

List of planning applications and other proposals submitted under the planning acts to be determined by the director of environment and community services

CIRCULATED SCHEDULE NO: 28/23

Date to Members: 14/07/2023

Member's Deadline: 20/07/2023 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2020. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid Member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule.

Before referring an item to the Committee, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee. You may also wish to refer to the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

PLEASE NOTE: The circulated schedule process is only open to elected Members of South Gloucestershire Council.

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate planning committee then a referral should:

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

If would be helpful if you could indicate if you:-

- Have discussed the application(s) with the Case Officer and/or Development Manager
- Have discussed the application(s) with ward Member(s) if the site is outside of your ward
- Consider the site would benefit from a visit by the committee, setting out the reasons

Valid referral requests will be considered by the Committee Chair, in consultation with the Spokes, against the criteria given in the Members' Planning Code of Good Practice in the Council's constitution and you will be notified of the Chair's decision. Applications which are not referral, or where the referral request is not agreed by the Chair, will be determined by officers under delegated powers

The Circulated Schedule will always contain the following applications unless the application is required to be determined by Committee:

- 1) Any application submitted by, or jointly, or on behalf of the Council.
- 2) Any application submitted by or any matter directly affecting or involving any

Member of the Council and any application(s), submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.

- 3) Any application requiring a new planning agreement.
- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.

6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.

7) Any applications, except those list below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

Applications that will not appear of the Circulated Schedule procedure as a result of representations received:

a. All applications, where approval is deemed to be granted upon the expiry of a defined period

b. All applications to be determined the lawfulness of a proposed or existing use of a site

c. All applications for non-material amendments

d. All applications to discharge planning conditions

e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction

f. Any footpath stopping up or diversion required to implement an approved scheme

Additional guidance for Members

Always make your referral request by email to MemberReferral@southglos.gov.uk (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

Please note a copy of your referral e mail will appear on the website.

Before referring an application always contact the case officer or Development Manager first to see if your concerns can be addressed without the application being referred.

If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward Member(s) to see what their views are, before referring the application.

Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute.

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

The referral should include the reasons for the referral indicating why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issues the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay of the referral

4. If the site is outside your ward have you contacted the ward Member(s) to inform them of the referral?

5. Have you discussed the referral with the case officer or Development Manager?

6. Do you feel a site visit is required or can issues be addressed by other means e.g. further information in the report, additional presentation material, video etc.

Do you consider this is an application of strategic importance such that you would request the Director to consider using his discretion to refer the matter to the Strategic Sites Delivery Committee? If so please set out your reasons:

Date:

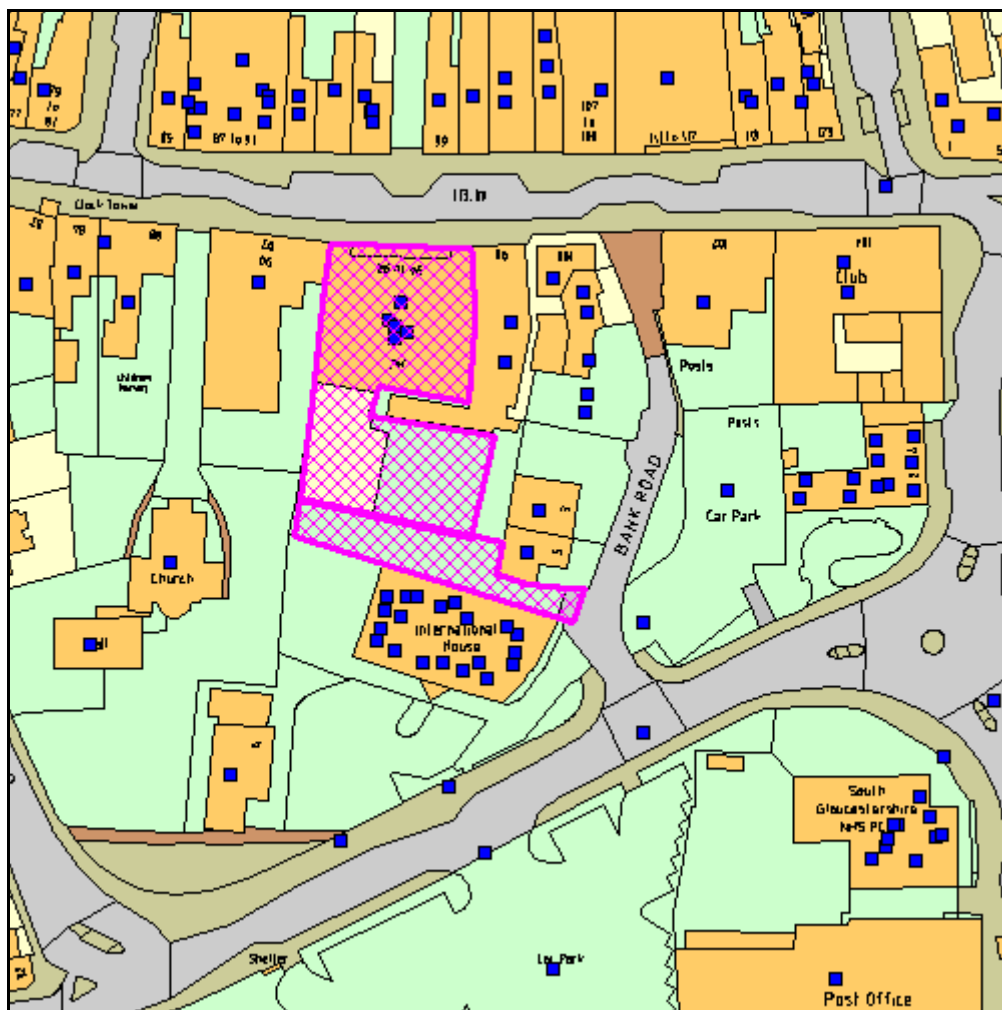
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE 14 July 2023

