

**DEVELOPMENT CONTROL (WEST) COMMITTEE – 14 DECEMBER 2017**

**App No.:** PT17/2240/F

**Applicant:** Mr Liam Rinn  
Cotswold Homes  
Limited

**Site:** Land At Duck Street Tytherington  
Wotton Under Edge South  
Gloucestershire GL12 8QP

**Date Reg:** 23rd May 2017

**Proposal:** Erection of 28no. dwellings with new access, landscaping and associated works.

**Parish:** Tytherington  
Parish Council

**Map Ref:** 366867 188192

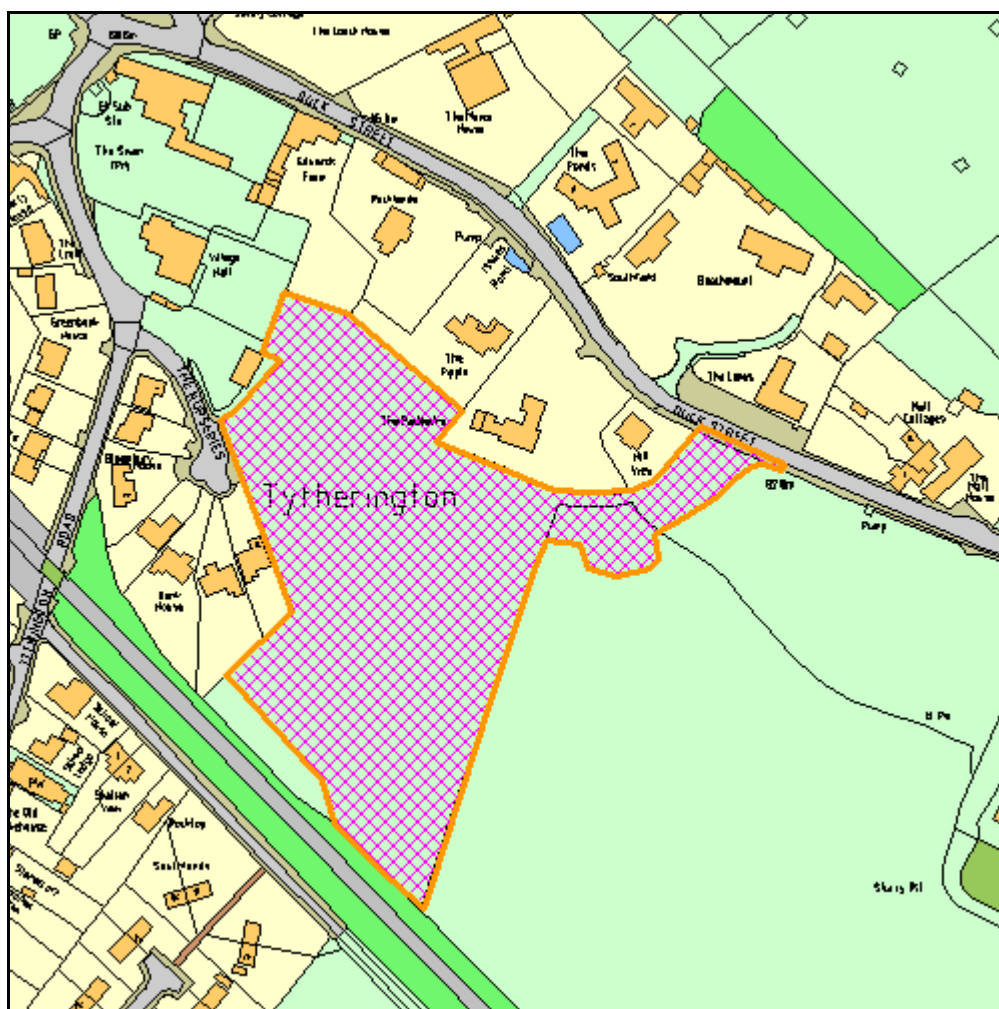
**Ward:** Ladden Brook  
**Target** 4th August 2017

<b>Application</b>	Major
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## Target

**Category:**

**Date:**



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PT17/2240/F

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

This application has been referred to the Development Control (West) Committee by Councillor Marian Lewis so that Members may consider highway safety – particularly the access point and issues of speeding vehicles – and the loss of agricultural land.

Members will recall visiting the site on 3 November where it was resolved that a full and detailed report be prepared to include the following:

- clarification on agricultural land classification
- plan of public right of way and comment on means through which it should be diverted
- comment on suitability of access and visibility at junction with Duck Street
- comment on density of development and comparison with nearby dwellings
- comment on how design reflects local distinctiveness
- confirmation on whether protected tree still stands

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of 28 dwellings and a new access onto Duck Street. The application site is an agricultural field bounded to the north by the village shop and the rear of properties along Duck Street, to the west by The Nurseries, to south by the railway line, and open agricultural land to the east.
- 1.2 In terms of designations and constraints, the site is situated outside the defined settlement of Tytherington but adjacent to it on the north, south, and west site boundary. The Tytherington Conservation Area is situated to the north of the site and the northern most part of the proposed development is within the conservation area; the site access would also be opposite land contained within the conservation area. Similarly, the historic Tithe areas of Tytherington are located around the site to the northern and western boundaries. A number of listed buildings and locally listed buildings are in close proximity of the site but none are directly adjacent to or within the site. A Tree Preservation Order is in place on trees to the north of the site. A public right of way runs east-west across the site from the village shop to the gate in the northeast corner of the field. The site is not within the green belt, nor is it washed over by the green belt, although the green belt boundary runs along the railway line (with land to the west of the site being within the green belt).
- 1.3 A number of amendments have been made to the scheme whilst it has been before the authority, including a reduction in the number of proposed dwellings. Changes to the layout have also been received moving, for example, the allotments and gas storage facility.
- 1.4 During the period that this application has been before the authority, there has been a material change to the Development Plan. On the adoption of the South Gloucestershire Local Plan: Policies, Sites and Places Plan in November, the saved policies of the 2006 Local Plan expired. This application must be determined against the current Development Plan as set out in section 2 of this report.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March 2012

