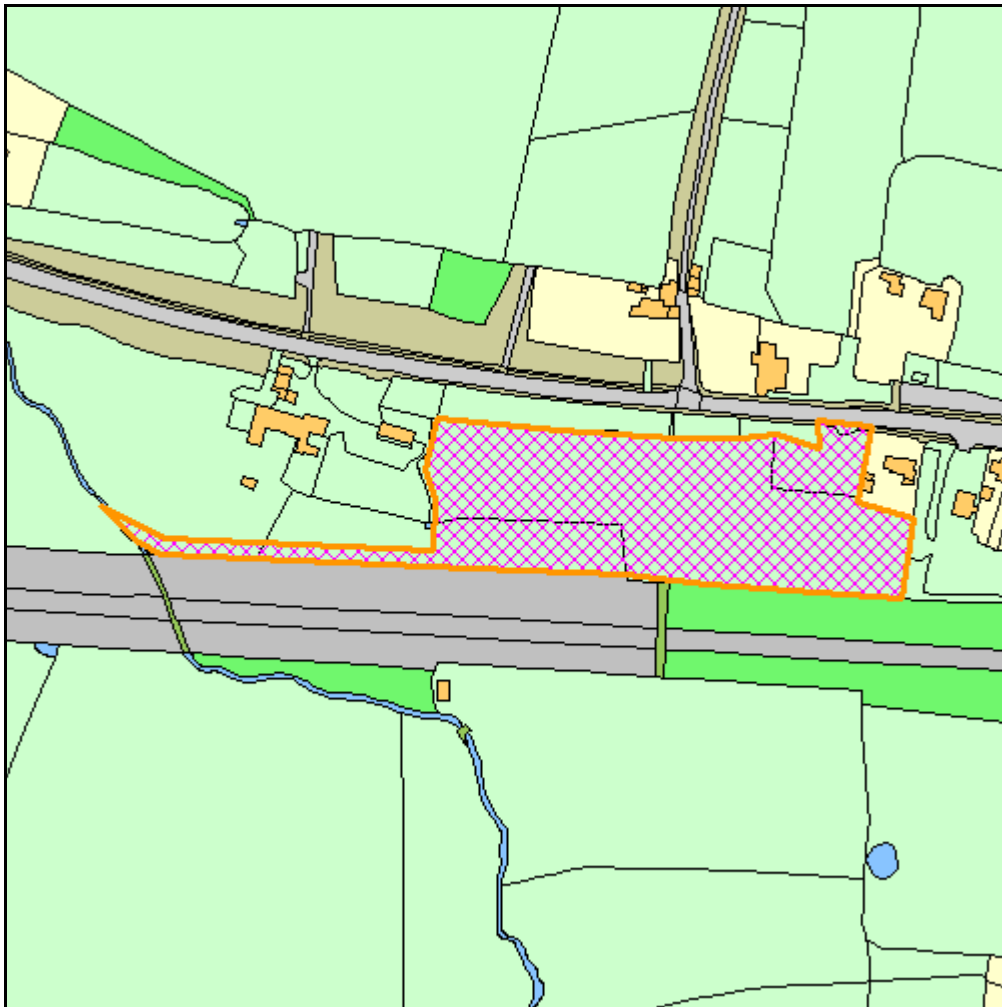


**CIRCULATED SCHEDULE NO. 03/22 - 21st January 2022**

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

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**N.T.S.**

**P21/03344/F**

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

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

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

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

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

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

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

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

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

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

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

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

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

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

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

### **2.2 Development Plans**

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

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

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

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

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

## 2.3 Supplementary Planning Guidance

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

## 3. **RELEVANT PLANNING HISTORY**

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

## 4. **CONSULTATION RESPONSES**

### 4.1 **Sodbury Parish Council**

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

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

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

Overdevelopment of site - there are numerous problems with the current proposal for 35 dwellings including (but not limited to) insufficient parking and overflow parking, infringement of the privacy of existing local residents and visual impact not in keeping with the character of the village.  
 This is too large a development for the village and will lead to a complete change of dynamics and character.

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

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

## 4.2 **Other Consultations**

### **Environment Agency**

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

### **Lead Local Flood Authority**

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

### **Environmental Protection**

#### **Contamination**

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

#### **Noise**

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

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

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

### **Arts Development Officer**

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

### **Tree Officer**

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

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

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

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

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

Reason:

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

### **Environmental Policy Team**

Initial Comments (summary – details on website)

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

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

### **Listed Building Officer**

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

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

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

### **Landscape Officer**

Initial comments (summary)

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

The proposed green infrastructure and landscape frameworks being insufficiently robust;

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

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

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

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

Tree/hedgerow protection plan to BS5837: 2012.

