY

### 3.1 APP/P0119/W/18/3198485

Appeal by Lone Star Land against the refusal by South Gloucestershire Council of planning application PK17/2722/O

Start date: 18 April 2018  
 Procedure: Public Inquiry  
 Representations by: 30 May 2018  
 Inquiry date: To be confirmed

### 3.2 PK17/2722/O Refused 19/01/2018

Erection for up to 27no. dwellings (Outline) with access and layout to be determined. All other matters reserved.

Site area: 1.34ha  
 Density: 20 dwellings per hectare

#### Refusal Reasons –

1. The proposed development comprises 'major' development in the Cotswolds Area of Outstanding Natural Beauty (AONB) which by reason of its scale and location would fail to conserve the landscape and scenic beauty of the AONB. No exceptional circumstances have been demonstrated and therefore the harm caused by the development would outweigh the public benefit; contrary to Policy CS1 of South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, and Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework, March 2012.
2. 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) December 2013, the proposed development would fail to make appropriate provision for affordable housing in the district. The development is therefore contrary to Policy CS4A, CS6, CS18, and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework, March 2012.

3. In the absence of an appropriate planning obligation to secure the provision of on-site provision and off-site contribution towards public open space the proposed development would fail to make appropriate provision for the needs of future residents of the district. The development is therefore contrary to Policy CS4A, CS6, CS24, and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework, March 2012.
4. In the absence of an appropriate planning obligation to secure a financial contribution towards transport to school, the proposed development would fail to appropriately mitigate its impact. The development is therefore contrary to Policy CS4A, CS6, and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework, March 2012.

*In relation to Hunters Mead*

- 3.3 P86/1657 Approved 07/04/1987  
Erection of 15 detached dwellings with garages; construction of associated roads and footpaths; carrying out of landscaping works

Site area: 1.04ha (as stated on application form)  
Density: 14.4 dwellings per hectare

*Other current applications in Hawkesbury Upton*

- 3.4 PK18/1186/O Under consideration  
Erection of up to 8no dwellings (to include 2no affordable housing units) (Outline) with access to be determined. All other matters reserved.

Site area: 0.57ha  
Density: 14.0 dwellings per hectare

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

- 4.1 Hawkesbury Parish Council  
None received to date

##### **Internal Consultees**

- 4.2 Archaeology Officer  
None received to date; likely to require a condition based on consultation response to PK17/2722/O
- 4.3 Arts and Development Officer  
None received to date
- 4.4 Children and Young People (Travel to School)  
Contribution should be sought towards travel to secondary school
- 4.5 Community Infrastructure and Public Open Space  
Provision of on-site public open space should be secured through legal agreement. Financial contributions should be sought for off-site provision/enhancement and maintenance thereof.

- 4.6 Conservation Officer  
Objection; proposed layout and indicative designs are suburban in character and fail to respect the local variations in historic vernacular. Proposal would be seen as a poorly related addition to the settlement that would impact on the character and identity of the locality. Design quality is not acceptable. Harm to the setting of the locally listed buildings would be exacerbated.
- 4.7 Ecology Officer  
No objection; suggested conditions and informatives.
- 4.8 Environmental Protection  
No objection; land contamination issues satisfactorily addressed as part of application.
- 4.9 Housing Enabling  
Application triggers a contribution to Affordable Housing. To accord with policy CS18, 35% of 21 dwellings generates a requirement of 7 Affordable Homes, to be provided on-site, without public subsidy and distributed throughout the development in clusters of no more than 6 units.
- 4.10 Landscape Officer  
No objection – development would not have significant impact on landscape; however, the application is not supported by significant landscape information. Much of the landscape detail will follow at Reserved Matters stage, a better approach would have been to consider this at Outline. Applicant is referred to ‘Hawkesbury Grange’ as a good example of locally appropriate hard landscaping. Landscaping buffers have been increased since earlier application. Soil classification should be confirmed.
- 4.11 Lead Local Flood Authority  
No objection; SUDS condition should be applied.
- 4.12 Public Rights of Way  
None received to date
- 4.13 Self-Build Officer  
None received to date
- 4.14 Strategic Environment and Climate Change Team  
None received to date
- 4.15 Sustainable Transport  
No objection subject to conditions
- 4.16 Tree Officer  
None received to date
- 4.17 Urban Design Officer  
None received to date

- 4.18 Waste Engineer  
None received to date

### **Statutory / External Consultees**

- 4.19 Avon and Somerset Police  
None received to date
- 4.20 Avon Fire and Rescue  
None received to date
- 4.21 Historic England  
Application should be determined against local specialist advice
- 4.22 Wessex Water  
None received to date

### **Other Representations**

- 4.23 Local Residents  
At the time of writing this report, 17 comments from local residents have been received. Any additional comments will be provided to Members by update and at the committee meeting. The comments made to date raise the following points:
- ‘Major’ development should be considered as 10 or more units; proposal is major development for which no exceptional circumstances are demonstrated
  - Access is sub-standard
  - Additional traffic
  - Applicant also has a proposal at appeal
  - Character of Park Street should be preserved
  - Contrary to locational strategy
  - Cynical attempt to circumvent local democracy
  - Development is not justified
  - Development is suburban in nature
  - Development would not be affordable
  - Display of application on website
  - Does not overcome issues with earlier application
  - Ecological and environmental impact, including pollution
  - First planning decision has set a precedent that this application should be refused
  - Green spaces within proposal could be developed later
  - Harmful to sense of peace and tranquillity in village
  - Highway safety concerns
  - Impact and damage by construction vehicles
  - Impact on AONB
  - Impact on bridleway
  - Impact on conservation area

- Impact on heritage and local listings
- Impact on house values
- Impact on residential amenity
- Impact on rural character and setting of village
- Increase in population is unlikely to support rural services
- Infill development more appropriate
- Infrastructure capacity issues and subsequent flooding
- Lack of health care facilities
- Landscape character should be taken into account
- Limited public transport options
- Local Planning Authority has 'duty of care' to residents
- Loss of agricultural land
- Loss of greenfield land
- New houses, and associated residents, would be detrimental to the strong community in this quiet an essential English village
- No employment in village
- Other appeal examples indicate 5% should be considered 'major'
- Other applications have also been submitted in the village
- Out of character with village
- Outside settlement boundary
- Parish council is progressing Neighbourhood Development Plan
- Park Street has historic connections to the Badminton Estate
- Park Street is too narrow to enable vehicles to pass; motorists use pavement
- Park Street was historic main access to village
- Parking issues along Park Street
- Planting will take significant time to mature
- Previously stated transport impact was severe
- Proposal equates to a more than 5% increase in the size of village
- Proposal provides mainly executive homes
- Proposal would set a precedent for other developments to come forward
- Reduction in number of houses does not overcome issues
- Refuse collection would be on Park Street
- School oversubscribed
- Similar scheme previously rejected through plan making process
- Site is outside settlement boundary
- Site visible park of AONB
- Sustainable travel options limited
- Too many houses
- Unsustainable development
- Village has no housing need
- Village is expensive to live in due to transport costs and household fuel options



## **5. ANALYSIS OF PROPOSAL**

- 5.1 This application seeks outline planning permission (with access and layout to be determined) for the erection of up to 21 dwellings on land to the south of Park Street, Hawkesbury Upton. It is a resubmission of an early proposal for 27 dwellings.