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P22/03167/F	Approve with Conditions	Kingswood Colliers 94 - 96 Regent Street Kingswood South Gloucestershire BS15 8HP	Kingswood	
2	P22/05591/F	Approved Subject to Section 106	Unit 10 Patchway Trading Estate Britannia Road Patchway South Gloucestershire BS34 5TA	Charlton And Cribbs	Patchway Town Council
3	P22/06264/F	Approve with Conditions	POS Corridor Between Barratt Phases 2 & 6 North Yate South Gloucestershire	Yate North	Yate Town Council
4	P23/01103/ADV	Approve with Conditions	North Yate New Neighbourhood Yate South Gloucestershire	Yate North	Yate Town Council
5	P23/01110/ADV	Approve with Conditions	North Yate New Neighbourhood South Gloucestershire Yate	Yate North	Yate Town Council
6	P23/01126/F	Approve with Conditions	North Yate New Neighbourhood South Gloucestershire Yate	Yate North	Yate Town Council
7	P23/01154/HH	Approve with Conditions	11 The Rosary Stoke Gifford South Gloucestershire BS34 8AH	Winterbourne	Winterbourne Parish Council
8	P23/01382/F	Approve with Conditions	Unit 4 Badminton Road Trading Estate Badminton Road Yate South Gloucestershire BS37 5NS	Westerleigh	Westerleigh And Coalpit Heath Parish Council
9	P23/01667/PIP	Refusal	Land Off Engine Common Lane Yate South Gloucestershire BS37 7PX	Frampton Cotterell	Iron Acton Parish Council
10	P23/01763/HH	Approve with Conditions	16 Hudson Close Yate South Gloucestershire BS37 4NP	Yate Central	Yate Town Council

CIRCULATED SCHEDULE NO. 28/23 -14th July 2023

App No.:	P22/03167/F	Applicant:	JD Wetherspoon PLC
Site:	Kingswood Colliers 94 - 96 Regent Street Kingswood South Gloucestershire BS15 8HP	Date Reg:	19th July 2022
Proposal:	Erection of a single storey rear extension to form additional indoor seating area, creation of enlarged outdoor beer garden, and associated works.	Parish:	
Map Ref:	364877 173820	Ward:	Kingswood
Application Category:	Minor	Target Date:	24th July 2023



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P22/03167/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.

CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule following a number of objection comments received from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the Erection of a single storey rear extension to form additional indoor seating area, creation of enlarged outdoor beer garden, and associated works.
- 1.2 The application site relates to the public house Kingswood Colliers, 94-96 Regent Street, Kingswood.
- 1.3 During the course of the application additional information was requested and received with regards to some identified transport issues including the amendment of the red edge plan. As such the application was put out for re-consultation.
- 1.4 The applicant has agreed to suggested prior to commencement conditions.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS14	Town Centres and Retailing
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity

PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP31	Town Centre Uses
PSP34	Public Houses
PSP35	Food and Drink Uses
PSP43	Private Amenity Space Standards
PSP44	Open Space, Sport and Recreation
PSP45	Burial Facilities

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.