National Planning Practice Guidance

### **2.2 Development Plans**

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

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
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
PSP5	Undesignated Open Spaces
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
PSP43	Private Amenity Space Standards
PSP44	Open Space, Sport and Recreation
PSP45	Burial Facilities

### **2.3 Supplementary Planning Guidance**

Design Checklist SPD (Adopted) June 2007

Residential Parking Standards SPD (Adopted) December 2013

Affordable Housing and ExtraCare SPD (Adopted) May 2014

Landscape Character Assessment SPD (Adopted) November 2014

Waste Collection SPD (Adopted) January 2015 (updated March 2017)

CIL and S106 SPD (Adopted) March 2015

Tytherington Conservation Area Advice Note

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

- 3.1 P89/1833 Refusal 24/04/1990  
Erection of replacement village hall and 38 dwellings including 11 for low cost local needs housing. Construction of access road, access ways and car parking facilities: provision of public open space.
- 3.2 P92/1819 Approved 16/09/1992  
Erection of four no. four bedroom detached dwellings and two no. five bedroom detached dwellings; construction of associated driveways, screen walls and access road.

### **4. CONSULTATION RESPONSES**

- 4.1 Tytherington Parish Council  
Objection: Reports are inaccurate/ inconsistent; proposal is not sustainable development – scale of development too great; infrastructure would not be able to support proposed development – area is subject to flooding; traffic and speeding; proximity and availability of health facilities; lack of public transport; Parish Council has already committed to building new homes and the planned growth as part of the Core Strategy has already been completed; no need for affordable housing; lack of employment; access is dangerous; plans do not indicate gradient of land or blind spots on highway; concerns over public open space provision; agricultural land is of high grade – concerning in the light of Brexit; issues over public right of way; outside settlement boundary; congestion; and, pedestrians would not be safe.

#### **Internal Consultees**

- 4.2 Archaeology Officer  
No objection: Archaeological evaluation has been undertaken which has revealed little archaeology and none of such significance as to preclude development. Watching brief should be secured by condition.
- 4.3 Arts and Development Officer  
No objection: Programme of public art should be secured by condition.
- 4.4 Children and Young People  
Request for £22,470 towards transport to school
- 4.5 Conservation Officer  
Objection: Development would fail to preserve or enhance the special character and appearance of the conservation area or the setting of listed buildings. This would be contrary to the statutory duty in the Planning (Listed Buildings and Conservation Areas) Act 1990. However, the level of harm (solely in heritage terms) is considered less than substantial and the harm identified should be weight against the public benefit of the development in the overall planning balance.

4.6 Ecology Officer

No objection: Hedgerows form the principle ecological feature. Development should incorporate the hedgerows within the design and provide ecological connections through the site. Conditions should be used to secure this.

4.7 Environmental Protection

No objection: Limited potential for land contamination. Contamination issues should be addressed through condition. Construction hours should be considered.

4.8 Highway Structures

No objection: Technical informative notes suggested.

4.9 Housing Enabling

No objection: Affordable housing should be secured through an appropriate legal agreement.

4.10 Landscape Officer

No objection: Improvements made over initial submission. Hard and soft landscaping details should be secured through condition.

4.11 Lead Local Flood Authority

No objection: Details of water and waste disposal should be secured by condition, including SUDS. Land Drainage Consent would also be required which should be sought separately from the Lead Local Flood Authority.

4.12 Public Open Space Officer

No objection: some public open space is provided on-site to meet the needs arising from the development. Where there is a shortage on-site, a financial contribution towards the provision and or enhancement of public open space in the vicinity and the maintenance of such space should be sought in accordance with the table below:

Category of open space	Minimum spatial requirement (sq.m.)	Spatial amount provided on site (sq.m.)	Shortfall in provision (sq.m.)	Contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal Recreational Open Space	772.8	936.2	0	0	0
Natural and Semi-natural Open Space	1,008	1,455.9	0	0	0
Outdoor Sports Facilities	1,075.20	0	1,075.20	£53,954.18	£16,330.14
Provision for Children and Young People	168	0	168	£28,248.18	£29,703.17

Allotments	134	176	0	0	0
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4.13 Public Rights of Way

No objection: Revisions have allayed original concerns as footpath is now delivered in green corridors. A Diversion Order will be required.

4.14 Spatial Planning Team

Neutral: Detailed advice provided on impact of additional housing (both that contained in this application and that in PT17/2331/O). Confirmation that 5-year housing land supply cannot be demonstrated. Discussion on weight applied to policy. Discussion on character and form of Tytherington – village contains 174 dwellings at present. As a result of this application it would increase to 202 representing a 16% increase. Should the development contained within PT17/2331/O also come forwards the village would increase to 231 dwellings (32% increase). Tytherington would remain a relatively small village when additions included. Tytherington scores poorly in its Sustainable Access Profile.

*N.B. – the figures stated here have been updated by the case officer following the reduction in the number of dwellings and therefore are inconsistent with those listed in the official consultation report.*

4.15 Sustainable Transport

No objection: achievable visibility exceeds the minimum required by guidance when taking into account traffic speeds; geometry of layout is acceptable and can accommodate general and service vehicle traffic; parking provision is in accordance with the parking standards; a condition would be required to agree the construction details of the access.

4.16 Tree Officer

No objection: Tree protection measures should be secured by condition.

4.17 Waste Engineer

No objection

**Statutory / External Consultees**

4.18 Avon and Somerset Constabulary

No objection: Specific advice provided on design in relation to crime prevention.

4.19 Highways England

No objection

4.20 Historic England

Concern over impact on setting of conservation area due to suburban layout, density, and design. Level of harm is less than substantial and the application should be determined by weighing the harm identified against the public benefit of development.

4.21 Natural England

No objection

4.22 Network Rail

No objection: Technical informative notes suggested.

4.23 Wessex Water

No objection: Foul water drainage point is acceptable; surface water drainage should be agreed by the Lead Local Flood Authority. No surface water should be discharged into the foul network.