### **Overview of Development**

- 5.2 Outline planning permission is sought for the erection of 21 houses on land to the east of Hawkesbury Upton. As an outline application, only the principle of the development may be considered as well as specific consideration of the access and proposed layout. The appearance, scale, and site landscaping would be reserved matters and future applications would be required.
- 5.3 One of the main aspects of this application is to establish whether the reduction in the number of dwellings to 21 is sufficient that the proposal is no longer considered by Members to be 'major' development in the AONB and has a lesser landscape impact.
- 5.4 It is understood that this application has partly come forward at this point in time as the local planning authority is currently unable to demonstrate a 5-year supply of deliverable housing land. As will be explained in the report below the conflict with the locational strategy contained in the Development Plan is not sufficient reason for the local planning authority to resist this development; an assessment of the impact of the development must be made in order to ascertain whether or not the proposal contained within the application is sustainable development. Should it be found to be sustainable, then planning permission should be granted.

### **Principle of Development**

- 5.5 The locational strategy for the District is set out in policy CS5 and, in this instance, CS34 of the Core Strategy. Under these policies, new residential development is directed to the strategic housing allocations, existing urban areas, and defined rural settlements as shown on the proposals maps. In rural areas, new residential development outside of a defined settlement is strictly controlled and would have to comply with the provisions of policy PSP40.
- 5.6 This application proposes development outside of a defined rural settlement and therefore does not accord with the provisions of the Core Strategy. This application does not include any of the forms of residential development permissible under PSP40. The proposal is therefore contrary to the Development Plan and this indicates it should be resisted in principle.
- 5.7 Furthermore, the site is situated within the Cotswolds Area of Outstanding Natural Beauty where, in accordance with guidance in the NPPF, great weight should be given to conserving landscape and scenic beauty. To this end, policy PSP2 seeks to resist proposals that would have an adverse impact upon the natural beauty of the AONB. The NPPF is more specific; with regard to development in designated areas such as AONBs it states that 'major' development that would affect the AONB should be refused unless it is in the public interest.

- 5.8 However, at present the Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing land. The latest Authority Monitoring Report, published in December 2017, indicates a deficit of 719 dwellings to be able to report a five year supply. On that basis, the current supply in the district is 4.66 years.
- 5.9 As a result, national planning guidance indicates that the policies in the Development Plan which act to restrict housing should be considered out-of-date and applications for residential development should be considered against the presumption in favour of sustainable development. This is an important material consideration of significant weight.
- 5.10 The result is that less weight should be attached to settlement boundaries as they act to restrict residential development. Policy CS5 and CS34, insofar as they relate to settlement boundaries, do not currently carry full weight. Other aspects of these policies may still be afforded weight in decision taking. Policy PSP40 although newly adopted would still act to restrict housing supply; as a result, this policy also must be considered out-of-date and for the purpose of this application is afforded little weight.
- 5.11 The presumption in favour of sustainable development is set out in paragraph 14 of the NPPF. In relation to decision-taking, where the Development Plan is out-of-date, planning permission should be granted unless – (1) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal, or (2) that specific guidance in the NPPF indicate permission should be refused.
- 5.12 The first limb is referred to as the ‘tilted’ balance. When this is applied, the planning balance is tilted heavily in favour of planning permission being granted as the ‘test’ is whether the harm of development would *significantly and demonstrably* outweigh the benefit. The second limb is the more traditional approach to decision-taking where the impacts of development are balanced against the provisions of planning policy. Proposals would have to demonstrate that specific guidance in the NPPF, or indeed extant policies in the Development Plan, did not imply that planning permission should be refused before they could benefit from the tilted balance.
- 5.13 Therefore, although this application is not in accordance with the locational strategy of the Development Plan, the proposed development should be considered against constraint-specific policies and determined by balancing the benefits of the proposal against any resulting harm.
- 5.14 Despite being contrary to the locational strategy set out in the Development Plan, this application is being considered as if delivered within a 5 year period would contribute towards reducing the deficit in housing provision identified in paragraph 5.8. It is considered likely that the proposed development would begin to contribute towards housing supply in the district within a period of 5 years and should therefore be considered in light of the current housing undersupply. However, this development alone would not provide the Council with a 5-year housing land supply.

- 5.15 The remainder of this report will therefore conduct the exercise of applying national guidance and policies in the Development Plan to the proposed development. The relevant ‘tests’ be they statutory, in the NPPF, or the development plan, must be considered and the resulting weight applied to the various factors as part of the decision taking exercise tasked to Members.

### **Landscape and AONB**

- 5.16 While the landscaping of the site is a reserved matter, the location of the site within the AONB is a principle matter on which this application must be determined.
- 5.17 Members, when they previously met in January, resolved that the earlier application was ‘major’ development in the AONB. The decision issued on the earlier application is highly material; however, it is a matter which must be re-assessed as part of the revised proposals which are contained within this application.

### *National Guidance on Development in AONBs*

- 5.18 The relevant paragraphs in the NPPF are 115 and 116. Paragraph 115 states that local planning authorities should give ‘great’ weight to conserving landscape and scenic beauty in the AONB. This sets the bar high in terms of the weight that should be given to landscape preservation in the overall balancing act of decision taking. Paragraph 116 is more specific in nature. It states that planning permission should be refused for major developments in designated areas except in exceptional circumstances and where it is demonstrated that development is in the public interest. It goes on to provide areas for consideration when an authority is tasked with determining an application for major development in a designated area.
- 5.19 However, what this section of guidance does not do is define ‘major’ development in this context.

### *‘Major’ Development in the AONB*

- 5.20 The traditional definition of ‘major’ development is within the Town and Country Planning (Development Management Procedure) (England) Order 2015 which states:

*“major development” means development involving any one or more of the following—*

- (a) the winning and working of minerals or the use of land for mineral-working deposits;*
- (b) waste development;*
- (c) the provision of dwellinghouses where—*
  - a. the number of dwellinghouses to be provided is 10 or more; or*
  - b. the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(a);*
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or*
- (e) development carried out on a site having an area of 1 hectare or more.*

- 5.21 It is this definition that the planning authority would apply to determine how the application should be dealt with procedurally. However, the same definition should not be applied indiscriminately as the sole definition of ‘major’ development. With specific reference to the AONB, guidance in the NPPG states that in defining what is ‘major’ development in the AONB, the context of the application site and the contents of the application itself are material. What may be ‘major’ in one circumstance may not be in another and therefore a blanket definition is unworkable in practice. It is a judgement for the decision taker to determine whether or not a proposal before them would amount to ‘major’ development in the AONB. This is confirmed in relevant case law.
- 5.22 In *R (Trevone Objections Group) v Cornwall Council* [2013] EWHC 4091 the judge concluded that the definition of ‘major’ development in the AONB should be a matter of planning judgement rather than defined in the Development Plan. On the same basis, it should not be concluded that the definition in the procedure Order (as stated in paragraph 5.20 above) should apply, as that does not allow for planning judgement. The judge in *Aston v SSCLG* [2-13] EWHC 1963 stated that there is no uniform meaning to the phrase ‘major development’ in relation to the AONB and each should be assessed in its context.
- 5.23 Members have previously found that 27 dwellings equated to ‘major’ development. While officer’s urge caution in the weight that should be applied to appeal decisions from outside the district (as it is questionable as to whether they can be truly considered comparable), there are a couple of recent appeal decisions of use; these are set out in the table below.