South Gloucestershire Design Checklist (Adopted) 2007)

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD – (Adopted) March 2015

South Gloucestershire Council Waste Collection: guidance for new developments SPD (Adopted) Jan 2015

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|-------------|--|
| 3.1 | P21/02537/F | Installation of new Walk in Freezer unit within Garden to existing Public House |
| | Approved | 9.6.21 |
| 3.2 | P98/4907/A | Display of 2no. externally illuminated projecting signs and externally illuminated fascia signs. |
| | Approved | 24.12.98 |
| 3.3 | P97/4579 | Erection of public house/wine bar with 4 No. flats above |
| | Approved | 31.12.97 |

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The area is not Parished.

Internal Consultees

4.2 Environmental Protection – noise

A noise report is required detailing how the noise from the proposed development would affect neighbouring domestic premises.

Updated comments:

Noise report accepted – suggest limit opening time to 10pm.

Note:

The request from the Environmental Protection team is noted however, the existing situation / opening hours must be given consideration and a compromise of opening the garden area until 11pm is regarded as reasonable. A condition will be attached to the decision notice.

4.3 Tree Officer:

Objection: The Tree Officer is not able to make informed comments due to the lack of information contained within the Tree Report.

Updated comments:

Following the receipt of additional information the Tree Officer is satisfied that the Arboricultural Impact Assessment and Method Statement, prepared by Allarboriculture and dated June 2023, provides sufficient information to ensure that the trees offsite are provided with consideration during construction. Report to be included in list of conditions.

Statutory / External Consultees

4.4 Flood and Water Management:

The application form states that the proposed method of Surface Water disposal is via 'Mains' however this appears to be unachievable as we have no record of any Public Surface Water Sewers within close proximity of the site. We therefore request the submission of a Drainage Layout Plan which clearly illustrates the proposed connection point into the 'Mains' system.

Updated comments:

Following additional information which confirms the proposal is to connect to the existing drainage there are no objections to the proposal.

4.5 DM Transport:

Insufficient information has been submitted to demonstrate the adequacy of the reduced size parking and servicing area. The standard car parking space is 2.4m x 4.8m. This should be increased to 5.5m where a space abuts a wall of fence. A 6m reversing area should be provided for a standard space. It should be demonstrated with a vehicle swept path analysis that the largest delivery vehicle and contracted waste collection vehicle can safely access, turn and egress from the service area. The access required to do this should also be included in the application site boundary

Updated comments:

*Following submission of additional information, no objection subject to **conditions** for cycle parking and a CEMP.*

Other Representations

4.6 Local Residents – 11 letter of objection received

- Loud noise from smoking area is already bad
- Noise from construction would add to this
- Noise from deliveries, waste collection and staff emptying bins in early morning has impact on nearby residents
- Garden area would extend approx. 20m from bedroom window

- If pub increases capacity there will be more people using the outside and the under cover area will allow people to be outside when raining too
- Pub leaves its outside lights on through the night causing light pollution
- Customers exit through the fire exit and come through our car park using our bin store as a cut through
- Fights and arguments in the alleyway and our bin store has been vandalised
- The pub is often open later than it should be
- Alley way already very narrow with poor access for refuse and large goods vehicles
- Lots of litter, broken glass, bottles, cans etc left on walls, roads and pavements on high street, drunk people damaging property, cars, tipping over bins. Risk of injury to neighbours and passers-by.
- Beer garden is never full even on a sunny day – conclude this extension is not needed
- Noise impact assessment report does not consider The Exchange a residential building
- Loss of privacy – people will be able to see directly into my home

5. ANALYSIS OF PROPOSAL

5.1 The proposal is for the Erection of a single storey rear extension to form additional indoor seating area, creation of enlarged outdoor beer garden, and associated works.

5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Both local and national planning policies encourage development in urban areas; Policies PSP34 and CS23 seek to preserve and enhance community assets where possible, inclusive of public houses. The proposal accords with the principle of development subject to the consideration below.

5.3 Design, appearance and form:

Policy CS1 of the Core Strategy and Policy PSP1 of the Policies, Sites and Places Local Plan both seek amongst other things, high quality design that respects and enhances the character and distinctiveness of a site and its context, thereby reflecting the objectives of the NPPF. To the south, the existing public house benefits from a rear beer garden, bin storage / refuse area and small associated car park. The existing garden area measures approximately 182sqm, accessed from the main building. Boundary treatments include substantial fencing on top of low walling.

