

**TOWN & COUNTRY PLANNING ACT 1990**

**ERECTION OF 7No HOUSES ON LAND TO THE  
REAR OF 229 NORTH ROAD, YATE,  
GLOUCESTERSHIRE, BS37 7LG**

**PLANNING STATEMENT  
(Including Design Commentary)**

**Prepared by**

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Director  
LPC (Trull) Ltd**

**Our Reference: SWLC.LPC5357**

**March 2024**

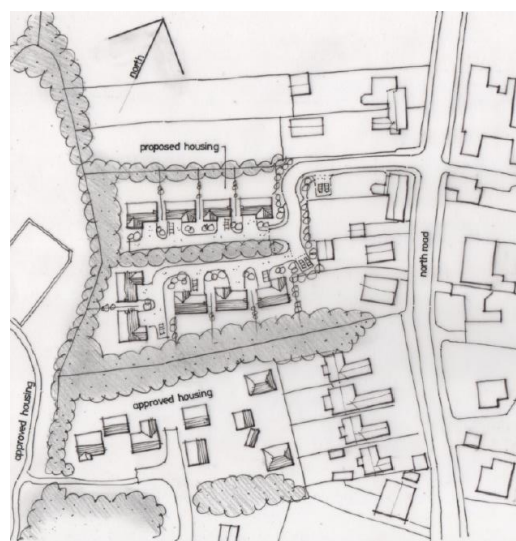
## 1.0 INTRODUCTION

1.1 LPC (Trull) Ltd have been instructed by Mr and Mrs Scott, the landowners, regarding land to the rear of No 229 North Road, Yate.



1.2 Their instructions are to present a full planning application for the erection of 7 No new houses.

1.3 As your records will show Planning in Principle (LPA Ref P23/00742/PIP) was recently granted for the erection of 9 No new dwellings, broadly regarding the same area of land, together with land to the rear of No 221. That application was of course assessed by reference to the acceptability of the site's 'location, land use and amount of development'. It was supported with an illustrative layout as inserted below.



- 1.4 It is therefore considered that the previous grant in principle is an extremely positive and material planning matter, underpinning the development of the major part of the site as a full planning application as enclosed, in lieu of the technical detailed stage. The smaller part of the original site, not constrained by the treed boundary and not in my client's control, could still be developed pursuant to the PiP too, as a separate application for the remaining dwellings, with access through the current site.
- 1.5 It is the purpose of this over-arching supporting statement to describe the location of the application site, setting out what is proposed by the planning application. In addition to the related design commentary, it will provide an over view of the planning policy context and an assessment of the key material planning considerations, demonstrating the proposal's detailed acceptability.
- 1.6 The planning application is supported by the documentation and plans listed below;
- Arboricultural report prepared by Hillside Trees Ltd
  - Flood Risk Assessment and Drainage Strategy prepared by SDS Consulting
  - Ecological Assessment prepared by LUS Ecology
  - Biodiversity Net Gain Assessment prepared by LU Ecology
  - LPC 5357 EX 101 Location Plan
  - LPC 5357 EX 102 Existing Site Plan
  - LPC 5357 PR 101 Proposed Site Plan
  - LPC 5357 PR 102 Swept Path Analysis
  - LPC 5357 PR 103 Semi-detached Units Plans and Elevations
  - LPC 5357 PR 107 plot 7 Plans and Elevations
- 1.7 The site boundaries relative to the illustrative PiP details have been contracted, excluding the garden land associated with No 221. The new application site area is approximately 0.298ha. This is consequently not a 'major' application and that has determined the scope of supporting information provided. There is no affordable housing requirement or open space provision etc.

## 2.0 PLANNING BACKGROUND

- 2.1 The PiP application referred to above was approved at the Council's Development Management Committee on 17<sup>th</sup> August 2023. There have been no material physical change in circumstances since then, and the enclosed full application will of course address all those technical details not part of the in principle assessment previously made. It is akin to a reserved matters application pursuant to an outline approval.
- 2.2 The location and land use are effectively unchanged by the full application. It does though reduce the quantum of housing. The approved density is not materially changed though as the land considered developable to the rear of No 221 is less than originally assessed in principle. The application enclosed allows for potential future access to the land to the rear of No 221, but the submission is focused on the northern parts of the site, which are less constrained.
- 2.3 Notwithstanding, the narrow reference for the PiP application, the consultations carried out in its assessment have helped to guide the enclosed full application.

