

**CIRCULATED SCHEDULE NO. 30/18 – 27 JULY 2018**

**App No.:** PT17/2331/O

**Applicant:** Caddick Land Ltd

**Site:** Land To The West Of Stowell Hill Road  
Tytherington South Gloucestershire  
GL12 8UH

**Date Reg:** 7th June 2017

**Proposal:** Erection of 29no. dwellings (Outline) with layout, siting and access to be determined. All other matters reserved.

**Parish:** Tytherington  
Parish Council

**Map Ref:** 366760 188396

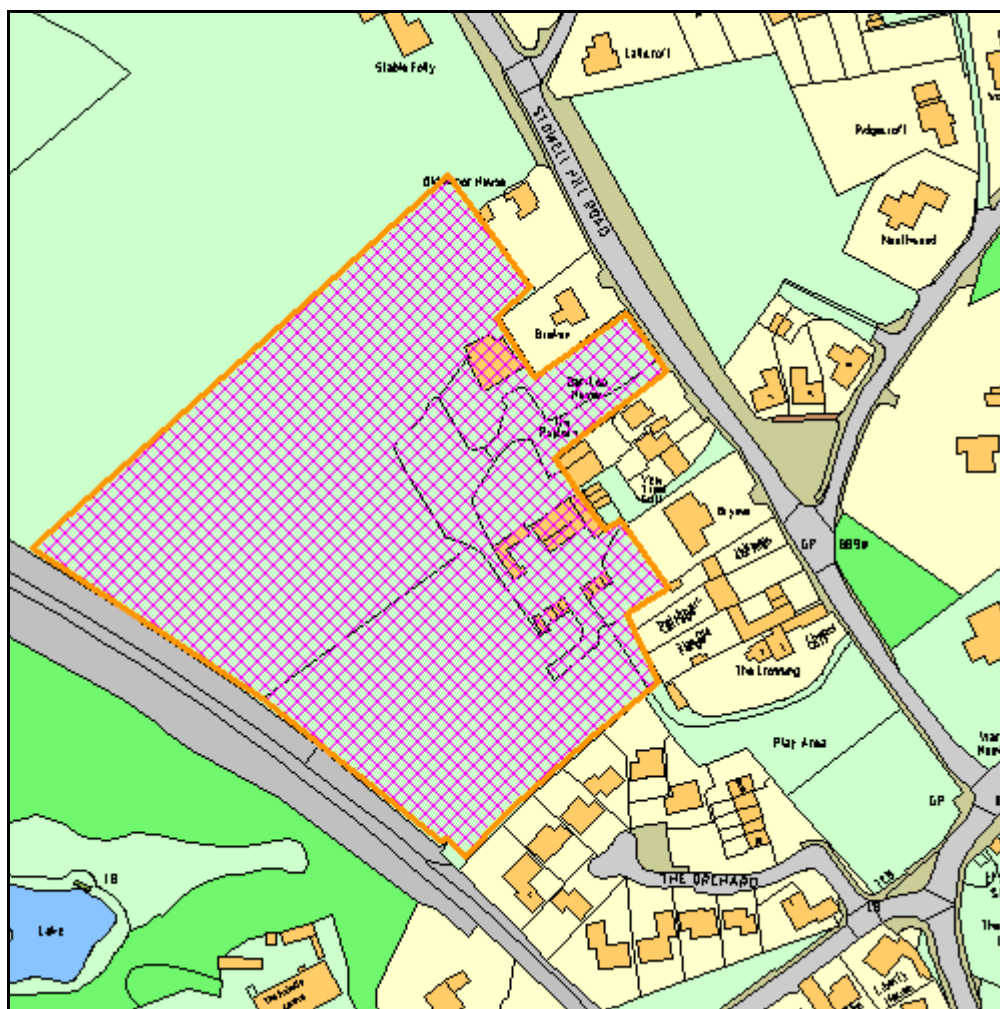
**Ward:** Ladden Brook

Application	Major
-------------	-------

**Target** 15th August 2017

**Category:**

Date:



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT17/2331/O

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

This application previously appeared before the Development Control (West) Committee on 14 December 2017. At that meeting Members resolved to grant planning permission subject to the applicant entering into a planning obligation within 6 months and subject to a number of conditions.

Work on the accompanying legal agreement has been progressing. It is now nearing completion. However, the resolution made by the Committee has now expired. This application has therefore be referred to the Circulated Schedule in order to renew the resolution to grant planning permission. Given the advanced state of negotiations, it is considered likely that the legal agreement will be completed shortly. As there has been no change to the application details, a full report is not provided here. The original and updated report are attached as appendices for reference.

## **RECOMMENDATION**

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

**a) Affordable housing:**

35% of dwellings to be delivered as affordable housing on site, as defined by the NPPF. For the proposed development of 29no. dwellings, this would equate to 10 dwellings for affordable housing

Tenure split of 73% social rent and 27% shared ownership. Based on a requirement of 10 affordable homes this will generate a tenure split of:

- 7 social rent
- 3 shared ownership

In all other respects the development shall comply with the requirements as set out in paragraphs 5.82 – 8.93 inclusive of this report.

The reason for this :

To accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 11<sup>th</sup> December 2013.

**b) Transport to school:**

A financial contribution of £26,964 towards the costs of providing home to school transport for secondary pupils

The reason for this:

To accord with Policy CS23 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

**c) Public open space:**

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Minimum 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	800.40	800.40	0	0	0
Natural and semi natural open space	1044.00	1044.00	0	0	0
Outdoor sports facilities	1,113.60	0	1,113.60	£55,881.12	£16,913.36
Provision for children and young people	174.00	0	174.00	£29,257.04	£30,764.00
Allotments	No allotments within the recommended access standards				

The reason for this:

To accord with Policy CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

- 1.2 It is recommended that that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.
- 1.3 That should the agreement not be completed within 3 months of the date this report is published that delegated authority be given to the Director of Environment and Community Services to refuse the application.

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

**CONDITIONS**

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. The proposal shall be in accordance with the following plans:  
As received by the Council on 15.5.17:  
Site location plan

As received by the Council on 4.12.17:  
Illustrative masterplan Y81:1018.12 rev A  
Illustrative masterplan Y81:1018.11 rev A

Reason

For the avoidance of doubt.

6. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, shall not take place outside the hours of;  
Monday - Friday.....7.30 - 18.00  
Saturday.....8.00 - 13.00.  
No noisy activities on Sundays or Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 and PSP21 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

7. Prior to the commencement of development details of the composite facade calculations regarding internal noise levels are to be submitted to the LPA for written approval and implemented in accordance with the approved details.

Reason

To protect the amenities of the occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policy PSP8 and PSP21 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework. A pre-commencement condition is needed in order to avoid the need for future remedial action

8. The reserved matters details referred to in condition 1 shall include full details of the drainage as detailed below and all works shall be implemented in accordance with the approved details.

No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

The following details are expected when discharging the above conditions:

- o Any departures from the surface water discharge hierarchy in relation to infiltration such as soakaways, need to be justified and supported by evidence, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365, in line with the requirements of Building Regulations and to ensure best practice and sustainable development.
- o If applicable, confirmation and acceptance from Wessex Water of the connection point (Manhole Number) and agreed discharge rate to their existing surface water sewer to be provided.
- o A clearly labelled drainage layout plan showing the pipe networks and any attenuation / storage tanks or oversized pipe systems.
- o Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- o Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- o Where infiltration forms part of the proposed Surface Water Network such as Soakaways, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365 and in line with the requirements of Building Regulations.
- o The drainage layout plan should also show exceedance / overland flood flow routes, and where applicable if flooding occurs the likely depths of any flooding.
- o The plan should also show any pipe node numbers referred to within the drainage calculations.
- o A manhole / inspection chamber schedule to include cover and invert levels.
- o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable.

Reason:

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012

9. At reserved matters stage a phased tree protection plan and details of the 'no-dig' construction method shall be submitted to the LPA for full consideration.

Reason

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

10. Prior to the commencement of demolition, a Bat Method Statement must be submitted to the council for approval in writing and implemented in accordance with the approved details. This can be in the form of a Natural England bat mitigation licence application (based on section 6.3 Ecological Impact Assessment (ADAS, January 2017

Reason

This is a prior to commencement of the demolition condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner 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 commencement of demolition, the bat box recommended in Section 6.3 of the Ecological Impact Assessment (ADAS, January 2017) must be installed and its location must be submitted to the council for approval in writing and located in accordance with the approved details.

Reason

This is a prior to commencement of the demolition condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

12. Prior to commencement of development, a bat friendly lighting scheme must be submitted to the council for approval in writing (based on Section 6.3 of the Ecological Impact Assessment (ADAS, January 2017) and implemented in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

13. Prior to commencement of development, the location and type of five bat roost bricks/tiles or four bats boxes, and four bird boxes (as set out in Section 7 of the Ecological Impact Assessment (ADAS, January 2017)) should be submitted to the local planning authority for approval in writing and implemented in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

14. The development should proceed in accordance with the recommendations made in the in Section 6.3 and 7 of the Ecological Impact Assessment (ADAS, January 2017). This includes the retention and enhancement through native planting of the existing hedgerow, retention of trees, inspection and soft felling of ash trees (if necessary), avoidance of harm to reptiles and European hedgehog and timing of works regarding breeding bird season

Reason

To ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

15. Contaminated Land

A. Prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks potential sources of contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

B. Prior to occupation, where works have been required to mitigate contaminants (under section A) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

C. If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.

- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

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. A pre-commencement condition is needed in order to avoid the need for future remedial action.

16. The reserved matters details referred to in condition 1 shall include full details for a unique site specific integrated public art scheme including but not limited to detailed designs, timescales and triggers. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note.

Reason:

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

17. Prior to the commencement of development full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); retained historic landscape features and proposals for restoration where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. A pre-commencement condition is needed in order to avoid the need for future remedial action.

18. Application for the approval of the reserved matters shall be in accordance with the indicative parameters described in the design and access statement (Resolved Developments ADAS) dated January 2017 and the design and access addendum (PRA Architects) dated October 2017.



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.

19. Visibility splays of 2.4 x 52m in each direction must be provided prior to first use of the proposed access onto Stowell Hill Road, with no obstruction greater than 0.9m high within the prescribed visibility splays.

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.

20. No development shall take place until construction details of the proposed access have been submitted to and approved by the Council, with the development proceeding in accordance with the approved details

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 a pre-commencement condition to avoid any remedial action in future.