5.4 The proposed development comprises a single storey extension to the main building and an extension to the beer garden plus changes to the bin store area. The built extension would occupy an area of around 84sqm utilising part of the existing beer garden and the extension to the beer garden would total around 220sqm making use of part of a large turning/delivery area to the rear of the public house.

- 5.5 The proposed built form would have a flat roof with large roof light with brick walls to match existing materials on the rear of the building. A new bin store/refuse area is to be created in the corner of the car park. No mention of boundary treatments has been mentioned in the submitted details. It is expected these would be similar to existing but a condition will be attached to the decision notice requiring details to be presented for assessment.
- 5.6 The extension to the beer garden would be to the east following on from the existing beer garden and extending into an area currently used for storage, refuse, deliveries and parking. The garden area is to be covered by canopies to help contain noise levels within. This is acceptable in principle but as no details of the canopies have been provided other than height, a condition will be attached to the decision notice requiring details to be presented for assessment.
- 5.7 In terms of its location the scale, design, appearance and massing of the proposed scheme is considered appropriate and complies with adopted policies.
- 5.8 Residential Amenity:
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 outlines the types of issues that could result in an unacceptable impact. There are residential properties within close proximity to the application site. A number of residents have expressed concerns regarding the level of noise that currently exists and the level that would result from the new proposal. A noise report has been submitted by the applicant.
- 5.9 Details obtained from the applicant and confirmed with the submitted noise impact assessment report by Spectrum Acoustic Consultants, state:

The trading hours for the premises are as follows:

<i>Sunday</i>	<i>08:00 – 0:00</i>
<i>Monday</i>	<i>08:00 – 0:00</i>
<i>Tuesday</i>	<i>08:00 – 0:00</i>
<i>Wednesday</i>	<i>08:00 – 0:00</i>
<i>Thursday</i>	<i>08:00 – 0:00</i>
<i>Friday</i>	<i>08:00 – 01:00</i>
<i>Saturday</i>	<i>08:00 – 01:00</i>

The kitchen operates between 08:00 and 23:00 every day and the existing garden area operates up to 23:30 Sunday to Thursday and up until 00:30 on Fridays and Saturdays. It is noted the premises does not play amplified music.

- 5.10 The agent has also provided the following information regarding the applicant's general measures regarding noise impact from their properties:

In order to further ensure the noise impact from the garden remains low, J D Wetherspoon generally adopt the following management plan at their existing sites throughout the UK:

- Members of staff conduct regular checks of the front and rear of the premises at all times it is accessible to the public. The area will also be subject to CCTV coverage with images retained for 30 days.*
- Signage erected at the front and rear of the premises to remind customers of the need to respect the rights of our neighbours to the quiet enjoyment of their homes, businesses and other activities.*
- If on occasion customers are found to be making excessive noise, a member of staff will take immediate action to rectify the situation, e.g. ask the customer to talk more quietly or if problems persist, ask them to return inside the premises or leave the premises entirely.*
- A telephone number may be circulated to nearby residents to allow any complaints relating to noise from the premises or as to any other elements of its operation to be communicated easily.*
- If any complaints relating to noise disturbance are received by a member of staff, the complaint will be brought to the attention of the manager on duty and immediate steps will be taken to prevent a recurrence of the situation.*

- 5.11 The above are considered appropriate ways of handling outside spaces within residential populated areas. They cannot, however, be conditioned as part of the approval and have to be undertaken at the discretion of the owners/managers. Within the submitted noise impact report it is suggested that as a compromise to the existing situation, the proposed new garden area would close at 23:00 every day.
- 5.12 It is therefore, considered reasonable that an enforceable condition be placed on the application whereby use of the garden area must cease at 11pm. After this time access to the garden area for use by patrons will not be allowed. The garden area is to be cleared of customers by 11pm.
- 5.13 With regards to lighting of the garden area, again light can disturb residential properties and other than appropriate security lighting the lighting of the garden area should be limited to the opening hours for this outside area. A condition will be attached to the decision notice.
- 5.14 Proposals show the outside area would have a canopy extending over the garden at a height from ground level of between 2.5m to 2.25m at the edges. This is to enclose this area and to assist with noise reduction.
- 5.15 Comments have been received with regards to the proximity of the garden area to neighbours. It is acknowledged that the garden area would extend further to the east and therefore closer to flats in a converted building. It is worth noting that the public house has been in situ for some time prior to the conversion of the flats. Nevertheless and with overarching policy aims of promoting and encouraging vitality and vibrancy in our towns, the protection of residential amenity is important. It is therefore considered that given the existing and proposed boundary treatments, the use of the roof canopy across the beer

garden and the condition for limiting use after a certain hour, the proposal would be acceptable in this mixed use residential and commercial/business area. Should the use fall outside these hours or anti-social behaviour been experienced, local residents should contact the relevant authority which would be the Environmental Protection for noise levels, the Enforcement Team for operating outside set hours and the Police for general inappropriate conduct.