**Transportation** required a shared surface road 6m wide with 0.5m either side of the access to enable the construction of the kerbed road edge and provide sufficient clearance between the existing dwelling and the road. It needs to be demonstrated with a swept path analysis that the Council's standard 11.3m long 3 axle waste collection vehicle can access and turn within the site to demonstrate sufficiency of the layout. The tracking should also show that the waste vehicle can pass a large car at inter-visible points along the access. A Copenhagen style crossover should be provided at the junction with North Road. To highlight the shared surface nature of the access road around 50% or more of it should be surfaced with block paving. Car and cycle parking will be required in accordance with the Council's Policy standard 2m x 20m visibility splays will be needed for the relocated parking for the existing d Tree Officer

**The Tree Officer** was mindful that there are several protected trees within and/or bordering the site which will require careful consideration when

determining the layout, especially the proximity of the dwellings to the trees to prevent future problems resulting in the loss of such trees. There is also a requirement for protection of the trees during and post construction. An AIA, incorporating a tree constraints plan, tree protection plan and arboricultural method statement, all prepared in accordance with BS 5837:2012 is required to ensure that sufficient consideration and protection has been provided.

**Drainage** required methods of both foul and surface water drainage to be clarified.

### 3.0 THE PROPOSAL

3.1 As the plan extract inserted below shows it is intended to erect 7 No new dwellings on the part of the original PiP site in question. There are three pairs of semi-detached units and one detached property. The site area amounts to 0.298ha, and includes the required access from North Road, using land to the north of No 229.



3.2 No 229 currently park off the road, either to the front of the house, on the hardstanding where the new access is, or in depth on that alignment. To all intents and purposes this will be unchanged and although not constituting development, for which planning permission is required, as part of the enclosed application, the provision of a new parking area in the rear garden to No 229 has been annotated on the submitted layout plan. As this area falls

within 'blue land', if considered necessary its provision could of course be conditionally controlled.

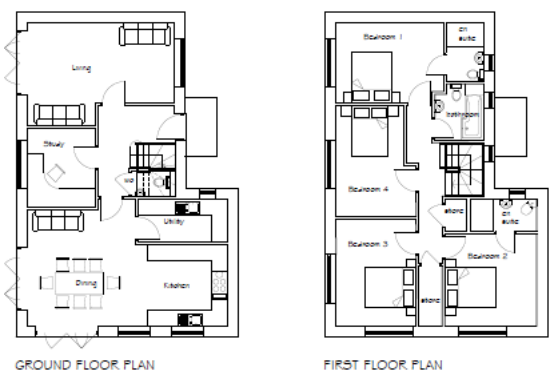
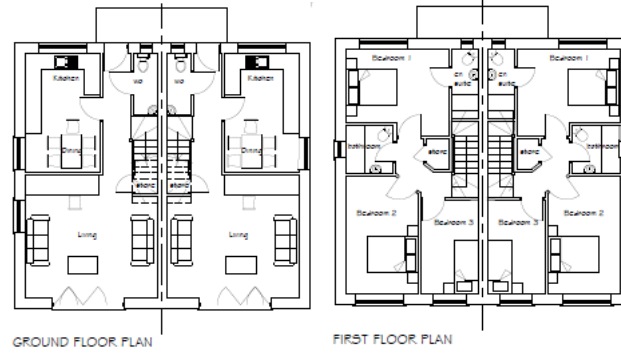
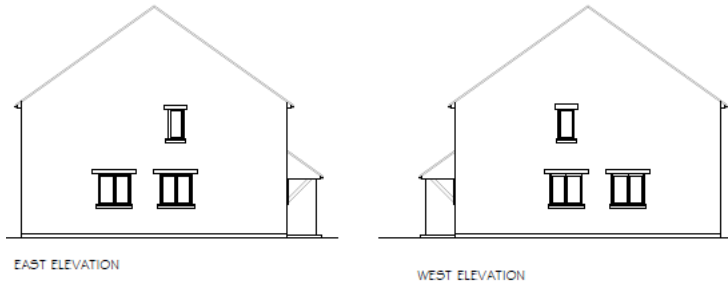
3.3 Moving into the site a single shared road is provided running parallel with the northern boundary, retaining (and enhancing) the existing hedgerow planting. The roadway has a turning head positioned midway along, which will ensure refuse lorries can access in depth, and access and egress the site in a forward gear. It also provides the opportunity going forward to be extended to serve the rest of the potential developable land within the original PiP site to the rear of No 221. Bin collection points are identified along the new access road.

