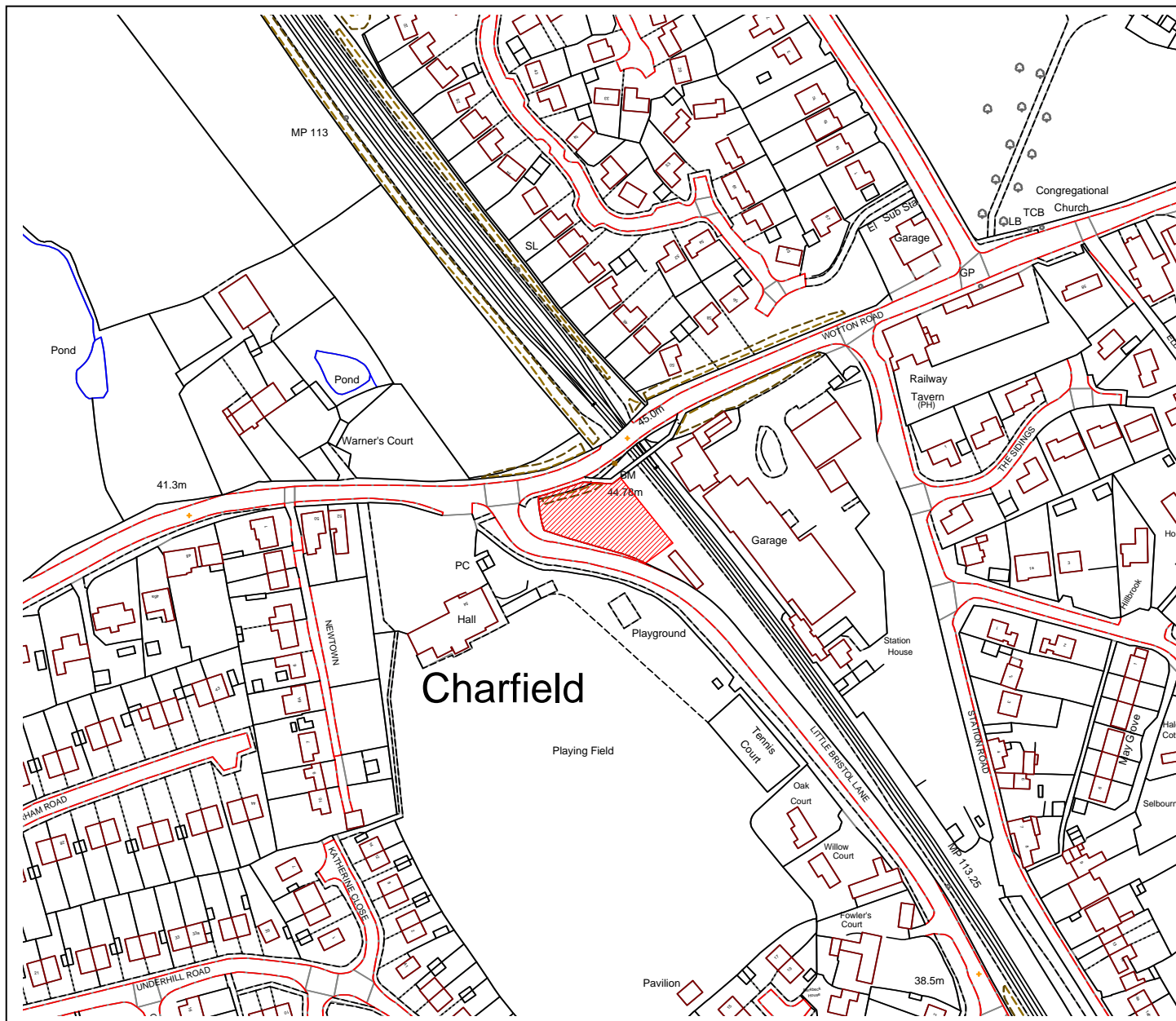


# DEVELOPMENT CONTROL (WEST) COMMITTEE – 8 NOVEMBER 2007

**App No.:** PT07/1462/F  
**Site:** Junction at Wotton Road and Little Bristol Lane Charfield South Gloucestershire GL12 8LN  
**Proposal:** Erection of 14 no. flats with car parking, access, landscaping and associated works.  
**Map Ref:** 72347 92265