**Other Representations**

4.24 Community Groups

A consultation response from 'Tytherington Action Group ("TAG")' has been received which raises the following points:

- site is not sustainable
- issues over sewage and flooding
- inconsistencies in relation to issues of surface water drainage
- lack of public transport to support sustainable travel patterns
- medical services overstretched and considerable distance
- no 'super-fast' broadband available
- local highway network not suitable for cycling
- lack of street lighting on routes identified as appropriate for cycling
- site is unsustainable in nature
- agricultural land classification should be confirmed
- village is outside but washed over by the green belt; proposal is not infill development
- site is outside of defined settlement boundary
- concerns over traffic; refer to community speedwatch representation
- development would adversely affect village and conservation area character
- development would impact on views from properties on The Nurseries
- inaccuracies in documents submitted by the applicant

A further consultation response from TAG was received following the SISC. It raised the following issues:

- transport report was late in being added to planning file
- no comment on level of traffic generation
- level of public transport provision is poor
- development in Tytherington must be considered in consistent, fair, and unbiased way
- comment on why the development will be car dependent including analysis of bus services, lack of facilities

A consultation response from 'Tytherington Community Speedwatch ("CSW")' has been received which raises the following points:

- main road through village (Stowell Hill and Duck Street) has high levels of traffic (3084 cars between 0700 and 1800 on weekdays)
- major speeding problem in village; village subject to 30mph limit
- CSW initiated by Parish Council to monitor traffic and speeding vehicles through village
- Duck Street is narrow and has many bends
- Proposed junction not visible until 60 metres distant (when travelling south)
- large vehicles cross centre line when travelling bends along Duck Street
- CSW consider the proposed access to be dangerous
- traffic does not tend to slow for bends
- 15% of traffic along Duck Street travel at or over 36mph
- visibility splays should be based on a speed limit of 40mph
- combination of speed and visibility result in safety issue, although it is recognised that access could meet technical standard
- comment included on PT172331/O (application for development at Stowell Hill)
- data set and photographs supplied

A further response from the author of the CSW response has been received which raises the following points:

- road conditions appear not to have been considered – bend reduces visibility to 23 metres
- refuse lorries would be required to enter carriageway of opposite traffic
- further traffic regulations would be breached

#### 4.25 Local Residents

114 comments from members of the public have been received. These can be categorised as 2 general comments regarding hedgehogs and 112 objection comments. One comment of support have been received.

Taking the objection comments, the following points have been raised:

- affordable housing not integrated
- agricultural land should be safeguarded ahead of Brexit
- building activity is ongoing at Thornbury
- Charfield has greater services than Tytherington and the appeal decision there should be distinguished as such
- comments in relation to PT17/2331/O
- comments of TAG endorsed
- concern over accessibility by people with disabilities
- concern over location of gas storage tank, including public safety
- development cannot be classed as infill
- development is beyond natural village boundary
- development is green belt and washed over land
- drainage issues
- economic benefit of development overstated
- facilities in Thornbury are at capacity, especially health services



- highways safety issues: speeding vehicles; access and visibility; traffic generation; parking; pedestrian safety; cyclist safety; and width of pavements
- houses would be lived in by commuters – no gain to community
- impact on heritage
- impact on public footpath
- impact on residential amenities, views, and house values
- inaccuracies in supporting documents
- increase in pollution and other environmental impacts, such as noise, pollution, and additional street lighting
- increase in the size of the village is not sustainable development
- infrastructure does not have capacity to support additional development, including: sewerage, surface water, mains water pressure, and road conditions
- issues with nearby quarry not addressed in application
- lack of employment in village
- lack of facilities in village, including: doctors, dentist, health provision, schools, and broadband
- lack of infrastructure
- lack of sustainable travel options, including bus services and desirability of cycling routes – development is car dependent
- local residents are not listened to by officials and councillors
- loss of agricultural land
- no evidence of housing need in Tytherington
- not a suitable location for affordable housing
- only benefit of development is additional council tax receipts
- permission would lead to more development coming forward
- previous applications for alternative development have been refused
- proposal is outside of village settlement boundary
- proposal would adversely affect the character and appearance of village
- proposed increase is disproportional to the village (individually and cumulatively with PT17/2331/O)
- public open space provision inadequate
- revisions by developer does not overcome concerns raised
- revisions make the development worse
- Supreme Court ruling in May 2017 is relevant in the interpretation of paragraph 49 of the NPPF and the limbs of paragraph 14
- trial holes undertaken before planning permission granted
- Tytherington has been a filming location for Escape to the Country
- Tytherington is an area of strategic green infrastructure
- Tytherington is not a sustainable location for further development
- village has been subject to development since Core Strategy and has met its quota

Taking the general comments, the following points have been raised:

- hedgehogs reside in the village and are an endangered species
- new development should be hedgehog friendly and allow roaming
- existing hedgerows should be maintained; hedgerows should be used as boundary treatment within the development

- development should not take place within 3 miles of the village centre in order to support hedgehog population
- traffic calming should be introduced to protecting nocturnal roaming hedgehogs
- signage should be installed warning drivers of hedgehogs
- there have been hedgehog road deaths in Tytherington
- there are a number of locations where hedgehogs have been seen in the village
- hedgehogs have been seen mating in the village
- banks for watercourses should be sloping and grassed

Taking the support comment, the following points are raised:

- development will lead to improved infrastructure and services within the village
- properties are well designed and would not adversely affect visual amenity

#### 4.26 Member of Parliament

Luke Hall, the Member of Parliament for the constituency of Thornbury and Yate – in which the application site is located – has written to the Local Planning Authority to request that all residents' views are duly taken into consideration during the determination of this planning application.

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks full planning permission for the erection of 28 dwellings in Tytherington.

### **Overview of Development**

- 5.2 Full planning permission is sought for the erection of 28 houses on land to the southeast of Tytherington. As this is a full application, a complete application has been received. There would no requirement for the applicant to submit any applications for reserved matters should planning permission be granted. However, that does not prevent the imposition of planning conditions and an application would be required to discharge any such conditions.
- 5.3 There is no disillusionment that this application has come forward as the local planning authority is currently unable to demonstrate a 5-year supply of deliverable housing land. 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
- 5.4 The proposal consists of the erection of the dwellinghouses and provision of supporting infrastructure, including the access and internal site roads, underground gas storage facility, public open space, and landscaping.