3.4 A linear pattern of new housing is proposed along the southern side of the new road, comprising 6 semi-detached units and 1 larger detached house at the end of the ribbon. The new houses will be constructed from reconstructed stone with buff brick detailing below a slate roof, as illustrated to the right, and reflecting both the design, scale and form, as well as constructional finish of the housing generally approved previously in and around the North Road area.



3.5 The house type details are shown by the extracts inserted below and comprise typical two storey housing in keeping with the wide mix of house types and styles in the local area. The semi-detached units are three bed roomed dwellings and have a GIA of 90.4m<sup>2</sup>, whereas the one detached dwelling on plot 7 is 144.7m<sup>2</sup> and is a four bed roomed dwelling. This dwelling has a detached double garage too.





3.6 As indicated, the amount of development has changed, by comparison with the PiP application, however, it should be stressed that with regard to the comparable densities approved contextually the Development Management

Committee was previously advised that the Redrow site has a density of 17.91 dwellings per hectare (dph) and the Cotswold Homes site is 17.5 dph. North Road was also said to be 20 dph generally. The application development is slightly higher at 23.5 dph. That of course would be reduced overall by the addition of land to the rear of No 221, but in any event is not high. The most recently approved new development is the Newlands Homes site, for 84 new houses. That was not referenced at the committee meeting when considering the PiP application, but for completeness its density, pursuant to application P21/04070/RM, is 25.6 dph, thus reinforcing the fact that the application development is acceptable.

- 3.7 The site layout shown earlier demonstrates that each plot has a usable private rear garden, well in excess of your Council's minimum garden space standards. There is ample space to accommodate off street parking serving each dwelling, together with secured bike storage, EV charging points and accessible refuse and recycling storage space/facilities.

#### **4.0 PLANNING ASSESSMENT**

- 4.1 The National Planning Policy Framework (NPPF) highlights that planning law (Section 70[2] to the Town and Country Planning Act 1990 and Section 38[6] to the Planning and Compulsory Purchase Act 2004) requires that all planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2 The Development Plan for South Gloucestershire consists of the South Gloucestershire Local Plan: Core Strategy and the Policies, Sites and Places DPD. The Core Strategy was adopted in December 2013 and sets out the Council's approach to how growth will be managed over the period up to 2027 through a locally driven growth strategy. The Policies, Sites and Places DPD (the PSP) adopted in November 2017 and contains detailed planning policies to manage new development, allocate and safeguard sites for various types of development.
- 4.3 The following policies are believed to be most applicable to the application enclosed.



South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS15 Distribution of Housing

CS16 Housing Density

CS30 Yate and Chipping Sodbury

CS31 North Yate New Neighbourhood

CS34 Rural Areas

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted)

PSP1 Local Distinctiveness

PSP2 Landscape

PSP3 Trees

PSP8 Residential Amenity

PSP16 Parking Standards

PSP19 Wider Biodiversity

PSP20 Drainage

PSP21 Environmental Issues

PSP40 Residential Development in the Countryside

PSP43 Private Amenity Standards

4.4 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (Adopted)

The South Gloucestershire Waste SPD (Adopted)

The South Gloucestershire Residential Parking Standards SPD (Adopted)

The South Gloucestershire Biodiversity Action Plan (Adopted)

## 5.0 ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

5.1.1 The proposed development is acceptable in principle as Planning in Principle on this site has been granted under application P23/00742/PiP. The current application is, as explained, a new and full application, but the established principle is unchanged and, in that regard, I have reproduced (below in italics) in full the in principle analysis made in the committee report that supported the PiP. The planning balance remains the same and there have been no material or physical change in circumstances that indicate the principle of the new houses should be resisted. It is indeed still established at paragraph 60 to the NPPF that the government wishes to significantly boost the supply of housing. Paragraph 70 also recognises that small and medium sites play an important part in delivering housing as they are often built out more quickly than larger housing sites.

#### *Principle of Development*

*5.1 The application is to consider the location, land use, and amount of development but must be determined in accordance with the relevant policies listed above unless there are material considerations such as those in the NPPF which indicate otherwise. This application is for the erection of a minimum and maximum of 9 dwellings on a site outside any defined settlement boundary, within the Open Countryside.*

*5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The findings of recent Public Inquiry decisions at Land to the West of Park Farm, Thornbury (ref. PT18/6450/O) and Land South of Badminton Road, Old Sodbury (ref. P21/03344/F) are deemed material considerations of considerable weight.*