**Applicant:** Markey Builders  
**Date Reg:** 10th May 2007  
**Parish:** Charfield Parish Council  
**Ward:** Charfield



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**N.T.S**

**PT07/1462/F**

## **INTRODUCTION**

Members will recall that this application was referred to the Sites Inspection (West) Sub Committee on 26<sup>th</sup> October 2007 by Councillor S O' Neil, so that the issues of highway safety, design, the noise impact and health and safety due to the proximity of the railway line could be considered.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of 14 residential units on land at the corner of Wotton Road, Little Bristol Lane Charfield. Access to the site will be off Little Bristol Lane. The 14 units proposed units will take the form of a stepped three to two storey "U shaped" block of flats with the three storey element being on the Wotton Road, with the two storey element being along Little Bristol Lane. The 14 units will comprise of 3 x 1 bed and 11 x 2 bed units.
- 1.2 The site is effectively triangular in shape and fairly level. But is below the level of Wotton Road. To the East of the site is a working railway line. East of the site across Little Bristol Lane is Charfield Village Hall and associated playing fields. The site is presently undeveloped and covered by low-level vegetation.
- 1.3 The site falls within the development boundary for Charfield and covers approximately 0.11 hectares. This proposal would equate to a density of 127 dwellings per hectare.
- 1.4 This application is the resubmission of PT06/2571/F which was withdrawn by the applicant on the 3<sup>rd</sup> November 2006. This revised scheme has been submitted following numerous discussions between the applicant and the Council. A point has now been reached whereby the concerns regarding highway safety and noise have been addressed.
- 1.5 The applicant in support of the application has submitted a Design and Access statement which point out the following:
  1. The development will provide local housing
  2. The whole development will be for affordable housing
  3. The development will provide a high quality living environment
  4. The development is in a sustainable location the heart of village served by a number of local shops and services
  5. 17 off-street parking spaces will be provided
  6. The development is on a Brownfield, un-used site
  7. The site will provide a 2m wide pedestrian footpath around the site
  8. The development will improve the overall appearance of the site
  9. The development is contemporary for Charfield but does draw on the local features
  10. The development will produce a landmark building
  11. The development will produce an interesting building
  12. The development is in scale with it location given the context of the surrounding buildings, and the topography of the site.
  13. The development can successfully address the issue of noise from the Railway to the East of the site.

## 2. POLICY CONTEXT

### 2.1 National Guidance

PPS1	Delivering Sustainable Communities
PPS3	Housing
PPG13	Transport
PPG24	Planning and Noise
PPG14	Unstable Land

### 2.2 Joint Replacement Structure Plan

Policy 34	Re-use of previously developed land (support for infill)
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### 2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H2	Residential development
T12	Transportation Development Control Policy for New Development
EP4	Noise Sensitive Development
T8	Parking Standards
L1	Landscape protection and enhancement
H6	Affordable Housing
LC8	Open space in connection with new development
LC2	Education provision (Developer contributions)

### Supplementary Planning Document

South Gloucestershire Urban Design Checklist (adopted 2007)

## 3. RELEVANT PLANNING HISTORY

3.1	N414	Erection of Scout headquarters	Approval 12 <sup>th</sup> September 1974
	P97/2780	Erection of 2 retail units	Refusal 9 <sup>th</sup> April 1998 and allowed at Appeal 13 <sup>th</sup> August 1998.

At the appeal the inspector concluded that the additional movements in terms of right hand turns both into and out of Little Bristol Lane, would not amount to anything else than momentary hold ups on Wotton road and would not significantly impact upon highway safety in the area.

Also the inspector did not consider the junction between Little Bristol Lane and the Wotton Road inherently dangerous, despite the reduced visibility that exists there.