## **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 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 and therefore does not accord with the Development Plan and would not normally be considered.
- 5.7 The NPPF establishes the government's direction for the planning system. It states that the aim of the planning system is to contribute to achieving sustainable development. There are three dimensions to sustainable development: economic, environmental, and social. The determination of this planning application relies upon an assessment as to whether or not the development contained within it would contribute towards achieving sustainable development in the light of the policies listed above and other material planning considerations.
- 5.8 At present the Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing land. The latest Authority Monitoring Report, published December 2016, indicates a deficit of 960 dwellings to being able to demonstrate a 5-year supply. On this basis, the current supply in the district is 4.54 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.
- 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. This is not to say that they carry no weight; other aspects of these policies may still be afforded weight in decision taking and settlement boundaries still remain of some relevance. Policy PSP40 is a recent policy and does comply with the NPPF overall. However, in this instance it would restrict the supply of housing in the rural areas and, as with policies CS5 and CS34, cannot currently carry full weight.
- 5.11 The presumption in favour of sustainable development is set out in paragraph 14 of the NPPF. In relation to decision-taking, the presumption has two sections to it. The first refers to timely decision taking where proposals accord with the development plan; this element does not apply here. The second element is used where the development plan is out-of-date. It is split into two limbs stating that 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 – such as that related to heritage assets or the protection of agricultural land – 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 – if necessary – assessed for its sustainability credentials 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. The applicant was asked to confirm that the scheme would be delivered in a period of 5 years either in full or in part. At the time of writing, the applicant has not provided this information; if it is received it will be presented to Members as a committee update. However, this is a full application and if permitted would be subject to a condition requiring the implementation of development within 3 years. It is therefore considered highly likely that development will come forward in a 5 year period and would contribute to the current housing land supply shortage.
- 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.

## **Design**

- 5.16 This is a full application; detailed designs of the proposed dwellings and the proposed layout have been submitted for consideration.

## *Character and Appearance*

- 5.17 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.

- 5.18 A traditional architectural approach is proposed with the use of natural stone and detailing similar to that found in the locality. Tytherington does not have a uniform architectural style; there is a mix of buildings from different periods in a mix of materials. What Tytherington does have, however, is a predominantly rural character and historic core. There has been limited post-war development in Tytherington but there are pockets of mid- and late-twentieth century development and these areas are more suburban in nature than the village core.
- 5.19 In appearance, 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 some parts of the village. 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.
- 5.20 Overall, it is considered that the appearance of the dwellings would be of an acceptable design standard to accord with the provisions of the Development Plan and NPPF. Details of the materials to be used can be secured through condition as so that the detailing of the build respects the existing character of the locality.
- 5.21 The applicant indicated to Members at the site inspection that further information would be provided on how the development responds to local distinctiveness. To date, no further information has been provided. The lack of this information should not impede Members from making an informed decision on this application; officers consider that the authority holds sufficient information on the proposed design to enable a decision to be issued. However, if this information is received it will be reported to committee as an update.

#### *Layout*

- 5.22 In a similar vein to the comments above, the layout – which basically is a cul-de-sac – would be suburban in nature. 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.
- 5.23 From outside the application site it would not be readily apparent that the site is self-contained and therefore the layout has little impact on the overall character and appearance of the settlement or its distinctiveness.
- 5.24 While it could be argued that the proposal would be situated between existing ribbons of the village, it would lead to the encroachment of the village into its rural setting. There is some harm to this but not of a level that is sufficient to identify it as a harmful factor in its own right; it should be considered in the context of the organic growth of the settlement which all settlements must absorb over time.

### *Density*

- 5.25 The application's boundary extends to include 1.64 hectares of land; however, this includes the land required for the access and the former position of the gas storage facility. Using this area the development would provide a density of 17 dwellings per hectare. This is a low density but should be considered in light of the additions to the red edge stated above. When within the scheme, the density would feel greater. A rough calculation by the case officer of the area for housing reduces this to 1.45 hectares and a resulting density of 19 dwellings per hectare.
- 5.26 In comparison, a rough calculation of the density of The Nurseries, to the north of the application site, returns a figure of 14 dwellings per hectare. The proposal is therefore broadly consistent with the density of other developments nearby. Planning policy requires that the most efficient use of land is achieved. 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.

### *Design of Access Road*

- 5.27 Access to the site is provided from Duck Street on the southern approach to the village. At present this area retains its rural character being flanked by fields to the southwest and ribbon edge of village development to the north. The siting of the access in this location would introduce a new highway junction on the very edge of the settlement.
- 5.28 At present, on the approach to the village, built form is visible but contained within the existing village envelope and landscaping. The village therefore has a soft edge to it and the transition from farmland to the settlement is gentle. While the proposed new dwellings would sit behind the hedged field boundary, and would therefore generally retain this character, the proposed access road would jut uncomfortably into the adjacent field and intrude into the rural and agricultural nature of Duck Street at this point.
- 5.29 During pre-application discussions, officer's concern regarding the access was raised and it was requested that an alternative access location be sought. It was suggested that an access from The Nurseries, in visual amenity terms, would be less harmful and therefore preferable. In response, the applicant has indicated that due to land ownership issues, access from the suggested location is not possible. The planning application has therefore come forward with the access as initially proposed at pre-application stage.
- 5.30 In determining this application, weight must be attributed to the level of harm to visual amenity that would result from the creation of the proposed access and this then weighed against the public benefit that would result from the development. This should form part of the overall cumulative balancing exercise as outlined below.

## Historic Environment

- 5.31 Tytherington can boast a number of heritage assets. The village's conservation area was designated in 1975 and wraps around the north of the site. A number of statutory and 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.
- 5.32 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. However, when less than substantial harm is found, the tilted balance is applied with 'great' weight in the overall planning balance being applied to the preservation of the heritage asset.