5.16 Sustainable Transport

The proposal is within a town centre and what is regarded as a sustainable location having good public transport links. Initial concerns regarding the parking and servicing area, the size of parking bays and the amount of reversing space were addressed by the submission of revised plans. Tracking plotting for cars and HGV delivery vehicles also sufficiently demonstrated how access and egress could be achieved following development on the site. As the proposal would not adversely impact on the current delivery lorries no transport objection is raised to this proposal.

5.17 It is noted that the increase in the floor area of the public house would generate an additional demand for cycle parking and 4no spaces are required. These can be conditioned along with a construction environmental management plan.

5.18 Given the above the proposal is considered to accord with policy and can be recommended for approval.

5.19 Trees:

5.20 With regards to the proposed single storey rear extension, the proposed block plan does not portray the extent of the T1, London Plane and T2, Lime tree canopies in the garden. These are category B trees and are off site but the roots will likely be affected by the construction of the single storey extension. In addition, Officers queried the long term implication the proposed canopy would have over the extended garden in terms of the requirement to prune the trees.

5.21 The protection of these trees is important and as such additional details were requested in the form of an updated Arboricultural report. This report comprehensively explained how the trees and their canopies would be protected during the construction period and the pruning of the trees would be undertaken as part of their general maintenance in accordance with required standards.

5.22 Following the submission of the report and method statement the Tree Officer has no objections.

5.23 Other matters:

One local resident commented the Old Exchange had not been included in the Noise Impact Assessment Report. The agent has explained that the building had been referred to by its former name, International House in the report.

5.24 Concern has been expressed regarding noise from construction. An appropriate condition will be placed on the decision notice limiting operating hours.

- 5.25 A number of points have been raised with regards to the current operation of the pub which causes issues for nearby residential properties, for example, extended opening hours, unsociable behaviour of clientele, using private car park as a cut through, litter etc. These matters fall outside the remit of a planning report and therefore the individual parties are advised to contact the managers or owners in the first instance and to report anti-social behaviour to the Police.
- 5.26 Impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.
- 5.27 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.28 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that the proposal be **APPROVED** subject to conditions written on the decision notice.

CONDITIONS

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

Reason

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

2. Development shall proceed in accordance with the following plans and reports:

As received by the LPA on 8.6.22:

Existing ground floor plan - AS01

As received by the LPA on 4.7.22:

Existing elevations - AV01

As received by the LPA on 15.7.22:

Block plan - AP02

As received by the LPA on 3.10.22:

Proposed elevations - AV02 A

As received by the LPA on 5.10.22

Location plan - AP01 A

As received by the LPA on 14.11.22:

Proposed ground floor plan - AK01 C

As received by the LPA on 19.6.23:

Arboricultural Impact Assessment and Method Statement - Arboriculture dated 15.6.23

Reason:

For the avoidance of doubt.

3. Prior to the commencement of that part of the development, full details of the proposed garden canopy shall be submitted to the LPA for written approval. Development shall proceed in accordance with the approved details.

Reason

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

4. Prior to the erection of the boundary treatment, full details of the proposed boundary treatment shall be submitted to the LPA for written approval. Development shall proceed in accordance with the approved details.

Reason

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

5. The outside garden area hereby approved shall not be used by patrons of the public house or for any other use, between the hours of 23:00 hours and 08:00 hours Monday to Sunday.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the South Gloucestershire Policy Sites and Places Plan (Adopted) 2013 and the provisions of the National Planning Policy Framework in general.

6. Other than security lighting, lights to illuminate the outside garden area, hereby approved, shall not be in use between the hours of 23:00 hours and 08:00 hours Monday to Sunday.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the South Gloucestershire Policy Sites and Places Plan (Adopted) 2013 and the provisions of the National Planning Policy Framework in general.