P98/2294	Erection of 2 retail units	Approval 7 <sup>th</sup> January 1999
PT06/2571/F	Erection of 14 flats	Withdrawn

## 4. CONSULTATION RESPONSES

### 4.1 Charfield Parish Council:

Object to the proposal on the following grounds:

- Density too high
- Lack of off street parking

- c) The design of the proposal is inappropriate, and not suitable for a village scene
- d) Lack of amenity space for residents
- e) Lack of local facilities such as Doctors and Dentist, and little employment in the village
- f) Noise levels within th site would be unacceptable for residents due to the nearby road and railway line
- g) The ground is unstable as it was made up when the railway was constructed
- h) The local schools are full to capacity

#### 4.2 Environmental services

The acoustic report submitted as part of the above application, the noise data illustrates the majority of the development falls within Noise Exposure Category 'B' as defined in PPG24. Façade Z falls in NEC 'C' – planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise. The aim is to achieve noise levels that will place the proposal in at least NEC 'A'. However, the type of noise mitigation measures proposed are of the optimum to try and reduce internal levels, i.e. acoustic glazing of 10/200/6 ratio. The mitigation measures in the report should be adhered to. Therefore on balance the scheme is acceptable.

#### 4.3 Local Residents

There have been 19 letters of objection received, raising the following issues in relation to the application:

- Highway safety issue due to close proximity to the junction
- Noise hazard from the railway
- Creation of an unacceptable living environment
- Inadequate level of off-street parking provision
- The design of the building is inappropriate in the context of the village of Charfield.
- Highway concerns over increase in number of cars using the village roads
- Charfield school is presently oversubscribed
- Density of the housing is too high
- Lack of public transport in Charfield
- Lack of service infrastructure water / electricity in Charfield
- Lack of off street parking
- In adequate space for service vehicles
- Problems with overspill parking
- Lack of dentist and doctors practices within Charfield
- Site is suited to commercial development given close proximity to the railway and access concerns
- Concerns over th impact the development would have on Charfield Station which is believed to be Listed
- Concerns over lack of safe crossing places on Little Bristol lane.

#### Transportation:

The Council's transportation section raise no objection to the proposal, as the current scheme overcome the objection raised to the previous scheme in terms of achieving an acceptable level of indivisibility for vehicle when using the Little Bristol Lane, Wotton Road Junction. There are also sufficient levels of off street parking provision in terms of car and cycle spaces. The development has also provided refuse storage in area which would not require the large pick up vehicle to enter the site.

Wessex Water

No adverse comments

## 5. **ANALYSIS OF PROPOSAL**

### 5.3 Principle of Development

The application proposes the erection of residential development within an established rural settlement as defined on the proposal map of the Local Plan. The proposal would therefore accord with policy H2 of the South Gloucestershire Local Plan subject to there being no unacceptable environmental or transportation effects, no prejudicing of residential amenity, and an appropriate density.

### 5.2 Design and impact upon the Character of the area

It is considered that for the most part the applicant has followed established design principles for developing a site such as this. The scheme proposes the main street frontage facing Little Bristol Lane which creates separation between the public realm and private realm (car parking at rear). Access to the parking area at the rear of the site is via a small under croft to the south end of the site. The proposed under-croft will be 2.5 metres high, and 7.2 metres wide, and will be some 10.6 metres in from the southern end of the building. There will be a clear division between public and private space in the proposed design. The stepping down of the levels of height of buildings has been achieved successfully. This creates a sense of flow from the busier, denser, higher development along the Wotton Road to the rural lower buildings along Little Bristol Lane. There are a number of taller buildings along this area of Wotton Road. The building in terms of its detailing is also considered acceptable. The materials proposed are considered acceptable and would blend in with other buildings presently in the nearby vicinity.

The immediate area around the site is a mixture of mixture of low level community buildings, open playing fields and modern industrial buildings, thus there is no one particular style to follow in this area. Thus the contemporary design proposed by the applicant is considered appropriate. This development makes a positive statement on the prominent corner. The design as previously stated use materials that are present in Charfield as well as transferring features such as window sizes to the new development.

A landscaping scheme has been submitted, which indicates, that much of the important landscaping to the rear of the site will be retained, where possible. Concern has however been expressed by the Council's landscape officer over the effect the development will have on some of the more mature trees. The trees in question lie outside the development site, on land upon which the developer has no control. However, the Council's tree officer has confirmed that they are not worthy in themselves of any special protection given that they are in fairly poor condition.

The landscaping proposed is considered acceptable given the constraints of the site. It is also considered that the proposed boundary treatments are acceptable and the materials suggested for these will contribute greatly to the overall appearance of the development site. A condition is however suggested requiring details and samples of the parking and turning areas finishes to be submitted to the Council, as well details of the colour of all the boundary treatments.