### *Listed Buildings and Conservation Area*

- 5.33 In close proximity to the site stands the Church of St James (grade II\*), Mill House (grade II), the Swan Inn (grade II), and the Malt House (locally listed).
- 5.34 Views of the church tower are possible from the site and the public right of way. The tower is not tall and therefore these views are limited, however, they do act to place the church in the historic village core and are therefore of some value. The development would change this enjoyment of the church tower. However, this is not a factor that should be considered in isolation; the development would also lead to the development of the field and therefore the context of any views would also be subject to change. At the northern end of the site, bungalows are proposed which would assist in retaining any views of the church on the approach to the village core. Therefore while some longer distance views may lessen, the position of the church within the setting of the village is likely to be retained.
- 5.35 Mill House is to the southeast of the application site and separated from the development by a retained agricultural field. It is acknowledged that the setting of this heritage asset has been adversely affected by existing modern development. Part of the historic development of Tytherington is born from its industrial heritage as a place of cloth manufacture. Mill Farm was the principal cloth producer during the late sixteenth and early seventeenth centuries. By the end of that century, cloth production was in decline and during the eighteenth century weaving looms are likely to have been installed in the attic space of the farmhouse itself. The rural setting of Mill House is therefore of importance in its historical significance as it links to the former sheep grazing for wool in the area and subsequent cloth production. The development would lead to a degree of harm to the setting of this listed building as it would result in the change from a rural and agricultural setting to a more suburban setting.

- 5.36 Considering the conservation area, concern over the impact of the development has been raised by both the conservation officer and Historic England.
- 5.37 Historic England take the view that the suburban layout, density, and design of the access onto Duck Street has a detrimental impact on the setting of the conservation area. In particular it takes the view that the layout is discordant with the prevalent grain of the village and that the proposal would impact upon the soft and green fringes of the conservation area which would make the area less legible when viewed from Duck Street. However, the level of harm that Historic England identify is less than substantial.
- 5.38 The conservation officer raises concern that the proposed dwellings are boxy and suburban. The development would have an impact on the conservation area and the site is considered, in heritage terms, to be sensitive. The conclusion is that the proposal does not preserve or enhance the character and appearance of the conservation area or the setting of listed buildings (as discussed above). However, the level of harm identified by the conservation is less than substantial.
- 5.39 When considering applications for planning permission which have an impact on heritage, the local planning authority has a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest and, under section 72(1), to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 5.40 In applying this duty to the planning balance, great weight should be afforded to the preservation and conservation of heritage assets but any harm would have to significantly and demonstrably outweigh any public benefit from the development for the proposal to be resisted.

#### *Archaeology*

- 5.41 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 application an archaeological evaluation report was submitted. This has been assessed by the council's archaeologist. The report concluded that there is no archaeology on the site. As such there is no archaeological constraints to this development.

#### **Natural Environment**

- 5.42 Natural environment considerations cover: landscape and trees; ecology and biodiversity; drainage and water management; agricultural land classification; and, environmental effects.



### *Landscape and Trees*

- 5.43 During the course of the application, amended plans were submitted. These reduced the overall number of dwellings but also revised the position of these dwellings and the accompanying landscaping. Through the revision, the eastern interface between the proposed development and the countryside has been improved. The houses are better spaced and there are fewer blank elevations facing outwards. The existing hedgerow has been enhanced with trees and other planting also breaks up the appearance of the development within the landscape.
- 5.44 Additional planting has been included throughout the development including back garden trees and some garden hedges. Stone walls are also indicated and the overall landscape structure of the proposal is acceptable; the proposal is not considered to result in an overall harm to the wider landscape.
- 5.45 Further detailed design of the landscaping scheme will be required. This should be secured by condition.
- 5.46 Mapping systems indicate that a protected tree is located to the north of the site. This tree was blown down between tree surveys and this is acknowledged by the arboricultural officer. In order that a suitable replacement is secured, a condition should be imposed requiring the submission of details of the location and species.

### *Ecology and Biodiversity*

- 5.47 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.
- 5.48 This appraisal has identified that the site currently offers a variety of habitats including: improved grassland; arable farmland; scrub land; species poor hedgerows; trees; running water; and, a dry ditch. Looking at species these habitats can support it was concluded that the site offer foraging and commuting potential along the hedgerows and railway line for bats however none of the trees offered roosting potential. The site is of limited suitability for hazel dormouse. There are two ponds suitable for great crested newts within 500 metres of the site only one of which offered average potential to support the species. This pond however was 230 metres from the application site and the habitat to be lost would not be suitable to support newts. Therefore it is highly unlikely that the development would have an impact on great crested newts. The stream is unsuitable for water voles and therefore this is not a constraint to development. There is no evidence of badger activity and the site is unsuitable for reptiles. Finally, the site has some potential for nesting birds but subject to suitable building practices would not act as a constraint to development.
- 5.49 Natural England have commented on the application and state that their standing advice should be applied in this instance. Overall, there is no ecological objection to the development subject to securing the protection of hedgerows.

Therefore matters of ecology and biodiversity can be adequately addressed through conditions.

#### *Drainage and Water Management*

- 5.50 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. Comments have been received on this application from the Lead Local Flood Authority and Wessex Water (the statutory undertaker for foul and surface water disposal).
- 5.51 Wessex Water have confirmed that the proposed point of connection into the existing foul water drainage network is in their preferred location and is therefore acceptable. Wessex Water has also confirmed that there is sufficient capacity in the system to accept the foul flows from the development. Furthermore, Wessex Water has a planned improvement programme of sewer sealing in the catchment which will remove surface water flows from the foul network releasing additional capacity once complete. Furthermore it has been confirmed that no surface water connections should be made to the foul sewer and these should be subject to assessment by the Lead Local Flood Authority.
- 5.52 The development plans to utilise a sustainable drainage system to address surface water. This may include infiltration and attenuation and flow control where appropriate. It is generally accepted that a sustainable drainage scheme can be achieved on this site although there is some query regarding the interaction between the drainage and landscaping schemes. Both matters can be addressed through a planning condition and do not therefore act as a constraint to development.

#### *Agricultural Land Classification*

- 5.53 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'.
- 5.54 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.
- 5.55 An Agricultural Land Classification Report, prepared by Savills has been submitted to support this application. The report would appear to have been prepared in accordance with good practice, methodology, and guidance by a professional organisation. The report identifies that the soil is slightly acid loamy and clayey with impeded drainage. The soil would therefore have a moderate to high fertility rate and would fall within grade 3.

Taking other factors into account and the limitation of the soil wetness, the site has been classified as 3b. The site does not therefore provide the best and most versatile agricultural land and this should not be a constraint to development.

### *Environmental Effects*

- 5.56 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 intrusive site investigation should be undertaken. This can be secured through an appropriate planning condition.
- 5.57 It is also suggested that the development should be subject to a condition on construction hours to protect both the environment and the amenity of nearby residents. This too can be secured through condition.