APPENDIXES:

1. Development Control (West) committee Report-14 December 2017
2. Circulated Schedule Report- 13/18 – 29 March 2018



## **APPENDIX 1-**

DEVELOPMENT CONTROL (WEST) COMMITTEE REPORT-14  
DECEMBER 2017

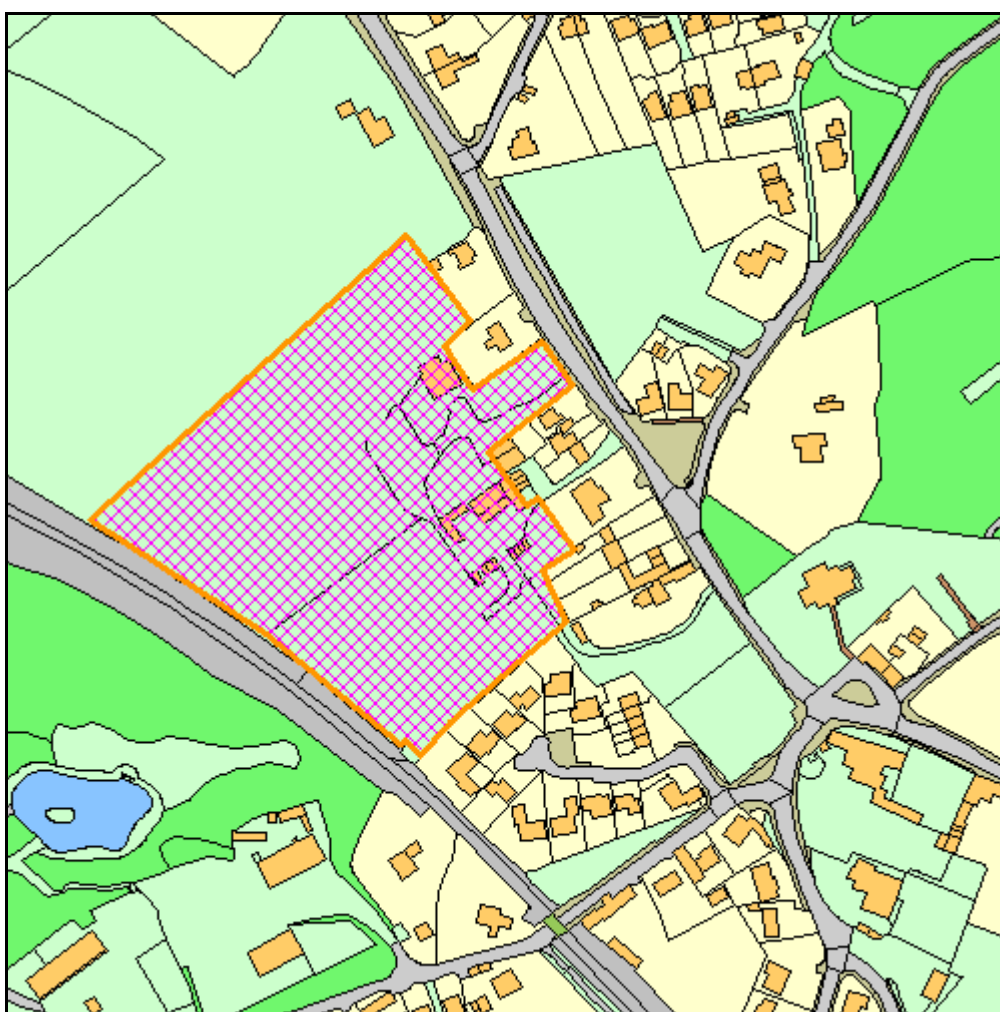
## DEVELOPMENT CONTROL (WEST) COMMITTEE – 14 DECEMBER 2017

**App No.:** PT17/2331/O **Applicant:** Caddick Land Ltd

**Site:** Land To The West Of Stowell Hill Road  
Tytherington South Gloucestershire  
GL12 8UH **Date Reg:** 7th June 2017

**Proposal:** Erection of 29no. dwellings (Outline)  
with layout, siting and access to be  
determined. All other matters reserved. **Parish:** Tytherington  
Parish Council

**Map Ref:** 366760 188396 **Ward:** Ladden Brook  
**Application** Major **Target** 15th August 2017  
**Category:** **Date:**



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT17/2331/O

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

Members will recall this application was called to Sites Inspection for 24<sup>th</sup> November by Cllr Marian Lewis for the following reason:

- Because there is such a large number of objections, I would like the Committee to be fully aware of the controversial nature of this application.
- Because I have concerns about the safety of residents exiting the site on to the Stowell Hill Road at peak times when a considerable number of cars exceed the speed limit (30mph)

### **1. THE PROPOSAL**

- 1.1 The applicant seeks outline consent for the erection of 29 no. residential dwellings with access, layout and siting to be determined and other matters of landscaping and scale to be reserved.
- 1.2 The application site is land to the west of Stowell Hill Road, Tytherington. The site is situated outside of the settlement boundary of Tytherington in the countryside, however it directly abuts the settlement and the Tytherington Conservation Area to the south-east. The site is not situated within the Green Belt. The grade II listed Old Manor House is situated immediately to the north of the proposed development, and Chapel Cottage, a locally listed building, lies to the east. The site is also approximately 100m from a Scheduled Ancient Monument known as the Castle, which is situated to the east. A 'mothballed' railway line lies to the west. It is stated on the application form that part of the site is previously developed, used as workshops and outside storage comprising of plant, vehicles, skips, caravans, machinery etc. The remainder of the site is agricultural. No public rights of way run across the site.
- 1.3 During the course of the application the applicant has been willing to work with the LPA to address matters of concern raised. This has included the submission of a noise report, updated transport details, revised tree report, revised landscape scheme, revised site layout, and detailed drainage discussions. Revised plans show all roads having a 5.5 metres wide carriageway with 2metre wide footways or service margins to both sides.
- 1.4 It is noted that application PT17/2240/F at Duck Street, Tytherington for the erection of 28no. dwellings has been received by the Council. This is a material consideration, but each application is to be assessed on its own merits and the recommendations reached independently according to their individual issues.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy guidance (NPPG) 2014

## 2.2 Development Plans

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

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS19	Rural Housing Exception Sites
CS23	Community Infrastructure and Cultural Activity
CS24	Sport and Recreation Standards
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP28	Rural Economy
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

## 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Residential Parking Standard SPD (Adopted) 2013

Affordable Housing and Extra-care SPD (Adopted) May 2014

Landscape Character Assessment SPD:LCA 17 The Rudgeway and Tytherington Ridge

Waste Collection SPD (Adopted) January 2015

CIL and S106 SPD (Adopted) March 2015

## 3. RELEVANT PLANNING HISTORY

3.1	P99/1672	Refusal	29/10/1999
-----	----------	---------	------------

Change of use of land for storage of plant and two heavy goods vehicles (retrospective)

- |     |             |           |            |  |
|-----|-------------|-----------|------------|--|
| 3.2 | P98/2783/CL | Refused   | 29/01/1999 | Lorry park/yard (Certificate of Lawfulness).   |
| 3.3 | P88/3016    | Approval  | 23/11/1988 | Use of agricultural building as carpenter's/builder's workshop (renewal of temporary consent)  |
| 3.4 | P86/2825    | Refusal   | 21/01/1987 | Change of use of barn to use for the retailing of builders materials.  |
| 3.5 | P85/2670    | Refusal   | 26/02/1986 | Erection of single-storey building for use for refreshment and toilet facilities; erection of single storey building for use as sales office, and storage and maintenance of plant and machinery; construction of car park and access drive. |
| 3.6 | P84/1159    | Refusal   | 18/04/1984 | Erection of 31 houses and 2 bungalows, and associated garages; conversion of existing barn to residential use and erection of associated garage; construction of estate road.  |
| 3.7 | N1466/6     | Refusal 1 | 1/06/1981  | Residential and ancillary development on approximately 19.6 acres (7.9 ha.) and formation of vehicular access (outline).   |
| 3.8 | N1466/2     | Approval  | 11/03/1976 | Use of land for the stationing of a residential caravan for agricultural worker. (Renewal of temporary consent).   |

From the site history it appears that only a very small portion of the site is previously developed, and this is the red line area agreed under P88/3016 for a carpenter's/builder's workshop

- 3.9 **Other planning applications**  
PT17/2240/F                      Erection of 28no. dwellings with new access, landscaping and associated works.  
Pending consideration

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

- 4.1 Tytherington Parish Council  
The Parish Council objects to this application.

The Parish Council question the Sustainability Report submitted by the applicant in support of the proposed development.

The Parish Council argue that the submitted Sustainability Report conflicts with the National Planning Policy Framework and the local plan policies on their head and is in direct opposition to the Supreme Court ruling 10/05/2017.

The Parish Council notes that the sustainability report suggests that the village can not only sustain one development but in fact two; and that within the sustainability document there is a PDF entitled Strategic Policy Statement by a Planning Officer which says that unless the Parish Council and residents can prove that the developments had opposition from heritage and environmental officers then they should go ahead.

*Officers understand the Parish are referring to comments made by specialist officers in their consultee response. These issues are covered in the main body of the report.*

### **Other Consultees**

#### **4.2 Crime Prevention:**

No objection – advises using Crime prevention through environmental design (CPTED) and Secured by Design (SBD) principles.

#### **4.3 Archaeology**

Objection: The application site is less than 70m from the edge of the Scheduled Monument (the Castle). Whilst a geophysical survey has taken place a programme of trial trenching is needed to test this.

*Updated comments:*

*The archaeological report is considered acceptable and the site does not warrant any further archaeological investigation.*

#### **4.4 Environmental Protection (Noise)**

Officers recommend a noise report is submitted detailing how noise from the M5, quarry and railway line will affect the proposed development. A construction hours condition should also be attached to any decision notice.

*Updated comments:*

No objection: Officers are satisfied with the findings of this report and have no objections based on these results. On p20/21 of the report, it states that certain plots will be above the level acceptable for indoor bedrooms as stated in BS8223. The report advises that “these facades will require alternative means of ventilation (in addition to double glazing units) in the form of trickle vents. Specific composite facade calculations would be provided once plot layouts have been finalised to confirm internal noise criteria can be met.”

It is requested that this is conditioned to ensure that those properties that cannot achieve the required internal noise criteria are identified and the appropriate mitigation is installed prior to occupation.

#### **4.5 Environmental Protection (Land Condition)**

No objection subject to conditions:

Officers consider the submitted report by *Avie Consulting Ltd., Stowell Hill Road, Tytherington, Phase 1 Environmental Assessment, ref: P21222 Rev 02,*



*dated December 2016* is deemed to be a generally satisfactory Preliminary Risk Assessment and contains a conceptual site model.