*5.3 In considering the appeal decisions, both Inspectors concluded that the Council did not have a 5yr housing land supply (HLS) at the time of each Inquiry. However, following receipt of both decisions the Council's 5 year housing land supply has been reviewed and published in the 2022 Annual Monitoring Report (AMR), which was deferred from December 2022 to take account of these appeal decisions and issued in March 2023.*

*5.4 As confirmed in the 2022 AMR the Council can currently demonstrate a 5-year housing land supply against its local housing need (LHN), and therefore the presumption in favour of sustainable development (Paragraph 11d of the NPPF) does not apply in that respect.*

*5.5 Both Inspectors also concluded that the settlement policies of CS5 (Location of Development) and CS34 (Rural Areas) are out of date. As such,*

*applications for new residential dwellings must be considered under Paragraph 11d of the NPPF.*

*5.6 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. For decision making this means:*

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

*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; 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.*

*5.7 As noted above, the Council does not currently have an up-to-date development plan, therefore Paragraph 11c is not applicable where the Development Plan's locational policies are applied.*

*5.8 The application must therefore be considered under Paragraph 11d of the NPPF. The NPPF clarifies that such policies that protect areas or assets of particular importance are limited to: Sites of Specific Scientific Interest; land designated as Green Belt; Local Green Spaces; Areas of Outstanding Natural Beauty; National Parks; designated heritage assets; and areas at risk of flooding or coastal change.*

*5.9 The policies that protect areas or assets of particular importance do not provide any clear reasons for refusing this application. As such, the presumption in favour of sustainable development remains and the tilted balance is applied.*

5.1.2 In short, the Council's settlement boundaries are out of date and so whilst the development plan is the starting point for any decision making exercise, the fact the policies are out of date means that they can only be afforded limited weight. To expand, whilst the site is outside the settlement boundary, this would not now mean that it automatically follows that the development is unacceptable in principle, as already established.

5.1.3 The site falls just outside the designated settlement boundary, and is technically in the open countryside, however it is not in a remote or isolated location. To suggest otherwise would of course be wrong, as High Court decisions including Braintree and others have given the term 'isolated' its literal meaning to be far away from anywhere, which of course is not the case

here. It is established that settlement boundaries are not the only determinative factor as to whether a site can be considered to be in a village. Moreover, the site sits adjacent to the existing settlement boundary which follows the gardens of the properties on North Road. New housing development is approved immediately to the south and west. Accordingly, and notwithstanding the fact that locational policies are out of date, whilst the site is just outside current identified boundaries, it cannot be considered to be in a remote or isolated location.

5.1.4 In terms of location, the site would be within walking distance of the main road to Yate which is served by public transport and benefits from footpaths and street lighting and the services associated with the surrounding area. There was no locational objection in terms of transport either.

5.1.5 The grant of Planning in Principle holds firm in support of the principle of development on the revised site and the full submission arising from the change to the site area and quantum.

## 5.2 Local building styles

5.2.1 The analysis of the surrounding area reveals varied architectural styles with the prevalent local detail, materials and features captured in the immediate locality of the access to the application site shown by the google earth street scene views inserted below.



5.2.2 The typical primary facing material is stone and brick along with cream render and stonework to older buildings. Houses are typically semi-detached and detached, and two storeys. Window styles are varied but the predominant types are casement and sash windows; and include bay windows to the ground floor on front elevations on some dwellings including hipped roofs. Roof styles are varied with eaves fronted the most common type with occasional examples of hipped roofs and gables limited to front elevation projections. Roofs are typically covered using double roman roof tiles along with some plain slates. Porch canopies are widely used in the locality with pitched, flat and canopies spanning between bay windows.

5.2.3 The photographic survey inserted below and prepared in support of the Newlands Homes site referred to at paragraph 3.6 earlier, underpins the above summary.



5.2.4 The application houses have been designed to look traditional in style with simple details introduced which reference the character of the wider area to

ensure the local vernacular evolves instead of creating a pastiche design. By reflecting the form, fenestration and material detailing of houses locally the application development will be sensitively assimilated contextually. The dwellings will be light airy internally with generous internal space suited to modern living.

5.2.5 Policy CS1 requires, inter alia, that the massing, detailing colour and materials used in new development should have appropriate regard for the amenity of the site and its context. In the absence of any defining built fabric on site the proposal demonstrates a sympathetic approach to the surrounding area, drawing upon the evident traditional residential design details and appearance contextually.

### 5.3 Scale and Layout

5.3.1 The scale and layout of the development is considered to be acceptable and reflects the illustrative detailing originally prepared which sought to retain the dense planting between the two landowners. The single road into the site though simplifies the layout creating a small cul-de-sac.