|                          |  |
|--------------------------|--|
| Reference                | APP/U1430/W/17/3184449   |
| Local Planning Authority | Rother District Council  |
| Proposal                 | 24 dwellings (16 houses; 6 flats; 2 bungalows)   |
| Decision                 | Dismissed; 08 February 2018  |
| Relevant Issue(s)        | Impact of development on the High Weald AONB   |
| Discussion               | Proposal is not ‘major’ development in the AONB (as described in paragraph 116 of the NPPF), it would be harmful to the landscape and scenic beauty of the AONB. |

|                          |  |
|--------------------------|--|
| Reference                | APP/Q1153/W/17/3177360   |
| Local Planning Authority | West Devon Borough Council   |
| Proposal                 | 22 dwellings   |
| Decision                 | Allowed; 06 February 2018  |
| Relevant Issue(s)        | (this appeal relates to a number of issues; harm to the Tamar Valley AONB was added as a refusal reason by the LPA during the public inquiry)                            |
| Discussion               | Proposal is not ‘major’ development in the AONB having assessed the proposal against the context of the site, advice from Natural England, and the AONB management plan. |

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|--------------------------|---|
| Reference                | APP/C1625/W/17/3175953  |
| Local Planning Authority | Stroud District Council   |
| Proposal                 | Up to 25 dwellings  |
| Decision                 | Dismissed; 31 January 2018  |
| Relevant Issue(s)        | Impact on character and appearance of area, particularly in regard to the Cotswolds AONB  |
| Discussion               | Percentage increase in size of settlement considered as tool for determining 'major' development; 0.01% increase not considered 'major' |

|                          |  |
|--------------------------|--|
| Reference                | APP/W1850/W/17/3172427   |
| Local Planning Authority | Herefordshire Council  |
| Proposal                 | 29 dwellings, shop/community facility, ancillary works   |
| Decision                 | Dismissed; 13 December 2017  |
| Relevant Issue(s)        | Effect on Malvern Hills AONB   |
| Discussion               | Discussion on 'major' development in the AONB, including other examples of use of percentage; proposal would result in a 4% increase in size of settlement; proposal concluded to be a 'major' development due to character and appearance of area |

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|--------------------------|--|
| Reference                | APP/F1610/W/16/3165805   |
| Local Planning Authority | Cotswold District Council  |
| Proposal                 | 30 dwellings   |
| Decision                 | Allowed; 2 November 2017   |
| Relevant Issue(s)        | Impact on the Cotswolds AONB   |
| Discussion               | Result in 2.5% increase in size of settlement; relates well to existing built form; no wider impact; proposal is not 'major development in the AONB' |

|                          |  |
|--------------------------|--|
| Reference                | APP/R3650/W/16/3165974   |
| Local Planning Authority | Waverley Borough Council   |
| Proposal                 | Hybrid application for up to 29 dwellings (net increase of 27 dwellings)   |
| Decision                 | Allowed; 04 September 2017   |
| Relevant Issue(s)        | Major development in the Surrey Hills AONB not justified by exceptional circumstances  |
| Discussion               | 14 dwellings would be within the AONB; too few to be considered 'major' development; cases provided where Inspectors have found up to 38 units not to be major development in the AONB; LPA criticised for lack of evidence to justify conclusion that proposal amounted to 'major' development. |

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|--------------------------|--|
| Reference                | APP/E2734/W/16/3157795   |
| Local Planning Authority | Harrogate Borough Council  |
| Proposal                 | 20 dwellings   |
| Decision                 | Dismissed; 16 December 2016  |
| Relevant Issue(s)        | Impact on Nidderdale AONB  |
| Discussion               | Due to rural location where site did not adjoin existing development, proposal found to be 'major' development |

|                          |   |
|--------------------------|---|
| Reference                | APP/V3120/W/16/3153209  |
| Local Planning Authority | White Horse District Council  |
| Proposal                 | 40 dwellings  |
| Decision                 | Dismissed; 04 November 2016   |
| Relevant Issue(s)        | Impact on North Wessex Downs AONB   |
| Discussion               | Proposal would equate to a 10%-11% increase in the size of settlement; concluded to be 'major' development; lack of 5 year housing land supply does not outweigh harm to AONB |

- 5.24 While Inspectors are reaching a variety of conclusions, the key consideration which can be drawn out of all these appeal decisions is the importance of context.
- 5.25 Hawkesbury Upton is detailed in the February 2018 Sustainable Access Profiles. In the survey work undertaken during 2017, 335 dwellings were identified as being within the defined settlement. The 21 dwellings contained in this application would lead to an increase in the number of dwellings in the village of 6.3%. Officers do not conclude that this is a significant increase in the size of the village.
- 5.26 Elsewhere in the rural area of the district when officers are assessing speculative residential developments coming forward at this time, an increase of up to 30% in the size of a settlement would not be considered to conflict with the proportionate increase to rural settlements which policy CS5 alludes to being acceptable (although policy CS5 leaves the detail to the DPD, neighbourhood planning, or replacement Local Plan).
- 5.27 Other matters that Inspectors have been considering in the decisions listed above is landscape impact. This is considered in greater detail below. However, as an aside, consideration to the impact of the built form is important in establishing whether the proposal is major or not.
- 5.28 The application site would form a logical extension to the existing village. The site is developed on all but its eastern boundary. Development in this location would therefore be likely to be viewed as part of the existing built form of the village rather than as a projection from it. The site therefore, for the purposes of assessing whether the proposal is major in nature, has a good relationship with the existing settlement and would not lead to a significant change in the character and appearance of the area.
- 5.29 Officers have concluded that the proposal does not amount to major development in the AONB and therefore exceptional circumstances do not need to be found for the proposal to progress.

#### *Landscape Considerations*

- 5.30 The site is within LCA1 'The Badminton Plateau' as identified in the Landscape Character Assessment SPD. In terms of its attributes, the landscape is identified as being gently sloping, open, and agricultural in nature with scattered stone structures and field boundaries.

- 5.31 Land to the east of Hawkesbury Upton is typical of this landscape character, being open agricultural land dissected by stone walls and hedgerows. A Landscape and Visual Appraisal has been submitted with the application, the findings of which are generally accepted, albeit considered that it lacked in detail.
- 5.32 The application site itself is relatively well contained being developed to the north, south, and west. To the east runs a field hedgerow which is to be retained as part of the development. Land to the east of the site is not subject to significant topographical changes and therefore the proposal would be seen within the context of the existing village; it would not result in a significant expansion beyond the village envelope itself. Furthermore, on the main approach to the village along France Lane, the development would sit behind existing dwellings and while there would be an increase in the built form, it would not lead to a highly visually intrusive addition to the village in a particularly sensitive location.
- 5.33 Overall, if permitted the development would be unlikely to have a significant or demonstrable impact on the landscape character of the area. Landscaping within the site itself is subject to further assessment under reserved matters applications. While the aim of the AONB is to preserve land to protect natural beauty, the development is would not notably detract from the character of the AONB or degrade the natural beauty of this location within the AONB.
- 5.34 Great weight should be attached to the preservation of the landscape in the AONB in accordance with national guidance. While there would be some landscape impact, this impact is limited in nature and as a result would not have a significant adverse impact. Officers therefore conclude that any resulting harm would be less than substantial.

### **Design**

- 5.35 As an outline application, with layout and access to be determined, design considerations at this stage should only consider the broad principle and the specifics of the access and layout. The final appearance of the dwellings would come forward at a later date.

### *Character and Appearance*

- 5.36 Policy CS1 requires development in the district to meet the 'highest possible' standards of site planning and design. The NPPF states that good design is indivisible from good planning. Policy PSP1 also seeks that characteristics of a locality that promote its distinctiveness should be used to formulate the design of development.
- 5.37 The Design and Access Statement considers local character. It also addresses the changes to the design since the last application was made. Buildings in Hawkesbury Upton are predominantly two-storey with gables roofs. Materials are predominately stone with some render. Front gardens tend to be short and buildings located close to the street. The village is predominantly linear in nature being focused around France Lane and High Street, although there is

significant existing development to the south off Sandpits Lane and development to the east on Hunters Mead, which is adjacent to the site.