7. Prior to the first use of the single story rear extension and the extended rear garden, as hereby approved, 4no. cycle parking spaces shall be provided to serve the development. Details shall be submitted to the LPA for written approval and development shall proceed in accordance with the approved details.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

8. Prior to the commencement of development a site specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of work. The CEMP as approved by the Council shall be fully complied with at all times.

The CEMP shall include but not necessarily be limited to:

- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision for the delivery and storage of materials.
- (v) A lorry routing schedule.
- (vii) Measures to control the arrival and departure of site delivery and construction traffic to ensure the adjacent highway is not obstructed . This shall include the use of a banksman for all reversing manoeuvres.
- (viii) Details of Main Contractor including membership of Considerate Constructors scheme or similar.
- (ix) Site Manager contact details.
- (x) Processes for keeping local residents and businesses informed of works being carried out and dealing with complaints.

Reason:

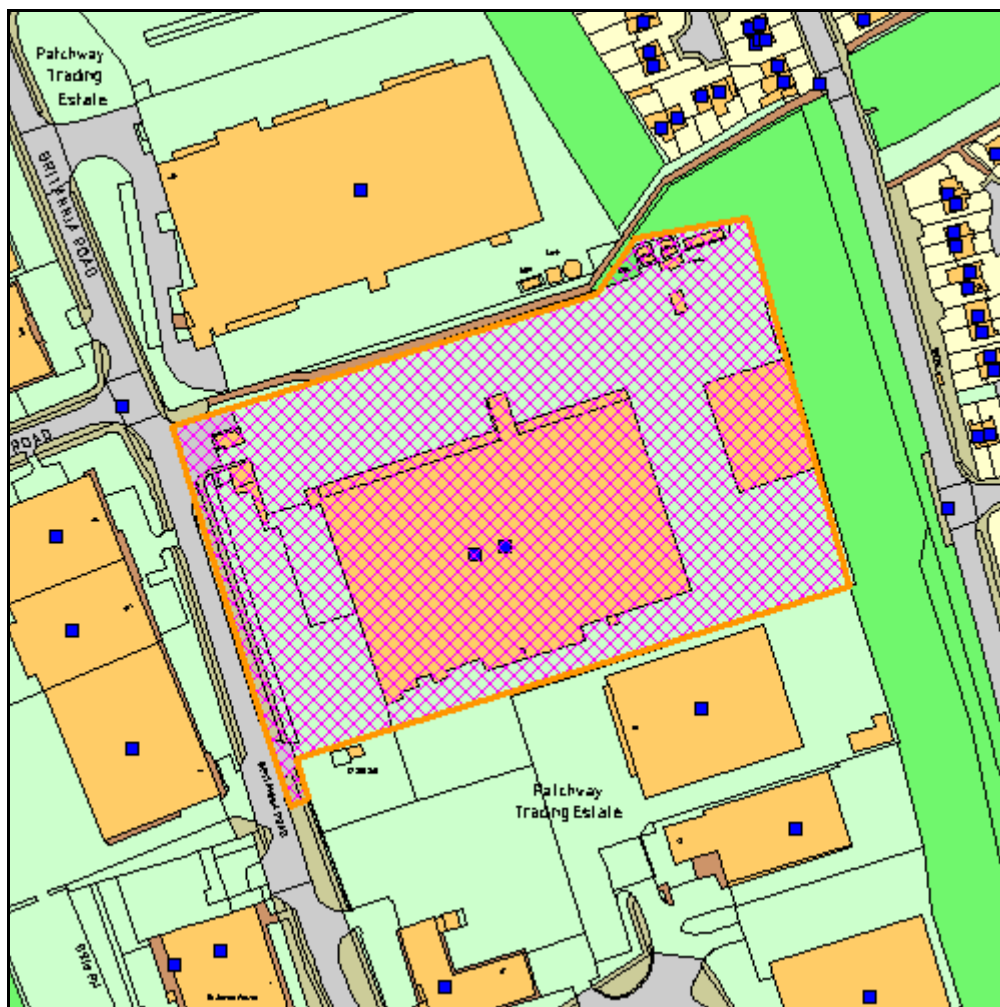
This is a prior to commencement condition to avoid any unnecessary remedial action in the future and in the interests of highway safety and to accord with Policy PSP11 of the Policies Sites and Places Plan (Adopted) 2013.