5.3.2 Policy CS1 (High Quality Design) requires, inter alia, that "density and overall layout is well integrated with existing adjacent development and connected to the wider network of foot, cycle and public transport links." As shown, the layout makes appropriate reference to properties on North Road and integrates with North Road.

5.3.3 The application has adopted a consistent two storey built form, entirely echoing the nearest neighbours. The orientation of the semi-detached properties closer to the North Road frontage positions the private garden spaces to the rear and up against the dense existing garden boundary. The houses are set at 90 degrees to the North Road frontage properties to help limit the impact on neighbours. The retained and strengthened planted boundaries will help further to assimilate the new houses.

### 5.4 Residential Amenity

5.4.1 There are two elements to be considered here – the impact on existing neighbours and the impact afforded to future residents.

### *Impact on Existing Neighbours*

- 5.4.2 There are four properties that are effectively bounded by the application development that currently front North Road to the north and south of the new entrance. With respect to those dwellings on North Road, due to the separation distances, the impact on all of these dwellings has been carefully considered and will not denude their reasonable residential enjoyment. The nearest property is south off No 229 and measures 26m at its nearest to the corresponding corner of Plot 1. The obscure angle magnifies the effective separation distance and physical relationships. There are no direct window to window relationships thus even close to the usual 21m separation requirements.
- 5.4.3 The nearest neighbours on North Road all have intimate private amenity space in close association with the rear of the houses and outside of any line of sight created by the new houses.

### *Impact on Future Residents*

- 5.4.4 All 7 dwellings provide in excess of the required standard of private and useable garden space as set out in policy PSP43. The dwellings are quite generously spaced out with sufficient separation distances to prevent unacceptable levels of inter-visibility and indeed are deliberately orientated in a linear pattern reflecting the traditional ribbon of housing locally. There is an element of mutual overlooking to the rear but each house has ample private refuge close to the houses. The rear gardens are south facing too. Accordingly, whilst is typical in this established residential area rear gardens will be overlooked by first floor windows, there are no situations where the levels of overlooking are considered to be un-acceptable.
- 5.4.5 Private amenity areas will also be delivered in a manner consistent with the objectives set out at policy PSP43, ensuring these are functional, safe, accessible from living space, sunlit and offer space for storage of cycles and bins.
- 5.5 Transport
- 5.5.1 Highway considerations were raised by several local objectors to the PiP application, however the Highways officer clarified (as indicated at paragraph

2.3 earlier) that subject to a suitable access junction design in the inner road details to follow there were no sustainable highway objections.

5.5.2 The site layout proposed fully reflects the stated junction design required and drawing No LPC 5357 PR 102 includes details of the swept path analysis for a refuse vehicle, helping to demonstrate how the site can be satisfactorily serviced.

5.5.3 The previous application confirmed that, 'There have been no recorded Road Traffic Collisions on North Road in the vicinity of the school in the last 5 years.'

5.5.4 Parking for the new housing is all provided within the site, and it is noted that parking outside the site, in the vicinity of the school is controlled with existing parking restrictions including the school zig-zags and double yellow lining. A permanent 20mph speed limit has been introduced through the traffic calming scheme, not just during school drop off and pick up times. The application development will be effectively contained and will accommodate all on-site parking needs away from North Road. Similarly, all deliveries can be made direct to each residence as evidenced by the refuse lorry turning space available. Each semi-detached dwelling has three bedrooms and will provide 2 No off road parking space, end on end and directly alongside each house. The detached property has four bedrooms and includes a double garage with 2 No parking spaces in front. The development satisfies your Council's adopted parking standards.

5.5.5 Crossroads in residential areas are not uncommon on the highway network. They are promoted in Manual for Streets as convenient for pedestrians as they minimise diversion from desire lines when crossing the street, they also make it easier to create permeable and legible street networks. The provision of a Copenhagen style crossover as shown which reinforces pedestrian priority at the junction by removing the radius kerbs could be conditionally ensured.

## 5.6 Landscape

5.6.1 Echoing the PiP's illustrative layout plan the layout design herein presented seek to minimise the impact on the established landscape features which bound the site. The development has been designed sympathetically



therefore to minimise the change to the boundaries. New specimen tree planting has been added to the northern boundary to augment and soften the established shared domestic boundary, diffusing the inter-visibility.