- 5.38 A traditional architectural approach is proposed with the use of natural stone and detailing similar to that found in the locality. Hawkesbury Upton does not have a uniform architectural style; there is a mix of buildings from different periods in a mix of materials. What Hawkesbury Upton does have, however, is a predominantly rural character and historic core. There has been and mid- and late-twentieth century development (as listed above) and these areas are more suburban in nature than the historic core of the village.
- 5.39 In appearance, from the information submitted at this stage, the proposed dwellings would generally respect the rural and historic nature of the village. There would not be a significant modernisation to the overall character of the village although it is noted that the proposal would be more suburban in nature than the village core. This is not to be unexpected; social changes have led to a different form of housing stock than that built in the nineteenth and early twentieth centuries.
- 5.40 Concern has been raised by the conservation officer that the Design and Access Statement fails to provide adequate reassurances that a suitable design is being promoted. However, this application is in outline form and appearance is a reserved matter. The detailed design should therefore be considered at that time. Given the scale of development, it is concluded that the reserved matters application would be an appropriate means by which to manage the external appearance of the development and further controls or a revision Design and Access Statement are not required at this time.
- 5.41 Overall, it is considered that the proposal would broadly be consistent with the character and appearance of the village. The development would have its own identity and is of an acceptable design standard to accord with the provisions of the Development Plan and NPPF.

### *Layout*

- 5.42 It is in the layout that the most significant changes to the scheme are made. The road layout remains generally the same. However, the central 'green' that was previously proposed is now subject to development and the open space relocated to the southeast of the site. A more significant landscape buffer now encloses the development, particularly to the east, to address the concerns raised by Members on the impact on the open landscape of the AONB.
- 5.43 The layout is now more overtly suburban than that contained in the original proposal; the removal of the central 'green' results in more of a cul-de-sac appearance than that previously proposed. While the proposed layout may not be an improvement, design quality must still be considered.
- 5.44 The scale of development and the confines of the application site do not easily enable an alternative form to successfully come forward. There is evidence elsewhere in the village of development utilising a similar approach. Separate vehicular and pedestrian access have been provided. The site therefore has a



degree of permeability by different modes of transport. Permeability north to south has been reduced through the loss of the central 'green' and a large paved courtyard is now proposed to the southwest of the site. Again, this is not an improvement but would not necessarily be considered poor design to the extent that development should be resisted on that basis.

- 5.45 Given that there is existing built form on three sides of the application, and the proposed open areas are located to the undeveloped east side, the layout is broadly acceptable and would represent a logical extension to the village.

#### *Density*

- 5.46 On a site of 1.34 hectares, the provision of 21 dwellings would equate to a development density of 15.7 dwellings per hectare. This is a significant reduction from the 20 dwelling per hectare proposed under the earlier scheme.
- 5.47 Density across the village varies. The adjacent development of Hunters Mead has a lower density of 14.4 dwellings per hectare. The village core, with its traditional rather than suburban forms of development would have the feeling of being much denser. To the west, development off Birgage Road includes pockets of much higher densities, including up to densities of 35 dwellings per hectare.
- 5.48 There is no one density figure that can be applied across the board as each proposal should reflect its context. With that in mind, it would be possible to secure a greater density (and therefore more residential units) in rural areas where it can be demonstrated that it reflects the prevailing character. However, for this proposal it is considered by officers that an appropriate density of development is proposed which generally reflects other developments in the vicinity.
- 5.49 A reduction in the density of the development is helpful in addressing the concerns raised over the impact of the original proposal. The revisions to the proposal has now brought forward a scheme which includes a greater proportion of larger, more executive, dwellings. With this in mind, officers conclude that the density of the development is acceptable.

#### *Access Road*

- 5.50 The access is to be determined. Access to the site is provided from Park Street. This is a narrow residential road with development along each side for the main part. At the end of the road, there is a more open area and it is into this that the vehicular access is proposed. From the records of the Highway Authority, the access would connect to the adopted highway. A relatively gentle splay is provided onto the highway designed to meet the necessary technical requirements.
- 5.51 While the access would have a modernising influence on Park Street, it is relatively subtle. Its position at the end of the lane is appropriate in design terms and limits the impact of the proposal on the more historic nature of the western end of Park Street.

- 5.52 It is not considered that the position and design of the access road would have a significant detrimental impact on the character and appearance of the area as a whole.

### **Historic Environment**

- 5.53 Hawkesbury Upton can boast a number of heritage assets. The Hawkesbury Conservation Area (which includes both Hawkesbury and Hawkesbury Upton) was designated in 1981 and wraps around the north and west of the site. A number of locally listed buildings are also in close vicinity of the site. Given the nature of the settlement, there is also potential for archaeological heritage on the site.
- 5.54 Guidance in the NPPF requires local planning authorities to consider the impact of development on the historic environment. Paragraph 132 states that ‘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.’ In the following paragraphs, different ‘tests’ are specified depending on the level of identified harm; paragraph 133 sets out the considerations when ‘substantial harm or total loss’ would occur and paragraph 134 when ‘less than substantial harm’ would result. In reference to the presumption in favour of sustainable development, when an application would result in substantial harm, it cannot benefit from the tilted balance.

#### *Listed Building and Conservation Area*

- 5.55 In terms of built heritage, the site is sensitive due to the potential impact on the conservation area and non-designated heritage assets (locally listed buildings).
- 5.56 As the application is in outline, there are aspects which are not for consideration – such as the final appearance of the buildings and the site landscaping. These factors are relevant to heritage considerations, however, an outline application may still be determined when the decision taker is satisfied with the level of information provided. In other words, the decision taker should be content that a high standard of design can be achieved to limit any impact on heritage.
- 5.57 Being bounded by existing development on three sides and a mature tree lined hedge on the east, the site is contained within the village envelope and contained from projecting in to the landscape beyond. When the trees are in leaf the development would be well screened by the existing planting in views from the east. In these views modern housing is visible at the village edge either side of France Lane; further housing is therefore not considered out of character in these views of the conservation area.
- 5.58 The conservation area is designated heritage asset according to the NPPF. It is characterised by relatively tightly grouped housing at the core of the village, with gardens, closes and open fields beyond which provides its rural context. Park Street has a more rural character than some of the busier and more developed roads within the village. This is largely due to it being a no through road, the looser grain of the built form, and the backdrop of open fields.

Park Street has an attractive traditional appearance and includes many older and important buildings, a number of which are locally listed. While this does not preclude further development, maintaining the rural and traditional character is an important consideration. Special attention must be given to respecting the local vernacular and distinctiveness of the locality, reflecting this in and a high standard of design.