4.6 Natural England

No objection – the application is unlikely to affect any statutorily protected sites or landscapes. The proposed development is within an area that could benefit from enhanced green infrastructure (GI) provision.

4.7 Tree Officer:

Revised plans requested as tree constraints plans are not to scale, trunks not annotated onto the plan which might be problematic when it comes to checking RPAs or positioning of fences. Also the crown spreads be altered to reflect their actual shape.

*Updated comments:*

*No objection following revised details; subject to conditions*

4.8 Wessex Water

No objection: Bristol Water is responsible for the water supply at this location.

4.9 Public Open Spaces

No objection subject the following contributions.

Category of open space	contributions towards provision and/or enhancement	Maintenance contribution
Informal recreational open space	£20,196.33	£35,599.63
Natural and semi natural open space	£14,598.04	£24,216.73
Outdoor sports facilities	£55,881.12	£16,913.36
Provision for children and young people	£29,257.04	£30,764.00
Allotments	£1,280.93	£1,633.29
Totals	£121513.66	£109127.01

4.10 Policy Comments:

Neutral: The application would, on balance, be considered suitable for approval. The benefit of providing additional housing units should be afforded significant weight under paragraph 14 of the NPPF, provided they would be delivered within five years, to assist the five year supply of housing in South Gloucestershire.

There does not appear to be significant harm or policy conflict from a rise in private car use to access key services and facilities due primarily to the available public transport connections from Tytherington to nearby locations.

The size of growth from either this scheme or both this and the one at Duck Street combined would not change the size of the settlement from that which is commonly associated with a village. However, there is potential that individually or particularly cumulatively the proposals would affect the character and form of Tytherington as a rural village.

#### 4.11 Conservation Officer

Initial comments: by reason of its layout and siting the proposed development would detract from and harm the character of the immediate context, as it would appear as a poorly-related back land development that fails to reflect the historic patterns of development that characterised the village. The proposed “suburban bulge” would consequently be considered harmful to the setting and in turn significance of the Tytherington Conservation Area.

By reason of its siting and proximity to the Grade II listed Old Manor House, the resultant urbanising effects of the development and the potential proximity of the new building would detract from the setting of the listed building and this would be harmful to its significance.

*Updated comments:*

*Improvements have been made to the overall site layout which indicate the residential development moved significantly away from the designated heritage asset –closet point 60m away. Still have urbanising effect but the buffer will ensure the listed building will still be experienced in a degree of isolation through visual and spatial separation. High quality materials and good boundary treatments will be important. Overall through the changes in layout the previous concerns about loss of significance through harm to setting have been addressed.*

*The setting of the conservation area will be preserved with key views through the site retained.*

*Layout responds more positively to its context but design principles regarding detailing, materials and scale still required.*

*The level of harm (in heritage terms) is considered less than substantial and the harm identified should be weighed against the public benefit of the development in the overall planning balance.*

#### 4.12 Urban Design comments:

Objection:

Although the Illustrative Layout is not being sought to be approved and fixed by the Outline Application, the qualities that it illustrates are not a satisfactory response to the site and its context and show that stronger analysis, appraisal and guidance needs to be undertaken and committed to in the Design and Access Statement – in order that fuller confidence can be gained that any

Reserved Matters applications that flow from it will be able to possess sufficient design quality.

*Updated comments:*

*The received updated plans have improved the overall site layout and the scheme is considered acceptable.*

4.13 Children and Young People

No objection subject to a legal agreement for a contribution required for transport to school would be £26,964.

4.14 Enabling

No objection subject to a legal agreement :

35% of dwellings to be delivered as Affordable Housing, as defined by the NPPF, to be provided on site without any public subsidy.

A scheme of 29 dwellings will generate a requirement for 10 affordable homes

Tenure:

To meet identified housing need, as set out in the Wider Bristol Strategic Housing Market Assessment (SHMA), as follows:

- 73% Social Rent
- 22% Shared Ownership
- 5% Affordable Rent (ART)

4.15 Ecology

No objection subject to conditions should the application be approved

4.16 Landscape comments:

Officers consider the layout has evolved since the initial pre-app advice with some consideration given as to the potential landscape impact of the development. However, given the sensitivity of the location, the application lacks convincing illustrative material. It is hoped that the intention is to create a sustainable, special place which would be a positive asset to the village.

*Updated comments:*

No objection: The revised and recently submitted master plans (above) are much improved giving additional breathing space to the Old Manor House and the amended central green corridor improves the green visual link up to the railway embankment vegetation. This is felt to be acceptable and there is no further landscape comment.

4.17 Waste Engineer

No objections

4.18 Sustainable Transport

Officers are in discussion with the applicant and have requested additional information regarding speed and visibility splays on Stowell Hill Road. The information is currently being prepared and Officers will provide an update for Committee.

4.19 Drainage

Extensive discussions have assured an acceptable form of development. No objection subject to appropriate conditions.

4.20 Arts and Development

A programme of public art that is relevant and specific to the development and locality should be conditioned.

**Other Representations**

4.21 Local Residents

Initial representations were made by 68 local residents prior to revised plans being received:

The initial points raised are summarised as being:

*Traffic*

Increase in traffic

Query Tytherington as a sustainable location

Impact on road safety

Poorly served by public transport

*Location*

Outside settlement boundary should not be built on

Density unsuitable and would spoil character of village

Impact on conservation area

Green Belt and Strategic Green Infrastructure area

Impact on the listed building

Not infilling

*Wildlife*

Should be kept for wildlife

Field is grade 2 agricultural farmland

Removal of this land will impact on wildlife habitat and on food chains

Roaming hedgehogs need proper connections

Could wildflowers and shrubs be planted in new housing developments to provide shelter for hedgehogs and their insect and other food sources?

*Drainage*

Inadequate to cope with increase in numbers

*Residential amenity*

Overlooking of nearby properties on The Orchard

Plants growing in gardens of The Orchard will be affected by dwellings obstructing light and producing more shade

New plans show 2 houses tight up to the boundary fence, numbered 19 and 20 and 2 with a small strip of garden, 17 and 18. As the site is elevated over the current residences in The Orchard all light to those houses would be blocked out. My house in particular has 2 sides with no light due to the protected trees and another by the neighbour's house.

### *Other matters*

Other land already earmarked for development should be used

Consultation letters not received

Unsure if the affordable housing will be built – may be little need for affordable housing in Tytherington

Aware of other application which in total would mean around 60 new homes in Tytherington

Overload for healthcare facilities

No protection for views already enjoyed by The Orchard

Recent decision from Court of Appeal suggests concerns over sustainability of a community can outweigh benefit of satisfying a five year land supply

Major increase in noise pollution during construction and from new occupants

Increase in light pollution impacting residents, bats and owls

No reference to the ransom strip of 1 metres behind The Orchard is owned by Hanson PLC

Reference to P98/2783/CL in 1999 on the Yew Tree Farm which was refused for highway reasons

Public right of way issues have not been addressed

No jobs in Tytherington

Following the submission of revised plans, 8 additional submissions have been received to date. The new points raised relate to:

- safety of proposed access and visibility splay is for a road with 30mph speed – speedvision sign has recorded 85 percentile speeds of 42 mph
- lack of NHS facilities and schools in the village
- new houses even closer to existing development in The Orchard, different in height will block out all natural light to those residents in the Conservation area
- newly adopted PSP will guide sustainable development until 2027 and should ensure all new housing developments that are not sustainable are refused
- reliance on factually incorrect expert reports

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Description of Development**

The applicant seeks outline consent for the erection of 29no. residential dwellings (of which it has been agreed that 10no. shall be affordable housing) with associated access, parking, hard/soft landscape works, public open space and allotments. The application is made in outline with access, layout and siting to be determined. Matters of landscaping and scale are reserved for consideration at a later date (reserved matters application). The agent has confirmed the intention to deliver the housing within 5 years. This is a material consideration in the assessment.

### **5.2 Principle of Development**

This application stands to be assessed against the above listed policies and all material considerations. The application site lies outside a settlement boundary and therefore in the open countryside.

- 5.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Policy CS5 of the South Gloucestershire Local Plan Core Strategy is the key locational policy in relation to development and states that development on land such as the application site which is located in the open countryside outside a settlement boundary (but outside the Green Belt) should be strictly limited. Furthermore CS34 focusing on Rural Areas states that settlement boundaries around rural settlements should be maintained and that development outside those boundaries should be strictly controlled. Therefore historically, given the local of the proposed development there would have been an “in principle” objection to this development.
- 5.4 The National Planning Policy Framework sets out that the purpose of the planning system is to contribute to sustainable development (para 6) and the three dimensions to achieving sustainable development are an economic, environmental and social role (para 7). Ordinarily this type of application would be assessed against whether it contributes towards achieving sustainable development in the light of the policies listed above and other material; planning considerations. However, of particular relevance in this case is the proximity of heritage assets and in assessment terms the impact of the proposed development upon the heritage assets attracts great weight. Therefore the presumption in favour of sustainable development and lack of housing supply is somewhat diminished, but is nevertheless an important element of the assessment.
- 5.5 **Housing Land Supply**  
The National Planning Policy Framework is in itself an important material consideration. Paragraph 49 states that where a Local Planning Authority cannot demonstrate a deliverable five year housing land supply, relevant policies that restrict the supply of housing should not be considered up to date.
- 5.6 Paragraph 14 states that where relevant policies are out of date, planning permission should be granted and sets out the presumption in favour of sustainable unless:
1. any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework (known as the tilted balance) as a whole OR;
  2. Specific policies (these policies include SSSIs, Green Belt or AONBs and Heritage Assets), in the framework indicate that development should be restricted (in which case the test set out in relation to that specific policy applies)
- 5.7 The latest five housing year supply is set out in the 2016 Authority’s Monitoring Report (AMR). Table 2.3, on page 29 of the AMR sets out the 5 year supply position