5.6.2 The application includes an Arboricultural Impact Assessment as encouraged for the detailed submission. There is an Arboricultural Method Statement and Tree Protection Plan. These matters can of course be conditionally controlled and help to demonstrate that the application development will be accommodated within the main body of the site and with no demonstrable impact on the retention of the key boundary planting.

5.6.3 Over and above the above assessment and protection measures drawing No LPC 5357 PR 101 shows the full landscaping planting particulars that can be conditionally controlled. The hard features are indicated too, although the precise manufacturer and colour etc has not been decided yet so can be conditioned if considered necessary for agreement by the eventual developer.

## 5.7 Ecology

5.7.1 The site's sensitive and minimal change landscape approach complements the ecological assessment for the area. The site is of low importance and the proposed development's design minimises the loss of trees and vegetation to a small number of trees amenity grassland. The tree lines and hedgerows are set within appropriate landscape buffers, free from built development.

5.7.2 Measures to protect wildlife during construction have been set out by the applicant's ecologist and are committed to, including a pre-commencement badger survey within three months of the development commencing. It is recommended that these measures are included within a Construction Environmental Management Plan (CEMP), secured by a planning condition.

5.7.3 Additionally, the Ecological Assessment submitted includes at paragraph 5.39 those ecological and biodiversity enhancements to be secured by condition.

5.7.4 The Environment Act 2021 sets out a mandatory requirement for all planning permissions in England (with a few exemptions) to lead to a 10% net gain in

habitats and applies to Major Development, and planning applications for Small Sites submitted on or after 02/04/24.

5.7.5 The application site does not fall into the category of a major development, as defined in article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The site is a small site, as it is a residential development where the number of dwellings is between 1 and 9 on a site of an area 1 hectare or less. The site is therefore exempt from mandatory BNG until 02/04/24. The submission includes a Biodiversity Net Gain Assessment. The assessment is not intended to though to bind the application particulars and merely identifies the pathway down which those enhancement that do fall within the application's remit have been designed. The 2<sup>nd</sup> of April threshold is based on submission and not registration.

## 5.8 Drainage

5.8.1 Finally the application includes a detailed Flood Risk Assessment and Drainage Strategy. Infiltration SuDS are not applicable for implementation within the site. Wessex Water asset mapping identifies a 150mm foul sewer to the east of the site in North Road. The private drainage serving 229 North Road has connectivity to the foul sewer. The drains receive foul and surface water flows.

5.8.2 The potential flood risk from all sources of flooding is low.

5.8.3 The proposed Surface Water Drainage Strategy will take surface water drainage from the roof and road areas to be collected and conveyed in the surface water drainage network prior to discharge off site at greenfield runoff rates. The discharge for the surface water drainage is to be to the watercourse network located to the north of the site subject to necessary consents. SuDS are implemented in the form of tanked permeable paving areas with 300mm sub-base storage depth and an online attenuation tank.

5.8.4 All foul water drainage from the site is proposed to discharge to the Wessex Water sewer located to the east of the site in North Road. The depth and the position of the existing sewer is to be determined.

5.8.5 With regard to both surface water and foul drainage drawing No 6596-C-001 appended to the above report provides the site's proposed drainage layout and can be conditionally controlled to acceptably serve the site.

## **6.0 CONCLUSIONS**

6.1 The application proposal, despite being in full is fully reflective of the principle of new residential development approved on this land and the neighbour's garden by application P23/00742/PiP.

6.2 There have been no material change in circumstances that undermines the acceptable principle of new housing on the smaller site now promoted, and this does not curtail a future application by the adjacent land owners to seek to complete the original scale of development sanctioned.

6.3 The linear pattern of new housing proposed comprises a mix of two storey properties that reflect the local mix of styles and built form. The traditional simple form proposed will be enhanced by the use of a construction material pallet similarly echoing the local distinctiveness, ensuring the houses will be satisfactorily assimilated contextually. That assimilation is aided too by the careful retention of the site's strong boundary planting.

6.4 The site layout, and particularly the orientation of the new houses will retain the reasonable residential amenity of the nearest neighbours and provides an efficient use of the site achieving a good sized plot for each new dwelling with on-site parking and reasonable levels of amenity for all future residents.

6.5 The detailed design submitted has been shown to ensure a suitable vehicular access, reflecting the previously agreed location for such new development and can be satisfactorily serviced in all regards, reflecting the scope of technical details indicated previously, without demonstrable adverse impacts to interests of acknowledged importance contextually. There are no grounds to deviate from the acceptable principle of development or dispute the acceptable assimilation of the 7 new dwellings herein proposed as a sustainable addition to the local supply of housing.