- 5.59 Hawkesbury Upton contains many historic cottages. These are much smaller than modern housing. The proposed development would have a modernising impact as it would introduce detached buildings of a greater mass than the traditional cottages contained within the conservation area. The conservation officer identifies this as a harm which would result from development.
- 5.60 However, it is important to note that the proposal is not within the conservation area and that the interaction with the conservation area is limited to the site accesses and the existing built form. There is evidence of modern suburban style housing within the conservation area and that is also of a detached nature. While there may be a degree of harm to the setting of the conservation area, this is limited in nature and less than substantial. In this situation the test in paragraph 134 states that the harm should be weighed against the public benefits of the proposal.
- 5.61 There are a number of locally listed buildings in close proximity to the site. The development is positioned immediately to the rear of the Old Bakery and Park Cottage. The conservation officer raises concern on the impact upon these buildings. Non-designated heritage assets are an important part of the historic built form and development proposals should respect and reflect their context – including that of any non-designated assets. While the proposal would have an impact upon the locally listed buildings it would only be one of setting. The built form themselves and the reasons for which they make a positive contribution to the locality are unlikely to be affected. Paragraph 135 applies to such non designated heritage assets which requires a balanced judgement having regard to the scale of any harm or loss. None of the locally listed buildings would be lost it is a question of impact on the context.
- 5.62 No harm has been found to designated listed buildings.

#### *Archaeology*

- 5.63 The site was considered to have potential for in-situ archaeology given its proximity to the historic tithes for the village. As part of the earlier application an archaeological evaluation report was submitted and further supplementary information was also provided.
- 5.64 The supplementary information included the results of a gradiometer survey. This has indicated the presence of potential archaeological features on the site, as well as evidence of more modern uses. Therefore it is concluded that the site has some potential for preserved archaeology to remain. Any planning permission should therefore be subject to an archaeological watching brief to ensure that any archaeology can be recorded. Subject to an appropriate

watching brief, archaeology would not be a reason for development to be resisted.

## **Natural Environment**

- 5.65 While landscape considerations and the impact on the AONB have been discussed, natural environment also includes consideration of: trees; ecology and biodiversity; drainage and water management; agricultural land classification; and, environmental effects, including requires for renewable and low-carbon energy generation.

### *Trees*

- 5.66 The hedge boundary to the east of the application site includes a number of mature trees. While there are no trees within the field itself, there are others along the boundaries of the site. It is important that the trees and hedgerows around the site are protected in order to assist in screening the development and integrating it into the landscape.
- 5.67 In order to ensure this, when any application for reserved matters is made it should include information as to how the existing trees and hedges are to be protected. Subject to the submission of this information, it is considered likely that the existing trees can be retained and therefore this should not act as a constraint to development.
- 5.68 The revised layout reduces the impact on the existing hedgerow as this is contained in part of the landscape buffer.

### *Ecology and Biodiversity*

- 5.69 Given that this development would be on agricultural land in a rural location there is potential for an impact on ecology and biodiversity. An ecological appraisal has been submitted to support this application.
- 5.70 This appraisal has identified that the site currently offers a variety of habitats including: hedgerow (a priority habitat); semi-improved neutral grassland; and scrubland. No statutory sites or non-statutory sites for nature conservation will be affected by the proposed development.
- 5.71 In terms of protected species, there are no structures on site and none of the trees in the hedgerow have suitable features for roosting bats. Due to the presence of Annex II bat species in the area dusk transect surveys of the hedgerows were carried to determine the importance of these features for commuting bats. Recorded bat activity was low with a total of 100 calls recorded over a total of 10 nights. However, some rarer and more light-sensitive species were recorded. Although, the site is not particularly important for bats, a bat friendly lighting scheme should be introduced if planning permission is granted.

- 5.72 There is a pond approximately 20 metres from the site. This is ornamental and stocked with fish, making it unsuitable for great crested newts. Two other ponds, approximately 450 metres from the site have been assessed using Natural England's Rapid Risk Assessment, which concluded that a wildlife offence being committed as a result of development as being highly unlikely; this is because of the distance of the ponds from the site.
- 5.73 The site is unsuitable for hazel dormouse and therefore were no signs of badger activity. Hedgehogs probably transverse the site and there are several records of them in the area.
- 5.74 Ecological and biodiversity has been considered by the applicant. Subject to the imposition of suitable planning considerations, these do not represent a constraint to development.

#### *Drainage and Water Management*

- 5.75 Drainage of the site following development is a technical matter. In terms of planning considerations, it must be demonstrated that the site can be adequately drained and would not lead to an increased risk of flooding elsewhere. The application site is within Flood Zone 1 and therefore is not at risk of flooding itself.
- 5.76 Given the scale of development, a SUDS scheme could be achieved. The Lead Local Flood Authority consider a SUDS scheme to be appropriate and have provided technical guidance to the applicant on how this should be achieved. Subject to a satisfactory SUDS scheme being presented to the authority at a later date, drainage and water management are not a constraint to development.

#### *Agricultural Land Classification*

- 5.77 A key concept of the NPPF is the protection of high quality agricultural land. The relevant paragraph is 112 which states that development of high grade soils is deemed necessary, local planning authorities should use a preferential criteria and direct development to poor quality land. This is transferred into the Development Plan and contained within policies CS9(9) which requires development to avoid 'the best and most versatile agricultural land'.
- 5.78 Agricultural land can be classified into grades between 1 and 5 with 1 being the best and most versatile. Within these grades, grade 3 is subdivided into 3a and 3b. It is generally accepted that the phrase 'best and most versatile' refers to grades 1, 2, and 3a in sequence of most productive. Grades 3b, 4, and 5 are of moderate to poor quality and should not act as a constraint to development.
- 5.79 This application is accompanied by a 'Soils and Agricultural Quality of Land' report, prepared by Land Research Associated, dated March 2018. The report would appear to be authored by a suitably qualified person and therefore is accepted by officers as appropriate.

- 5.80 This report identifies that the site comprises shallow soils over hard limestone at a depth of around 0.3 metres. Most of the site (77%) would have a 3b agricultural land classification with a smaller area (15%) to the north of the site being grade 3a. Part of the site (8%) is not in agricultural use and is therefore excluded from assessment.
- 5.81 The proposal would lead to the loss of 1.34 hectares of agricultural land which mostly falls outside of the classification of 'best and most versatile'. There would be some harm resulting from the loss of this land from agricultural production. However, given the small proportion of the site that is grade 3a, it is not considered that this harm should be considered a significant adverse impact of development. Regardless of that, the decision taker must balance the harm against the public benefit.

#### *Environmental Effects*

- 5.82 The proposal itself would not pose any undesirable environmental impact; it would not lead to industrial processes or emissions. However, the undertaking of the development may have the potential to effect the environment. Accompanying the application is a contamination report. This has identified that there are limited potential sources for contamination and this should not act as a constraint to development; these have been addressed in the supporting information.
- 5.83 Construction work can have an impact on amenity. The development should be subject to a condition on construction hours to protect both the environment and the amenity of nearby residents.

#### *On-site Renewable and Low-Carbon Energy*

- 5.84 Under policy PSP6, all greenfield development of 10 or more dwellings will be expected to reduce carbon dioxide emissions by an additional 20% through the use of renewable and/ or low carbon energy generation. This should ideally be undertaken on-site although consideration would be given to generation near the site when this is demonstrated to be a more practical or viable option.
- 5.85 As this application is in outline, a condition would be required to ensure that details of the means by which the 20% reduction can be achieved are secured as part of the reserved matters.

#### **Social Considerations**

- 5.86 Social considerations have a relatively wide scope. This section will consider: the overall impact on the village; access to facilities and services; affordable housing provision; public open space provision; and residential amenity and living conditions.

#### *Impact on Hawkesbury Upton*

- 5.87 Policy CS5(5)(d) states that changes to a locality resulting from proposals for development should be commensurate with the scale and form of the existing settlement. One of the major factors in determining this application is therefore

the impact that the proposed development will have on the character of Hawkesbury Upton.