The five year supply deficit: **960**

Five year supply figure: **4.54**

- 5.8 Given the above, South Gloucestershire Council is not able to demonstrate a 5 year supply of housing land and thus the requirements of Para 14 as set out above apply.
- 5.9 In the Supreme Court ruling on the cases *Suffolk Coastal District Council v Hopkins Homes Ltd* and *Richborough Estates Partnership LLP v Cheshire East Borough Council*, the Supreme Court accepted that “relevant policies for the supply of housing” legally require a narrow interpretation. Policies that are not specifically related to housing supply will not be deemed “out of date” where a local planning authority cannot demonstrate a five year housing land supply. However, the judgement emphasises that the absence of a five year housing land supply triggers NPPF paragraph 14 and the “presumption in favour of sustainable development”. As such, restrictive policies will remain a relevant consideration; but will have reduced weight if a five year supply cannot be demonstrated. The decision maker still needs to give weight to the lack of five year housing land supply against a wider range of policies.
- 5.10 Paragraph 14 indicates specific policies in the framework retain full weight and that certain development should be restricted. In the framework these restricted policies that dis-apply the presumption in favour of sustainable development (ie the need for the adverse impact to significantly and demonstrably outweigh the benefit) include impact upon heritage assets.
- 5.11 The built form within the development site lies close to The Old Manor House, a Grade II Listed Building and thus within its setting. The proposal is considered to have an impact (albeit a less than substantial one) on the setting of The Old Manor House. Therefore, if the application is to be considered in the context of the presumption in favour of sustainable development (under NPPF paragraph 14), it must first satisfy NPPF paragraph 134 – that the public benefits of the scheme outweigh the harm to the heritage asset (Heneage Farmhouse). A full assessment of the impact upon the heritage asset is made in the report below.
- 5.12 *Loss of agricultural land*  
A further issue to be considered with respect to whether the application is acceptable in principle is the loss of the agricultural land that would result from the proposal.
- 5.13 The National Planning Policy Framework (para 112) states:  
*Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.* Annex 2 of the NPPF indicates that the best and most versatile agricultural land is in grades 1, 2 and 3a
- 5.14 Policy CS9 of the Core Strategy also states that development should avoid using the “*best and most versatile agricultural land*”.
- 5.15 Original information submitted by the applicant stated that the agricultural land classification is Grade 3c identified by the Ministry of Agriculture, Fisheries and

Food (MAFF) in 1991. Subsequently MAFF amalgamated grade 3 into just two classifications 3a and 3b.

- 5.16 Additional information was requested of the applicant to confirm the land classification and this is discussed in more detail below.
- 5.17 In summary therefore the presumption against the principle of development set out in Policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy is given less weight as these policies are out of date. Consequently, and as set out in paragraph 14 of the National Planning Policy Framework of paramount importance is the proximity of the listed building and its setting, any harm to which attracts substantial weight. The presumption in favour of development does not apply. The remainder of this report will weigh the benefits of the scheme against the adverse impacts.
- 5.18 **Layout and siting**  
The application is in outline format with layout, siting and access to be determined. The developer has worked hard to accommodate suggestions made by urban design officers and conservation officers to improve the overall design of the scheme and to take into consideration the location of the scheme and its surroundings. This has resulted in a scheme which is considered appropriate for the site.
- 5.19 With regard to the specific design, the indicative masterplan shows the position of the 29no. houses on the site making an interesting new development which includes allowing views through the site from Stowell Hill Road, being respectful of the listed building and at the same time being mindful of residential and parking standards.
- 5.20 As this application is limited to layout, siting and access the detail of scale and appearance is not being assessed. However, additional information in the design and access statement and the subsequent addendum have given indications of the intended houses. The houses would be a mix of 1.5 and 2 storey with single storey ancillary outbuildings and off-shoot extensions, being respectful of the adjacent existing development. It is intended that the eaves, roof heights and orientations would be varied to achieve an interesting roof scape pattern. Suggested materials include rubble stone walling, casement windows, shallow brick heads over windows, clay profiled roof tiles, timber framed door canopies, exposed brick chimney stacks and rubble stone walling to key frontages and to enclose rear gardens to visual locations. Other boundary treatments to individual gardens would comprise 1.8 metre high fencing. The proximity of the railway line is noted. There is no direct access over the application site onto land associated with the railway. This is separated from the field by existing boundary treatments including hedges and trees which would remain and then further by the proposed boundaries/garden fences to be erected here. This is not an unusual treatment for many houses in similar situations adjacent to railway lines all over the country.
- 5.21 The application site being on around 2.6 ha of land would achieve a density level of 18 dwellings per hectare for the 29 houses. By comparison the adjacent estate at The Orchard achieved a density of 36 dwellings per hectare. Using



pure numerical calculations, the site could accommodate more houses than the number proposed. However, each site is assessed on its own merits and given this site is just outside the existing settlement boundary it is appropriate for it to be less densely packed. Furthermore, this gives opportunity to move development away from the sensitive Old Manor House, allows views through the site and provides an attractive central green area. The appropriate number of dwellings has therefore, been proposed for this location.

**5.22 Heritage Asset and Conservation area**

The application site lies immediately to the south-west of the Tytherington Conservation Area and can be considered to form part of the setting of the Grade II 'Old Manor House'.

- 5.23 Paragraph 133 of the NPPF indicates that *“where a proposal will lead to a substantive harm to or total loss of significance of a designated heritage asset local planning authorities should refuse consent unless there are substantial benefits that outweigh that harm”*. Paragraph 134 of the NPPF states *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use”*. At the same time Policy CS9 of the South Gloucestershire Local Plan Core Strategy both seek to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.
- 5.24 Revised plans were received in response to Officer comments in an attempt to address the concerns raised. The proposed revised scheme (drg no. Y81:1018.11) now sees the residential development moved significantly away from the designated heritage asset. The closest point will now be approximately 60m and although the scheme will still result in a change to its setting (through urbanisation of backdrop), the buffer to be provided will ensure that the listed building will still be experienced in a degree of isolation through visual and spatial separation. Its limited scale will also not be overwhelmed by the proposed new development that was previously the case due to its close proximity which would have caused a degree of visual competition.
- 5.25 The setting of the conservation area will also be preserved with the key views through the site retained.
- 5.26 Matters of scale including ridge and eaves heights, roof pitches and materials remain outstanding to be addressed at reserved matters stage. Although the Design and Access addendum does give a list of design principles for some of the properties, notably the key frontages, it does not cover all the units. These are important considerations and a scheme which fails to be sympathetic to the setting would not be supported. As such these details would need very careful attention and would be rigorously assessed at reserved matters stage.
- 5.27 Overall the harm to the listed building and its setting is considered as being less than substantial and therefore, paragraph 134 of the NPPF is engaged. This guidance states the harm should be weighed against the public benefits of the proposal. A finding of less than substantial harm does not, however, imply a less than substantial objection and the council must be satisfied that the

public benefits resulting from the development outweigh the harm to the heritage asset.

- 5.28 As set out above the 'tilted balance' as stated in Paragraph 14 (presumption in favour of sustainable development) of the NPPF does not apply unless the paragraph 134 test is satisfied. Under paragraph 134 of the Framework, the harm to the significance of a designated heritage asset must be weighed against the public benefits of the proposal, having special regard to the great weight given to the protection of heritage
- 5.29 **Residential Amenity**  
The two main aspects of impact on residential amenity resulting from the scheme would be the impact on future occupants and the impact on existing nearby residents.
- 5.30 The scheme would provide sufficient individual amenity space to accord with adopted policy for the various 29 no dwellings and on this basis there can be no objection to the scheme.
- 5.31 It is noted that some comments have been made with regards to views out across the existing field, but there is no right to a view and this comment is not something that could result in a robust objection to the scheme. Other comments have stated their property would be surrounded on three sides by development. Plans indicate that the existing properties nos. 7 to 10 would be closest to the proposed new dwellings. However, the plan shows that new dwellings here would be side on to these houses at distances of between 20 metres and 23 metres. This is an acceptable distance level to respect the privacy of properties with no concerns of inter-visibility, overlooking or overshadowing. Ordinary plants growing in a residential garden do not receive any statutory protection or right to light – this is not a valid planning objection to the scheme.
- 5.32 Other comments have mentioned light pollution from the development as having a negative impact on existing residential amenity. Light pollution is generally considered to be excessive artificial outdoor light which competes with starlight in the night sky. This small scale development would not have such an impact as to block out the night sky or prevent stars from being seen. Details of the lighting of the development would be discussed and planned at reserved matters stage using the most up-to-date and appropriate lighting methods.
- 5.33 Excessive noise pollution during the construction phase has been given as an objection reason. It is acknowledged that there will be some noise but a condition attached to the decision notice will specify the hours of work on site and this is considered an appropriate and acceptable and usual method to help alleviate any inconvenience to local residents during a construction phase.
- 5.34 One neighbour has cited a ransom strip of land running between The Orchard and the application site. A simple Land Registry search shows a very thin strip of land running between The Orchard and the field. The land may well be under the ownership of another party, but it also remains outside the application site.

Furthermore, it cannot be regarded as being a true ransom strip from the point of view of this application as the site has its own access and none of the properties would require access over it to enter or leave the site

5.35 **Sustainable Development**

The three main strands of sustainable development are economic, environmental and social. It is useful to consider the proposal under these separate headings.

5.36 **Economic:**

Within this section would be the services and local facilities present in Tytherington. Reference must also be made to the benefit the 29no. new houses would have to the supply of housing.

**Access to Services and Local Facilities**

- 5.37 Key to the social role in achieving sustainable development is the creation of built environments with accessible local services that reflect the community's needs and support its health, social and cultural well-being. Access to facilities that can be accessed by walking, cycling and public transport is considered a vital component in determining the overall sustainability of a development (paragraphs 17, 28, 29, 34, 37, 55 and 70 of the NPPF). Policy CS8 of the Core Strategy also states that:

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

- 5.38 In November 2015 South Gloucestershire Council published the "Rural Settlements and Villages 2015 Topic Paper; Sustainable Access to Key Services and Facilities & Demographic Information (November 2015)", a technical evidence document for the PSP, produced to provide an understanding of the relative sustainable access to services and facilities in rural villages and settlements of South Gloucestershire.

- 5.39 In November 2017, the Policy Sites and Places Plan was adopted by the Council. PSP11 is considered to be relevant under paragraph 14 of the NPPF as it provides detail and guidance relating to the sustainable patterns of growth and avoiding the reliance on private car journeys. This policy is considered to carry significant weight in the determination of this proposal.

- 5.40 Within context, Tytherington is located about 4.7 miles from the centre of Yate, 11 miles from Bristol and about 2.3 miles from Thornbury. The following is a breakdown of the services and facilities for Tytherington. The key services and facilities lacking in Tytherington are in locations (including Thornbury, Yate and the North Fringe of Bristol) that are beyond a reasonable distance and without a quality of route to facilitate or encourage walking and cycling. Future residents will be dependent on car journeys unless suitable frequent and timed public transport connections exist.

5.41 To possibly mitigate the lack of walking and cycling access there are public transport connections to facilities in nearby locations and these and the facilities are detailed below:

5.42 Public Transport

Bus Services at the time of this report operating through Tytherington are as follows:

5.43 Bus services

There are at least 5 journeys a day (each way), with at least one service arriving before 9am and returning after 5pm on weekdays:

- Thornbury (direct services 622, 201 and 922 – all services take under 10 minutes)
- Yate (direct services 622 – service takes 20 minutes).