### **Social Considerations**

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

### *Impact on Tytherington*

- 5.59 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 Tytherington.
- 5.60 As part of the Sustainable Access Profiles prepared by the spatial planning team in January of this year, the village of Tytherington was identified as containing 174 dwellings in 2015. If permitted, this application would provide an additional 28 dwellings leading to 202 dwellings. This represents a 16% increase in the size of the village. Tytherington is a relatively small village when compared to other defined villages within the district. However, it is not considered that an increase of 16% would lead a significant impact to the overall character of the village and is not considered by officers to amount to a harm.
- 5.61 It is acknowledged that are other development proposals in Tytherington, including that contained within PT17/2331/O for 29 dwellings on Stowell Hill Road, are forthcoming. Each planning application must be assessed on its own merit. However, the comments from the spatial planning team broadly indicate that the cumulative increase of 57 dwellings to Tytherington (leading to 231 dwellings) – should this proposal and that at Stowell Hill Road gain planning permission – of 32% would not result in a seismic shift in the character

and nature of the village and Tytherington would remain a relatively small rural village.

#### *Access to Goods and Services*

- 5.62 Tytherington has limited access to goods and services. However, within the village is a shop, post office, public house, and village hall. It is noted that there are no health facilities within the recommended walking and cycling distance nor major employers. Tytherington is within the travel distance of 5 primary schools and 2 secondary schools.
- 5.63 Concern has been raised that the lack of goods and services is a constraint to development as development without sufficient access to goods and services should not be considered sustainable. The market towns of Thornbury and Yate are approximately 2.3 and 4.7 miles respectively from the village; Bristol city centre is approximately 11 miles from the village. While there may not be a full range of goods 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*

- 5.64 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.
- 5.65 This development generates an affordable housing requirement of 10 units. Using the Wider Bristol Strategic Housing Market Assessment, the 10 units would be sought as 7 units for social rent and 3 for shared ownership. Breaking this down further, the 7 social rent units should be 2 one-bedroom flats, 2 two-bedroom houses, and 3 three-bedroom house. The shared ownership units should be 2 two-bedroom houses and 1 three-bedroom house.
- 5.66 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.
- 5.67 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*

- 5.68 As a result of the development, the population in Tytherington would increase. Using current average occupancy data it is estimated that the development would lead to a population increase of 67.2 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.

- 5.69 An audit of the proposed development and existing open space provision in the vicinity has demonstrated that there is sufficient provision within the development for informal recreational open space, natural and semi natural open space, and allotments. However, should development proceed it would result in a shortfall for outdoor sport facilities and provision for children and young people. 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.
- 5.70 To mitigate the impact of the development, £53,954.18 for outdoor sports facilities and £28,242.18 for provision for children and young people should be contributed towards off-site provision/enhancement with a further £16,330.14 and £29,703.17 towards maintenance of the respective provision. A legal agreement will be required to secure its provision.
- 5.71 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*

- 5.72 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.
- 5.73 All of the proposed dwellings are sufficiently separated from existing dwellings to prevent there being a prejudicial impact upon existing occupiers. 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.
- 5.74 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.
- 5.75 While the site is adjacent to the railway line, the development is not out of character with the rest of the village and its relationship to the railway. The presence of the railway should not have a significant impact on the residential amenity offered to the proposed dwellings. Noise may be a factor but it is considered that there would be adequate protection from noise through Building Regulations.
- 5.76 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

- 5.77 In considering transport, topics of sustainability and public transport, highway safety, access, parking, transport to school, public rights of way, and the impact on the operation of the railway line should be included.

### *Site Sustainability*

- 5.78 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.

- 5.79 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. Discussion on what constitutes an appropriate bus service is contained within paragraphs 5.22, 5.23, and 5.24 of the supporting text to this policy.

- 5.80 It has been indicated that at the time of writing, Tytherington 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 Thornbury, routes 622, 201, and 922 all provide a direct link and take under 10 minutes. To Yate a direct service on the 622 is provided which takes 20 minutes. 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).

- 5.81 While the local topography may be off-putting to some, Tytherington lies in close proximity (although not on) the 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.

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

### *Site Access and Highway Safety*

- 5.83 Local residents have raised concern over the proposed access. This is due to the volume of traffic that uses Duck Street and the speed at which it travels. A speed survey has been undertaken using automatic traffic counters. This shows that the highest 85<sup>th</sup> percentile speed is 37.9 miles per hour. Taking into account wet weather, this gives a design speed for the site access of 35.4 miles per hour.

- 5.84 Guidance in Manual for Streets can be used to calculate the required visibility. Calculating the required visibility for this junction based on appropriate design guidance requires a splay of 52 metres. Plans have been submitted which indicate that visibility of 2.4 metres by 56 metres will be provided; observations on site, however, suggest that up to 70 meters could be achieved.
- 5.85 The technical assessment, and therefore the data which should be used to consider the acceptability of the access, indicates that the access would be safe where a visibility splay of 2.4 metres by 52 metres is provided. The access demonstrates visibility in excess of this distance. Therefore, the access is considered safe and the proposal would not result in a severe impact on the operation of the local highway network.
- 5.86 Officers note the information submitted by local residents in relation to highway safety, traffic speeds, and the claims that the access is unsafe. Having considered these factors against best practice and technical guidance, the proposal meets the required technical standard.
- 5.87 The internal layout of the site allows for standard and service traffic including refuse wagons.

#### *Parking*

- 5.88 Parking for the proposed new dwellings complies with the Standards in policy PSP16. 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*

- 5.89 There is no school within Tytherington. Pupils would therefore have to travel to school; this can either be through walking or cycling or public transport. The development would generate 5 additional secondary school pupils
- 5.90 Tytherington is in the catchment area of Marlwood School which is 2.6 miles from the application site and where there is no safe walking route to school. Therefore, a financial contribution should be made towards school transport for the additional need generated by the development. The closest secondary school is The Castle School and the most cost effective means of school transport is bus. The cost per pupil per year is £642 and a student will be in secondary education for a period of 7 years. The total cost for 5 students over 7 years is £22,470.
- 5.91 Transport to school is not included within CIL expenditure (unlike the provision of school places). As a result, a contribution for transport to school can be sought through an appropriate legal agreement.