- 5.88 As part of the Sustainable Access Profiles prepared by the spatial planning team in February, the village of Hawkesbury Upton was identified as containing 335 dwellings in 2017. If permitted, this application would provide an additional 21 dwellings leading to 356 dwellings. This represents a 6.3% increase in the size of the village. Hawkesbury Upton is a relatively small village when compared to other defined villages within the district. However, it is not considered that an increase of 6.3% would lead a significant impact to the overall character of the village and is not considered by officers to amount to a harm.

#### *Access to Facilities and Services*

- 5.89 Hawkesbury Upton has limited access to facilities and services, although more than may be expected for other villages of its size. Within the village is a convenience store, post office, two public houses, and a community centre. It is noted that there are no health facilities within the recommended walking and cycling distance nor major employers. Hawkesbury Upton is within the travel distance of 1 primary school. The village has access to superfast broadband.
- 5.90 The lack of facilities and services may be a constraint to development as development without sufficient access to goods and services should not be considered sustainable. The market towns of Yate and Chipping Sodbury are approximately 5 and 4.4 miles respectively from the village as the crow flies; Bristol city centre is approximately 14 miles from the village. While there may not be a full range of facilities and services within the village, there is sufficient provision for sustainable daily living and convenience shopping and leisure. Public transport provision is discussed in a later section but the provision of goods and services is considered to be sufficient so much as it does not act to constrain development of this scale.

#### *Affordable Housing*

- 5.91 Policy CS18 requires the provision of affordable housing on developments of a certain scale. The proposal triggers an affordable housing contribution. Under the provisions of this policy, a contribution of 35% of the development should be made as affordable housing without public subsidy.
- 5.92 This development generates an affordable housing requirement of 7 units. Using the Wider Bristol Strategic Housing Market Assessment, the 7 units would be sought as 73% for social rent and 27% for shared ownership. Breaking this down further, it would equate to 5 units for social rent comprised of, 2 one-bedroom houses, 2 two-bedroom houses, and 1 three-bedroom house. Two units should come forward as shared ownership and these should be 1 two-bedroom house and 1 three-bedroom house.
- 5.93 The applicant has indicated that provision for affordable housing will be made as part of the development. A legal agreement will be required to secure its provision. It is considered that this planning obligation would meet the tests set out in the CIL Regulations.

- 5.94 Provision of affordable housing is a significant benefit which would arise from this development. As a benefit this should be considered in the overall planning balance.

#### *Public Open Space*

- 5.95 As a result of the development, the population in Hawkesbury Upton would increase. Using current average occupancy data it is estimated that the development would lead to a population increase of 50.4 residents. In delivering sustainable and healthy communities, residents should be able to expect access to a range of open spaces for recreation, health, and wellbeing.
- 5.96 An audit of the proposed development and existing open space provision in the vicinity has demonstrated that there is sufficient provision of outdoor sports facilities and allotments within the village, although these may require quality improvements. However, there is a shortfall in provision of natural and semi-natural open space, provision for children and young people, and there is an absence of informal recreational open space.
- 5.97 Within the development informal recreational open space will be provided to meet the required standard. To accord with policy CS24, 1000 square metres of informal recreational open space would be provided within the development. Subject to this being the case, the development would mitigate its impact in that regard. In order that off-site provision and/or enhancements to existing provisions, and the maintenance thereof, can be made a financial contribution is required for the development to comply with the provisions of policy CS24 for the other categories of public open space.
- 5.98 To mitigate the impact of the development, £10,571.00 for natural and semi-natural open space, £40,465.64 for outdoor sports facilities, £21,186.13 for provision for children and young people, and £927.57 for allotments should be contributed towards off-site provision/enhancement with a further £17,536.25, £12,247.60, £22,277.38, and £1182.73 towards maintenance of the respective provision. A legal agreement will be required to secure its provision. It is considered that this planning obligation would meet the tests set out in the CIL Regulations.
- 5.99 Provision of public open space within the site and the contribution towards the provision and enhancement of existing open spaces is a significant benefit that would arise from this development which would benefit the wider population and not limited to the future occupiers of the development. As a benefit this should be considered in the overall planning balance.

#### *Residential Amenity and Living Conditions*

- 5.100 Development should not be permitted that has a prejudicial impact on the residential amenities of nearby occupiers or which provides less than acceptable living conditions for future occupiers of the proposal.



- 5.101 Along the western boundary, the proposed dwellings stand between 14 and 25 metres from existing properties. This distance is considered sufficient to prevent any overbearing impact. As appearance is yet to be determined, the precise position of windows is not known; however, the proposed buildings with the lower separation distances appear to have their side elevation facing the existing properties. Detailed privacy considerations will therefore be required as part of the reserved matters applications however, in principle, it is considered unlikely that the proposal would have a significant adverse impact upon these properties.
- 5.102 To the south, the distances are much greater ranging from 36 to 50 metres. The proposed dwellings in the southeast corner of the site are to be bungalows. It is not considered that the development would have an adverse impact on the amenity of properties on France Lane.
- 5.103 To the north, the distance of separation is around 16 metres. At this distance it is unlikely that there would be an overbearing impact and any window placement will need to be carefully considered at the reserved matters stage, particularly giving regard to the side or rear elevational treatments.
- 5.104 While some existing occupiers may have their existing views obscured, there would not be a loss of outlook from these dwellings and as a result it would not be prejudicial to the amenity of these dwellings. Planning does not provide protection of a view but does seek to ensure that there is not a prejudicial loss of outlook.
- 5.105 The proposal makes adequate provision for the living conditions of the future occupiers of the development. The new dwellings would be provided with sufficient private amenity space and the layout provides few opportunities for intervisibility between the proposed homes.
- 5.106 Should this development proceed there would be little impact on residential amenity or the quality of living conditions and therefore this should not be considered a constraint to development.

## **Transport**

- 5.107 In considering transport, topics of sustainability and public transport, highway safety, access, parking, transport to school, and public rights of way should be included.

## ***Site Sustainability***

- 5.108 PSP11 provides an indication as to how sustainable a location is in transport terms. It states that residential development should be located within either an appropriate walking or cycling distance of key services and facilities, and employment opportunities, or within 400 metres of a suitable bus stop served by an appropriate public transport service which connects to destinations providing key services, facilities, and employment.

5.109 As discussed previously, there are some but not a full range of key services and facilities within the village. Therefore, a bus service is required for the location to be considered sustainable. It has been indicated that Hawkesbury Upton is served by an adequate bus service. There are at least 5 journeys a day in each direction with at least one service arriving before 09:00 and departing after 17:00 on weekdays. To Yate, routes 84 and 85 all provide a direct link to the town with the 86 providing additional services on Saturdays. It is noted that there is no Sunday service. Yate railway station is the nearest station and provides connections to the national rail network including direct rail services to Bristol Temple Meads, Bristol Parkway, Filton Abbeywood, and Gloucester (amongst others).

5.110 It is accepted that cycling may not be preferential for commuting. However, Hawkesbury Upton is close to the National Cycle Network route 410 (Avon Cycleway). Key services and facilities are beyond the recommended walking and cycling distances and therefore cycling would be a recreational activity rather than a viable means of regular transport.

5.111 Therefore while future residents may have a predominant reliance on the private car as the main means of transport, Hawkesbury Upton is not solely car dependent. Provision of public transport is sufficient for the site to be considered broadly sustainable.

#### *Site Access and Traffic*

5.112 The application is supported by a transport assessment. This has demonstrated that the traffic produced by the development would not have a severe impact on highway safety. As the number of dwellings has been reduced, so has the traffic impact on the earlier scheme – to which no highway safety objection was raised.