Case Officer: Anne Joseph

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 28/23 -14th July 2023

App No.:	P22/05591/F	Applicant:	Coal Pension Properties Ltd
Site:	Unit 10 Patchway Trading Estate Britannia Road Patchway South Gloucestershire BS34 5TA	Date Reg:	26th September 2022
Proposal:	Demolition of existing buildings. Erection of 2 buildings for flexible uses of industrial processes Class E (g)(iii) and/or General Industry (Class B2) and/or Storage and distribution (Class B8) with associated works including service yard, parking, staff amenity area, landscaping, sprinkler/tank infrastructure and alteration to access.	Parish:	Patchway Town Council
Map Ref:	359106 181423	Ward:	Charlton And Cribbs
Application Category:	Major	Target Date:	16th July 2023



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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 the Council Constitution as a new legal agreement is required

THE PROPOSAL

- 1.1 Planning Permission is sought for *the “demolition of existing buildings. Erection of 2 buildings for flexible uses of industrial processes Class E (g)(iii) and/or General Industry (Class B2) and/or Storage and distribution (Class B8) with associated works including service yard, parking, staff amenity area, landscaping, sprinkler/tank infrastructure and alteration to access”.*
- 1.2 The proposal will provide 2 no. two storey buildings with parking as follows (set out in the submitted planning statement).

	Unit 10a	Unit 10b	Total
Total Floor area (GIA/GEA)	8,200sqm/ 8,485sqm	4,502sqm/ 4,709sqm	12,702sqm/ 13,194sqm
Ancillary office/staff amenity area (GIA)	540sqm	344sqm	884sqm
Car Parking spaces	67	46	113
HGV parking spaces	3	3	6
Van parking	4	0	4
Cycle parking	34	20	54
Motor cycle parking	3	0	3

- 1.3 The application site comprises 2.41 hectares of land that is currently occupied by a distribution depot (Sainsbury’s). It is indicated that this firm is relocating to another location. The site currently comprises two warehouse buildings (8865 sq.m and 1245 sq.m), service yards are located to the north and west and the site is accessed from the north off Britannia Road. The site is bordered to the north by a footpath/cyclepath beyond which lies another commercial unit, to the north-east beyond the link and area of dense landscaping there is a residential area. The eastern boundary is marked by a wide dense landscaped strip (42 metres) beyond which is Coniston Road whereas on the other boundaries lie further industrial premises.

- 1.4 The site is located in Flood Zone 1. The site is also located within a safeguarded employment area as set out in Policy CS12 (area 49 Patchway Industrial Estate)
- 1.5 The application is supported by the following:
- Biodiversity Net Gain Report
 - Demolition Method Statement
 - Framework Travel Plan (this has been the subject of further negotiation)
 - Tree Survey and Constraints Plan
 - Noise Assessment
 - Preliminary Ecological Appraisal
 - Preliminary Risk Assessment (Contamination)
- 1.6 During the course of the application changes have been negotiated to secure improvements to the scheme, principally moving Unit 11b away from the northern boundary.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS11 Distribution of Economic Development Land
CS12 Safeguarded Areas for Economic Development
CS23 Community Infrastructure and Cultural Activity
CS25 Communities of the North Fringe of Bristol Urban Area

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP6 Onsite Renewable and Low Carbon Energy
PSP8 Residential Amenity
PSP10 Active Travel Routes
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP21 Environmental Pollution and Impacts
PSP26 Enterprise Areas

PSP27 B8 Storage and Distribution Uses

Supplementary Planning Guidance

Renewables SPD (Adopted November 2014)

Landscape Character Assessment SPD (Adopted November 2014)

Green Infrastructure SPD (adopted April 2021)

Trees and Development Sites SPD (adopted April 2021)

Sustainable Urban Drainage (adopted April 2021)

CIL and S106 SPD (Adopted March 2015)

3. RELEVANT PLANNING HISTORY

- 3.1 P22/024/SCR Screening opinion for P22/05591/F ie current application. Demolition of existing buildings. Erection of 2 buildings for flexible uses of industrial processes Class E (g)(iii) and/or General Industry (Class B2) and/or Storage and distribution (Class B8) with associated works including service yard, parking, staff amenity area, landscaping, sprinkler/tank infrastructure and alteration to access. EIA not required 7th October 2022

4. CONSULTATION RESPONSES

4.1 Patchway Town Council

No objection

Almondsbury Parish Council

Neither object to or support the application.

Planning is open to interpretation and concerns this could change in the future. The parish council have concerns of sound disturbance and would recommend regular checks to abide by class B2 and B8 Levels

4.2 Police Community Safety

No objection - Having viewed the information as submitted I find the design to be in order and complies appropriately with the crime prevention through environmental design principles.