5.44 Rail services

The nearest rail services can be found in Yate.

5.45 Retail and Community Facilities

From the settlement of Tytherington there is walking and cycling access to a convenience store for basis day to day needs, a Post Office and public house, two primary schools (2 miles away) and a secondary school (3 miles away).

5.46 There is not however, considered to be suitable walking and cycling access to some essential services namely, a dedicated community centre, all health facilities, retail and large scale food shopping and employment opportunities.

5.47 The lack of these facilities could be considered to place a reliance on private car journeys, conflicting with the aim of creating sustainable patterns of growth. However, there are public transport connections from Tytherington to tow nearby centres with a minimum suitable frequency of services and relatively short journey times. This would assist to mitigate reliance on private cars. Bus stops are positioned close to the application site on Stowell Hill Road.

5.48 **Environmental**

Included in this section is impact on the character of Tytherington, transport, environmental health, ecology, landscape and trees, flooding and drainage.

5.49 **Impact on the character of the village:**

The additional residential development would make a positive contribution to addressing the Council's lack of 5 year supply of housing. Significant weight is given in favour of the development, particularly as the heritage assessment has indicated the less than substantial harm to the listed building The Old Manor House.

5.50 To assess if this application for housing would have an impact on the character of the village, information from the Sustainable Access Profiles, prepared by the spatial planning team released in January 2017 has been used. This report indicates the count of the number of individual dwellings with the settlement boundary of Tytherington as at 2015. At that time the number was recorded as being 174. The introduction of a further 29no. dwellings would represent

approximately a 16% increase in the size of the village. An increase of this size is not considered to have a significant impact on the overall character of the village.

- 5.51 Officers are aware of other applications in the area, namely 28no. houses in Duck Street PT17/2240/F. Each and every application must be considered on its own unique and individual points. However, the spatial planning team broadly indicate that the cumulative increase, amounting to around 32%, would not result in a seismic shift to the nature or character of the village and Tytherington would still be considered a relatively small rural village.
- 5.52 **Transport:**  
The proposed access to the development would be off Stowell Hill Road. During the application the applicant has worked with the LPA to provide additional information and clarification to allow a full assessment of the proposal and existing situation.
- 5.53 Stowell Hill Road is a classified highway with a speed limit of 30mph. From the site, the road rises to the northwest towards Thornbury but flattens out in the opposite direction towards the centre of Tytherington. In the locality of the site entrance is a raised centre slip that is part of the traffic calming for the village.
- 5.54 Speed and volume readings have been undertaken at the entrance to the site that indicate an 85<sup>th</sup> percentile speed for traffic in this location being 33.4 mph and 34.1mph recorded in the northwest and southeast direction respectively. These equate to visibility splays of 50m and 52metres.
- 5.55 The applicant has submitted a plan that indicates that appropriate visibility splays can be achieved. Visibility splays of 2.4m x 60m and in excess of 2.4m x 80metres would be achieved at the access.
- 5.56 Concern has been raised by locals in relation to the speed visor readings located halfway up Stowell Hill Road. It is stated this records an 85<sup>th</sup> percentile speed of 42mph. Such a speed would equate to the necessity of a visibility splay of 2.4m x 71 metres in that direction. This visibility splay can be achieved from the site entrance but moreover, caution is required with regards to the speed visor readings as they are recording speeds associated with vehicles coming into the village from a de-restricted speed limit and are not reflective of the situation at the site entrance. Given the above there can be no objection to the scheme on visibility grounds.
- 5.57 With regards to the proposed layout the applicant has provided a layout that has been tracked in accordance with the Council's standards which indicates that refused vehicles can access the site appropriately. Confirmation and revised plans show the shared surface within the site would achieve the required carriageway width of at least 5.5 metres. This is considered acceptable.
- 5.58 There are therefore no highway objections subject to conditions regarding the visibility splay and details of the construction of the proposed access to the site.

**5.59 Environmental health:**

**Noise**

The proximity of the site to the railway line, the motorway and other road networks is noted. The submitted noise impact assessment included noise monitoring at three positions across the development site and the predicated noise levels across the site along with mitigation measures. The results were based on computer noise modelling predictions developed from road traffic predictions. Predicted internal levels would be of a magnitude whereby standard double glazing systems (with additional ventilation where appropriate) would be required to meet the recommended internal day and night ambient noise levels to the main source affecting the site i.e. the M5 and for outdoor living areas with a 1.8 metre high timber fence, the BS8233 noise criteria for outdoor living would be met. This findings and conclusions are considered acceptable and appropriate conditions would be attached to the decision notice as necessary. Regard must also be had to the development being in a similar location to existing houses at The Orchard. Therefore the introduction of new houses here would not give rise to a refusal reason that could be substantiated in an appeal situation and neutral weight is awarded for this reason.

**5.60 Contamination:**

The Phase 1 Environmental Assessment report is regarded as being a generally satisfactory Preliminary Risk Assessment which also contains a conceptual site model. It is considered appropriate and reasonable that conditions should be attached to the decision notice to determine soil conditions and the presence of contamination prior to commencement of the development. For this reason the scheme attracts neutral weight.

**5.61 Ecology and Agricultural Land Classification:**

It is noted that comments have been made regarding the loss of the field and its consequential impact on wildlife in the area. The Ecology Report has noted that being mostly arable land, the site is generally of low ecological value. The scheme will provide open grassed areas, individual gardens and furthermore, allotments are also proposed within the site, the precise location of which is to be determined in the reserved matters stage. All these area will provide opportunities for wildlife and insects, albeit changed from the existing situation. It must also be noted that this is a rural location and the field on which this development is proposed is surrounded by trees and other countryside which would not be affected by the scheme. Neutral weight is awarded for this reason.

5.62 The high agricultural land classification has been given as an objection reason. Currently there are five types of agricultural land classification ranging from grade 1 excellent to grade 5 poor. Grade 3 is divided into two sub-sets. Details provided with the application show a letter written in 1990 by the Department of Fisheries and Agriculture stating the field in question was grade 3c land. This classification does not form part of the current categorisation and as such the applicant conducted further soil investigations.

5.63 Additional information provided by the applicant indicates that the original farm holding has been constrained by the construction of the M5 motorway. It is stated this has makes it difficult to run as a viable agricultural holding. It is

acknowledged that the owners use the land for arable farming but, it is specified, not as a commercial farm holding. Overall around 1.6ha of the area would be for residential dwellings with the remainder being used for landscaping and green infrastructure.

5.64 A report commissioned by the applicant has indicated that the site has falls into three separated agricultural land classifications: 1, 2 and 3a. The proportion of the land in each class are respectively: 0.42ha, 0.37ha and 1.07ha.

5.65 The best and most versatile land is defined as Grades 1, 2 and 3a and it is acknowledged that when considering planning applications the best grade of agricultural land is to be protected, where possible. Analysis indicates that one third of the site is occupied by buildings and hard surfacing and therefore only two thirds of the land is agricultural land capable of growing crops.

5.66 The loss of the agricultural land of this high grading is given significant weight. However, this weighting must be balanced not only by 29no. new houses contributing to the housing shortage, but by the fact that the area of land to be lost is quite small, the continued use of the land within the existing farming enterprise is uncertain and the proposal would clear an unsightly and potentially contaminated area of land currently housing machinery etc. Cumulatively, these positive factors help to balance and demote the loss of the agricultural land to a modest weighting.

5.67 **Landscape**

The application site lies outside the settlement boundary on the edge of the village and butts up to the Conservation Area of Tytherington. Stowell Hill Road rises up to the edge of the ridge where the M5 motorway runs. The site itself gently slopes up to the tree line along the disused railway to the southwest.

5.68 When travelling through Tytherington the dwellings and other buildings appear well spaced and separated by open space and structural soft landscape. There are currently views through to the tree line to the south and west and views to the tree lined ridge that runs north south

5.69 Initial comments criticised a rather suburban scheme which did not give sufficient regard to the character of the village. However, the revised plans give breathing space to the Old Manor House and the amended central green corridor improves the green visual link up to the railway embankment vegetation. It has been confirmed that the green areas will be privately managed.

5.70 The importance of a good landscape scheme remains and this would be something that would be discussed at reserved matters stage.

5.71 **Trees**

A number of trees are within the proposed development site. Given the condition of the trees and the location of the site, it was considered appropriate to place a tree preservation order on the site. Some minor discrepancies have been identified with regards to tree identification/siting on the plans but it is considered these matters can be satisfactorily dealt with by conditions and by

details at reserved matters stage and as such there are no objections to the scheme on this basis.

**5.72 Flooding and drainage:**

During the course of this application detailed correspondence was held between the applicant and the drainage engineer. It is considered that the use of the Sustainable Drainage system will contribute to place making and sustainability and a condition requiring the following details would be attached to the reserved matters notice:

- Any departures from the surface water discharge hierarchy in relation to infiltration such as soakaways, need to be justified and supported by evidence, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365, in line with the requirements of Building Regulations and to ensure best practice and sustainable development.
- If applicable, confirmation and acceptance from Wessex Water of the connection point (Manhole Number) and agreed discharge rate to their existing surface water sewer to be provided.
- A clearly labelled drainage layout plan showing the pipe networks and any attenuation / storage tanks or oversized pipe systems.
- Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- Where infiltration forms part of the proposed Surface Water Network such as Soakaways, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365 and in line with the requirements of Building Regulations.
- The drainage layout plan should also show exceedance / overland flood flow routes, and where applicable if flooding occurs the likely depths of any flooding.
- The plan should also show any pipe node numbers referred to within the drainage calculations.
- A manhole / inspection chamber schedule to include cover and invert levels.

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

**5.73 Social**

Included in this section is affordable housing, school transport, public open space; these to be secured as planning obligations. A contribution regarding



public art for the site has been suggested. This would only need to be proportionate to the size of the development and could be secured by condition.