5.113 The proposed access arrangements are also considered safe. These have taken into account traffic speed and the geometry of the junction.

#### *Highway Safety and Park Street*

5.114 Park Street is narrow. The footway along Park Street varies in width which means that it fails to provide safe access for all users. This is particularly true where parked vehicles narrow further the footway. The narrowness of the highway, especially where vehicular parking occurs makes two-way travel difficult.

5.115 The applicant is proposing to widen the footway along the northern side of Park Street to ensure that it is at least 1 metre wide for its full length. If carried out as proposed, this would increase the width of the footway by 0.1 metres along a 25 metre stretch. As a result of the footway widening, there would be a reduction in the width of the highway in certain locations. A 2.5 metre section of Park Street would be reduced in width to 3.9 metres.

5.116 A condition can be applied to require the widening of the footway. The applicant would then have to implement the footway widening as part of the development proposal. The widening of the footway is considered to be an

improvement to highway safety. This should be attributed weight in favour of granting planning permission in the overall planning balance.

### *Parking*

- 5.117 Residential parking is required to accord with the standard contained in policy PSP16. The layout plan indicates that sufficient parking is to be provided to comply with the standard although some of this may be in garages; the size of garages would need to be confirmed as part of any reserved matters application. The development therefore provides sufficient parking to meet the needs arising and would not lead to any significant further parking elsewhere in the village.

### *Transport to School*

- 5.118 There is 1 primary school in Hawkesbury Upton but no secondary schools. Pupils would therefore have to travel to secondary school using vehicular transport. The development would generate 4 additional secondary school pupils. The proposed development is in the area of prime responsibility of Chipping Sodbury School (5.9 miles away). As Chipping Sodbury School is over three miles away, the Local Authority would require a contribution towards costs for transport to school.
- 5.119 The most cost effective mode of transport to Chipping Sodbury School is by taxi. The cost per day for a 4 seat taxi is £59. A student will be in secondary education for 7 years. The total cost of transport to school for 4 secondary pupils is therefore £78,470. This should be secured through an appropriate legal agreement. It is considered that this planning obligation would meet the tests set out in the CIL Regulations.

### *Public Right of Way*

- 5.120 Two public rights of way converge on Park Street at the position of the proposed site entrance, one of which is a bridleway. The utility and amenity of a public right of way is a material planning consideration.
- 5.121 The access to the site would intersect with the public highway. The position of the public rights of way are noted. While there will be an increase in traffic on Park Street as a result of the development, the development would not introduce traffic into a hitherto traffic free area. Therefore, while there may be a limited impact on the amenity of the routes, this would be constrained to the area where they intersect with the public highway. It is therefore concluded by officers that the utility and amenity of the public rights of way would be broadly protected and should not act as a constraint to development.

### **Sustainable Development**

- 5.122 The NPPF, when taken as a whole, is the government's written statement of what constitute sustainable development in planning terms. The government recognises that there are three strands to sustainable development: economic, environmental, and social.

### *Economic*

- 5.123 The development would have economic benefit of providing housing and infrastructure to support a higher population. It would lead to the direct formation of construction jobs (although these are temporary in nature and therefore can be afforded limited weight). It would also enable greater economic spending in the region through additional population growth. A greater population would also help support local goods, services and facilities.
- 5.124 It is noted that the development would result in the loss of a small amount of grade 3a agricultural land; this is not of a significant scale this would at most be negligible economic harm. Therefore, the economic benefit of development attracts substantial weight in favour of granting planning permission.

### *Environmental*

- 5.125 Some environmental (and social) harms have been identified in the above analysis. In particular, great weight should be attributed to the preservation of the AONB. The landscape impact of the proposal can be mitigated (through a landscape buffer around the site, especially on the eastern boundary) and are not considered to be overly harmful, given the location in the AONB it should not be discounted out of hand. Furthermore, there is some limited harm to the conservation area and non-designated heritage assets. As there is a statutory duty to give special attention to the desirability of preserving or enhancing the character of the conservation area and the natural beauty of the AONB, this too must be given particular weight in the overall planning balance. These factors cumulatively weigh against the grant of planning permission.
- 5.126 In terms of environmental benefits, the scheme would mitigate its own impact. The most significant benefit is the provision of a wider footway along Park Street to ensure the safety of non-motorised users of the highway. It would be unlikely that this would be achieved without development coming forward and therefore should be considered a direct benefit of the proposal. There would be some benefit to biodiversity through landscape planting, provision of public open space and specific mitigation measures. However, while there is some benefit, it can only be considered limited as it seeks to minimise any impact of the development itself. In terms of weight attribution, this factor is considered neutral.

### *Social*

- 5.127 As stated, there would be some social harm. This includes the impact of the design of the development on the appreciation of the heritage assets. This has been given due weight when considered as an environmental factor and including it as a social harm would be double counting the identified adverse impact.
- 5.128 The development would result in significant benefit. This includes the provision of affordable housing, market housing, the improvements to the footway along Park Street, and public open space provision. This is a factor of considerable importance and weighs heavily in favour of granting planning permission. It would also enable greater levels of non-motorised travel, particularly for those

in wheelchairs or prams. This is considered an environmental benefit mainly but also promotes social inclusion and sustainable travel, which have social benefits.

### *Overall Planning Balance*

- 5.129 Applying the specific tests under the second limb of paragraph 14 of NPPF it is considered that the public benefits of the scheme outweigh the harm to the character and setting of the conservation area as assessed under the paragraph 134 test. Moreover it is concluded that the proposal does not constitute 'major' development in the AONB within the meaning of the advice in paragraph 116 of the NPPF. The socio-environmental harms are considered to be outweighed by the socio-economic benefits of this development. Accordingly, it is appropriate to return to, and apply the tilted balance of the first tier of the presumption in favour of sustainable development. This applies to this application as it has been demonstrated that the proposal's impact on the AONB can be mitigated and the test in paragraph 134 of the NPPF is passed in relation to heritage assets. In order to determine this application, the appropriate test is whether the harm identified would significantly and demonstrably outweigh the public benefit of the proposal.
- 5.130 The provision of 21 new dwellings, with a mix of market and affordable, is considered to be in the public interest and that the benefit to the public as a whole outweighs the harm which would result. This conclusion is reached while applying great weight to the preservation of the AONB and heritage assets; while harmful to heritage that harm is outweighed by the significant public socio-economic benefit that would result from the proposal.
- 5.131 It therefore follows that planning permission should be granted.

### **Equalities**

- 5.132 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.
- 5.133 With regards to the above this planning application is considered to have a positive impact on equality. Equalities have been given due consideration in the application of planning policy as discussed in this report.