#### *Public Right of Way*

- 5.92 Initially the public rights of way section objected to the development. However, after revision the objection was removed. Footpath OTH18 runs through the site and is promoted locally as the Jubilee Way. The path is well used and as

part of the development should be directed through areas of public open space to retain some of the amenity and utility of the route.

- 5.93 There is a historic inaccuracy between the legal line of the footpath and the walked route. However, notwithstanding that, the route of the footpath would need to be diverted through a legal order should planning permission be granted. The diversion of the route necessitated by the proposed development would also enable the historic inaccuracy, where the legal line of the path runs underneath what is the village shop, to be resolved. A separate application under section 257 of the Town and Country Planning Act 1990 will need to be made to the Authority in due course.

### *Railway*

- 5.94 A railway line runs along the boundary of the site. This route goes from the mainline at Yate to Tytherington Quarry; formally the line continued to Thornbury. While the quarry has been inactive, the line has been mothballed; traffic is expected to return to the line. At present, the traffic would be restricted to goods only as there are no passenger stations along the route.
- 5.95 No objection to the development has been raised by Network Rail, the statutory undertaker of railway operations. Network Rail has provided advice to the applicant on the limitations of developing land adjacent to the railway.
- 5.96 The railway is a factor that could constrain development. However, the development is unlikely to have an impact on the safe operation of the railway and therefore is not a constraint in this instance.

### **Sustainable Development**

- 5.97 The opening sentence of the NPPF by the (then) Minister for Planning, Greg Clark MP, states 'the purpose of planning is to help achieve sustainable development.' 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*

- 5.98 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.
- 5.99 It is not considered that the proposal would result in any economic harm. Therefore, the economic benefit of development attracts substantial weight in favour of granting planning permission.



### *Environmental*

- 5.100 Some environmental (and social) harms have been identified in the above analysis. The design of the access is concluded to be harmful to the rural character and appearance of Duck Street on the approach to the village and would encroach into the countryside. There is also harm identified to the setting of the conservation area through the suburban nature of the development, which, by statute should be given great weight. These harms individually are substantial but cumulatively must be considered to be significant. This is therefore a factor which weighs against the grant of planning permission.
- 5.101 In terms of environmental benefits, the scheme would mitigate its own impact. 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*

- 5.102 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.
- 5.103 The development would result in significant benefit. This includes the provision of affordable housing, market housing, and public open space. This is a factor of considerable importance and weighs heavily in favour of granting planning permission.

### *Overall Planning Balance*

- 5.104 The socio-environmental harms are considered to be outweighed by the socio-economic benefits of this development. The tilted balance of the first tier of the presumption in favour of sustainable development applies to this application. 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.
- 5.105 The provision of 28 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 heritage assets; while harmful to heritage (and in design terms) that harm is outweighed by the significant public socio-economic benefit that would result from the proposal.
- 5.106 It therefore follows that planning permission should be granted.

## **Equalities**

- 5.107 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.
- 5.108 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; a development of this scale has generated a wheelchair unit as part of the affordable housing provision.

## **Other Matters**

- 5.109 A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.110 In relation to the green belt, it must be stated for clarity that the application site does not fall in the green belt. The green belt boundary runs along the railway line; land to the west of the railway is included within the green belt, land to the east is not. The site is to the east of the railway line and is not within the green belt.
- 5.111 Super-fast broadband can be used as an indicator as to whether or not a site is sustainable. However, in this instance it is not a factor to which the case officer has attributed weight as other factors have been used to assess the overall sustainability of the application.
- 5.112 The consideration as to whether a proposed development is sustainable is made against a variety of factors. However, the overall test is always what is in the best interest of the public. Therefore, while there may be minor variations in the weight applied to each factor on the individual case of each application, overall applications for planning permission are assessed by the authority in a consistent, fair, and unbiased manner.
- 5.113 It is recognised that there is significant building activity at Thornbury and Charfield, and indeed within the village. This is not a factor which is given weight in the determination of this application; each application must be assessed on its own merit including its contribution towards meeting the identified shortage in housing supply which is applicable across the district and is not broken down into sub-localities. It does not therefore follow that any permission granted under this application would lead to more development being permitted; any further applications for development would be assessed on their merits against the prevalent planning policy and housing situation at the time of application.

- 5.114 Residents have raised concern that the health and social facilities in Thornbury are at capacity. As a result of this development, CIL funds would be generated. CIL receipts are available to be spent on community infrastructure, such as health and social facilities, and therefore while services may currently be overstretched, the development does provide financial mitigation on this impact. The impact on existing house values is given minimal weight in reaching a recommendation as they are of private rather than public interest. Additional council tax receipt is a benefit but not one which is given significant weight in reaching a recommendation; it is certainly not the only benefit which would arise from the development.
- 5.115 The provision of homes would be a benefit. Given the limited employment opportunities in the village it is likely that residents would have to commute to work. However, this is no different from the status quo. Regardless of this, whether the new dwellings are lived in by local workers or commuters is not a factor given any reasonable weight in reaching a recommendation.
- 5.116 Gas storage would be subject to the relevant statutory controls for the safe storage of hazardous substances. Therefore this matter is subject to protective measures outside of the planning system and this factor is given minimal weight in making a recommendation.
- 5.117 It is noted that there is a quarry to the north of the village. It is not considered that this is a significant factor to consider in relation to this application. Future residents should satisfy themselves that the quarry would not adversely affect their lifestyles rather than this function falling upon the local planning authority.
- 5.118 Trial holes are required to inform the planning process and there is nothing improper about these being dug prior to a planning application being determined.
- 5.119 It is not considered that permitting this development would have a significant impact on green infrastructure provision, or the provisions of policy CS2. Biodiversity and ecology conditions are proposed which reflect the ecological constraints of the site.
- 5.120 Issues of inaccuracies are reported. Officers are satisfied that the recommendation has been made on valid information as supplemented by the council's own information. Therefore, any reported inaccuracies or missing information is not considered as an impediment to determining this application. No comment can be passed on what, if any, further transport regulations may be relevant to the development as these have not been stated. Transport comments have been added to the planning file with sufficient time for interested parties to comment; officers do not consider that any party is disadvantaged by the timing of the publication of transport comments.
- 5.121 Issues raised by local residents have been considered, as evidenced by this section of this report. Whether Tytherington has or has not been used as a filming location for Escape to the Country is irrelevant to the determination of this planning application.