**5.74 Planning obligations**

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

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

**5.75 Community Infrastructure (open space)**

Based upon the projected population of the proposed development it would generate the requirement to provide the following in respect of public open space to offset the impact of the development:

i)	Informal recreation open space	800.40 sq m
ii)	Natural and semi-natural open space	1044.00 sq m
iii)	Outdoor sports facilities	1113.60 sq m
iv)	Provision for children and young people	174.00 sq m
v)	Allotments	139.20 sq m

5.76 However, there is not sufficient space within the development to provide the other required level of open space as set out above. Accordingly a financial contribution is requested in order to provide off-site provision of and /or improvements to existing open space in the locality; along with a proportionate amount for the maintenance of that provision, as follows:

i)	Off-site provision and/or enhancement	£121513.66
ii)	Off-site maintenance contribution	£109127.01

5.77 The funds would be directed to improvements at the following sites:

- i) Tytherington Hill Wood and Hardwick Field (informal recreational open space)
- ii) Tytherington Hill Wood and Tytherington Common (natural and semi natural open space)
- iii) Hardwick Playing Field (outdoor sports facilities)
- iv) Jubilee Field (provision for children and young people)

5.78 The applicant has indicated willingness to provide allotments on the site. Potential locations have been discussed but it has been concluded that the space for on-site allotments would be limited and on this basis the applicant has accepted the proposed financial contribution for off-site provision. The developer has therefore agreed to meet this obligation in full. Officers are satisfied that sufficient mitigation is provided in order to offset the impact in respect of the provision of public open space and as such the development is consistent with Policy CS24 of the South Gloucestershire Local Plan: Core Strategy (adopted) 2013. This can be secured by legal agreement.

5.79 In this instance, it has been confirmed that no more than five legal agreements have been secured in respect of projects in the location that would benefit from the obligations. Officers are therefore satisfied that the planning obligations required to secure public open space are consistent with the CIL Regulations (Regulation 122) and the S106/Cil SPD

5.80 Transport to school

The proposed development of 29 dwellings would generate 6 additional secondary pupils according to the pupil number calculator. The proposed development is in the area of prime responsibility of Marlwood School (2.6 miles away). As there is no safe walking route to school, a requirements towards costs for transport to school would be required.

5.81 The closest school is Castle School and the most cost effective mode of transport is by bus. The total cost of transport would be £642 (annual cost per pupil) x 7 years education x 6 secondary pupils amounting to £26,964.00.

5.82 Affordable housing

This scheme would generate a requirement for 10no. affordable homes.

- 35% affordable housing with a tenure split of 73% social rent and 27% shared ownership

5.83 Tenure:

The application form proposes 10 affordable homes as social rent and under paragraph 4.2 of the Design and Access Statement states "*The units are proposed to be a mix of one to four bed detached, semi-detached and short terraces across the site of which 35% (subject to viability) will be a mixture of Affordable and Starter Homes*". The following tenure mix is required and for the avoidance of doubt Enabling can confirm that until such times as the necessary national and local plan policies are in place regarding starter homes we will not secure starter homes as part of the affordable housing mix. To meet identified housing need, as set out in the Wider Bristol Strategic Housing Market Assessment (SHMA), as follows:

- 73% Social Rent
- 22% Shared Ownership
- 5% Affordable Rent (ART)

5.84 As 5% ART requirement generates 1.45 unit, Enabling will seek a tenure split of 73% social rent and 27% shared ownership. Based on a requirement of 10 affordable homes this will generate a tenure split of:

- 7 social rent
- 3 shared ownership

5.85 Type:

A range of Affordable Homes to meet housing need, based upon the SHMA house types shown below:

Social Rent:

Percentage	Type	Min Size
------------	------	----------

		m2
15%	1 bed 2 person flats	50
15%	2 bed 4 person flats	70
28%	2 bed 4 person houses	79
34%	3 bed 5 person houses 2 storey	93
8%	4 bed 6 person houses 2 storey	106

Shared Ownership:

Percentage	Type	Min Size m2
8%	1 bed 2 person flats	50
16%	2 bed 4 person flats	70
35%	2 bed 4 person houses	79
41%	3 bed 5 person houses 2 storey	93
0%	4 bed 6 person houses 2 storey	106

5.86 Affordable homes must be built in line with the same standards as the market units and to include lifetime homes standard, part 2 of Secured by Design and compliance with a specified registered providers requirements. One wheelchair accessible home is required and this will be discussed in full with the enabling team under reserved matters to establish the house type. The standards are:

5.87 Standards of Design

Affordable Homes to be built in line with the same standards as the market units (if higher) and include Lifetime Homes standard, Part 2 of Secured by Design, and compliance with the RP Design Brief as follows;

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

8% of the Affordable Homes provided to meet wheelchair accommodation standards. The wheelchair specification can be found here [Wheelchair specification](#)

5.88 Clustering and Distribution

Affordable Homes to be distributed throughout the site in clusters of no more than 6 units.

5.89 Delivery Mechanism

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

5.90 Delivery is preferred through the Council's list of Approved Registered Providers. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.

5.91 Affordable Homes to be built at the same time as the market housing on site in line with agreed triggers as per S.106 agreement. Where the development will proceed over more than one phase, the location, amount, type and tenure of the Affordable Housing in each phase will need to be set out in an Affordable Housing Masterplan and Schedule. The Affordable Housing Plan and Schedule to be approved prior to submission of the first residential Reserved Matters application.

5.92 Rent Levels and Affordability

Social Rent homes to be let at Target Rent, as per the Direction on the Rent Standard 2014. Shared Ownership homes to be sold at no more than 40% of the market value, and the annual rent on the equity retained by the RP should be no more than 1.5%. Service charges will be capped at £650 per annum (April 2016 base and linked to RPI) to ensure that all housing costs are affordable to potential occupants. Capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

5.93 One neighbour comment has mentioned that there would be no take up of affordable housing in Tytherington. However, given there is a housing shortage it is unlikely that there would not be some need in the area and furthermore, any development of this size is required to be policy compliant.

5.94 Impact on Equalities

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

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

5.95 **Other Matters**

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

- 5.96 It is noted that some comments stated notification letters were not received. It is acknowledged that problems regarding the delivery of letters did occur earlier in the year. However, as soon as the Council was made aware of the situation strategies were put in place to successfully overcome the problem.

- 5.97 Comments have indicated the awareness of the another proposal for development at Duck Street; that such development would individually and cumulatively change the village; that development should be directed elsewhere; that there are insufficient services in Tytherington. None of these would be valid reasons to refuse this application. Each planning application must be considered on its own basis where a full assessment of all the individual merits are carefully taken into account to reach an overall conclusion.

5.98 **Planning Balance**

Whilst the starting point for the decision maker is the adopted development plan the Council is not able to demonstrate a five-year supply of deliverable housing sites, so (as per paragraph 14 of the National Planning Policy Framework), the relevant policies for the supply and location of housing cannot be considered up to date but are not irrelevant. Thus an "in principle" objection to the development on the grounds that the application site lies outside of a settlement boundary is given less weight.

- 5.99 As indicated above the harm to the heritage asset is considered to be less than substantial and therefore the second 'limb' of paragraph 14 of the NPPF is considered passed. The proposal must be assessed against the first 'limb' which is generally referred to as the 'tilted balance'. When this is applied, the planning balance is tilted in favour of planning permission being granted unless the harm of the development would significantly and demonstrably outweigh the public benefits of the scheme. The public benefits can be summarised under the sustainability assessment of the site which include environmental, social and economic reasons.

- 5.100 The proximity of the listed building, The Old Manor House, has been noted. A full assessment of the impact on this heritage asset has been required and through revised plans and by working with Officers, the harm is considered as being less than substantial and an acceptable scheme which respects The Old Manor House, and one which does not adversely harm the conservation area has been submitted.

- 5.101 Harm has been identified to the countryside location and the character of the village of Tytherington. However, benefits comes in the form of 29no. new homes that would make a significant contribution to the housing supply (and would be delivered within 5 years), changes to the proposal have been respectful of the listed building and the overall scale of the development would not cause an adverse impact on the character of Tytherington village. It is acknowledged changes would occur, but even if the proposal at Duck Street

were to be allowed the impact on the village would not be significant and its size would not be dissimilar to many other typical villages. The layout of the scheme would be appropriate but matters of appearance and materials are to be secured under reserved matters. Landscape, trees and ecology have been discussed and appropriate mitigation will be secured by conditions. Issues of highway safety have been raised, fully examined and it has been found that the scheme would be acceptable. The siting allows for appropriate distances between proposed and existing dwellings and the residential amenity of occupants would be preserved. A legal agreement would secure planning obligations in the form of affordable housing, transport to school and public open space. It is considered together these form an acceptable development in this location.

5.102 Overall the above report has shown that the harm of the proposed development has been outweighed by the resulting public benefits.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- a) Affordable housing:  
35% of dwellings to be delivered as affordable housing on site, as defined by the NPPF. For the proposed development of 29no. dwellings, this would equate to 10 dwellings for affordable housing
  - b) Tenure split of 73% social rent and 27% shared ownership. Based on a requirement of 10 affordable homes this will generate a tenure split of:
    - 7 social rent
    - 3 shared ownership
  - c) In all other respects the development shall comply with the requirements as set out in paragraphs 5.82 – 8.93 inclusive of this report.

The reason for this :

To accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 11<sup>th</sup> December 2013.

- d) A financial contribution of £26,964 towards the costs of providing home to school transport for secondary pupils

The reason for this:

To accord with Policy CS23 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

- e) Public open space:

- |   |            |
|---|------------|
| • Off-site provision and/or enhancement | £121513.66 |
| • Off-site maintenance contribution     | £109127.01 |

The reason for this:

To accord with Policy CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013

- 7.2 That should the agreement not be completed within 6 months of the date of the Committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

### **CONDITIONS**

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. The proposal shall be in accordance with the following plans:  
As received by the Council on 15.5.17:  
Site location plan

As received by the Council on 4.12.17:  
Illustrative masterplan Y81:1018.12 rev A  
Illustrative masterplan Y81:1018.11 rev A

Reason

For the avoidance of doubt.

6. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, shall not take place outside the hours of;  
Monday - Friday.....7.30 - 18.00  
Saturday.....8.00 - 13.00.  
No noisy activities on Sundays or Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 and PSP21 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

7. Prior to the commencement of development details of the composite facade calculations regarding internal noise levels are to be submitted to the LPA for written approval and implemented in accordance with the approved details.

Reason

To protect the amenities of the occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policy PSP8 and PSP21 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework. A pre-commencement condition is needed in order to avoid the need for future remedial action

8. The reserved matters details referred to in condition 1 shall include full details of the drainage as detailed below and all works shall be implemented in accordance with the approved details.

No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory),



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

The following details are expected when discharging the above conditions:

- o Any departures from the surface water discharge hierarchy in relation to infiltration such as soakaways, need to be justified and supported by evidence, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365, in line with the requirements of Building Regulations and to ensure best practice and sustainable development.
- o If applicable, confirmation and acceptance from Wessex Water of the connection point (Manhole Number) and agreed discharge rate to their existing surface water sewer to be provided.
- o A clearly labelled drainage layout plan showing the pipe networks and any attenuation / storage tanks or oversized pipe systems.
- o Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- o Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- o Where infiltration forms part of the proposed Surface Water Network such as Soakaways, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365 and in line with the requirements of Building Regulations.
- o The drainage layout plan should also show exceedance / overland flood flow routes, and where applicable if flooding occurs the likely depths of any flooding.
- o The plan should also show any pipe node numbers referred to within the drainage calculations.
- o A manhole / inspection chamber schedule to include cover and invert levels.
- o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable.