## Other Matters

- 5.134 A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below and updated provided to Committee should any further representations be received by 4 May 2018.
- 5.135 It is acknowledged that the earlier application is now at appeal. The appeal and determination of this application are two different processes. The Local Planning Authority has a duty to determine the applications made to it and it would be unreasonable to wait on the outcome of the appeal before determining this application. Most planning decisions are subject to a right of appeal and therefore the submission of an appeal cannot be considered a means by which to circumvent the Local Planning Authority or the democratic process by which it determines planning applications. Furthermore, the previous decision does not set a precedent as to any future decision although is a material consideration. Since the site was submitted as part of the plan making process there has been significant changes in local and national planning policy such that this is no longer a factor of significant weight.
- 5.136 As part of the proposal, affordable housing has been secured which is considered a public benefit. Therefore appropriate provision has been made for affordable housing. Public open space has also been secured which would be retained through a legal agreement; therefore it is highly unlikely that further development on the open areas would be permissible.
- 5.137 Concern over how the application file is displayed online has been addressed.
- 5.138 While development finance is a planning consideration, the impact on private wealth is not given weight in reaching a recommendation as it is not a matter of public interest.
- 5.139 It is noted that the Authority is also considering other proposals in Hawkesbury Upton and that a parish plan is being prepared. These factors do not prevent the Authority from determining the application before it. Furthermore, while infill development would accord with the locational strategy, as discussed the housing policies are out-of-date and speculative developments must be considered. The Authority has carried out its statutory duties with regard to this planning application.
- 5.140 It is not considered that new development would have a detrimental impact on the local community. Village life may have additional costs, particularly related to transport. This is noted but not given significant weight in the determination of this planning application. While the Development Plan directs development to larger settlements, given the current undersupply of housing in the district this is not reason on which to resist this development.
- 5.141 Provision of school places can be financially assisted through CIL funds; the proposed development is CIL liable. This would be a matter for the relevant department to make a case for CIL funds should there be a need to increase school places.

5.142 The historic nature of Park Street is noted. Planting will take time to mature and that is noted.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 It is recommended that – subject to the expiry of the consultation period on 4 May 2018, and no further material planning considerations being raised other than those discussed in this report and contained in the committee update – the authority be delegated to the Director of Environment and Community Services to grant planning permission subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

(I) **AFFORDABLE HOUSING**

35% of the dwellings on-site be delivered as Affordable Housing at nil public subsidy.

Based on the scale of development, this would equate to 7 dwellings with a tenure split of 73% social rent (5 dwellings) and 27% shared ownership (2 dwellings).

Affordable Housing shall meet the need identified in the Wider Bristol SHMA (2015) and accord with the Council's design standards (including Policy PSP37) and Rent Levels and Affordability policy.

Reason

To provide appropriate on-site affordable housing proportionate to the scale of development in accordance with policy CS6 and CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

(II) **PUBLIC OPEN SPACE**

A financial contribution towards the provision and/or enhancement and maintenance of Public Open Space as set out in the table below:

| Category of open space                  | Spatial amount provided on site (m <sup>2</sup> ) | Shortfall in provision (m <sup>2</sup> ) | Contributions towards off-site provision and/or enhancement | Maintenance contribution |
|---|---|--|---|--------------------------|
| Informal Recreational Open Space        | 1,000   | 0  | N/A   | N/A                      |
| Natural and Semi-natural Open Space     | 0   | 756                                      | £10,571.00  | £17,536.25               |
| Outdoor Sports Facilities               | 0   | 806.4                                    | £40,465.64  | £12,247.60               |
| Provision for Children and Young People | 0   | 126                                      | £21,186.13  | £22,277.38               |
| Allotments                              | 0   | 100.8                                    | £927.57   | £1,182.73                |

A Public Open Space inspection fee for areas subject to private management of £52 per 100 square metres plus £500 core service fee.

Reason

To offset the impact of the development on public open-space provision in the locality and to comply with policy CS2, CS6 and CS24 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

(III) TRANSPORT TO SCHOOL

A financial contribution of £78,470 towards transport by mini-bus to Chipping Sodbury School.

Reason

To offset the impact of the development upon travel to school provision in the locality and to comply with policy CS6 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

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

7.3 It is recommended that should the Agreement not be completed within 6 months of the date of the resolution to grant planning permission, the application shall:

- (i) be returned to the Circulated Schedule for further consideration; or,
- (ii) that delegated authority be given to the Director or Environment and Community Services to refuse the application.



**Contact Officer: Griff Bunce**  
**Tel. No. 01454 863438**

## **CONDITIONS**

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

**Reason**

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

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

**Reason**

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

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

**Reason**

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

4. As part of the reserved matters in relation to the appearance of the buildings to be erected, required by condition 1, details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority:

- (a) rainwater goods;
- (b) reveals to windows/door openings;
- (c) eaves, verges, and ridges.

**Reason**

To ensure a satisfactory standard of external appearance, to maintain and enhance the character and appearance of the Conservation Area and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; the National Planning Policy Framework, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. As part of the reserved matters, required by condition 1, a scheme for surface water drainage, to include SuDS, shall be submitted to the Local Planning Authority. For the avoidance of doubt, the Scheme shall seek to prevent flooding, control pollution, and protect the environment.

Reason

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

6. As part of the reserved matters in relation to landscaping, required by condition 1, a tree constraints plan and tree protection plan - in accordance with BS5837:2012 - shall be submitted to the Local Planning Authority

Reason

To ensure a satisfactory standard of external appearance, to protect the landscape character of the Cotswolds Area of Outstanding Natural Beauty, to enhance the character and appearance of the Conservation Area and to accord with Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework.

7. As part of the reserved matters in relation to landscaping and the appearance of the buildings to be erected, required by condition 1, an Ecological Mitigation and Enhancement Plan (based on the recommendations contained within Sections 4 and 5 of the Ecological Assessment dated March 2018 prepared by GS Ecology) shall be submitted to the Local Planning Authority. For the avoidance of doubt, the Plan shall include: the number, type and location of bat boxes, bat tubes, or access tiles for bats; details of a bat-friendly lighting scheme; a scheme for the retention and protection of the hedgerows and regenerative management of the existing hedgerows; new landscaping to benefit wildlife such as "hedgehog friendly" fencing; a scheme for the avoidance of harm to reptiles (precautionary method of working); and, timing of works regarding breeding bird season.

Reason

To protect and enhance biodiversity, ensure a satisfactory standard of external appearance, to protect and enhance the landscape character of the Cotswolds Area of Outstanding Natural Beauty, and to accord with Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework.

8. As part of the reserved matters required by condition 1, information shall be submitted demonstrating how the development will reduce carbon dioxide emissions through the use of renewables and/or low carbon energy generation either on or near the site.

Reason

To reduce the environmental impact of development and to accord with Policy CS3 and CS4 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework, March 2012.

9. The reserved matters relating to the scale and appearance of any buildings to be erected, as required by condition 1, shall: in relation to the 2-storey buildings, not exceed 9 metres above ground level; and in relation to plots 6 and 7 be of single storey only and not exceed 7 metres in height.

Reason

To ensure a satisfactory standard of external appearance, to protect the landscape character of the Cotswolds Area of Outstanding Natural Beauty, to enhance the character and appearance of the Conservation Area and to accord with Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework.

10. Prior to the first occupation of the dwellings hereby permitted, a scheme of public art shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall be carried out in full within 1 year of the first occupation of any dwelling hereby permitted.

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.

11. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement to ensure there is no undue damage to archaeological remains.

12. Prior to the commencement of development, a Construction Environment Management Plan (CEMP), to include: consideration of temporary parking during the course of construction and consideration of temporary waiting restrictions on Park Street; shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In the interests of highway safety and to protect residential amenity, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement to ensure construction is undertaken in an appropriate manner.

13. Prior to the first occupation of any dwelling hereby permitted, the footway along Park Street shall be widened to a width of no less than 1 metre, as shown in principle on drawing PHU-BWB-HML-XX-DR-TR-103 S2 P2.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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

Monday - Friday.....7:30am - 6:00pm

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

No working shall take place on Sundays or Public Holidays.

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

Reason

To protect residential amenity during construction and to accord with the National Planning Policy Framework.

15. The development hereby approved shall be carried out in accordance with the following plans:  
17/167 PA/102 Illustrative Site Layout Plan, received by the Council on 27 March 2018.

Reason

For the avoidance of doubt.