## 6. **CONCLUSION**

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

## 7. **RECOMMENDATION**

- 7.1 It is recommended that the 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 be delivered as Affordable Housing at nil public subsidy.

Based on the scale of development, this would equate to 10 dwellings with a tenure split of 73% social rent (7 dwellings) and 22% shared ownership (3 dwellings).

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	Contributions towards off-site provision and/or enhancement	Maintenance contribution
Outdoor sports facilities	£53,954.18	£16,330.14
Provision for children and young people	£28,248.18	£29,703.17

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 £22,470 towards transport by bus to The Castle 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 (obtained through the Circulated Schedule process), 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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

2. 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 any archaeology is preserved.

3. Prior to the commencement of development drainage details proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts within the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure 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. This is required prior to commencement to prevent any remedial works.

4. Prior to commencement of development details, in relation to the form and construction of the access (as agreed in principle on drawing 35997/5502/SK01 rev A), shall be submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed details. No dwellings hereby approved shall be occupied until the approved access has been constructed in full.

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. This is required prior to the commencement of development to ensure highway safety at all times and avoid remedial works.

5. Prior to the commencement of development, an intrusive site investigation to ascertain the extent, nature, and risks of potential land contamination to human health, protection of ground waters, and plant growth shall be undertaken. The results of the intrusive site investigation shall be submitted to the Local Planning Authority in the form of a report (to include a conceptual model) prior to the commencement of the development. The report shall include details of any remediation works required to address any unacceptable risks found. The remediation works shall be agreed in writing with the Local Planning Authority prior to the commencement of development and shall thereafter be implemented in full.

Reason

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

6. Prior to the first occupation of any of the dwellings hereby permitted, should remediation works have been undertaken in accordance with the details agreed under condition 5, a report verifying that all necessary works to address land contamination in the interests of human health, protection of ground waters, and plant growth have been undertaken shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

7. If, following the intrusive site investigations required by condition 5, unexpected land contamination is found, development shall cease immediately upon that part(s) of the site affected and the Local Planning Authority informed in writing. A further site investigation and risk assessment should be undertaken and, where necessary, an additional remediation scheme prepared. A report of the site investigation shall be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

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

8. Prior to the first occupation of any of the dwellings hereby approved, a scheme of landscaping, which shall include: details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments; and, areas of hardsurfacing; shall be submitted to the Local Planning Authority for approval. Development shall be carried out in full in accordance with the agreed details within the first planting season following the first occupation of any dwelling hereby permitted. Should any plant, tree, or shrub, die, become diseased, or damaged within a period of 5 years from the date the landscaping scheme is implemented, that plant, tree, or shrub shall be replaced with a specimen similar in size to that which died, became diseased, or damaged, within the next available planting season. For the avoidance of doubt, the scheme of landscaping shall include measures for the creation of new ecological corridors and reinforce existing ecological corridors within and around the application site. Planting shall prioritise native species to provide benefits for invertebrates and birds.

Reason

To ensure biodiversity enhancement and in the interests of visual amenity, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

9. Prior to the first occupation of any dwelling hereby permitted, a plan (in association with the landscaping scheme required by condition 8) indicating the species, planting size, and position, of a tree to replace that covered by South Gloucestershire Tree Preservation Order 0321 shall be submitted to and approved in writing by the Local Planning Authority. The replacement tree shall be planted in accordance with the approved details in the next available planting season.

Reason

In the interests of visual amenity, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

10. Prior to the first occupation of any of the dwellings hereby permitted, the location and type of 10 bird boxes and 10 bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details. For the avoidance of doubt, the bird boxes shall suit a variety of species including house sparrow, house martin, and swift.

Reason

To ensure biodiversity enhancement, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

11. Prior to the first occupation of any dwelling hereby permitted, a lighting design strategy for biodiversity for the development as a whole 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 and no other lighting shall be erected at any time. For the avoidance of doubt, the lighting strategy shall: (1) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and (2) demonstrate that any external lighting to be installed (through the provision of appropriate lighting contour plans and technical specifications) will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Reason

To ensure biodiversity enhancement and in the interests of visual amenity, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

12. Prior to the application of any external finish, samples of the roofing and external facing materials proposed, in accordance with the schedule of materials (dated 10 October 2017) to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

13. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To 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.



14. A sample panel of the render indicating colour and texture, shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

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.

15. 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. The applicant is advised that further details about the Local Planning Authority's public art programme are contained in the Art and Design in the Public Realm Advice Note.

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.

16. The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment and Method Statement, prepared by Tim Pursey.

Reason

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

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

Reason

To protect the amenity of nearby occupiers during construction and to accord with the provisions of the National Planning Policy Framework.

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

Received 05 May 2017

600-05-P1 Proposed Single Garages

600-06-P1 Proposed Double Garages

600-51-P1 A Type Proposed Elevations

600-55-P1 B1 Type Proposed Elevations

600-59-P1 B2 Type Proposed Elevations

600-67-P1 D Type Proposed Elevations

600-71-P1 D\* Type Proposed Elevations  
600-SLP01-P1 Site Location Plan

Received 30 May 2017  
600-63-P2 C Type Proposed Elevations

Received 06 September 2017  
600-CP01-P1 Proposed Context Plan

Received 13 October 2017  
600-01-P6 Proposed Site Plan  
600-50-P2 A Type Proposed Floor Plan  
600-54-P2 B1 Type Proposed Floor Plan  
600-58-P2 B2 Type Proposed Floor Plan  
600-62-P2 C Type Proposed Floor Plan  
600-66-P2 D Type Proposed Floor Plan  
600-70-P2 D\* Type Proposed Floor Plan  
600-75-P2 Affordable Housing Plots 6&7  
600-85-P2 Affordable Housing Plots 14-17  
600-100-P1 Affordable Housing Plots 8-11

Reason  
In the interests of clarity and proper planning.