Reason:

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012

9. At reserved matters stage a phased tree protection plan and details of the 'no-dig' construction method shall be submitted to the LPA for full consideration.

Reason

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

10. Prior to the commencement of demolition, a Bat Method Statement must be submitted to the council for approval in writing and implemented in accordance with the approved details. This can be in the form of a Natural England bat mitigation licence application (based on section 6.3 Ecological Impact Assessment (ADAS, January 2017

Reason

This is a prior to commencement of the demolition condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner 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 commencement of demolition, the bat box recommended in Section 6.3 of the Ecological Impact Assessment (ADAS, January 2017) must be installed and its location must be submitted to the council for approval in writing and located in accordance with the approved details.

Reason

This is a prior to commencement of the demolition condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

12. Prior to commencement of development, a bat friendly lighting scheme must be submitted to the council for approval in writing (based on Section 6.3 of the Ecological Impact Assessment (ADAS, January 2017) and implemented in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

13. Prior to commencement of development, the location and type of five bat roost bricks/tiles or four bats boxes, and four bird boxes (as set out in Section 7 of the Ecological Impact Assessment (ADAS, January 2017)) should be submitted to the local planning authority for approval in writing and implemented in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

14. The development should proceed in accordance with the recommendations made in the in Section 6.3 and 7 of the Ecological Impact Assessment (ADAS, January 2017). This includes the retention and enhancement through native planting of the existing hedgerow, retention of trees, inspection and soft felling of ash trees (if necessary), avoidance of harm to reptiles and European hedgehog and timing of works regarding breeding bird season

Reason

To ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

15. Contaminated Land

A. Prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks potential sources of contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

B. Prior to occupation, where works have been required to mitigate contaminants (under section A) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

C. If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

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. A pre-commencement condition is needed in order to avoid the need for future remedial action.

16. The reserved matters details referred to in condition 1 shall include full details for a unique site specific integrated public art scheme including but not limited to detailed designs, timescales and triggers. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note.

Reason:

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

17. Prior to the commencement of development full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); retained historic landscape features and proposals for restoration where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. A pre-commencement condition is needed in order to avoid the need for future remedial action.

18. Application for the approval of the reserved matters shall be in accordance with the indicative parameters described in the design and access statement (Resolved Developments ADAS) dated January 2017 and the design and access addendum (PRA Architects) dated October 2017.

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.

19. Visibility splays of 2.4 x 52m in each direction must be provided prior to first use of the proposed access onto Stowell Hill Road, with no obstruction greater than 0.9m high within the prescribed visibility splays.

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.

20. No development shall take place until construction details of the proposed access have been submitted to and approved by the Council, with the development proceeding in accordance with the approved details

#### Reason

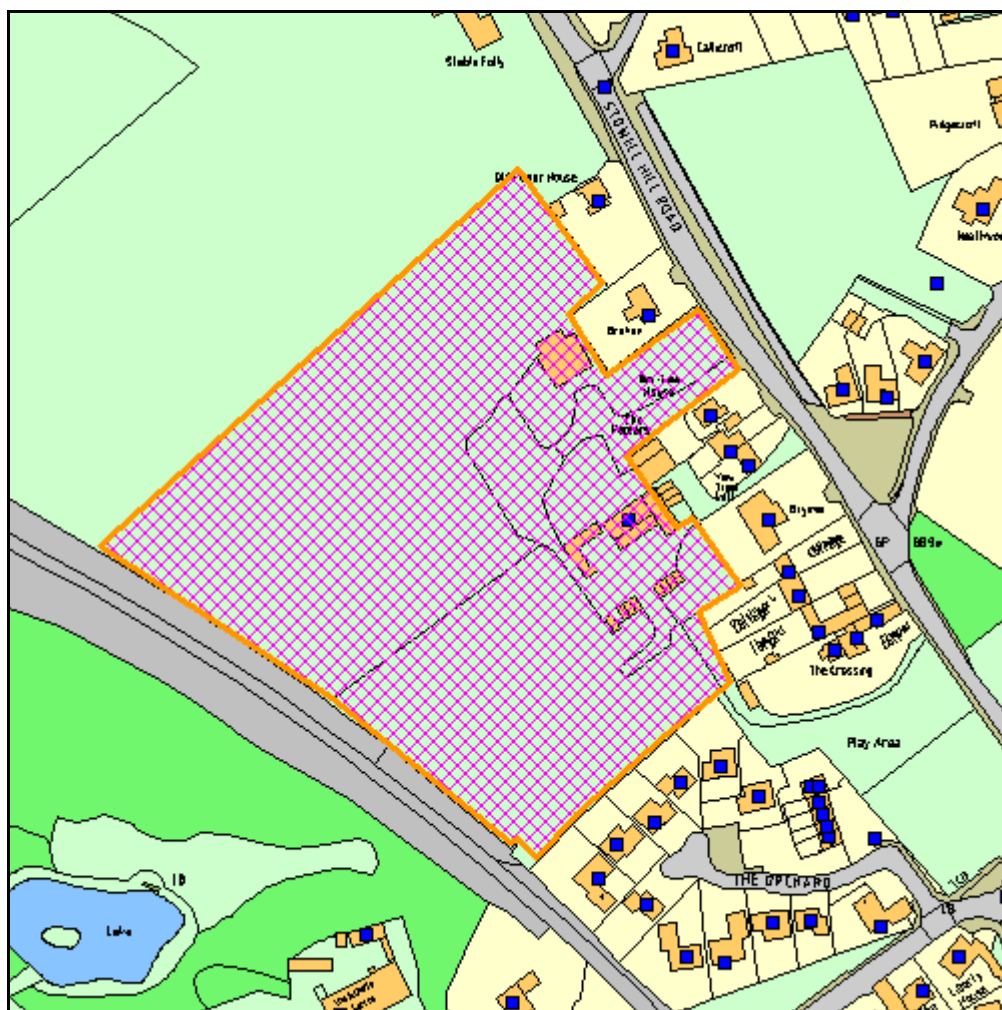
In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to avoid any remedial action in future.

## **APPENDIX 2-**

CIRCULATED SCHEDULE REPORT- 13/18 – 29 MARCH 2018

**CIRCULATED SCHEDULE NO. 13/18 – 29 MARCH 2018**

<b>App No.:</b>	PT17/2331/O	<b>Applicant:</b>	Caddick Land Limited
<b>Site:</b>	Land To The West Of Stowell Hill Road Tytherington South Gloucestershire GL12 8UH	<b>Date Reg:</b>	7th June 2017
<b>Proposal:</b>	Erection of 29no. dwellings (Outline) with layout, siting and access to be determined. All other matters reserved.	<b>Parish:</b>	Tytherington Parish Council
<b>Map Ref:</b>	366760 188396	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Major	<b>Target Date:</b>	15th August 2017



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT17/2331/O

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

### **UPDATE REPORT RELATING TO PT17/2331/O LAND TO THE WEST OF STOWELL HILL, TYTHERINGTON:**

#### **1. INTRODUCTION:**

- 1.1 Members will recall this application was heard at the D C West Committee on 14<sup>th</sup> December 2017 having been called to Sites Inspection on 24<sup>th</sup> November by Cllr Marian Lewis. The application sought outline consent for the erection of 29 no. residential dwellings with access, layout and siting to be determined and other matters of landscaping and scale to be reserved. The application site is land to the west of Stowell Hill Road, Tytherington. The site is situated outside of the settlement boundary of Tytherington in the countryside, however it directly abuts the settlement and the Tytherington Conservation Area to the south-east. The grade II listed Old Manor House is situated immediately to the north of the proposed development, and Chapel Cottage, a locally listed building, lies to the east. The site is also approximately 100m from a Scheduled Ancient Monument known as the Castle, which is situated to the east. A 'mothballed' railway line lies to the west. It is stated on the application form that part of the site is previously developed, used as workshops and outside storage comprising of plant, vehicles, skips, caravans, machinery etc. The remainder of the site is agricultural. No public rights of way run across the site.
- 1.2 The resolution was to grant permission subject to a S106 agreement for affordable housing and home to school transport for secondary school pupils and subject to 20 conditions.

#### **2 ASSESSMENT**

- 2.1 This is an update report to consider changes that have arisen since the resolution to grant permission and as a result of discussions during the s. 106 process. It has now been shown that both informal and natural open space can now be provided on-site and as there are no allotments within the recommended access standards we can no longer request a financial provision for such facilities. These changes would not alter the overall resolution and because the s. 106 has not yet been signed it is possible to re-visit the terms by submitting the details for consideration under the Circulated Schedule process.
- 2.2 The on-site provision of informal recreational open space and natural and semi-natural space is considered a betterment to the scheme but would require amendments to the amount of monetary contributions regarding public open space that appeared in the original Committee Report. This update report is to consider these changes only. There would be no material change to the scope of the development and the overall recommendation including the other planning obligations and conditions would remain as before.



- 2.3 As this situation would not alter the scope of the proposed development, the revised details have not been put out for consultation. It must further be noted that the fall-back position for the developer is that they can proceed as per the previous recommendation. However, having the provision of public open space on-site rather than off-site is considered a betterment and on this basis, would be a preferable option.
- 2.4 The resolution to grant permission was made on 14.12.17 subject to s. 106 and conditions. It is confirmed that other than those relating to public open space, which are listed below, there have been no other changes and all other areas remain as previously assessed i.e. landscape, ecology and trees, impact on highways, impact on listed building and conservation area, archaeology and environmental protection, drainage, urban design, children and young people, housing enabling, arts and development and impact on residential amenity.
- 2.5 Members should refer to the Committee Report for a full appraisal of this development proposal.
- 2.6 **Updated Planning Obligations**  
The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
- Necessary to make the development acceptable in planning terms
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development

2.7 **Community Infrastructure (open space)**  
**These details have been updated:**

Based upon the projected population of the proposed development it would generate the requirement to provide the following in respect of public open space to offset the impact of the development:

- |     |   |              |
|-----|---|--------------|
| i)  | Outdoor sports facilities               | 1113.60 sq m |
| ii) | Provision for children and young people | 174.00 sq m  |

A financial contribution is requested in order to provide off-site provision of and /or improvements to existing open space in the locality; along with a proportionate amount for the maintenance of that provision, as follows:

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount provided on site (sq.m.)	Shortfall in provision (sq.m.)	contributions towards off-site provision and/or enhancement	Maintenance contribution
Outdoor sports facilities	1,113.60	0	1,113.60	£55,881.12	£16,913.36

Provision for children and young people	174.00	0	174.00	£29,257.04	£30,764.00
---	--------	---	--------	------------	------------

## 2.8 Transport to school

**These details remain the same as before:**

The proposed development of 29 dwellings would generate 6 additional secondary pupils according to the pupil number calculator. The proposed development is in the area of prime responsibility of Marlwood School (2.6 miles away). As there is no safe walking route to school, a requirements towards costs for transport to school would be required.