Detailed planting plans specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting (to be implemented in the first season following completion of construction works).

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

Details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required, together with supporting schedule of proposed manufacturer hard landscape materials and site furniture products.

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

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

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

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

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

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

## **Ecologist**

### Initial Comments (summary)

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

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

## **Community Infrastructure (summary)**

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

£651.02 Contribution towards Library enhancement

£682.00 Contribution towards additional library stock

## **Archaeologist**

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

## **Public Open Space Officer**

### Initial Comments (summary)

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



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

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

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

### **Children and Young People**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Sustainability**

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

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

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

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

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

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

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

### Parking

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

### Refuse and Recycling

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

### Highway Safety

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

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

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

### Traffic Generation

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

## 4.3 **Other Representations**

### **Local Residents**

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

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

The grounds of support can be summarised as follows:

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

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

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

## 5.2 **Housing Supply**

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

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

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

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

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

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

Footnote 8 to para 11 states that policies are out of date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

The Council published its housing land supply figure in December 2021 as **6.14 years**. This compares with 5.52 years in March 2021.

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

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

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

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

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

### 5.3 **Location**

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

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

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

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

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

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

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

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

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

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

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

Policy CS8 of the Core Strategy also states that:

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

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

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

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

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

## Walking/Cycling

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

## Public Transport

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

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

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

### Service 620

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

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

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

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

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



## Service 41

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

Neither of these services operate on Sundays.

### Retail Facilities

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

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

### Community Facilities

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

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

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

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

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

### Health Facilities

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

## Education Facilities

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

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

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

## Employment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5.9 **Environmental Protection**

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

### *Contamination*

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

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

### *Noise*

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

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

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

## 5.10 **Public Rights of Way**

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

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

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

## 5.11 **Heritage**

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

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

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

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

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

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

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

## 5.12 **Urban Design**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 5.13 **Archaeology**

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

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

#### 5.14 **Landscaping**

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



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

### *The Site and Landscape Context*

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

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

### *Landscape Impact and Proposed Landscaping*

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

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

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

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

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

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

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

### *Summary*

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

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

Tree/hedgerow protection plan to BS5837: 2012.

Detailed planting plans specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting (to be implemented in the first season following completion of construction works).

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

Details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required, together with supporting schedule of proposed manufacturer hard landscape materials and site furniture products.

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

#### 5.15 **Ecology**

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

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

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

Turning to individual fauna identified in the submitted appraisal:

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

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

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

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

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

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

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

#### 5.16 **Transportation**

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

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

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

Following the NPPF, PSP11 (1) states:

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

PSP16 sets out the expected parking provision for residential development.

#### Access

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

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

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

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

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

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

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

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

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

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

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

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

#### Parking

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

Refuse and Recycling Collections – This is considered acceptable.

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

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

In accordance with the NPPF Policy PSP6 states that:

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

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

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

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

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

Conditions would be required to:

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

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

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

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

## 5.18 **PLANNING OBLIGATIONS**

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

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

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

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

Necessary to make the development acceptable in planning terms;

Directly related to the development; and

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

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

## 5.19 **Affordable Housing**

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

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



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

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

### **Social Rent**

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

### **Shared Ownership**

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

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

### **Clustering**

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

### **Design**

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

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

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

### **Wheelchair Provision**

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

### **Delivery and Phasing**

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

### **Rent Levels and Affordability**

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

Service charges will be capped at £650 per annum (base date to be date of resolution and linked to CPI) to ensure that all housing costs are affordable to future occupants.

Capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, with subsidy levels to increase by any capital appreciation.

### **Summary**

If the proposal were deemed acceptable Affordable Housing would be sought in line with National Planning Policy Guidance: Planning Obligations and other requirements under Policy CS18 of the Council's adopted Core Strategy Development Plan Document. This application generates an Affordable Housing requirement of 12 homes consisting: of

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

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

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

These terms have been agreed with the applicant.

## 5.20 **Education**

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

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

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

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

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

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

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

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

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

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

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

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

## 5.21 **Community Infrastructure**

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

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

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

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

$$82.2 \times £7.92$$

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

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

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

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

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

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

## 5.22 Open Space/Green Infrastructure

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

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

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

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

The applicant has indicated that:

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

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

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

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

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

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

## 5.23 **Consideration of likely impact on Equalities**

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

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

## 5.24 **Planning Balance**

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

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

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

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

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

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

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

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

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

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



## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

## **REASONS FOR REFUSAL**

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

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

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

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