Consequently given the above the proposed scheme in terms of design, layout and appearance of both of the building and associated space is acceptable and is in line local policy for development of this type in this location.

### Density

In terms of the density of development proposed it is considered to conform with the guidance outlined in PPS3, which seeks to promote development which make the most efficient use of land. As this is a site in the heart of a village with nearby services, a reasonably high density could be accommodated. In this instance the density equates to 127 dwellings per hectare which although high has nevertheless been accommodated in an appropriate design, also there are a number of services in close proximity to the site which will serve this development. A shop/ petrol station is 150 metres away, a public house is 140 metres from the site, a park and community centre is directly opposite the site, whilst the local school is 350m from the site, a post office is 600metres from the sit. Thus the proposal is well served by local facilities. The density in itself would not be a reason to refuse the scheme unless it invariably led to an unacceptable design or other environmental impact.

### 5.3 Residential Amenity

It is considered that given the distance that exists between the proposed development and the nearest existing residential property (65 metres, with a railway bridge, road and small embankment intervening) There will not be a unreasonable impact upon the living conditions of the surrounding properties. It is considered that the proposed units would provide a reasonable level of amenity for future occupiers in terms of privacy and access to Public Open Space. It is accepted that the development provides limited amounts of on site amenity space. But there is a large well equipped Public open space opposite the site where children's play equipment, and sports pitches are available for use.

### 5.4 Transportation

It is considered that this revised proposal demonstrates that suitable inter visibility can be achieved between right turning vehicles off of the Wotton Road and vehicles exiting the proposed development. This has overcome previous concerns in relation to this aspect of the development raised by Officers.

The applicant has provided one off-street parking space per flat, plus an additional 2 visitor parking spaces. The applicant has also provided secure undercover cycle storage. The development complies with the councils parking and cycling standards.

Refuse storage is provided on site in an undercroft area such that refuse vehicles would not have to enter the site.

However a contribution of £6000 is required towards the upgrading of the Bus-stops (both north and south bound) near the Railway Tavern on the Wotton Road to mitigate against the increased use of local bus services. This will be secured via a Section 106 Contribution.

In terms of Surrounding Footpaths, the existing footpath on Wotton road will not be reduced in size. The footpath will remain at 2 metres wide.

In light of the above there is no transportation objection can be sustained to the proposal.

#### 5.8 Noise

Given the close proximity of the site to the Railway line and the busy Wotton Road, this site is affected by major noise generators from two sides. Both Local ( Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006) and National guidance indicates that consent should not be granted for developments that would suffer from an unacceptable degree of noise. PPG24 sets out advice in terms of Noise Exposure Categories (NEC). The noise survey submitted as part of this application indicates that once the appropriate noise mitigation measures are in place, noise levels experienced by people in the dwellings would fall mostly in Noise Exposure Category B with a small proportion in category C. PPG24 advises that residential development in Noise Exposure Category B is acceptable whereas development in Category C should not normally be given Planning permission.

In this instance, taking the whole site into account and subject to a condition regarding glazing, then the scheme is on balance acceptable.

#### Other issues raised

The points raised regarding local employment and health facilities are noted, but would not in themselves override Policy H2 that permits residential development in principle. There is no evidence to indicate that the land is unstable. PPG14 indicates further information should only be requested if the Local Planning Authority have good reason to suspect the land is unstable. Primarily, the stability of the land is a matter for the applicant to address.

#### 5.8 Council requirements

##### Education

The Council seeks to ensure that the provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals. In this instance notwithstanding the local objections the Education Section have confirmed that there is a surplus in both primary and secondary school places in the vicinity, and no planning obligation is required.

#### 5.7 Affordable housing

Due to the size of the site there is a requirement for an affordable housing contribution under policy H6 of the South Gloucestershire Local Plan. 33.33% of the proposed development should be for Affordable housing. This equates to 4 units. A tenure split of 75/25% in favour of rented accommodation is sought. The applicant has agreed to this and 3 units would be fore rent and 1 shared ownership.

## 5.8 Community Services

In terms of Public Open space using current data it is estimated that development of 14 units would generate an average population increase of 21 people. There would be an increased demand on existing public open space and a financial contribution towards enhancing existing public open space is considered necessary.