- 2.9 The closest school is Castle School and the most cost effective mode of transport is by bus. The total cost of transport would be £642 (annual cost per pupil) x 7 years education x 6 secondary pupils amounting to £26,964.00.

## 2.10 Affordable housing

**These details remain the same as before:**

This scheme would generate a requirement for 10no. affordable homes.

- 35% affordable housing with a tenure split of 73% social rent and 27% shared ownership

## 2.11 Tenure:

The application form proposes 10 affordable homes as social rent and under paragraph 4.2 of the Design and Access Statement states “*The units are proposed to be a mix of one to four bed detached, semi-detached and short terraces across the site of which 35% (subject to viability) will be a mixture of Affordable and Starter Homes*”. The following tenure mix is required and for the avoidance of doubt Enabling can confirm that until such times as the necessary national and local plan policies are in place regarding starter homes we will not secure starter homes as part of the affordable housing mix. To meet identified housing need, as set out in the Wider Bristol Strategic Housing Market Assessment (SHMA), as follows:

- 73% Social Rent
- 22% Shared Ownership
- 5% Affordable Rent (ART)

As 5% ART requirement generates 1.45 unit, Enabling will seek a tenure split of 73% social rent and 27% shared ownership. Based on a requirement of 10 affordable homes this will generate a tenure split of:

- 7 social rent
- 3 shared ownership

## 2.12 Type

A range of Affordable Homes to meet housing need, based upon the SHMA house types shown below:

**Social Rent:**

Percentage	Type	Min Size m2
15%	1 bed 2 person flats	50
15%	2 bed 4 person flats	70
28%	2 bed 4 person houses	79
34%	3 bed 5 person houses 2 storey	93
8%	4 bed 6 person houses 2 storey	106

**Shared Ownership:**

Percentage	Type	Min Size m2
8%	1 bed 2 person flats	50
16%	2 bed 4 person flats	70
35%	2 bed 4 person houses	79
41%	3 bed 5 person houses 2 storey	93
0%	4 bed 6 person houses 2 storey	106

- 2.13 Affordable homes must be built in line with the same standards as the market units and to include lifetime homes standard, part 2 of Secured by Design and compliance with a specified registered providers requirements. One wheelchair accessible home is required and this will be discussed in full with the enabling team under reserved matters to establish the house type. The standards are:

2.14 Standards of Design

Affordable Homes to be built in line with the same standards as the market units (if higher) and include Lifetime Homes standard, Part 2 of Secured by Design, and compliance with the RP Design Brief as follows;

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

8% of the Affordable Homes provided to meet wheelchair accommodation standards. The wheelchair specification can be found here [Wheelchair specification](#)

- 2.15 Clustering and Distribution  
Affordable Homes to be distributed throughout the site in clusters of no more than 6 units.
- 2.16 Delivery Mechanism  
The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.
- 2.17 Delivery is preferred through the Council's list of Approved Registered Providers. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.
- 2.18 Affordable Homes to be built at the same time as the market housing on site in line with agreed triggers as per S.106 agreement. Where the development will proceed over more than one phase, the location, amount, type and tenure of the Affordable Housing in each phase will need to be set out in an Affordable Housing Masterplan and Schedule. The Affordable Housing Plan and Schedule to be approved prior to submission of the first residential Reserved Matters application.
- 2.19 Rent Levels and Affordability  
Social Rent homes to be let at Target Rent, as per the Direction on the Rent Standard 2014. Shared Ownership homes to be sold at no more than 40% of the market value, and the annual rent on the equity retained by the RP should be no more than 1.5%. Service charges will be capped at £650 per annum (April 2016 base and linked to RPI) to ensure that all housing costs are affordable to potential occupants. Capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.
- 2.20 Impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.
- 2.21 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 2.22 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

### 2.23 **Planning Balance**

The planning balance was discussed in the full Committee Report with the conclusion that taking all factors into account the positives of the proposed development outweighed any negatives and the resolution to grant permission was made at Committee. With respect to the changes to the provision of public open space, it has been confirmed that there would be no variation to the scope of the development, merely the provision would be on-site instead of being off-site. This is considered an overall betterment and on this basis the changes to the planning obligation as detailed above are recommended for approval.

## 2. **CONCLUSION**

- 2.1 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.
- 2.2 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.

## 3. **RECOMMENDATION**

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

### **a) Affordable housing:**

35% of dwellings to be delivered as affordable housing on site, as defined by the NPPF. For the proposed development of 29no. dwellings, this would equate to 10 dwellings for affordable housing

Tenure split of 73% social rent and 27% shared ownership. Based on a requirement of 10 affordable homes this will generate a tenure split of:

- 7 social rent
- 3 shared ownership

In all other respects the development shall comply with the requirements as set out in paragraphs 5.82 – 8.93 inclusive of this report.

The reason for this :

To accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 11<sup>th</sup> December 2013.

**b) Transport to school:**

A financial contribution of £26,964 towards the costs of providing home to school transport for secondary pupils

The reason for this:

To accord with Policy CS23 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

**c) Public open space:**

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Minimum 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	800.40	800.40	0	0	0
Natural and semi natural open space	1044.00	1044.00	0	0	0
Outdoor sports facilities	1,113.60	0	1,113.60	£55,881.12	£16,913.36
Provision for children and young people	174.00	0	174.00	£29,257.04	£30,764.00
Allotments	No allotments within the recommended access standards				

The reason for this:

To accord with Policy CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

- 3.2 That should the agreement not be completed within 6 months of the date of the Committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

**CONDITIONS**

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. The proposal shall be in accordance with the following plans:  
As received by the Council on 15.5.17:  
Site location plan

As received by the Council on 4.12.17:  
Illustrative masterplan Y81:1018.12 rev A  
Illustrative masterplan Y81:1018.11 rev A

Reason

For the avoidance of doubt.

6. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, shall not take place outside the hours of;  
Monday - Friday.....7.30 - 18.00  
Saturday.....8.00 - 13.00.  
No noisy activities on Sundays or Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 and PSP21 of the South Gloucestershire Policy Sites and Places

Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

7. Prior to the commencement of development details of the composite facade calculations regarding internal noise levels are to be submitted to the LPA for written approval and implemented in accordance with the approved details.

Reason

To protect the amenities of the occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policy PSP8 and PSP21 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework. A pre-commencement condition is needed in order to avoid the need for future remedial action

8. The reserved matters details referred to in condition 1 shall include full details of the drainage as detailed below and all works shall be implemented in accordance with the approved details.

No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

The following details are expected when discharging the above conditions:

- o Any departures from the surface water discharge hierarchy in relation to infiltration such as soakaways, need to be justified and supported by evidence, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365, in line with the requirements of Building Regulations and to ensure best practice and sustainable development.
- o If applicable, confirmation and acceptance from Wessex Water of the connection point (Manhole Number) and agreed discharge rate to their existing surface water sewer to be provided.
- o A clearly labelled drainage layout plan showing the pipe networks and any attenuation / storage tanks or oversized pipe systems.
- o Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- o Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- o Where infiltration forms part of the proposed Surface Water Network such as Soakaways, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365 and in line with the requirements of Building Regulations.
- o The drainage layout plan should also show exceedance / overland flood flow routes, and where applicable if flooding occurs the likely depths of any flooding.
- o The plan should also show any pipe node numbers referred to within the drainage calculations.
- o A manhole / inspection chamber schedule to include cover and invert levels.



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

Reason:

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012

9. At reserved matters stage a phased tree protection plan and details of the 'no-dig' construction method shall be submitted to the LPA for full consideration.

Reason

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

10. Prior to the commencement of demolition, a Bat Method Statement must be submitted to the council for approval in writing and implemented in accordance with the approved details. This can be in the form of a Natural England bat mitigation licence application (based on section 6.3 Ecological Impact Assessment (ADAS, January 2017

Reason

This is a prior to commencement of the demolition condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner 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 commencement of demolition, the bat box recommended in Section 6.3 of the Ecological Impact Assessment (ADAS, January 2017) must be installed and its location must be submitted to the council for approval in writing and located in accordance with the approved details.

Reason

This is a prior to commencement of the demolition condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

12. Prior to commencement of development, a bat friendly lighting scheme must be submitted to the council for approval in writing (based on Section 6.3 of the Ecological Impact Assessment (ADAS, January 2017) and implemented in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

13. Prior to commencement of development, the location and type of five bat roost bricks/tiles or four bats boxes, and four bird boxes (as set out in Section 7 of the Ecological Impact Assessment (ADAS, January 2017)) should be submitted to the local planning authority for approval in writing and implemented in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

14. The development should proceed in accordance with the recommendations made in the in Section 6.3 and 7 of the Ecological Impact Assessment (ADAS, January 2017). This includes the retention and enhancement through native planting of the existing hedgerow, retention of trees, inspection and soft felling of ash trees (if necessary), avoidance of harm to reptiles and European hedgehog and timing of works regarding breeding bird season

Reason

To ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

15. Contaminated Land

A. Prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks potential sources of contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

B. Prior to occupation, where works have been required to mitigate contaminants (under section A) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

C. If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

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. A pre-commencement condition is needed in order to avoid the need for future remedial action.

- 16. The reserved matters details referred to in condition 1 shall include full details for a unique site specific integrated public art scheme including but not limited to detailed designs, timescales and triggers. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note.

Reason:

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

- 17. Prior to the commencement of development full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); retained historic landscape features and proposals for restoration where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. A pre-commencement condition is needed in order to avoid the need for future remedial action.

18. Application for the approval of the reserved matters shall be in accordance with the indicative parameters described in the design and access statement (Resolved Developments ADAS) dated January 2017 and the design and access addendum (PRA Architects) dated October 2017.

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.

19. Visibility splays of 2.4 x 52m in each direction must be provided prior to first use of the proposed access onto Stowell Hill Road, with no obstruction greater than 0.9m high within the prescribed visibility splays.

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.

20. No development shall take place until construction details of the proposed access have been submitted to and approved by the Council, with the development proceeding in accordance with the approved details

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 a pre-commencement condition to avoid any remedial action in future.