Guidelines from the National Playing Field Association recommend a minimum of 24m<sup>2</sup> of public open space per person and the adopted South Gloucestershire local plan Policy LC8 additionally requires provision for informal open space. 5m<sup>2</sup> per person is considered to be reasonable to improve the quality of the environment in this area. The total public open space required from this development equates to 573m<sup>2</sup>.

Therefore the developer is required to contribute £13,465.48 to enhance nearby public open space to offset increased demand on facilities. The developer must also make arrangements for the future maintenance of new and enhanced public open space. This equates to £12,038.75.

Thus the total public open space contribution equates to £25,504.23, which is based on the information currently available and index linked if this proposed development proceeds.

It is considered that the above requirements in terms of Community Services and Affordable Housing would comply with the tests of Circular 05/05 in terms of amounting to appropriate Planning obligations.

## 5.9 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

## 5.10 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/05 relate to the use of planning conditions and planning obligation under Section 106 of the Town & Country Planning Act (as amended). Circular 05/05 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance having regard to the above advice the following is required in the form of a Section 106 Agreement and would satisfy the tests set out in Circular 05/05. The Section 106 Agreement would be used to provide, transportation, Affordable housing and community facilities. Planning condition are also proposed to cover the areas not covered by the 106 Agreement.

## 6. CONCLUSION

6.1 In accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the Adopted South Gloucestershire Local Plan as set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

- a. A financial contribution of £6000 towards the upgrading of the bus stop on Wotton Road near the Railway Tavern in both a northerly and southerly direction. This is required as the development will require more people to use this mode of transport.

Reason

To promote modes of transport other than the car, to accord with Policy T12 Transportation Development Control Policy for New Development of the South Gloucestershire Local Plan (Adopted) January 2006.

- b. A financial contribution of £25,504.23 towards the upgrading and maintenance public open space in the vicinity of the site

Reason

To provide an acceptable level of public amenity space in accordance with Policy LC8 of the South Gloucestershire Local Plan (Adopted) January 2006

- c. The provision of 4 units to be used for subsidised affordable housing, 3 for rent, with 1 shared ownership unit.

Reason

In accordance with Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006 which seeks to provide a mix of house tenures.

- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the Agreement.

- 7.3 This Section 106 Agreement should be signed within 12 months of the date committee resolve to approve this scheme otherwise the proposal will be refused for the failure to sign the section 106 Agreement necessary to achieve the required level of contributions, or alternatively the application be referred back to the area Development Control Committee

### **Background Papers**      **PT07/1462/F**

**Contact Officer:**    **Gareth John**  
**Tel. No.**                **01454 863438**

## **CONDITIONS**

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

Reason(s):

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

2. No development shall take place until details and samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall take place until details and samples of the all external hard surface finishing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The residential units hereby approved shall not be occupied until a scheme for the management of the communal areas of the development (both internal and external) for the first 2 years of occupation has been submitted and agreed in writing by the Local Planning Authority. The scheme should include management responsibilities and maintenance schedules. The scheme for the management of communal areas shall be carried out as approved.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing. Development shall be carried out in accordance with the agreed details.

Reason(s):

To protect the character and appearance of the area to accord with Policies H2/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason(s):

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No development shall take place until details of the junction between the proposed access road and the highway have been submitted to and approved in writing by the Local Planning Authority. The dwelling(s)/building(s) shall not be occupied nor the use commenced until the junction has been constructed and is available for use in accordance with the approved plans. There shall be no obstructions to visibility exceeding 0.9 metres in height within the splayed areas.

Reason(s):

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The glazing in the proposed building shall in perpetuity comply with that specified in the Noise survey submitted with the application.

Reason(s):

To ensure a satisfactory standard of noise protection for the residential units to accord with policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. The development hereby approved shall be constructed to an EcoHomes standard of 'very good' unless agreed in writing by the Local Planning Authority. A formal assessment shall be undertaken by a licensed BREEAM assessor and a copy of the assessor report and BRE certificate shall be submitted to the Local Planning Authority prior to the first occupation of the building.

Reason(s):

To ensure the development minimises the use of energy and natural resources as required by PPS1 and its draft supplement Planning and Climate Change, PPS3, SGLP Policy D1, the South Gloucestershire Design Checklist, and the draft Regional Spatial Strategy for the South West of England Policy G.