Sustainable Transport (Summary)

Initial Comments

We understand that it will also result in the Gross Floor Area (GFA) being increased from 9,812m² to 11,406m² and this this will be provided in two units rather than one. We also understand that this site is currently accessed from two entrances onto Britannia Road and this will be reduced to a single entrance giving access to both units under these proposals. As this site is located within a commercial area, we have no objection in principle to this proposed change.

Transport Statement

There is a relatively slight increase in the Gross Floor Area and thus a slight increase in travel demand – 35 movements in and out during a 12 hour day. The conclusion that the overall change in traffic generated will not have a significant impact upon the local highway network is accepted.

It is considered/agree that the site is accessible by non-car means. The road layout is acceptable allowing for appropriate vehicle movements. A framework travel plan will be required.

Following the submission of additional information the following comments have been received (Travel Plan Officer)

I can confirm that the '24044-02b Travel Plan' meets my requirements. It does however need to be updated and resubmitted to remove the track changes and include the Action Plan.

We will require a condition so that a Full Travel Plan will be submitted for each unit, including initiatives and targets specific to the unit occupier, based on the Framework Travel Plan, no later than 3 months after first occupation. Each unit occupier is required to provide an annual Travel Plan monitoring fee of £500 for the 5-year duration of the Travel Plan to SGC. The monitoring fee is to be used for an initial meeting, review of the Travel Information Pack, support and correspondence regarding the Staff Travel Survey, ad hoc emails/ phone calls and site visits.

Given the TP Monitoring Fee requirement (the fee should be index-linked) a UU will be required.

Following the submission of additional information the following comments have been received (Sustainable Transport Team):

We have previously commented on this planning application seeking to redevelop Unit 10 of Patchway Trading Estate and although we do not wish to object in principle to this proposal, we requested more information about the proposed parking arrangements and the demand for their use.

Further information about this matter has now been provided. From this information we understand that the maximum car parking demand would be 121 vehicles whereas the total number of spaces available is only 116. Whilst this situation is not ideal, as it represents a worst case arising from the flexible uses sought under this application, provided that a robust Travel Plan is implemented, we consider it unlikely that it will create any severe or unacceptable highway or transportation issues. Hence, we are pleased to note that a Travel Plan has been provided and we have commented on this under a separate cover. Were this not the case then we would be forced to object to this application

Tree Officer

The application has an Arboricultural survey. There is a belt of trees to the rear (Eastern boundary) of the site and along the Northern boundary which will not be affected by the proposal provided that there is fencing (It appears that the existing site fencing will suffice) in place to prevent access to this area. The groups (G9,G10) of trees at the entrance boundary will be required to be removed to facilitate the development. Mainly Poplar low quality and has had extensive reduction works. The trees growing within the grassed verge adjacent to the road will not be removed.

A planting proposal to mitigate for the loss of trees has been included with the plans.

Ecology Officer (Summary – Full comments available online)

The biodiversity net gain assessment has concluded with the proposed landscaping that a habitat net gain of 17.39% and hedgerow net gain of 91.35% is achievable. This is welcomed.

A tree climbing survey was undertaken and found no evidence of roosting bats and reducing the potential of bats being present. As features are present a soft felling approach has been recommended, and is expected this will be supervised and inspected by a suitably qualified ecologist. Updates made to the Preliminary Ecological Appraisal accepted. A plan has been submitted detailing specifications and locations for ecological enhancements.

No objection subject to conditions to ensure that the development proceeds in accordance with the mitigation measures set out in the ecological appraisal and a lighting design strategy.

Landscape Officer (summary)

Initial Comments

In order to full assess the application, the following information is required:

Revised and more robust planting scheme including groups of taller growing trees, and wider hedge/screen planting beds

- Consistency check with proposed drainage strategy to ensure that all tree/hedgerow planting can be accommodated, together with identification of where any tree root barriers will be required.
- Additional tree pit details to cover full range of new tree planting situations
- Calculation of number of replacement trees required to conform with the SPD requirement
- Confirmation of location/extent/height of any retaining walls.
- Further mitigation to off-set the visual dominance of Unit 10b on users of the cycle path
- Updated/expanded landscape management plan

Following the submission of acceptable information conditions are recommended to secure: a tree/hedgerow protection plan; detailed planting plan; updated landscape management plan; hardsurfacing details and boundary treatments.

Urban Design Officer

Issues to be addressed (summary):

The key urban design issue is how the proposed development (including acoustic wall and built forms) will impact on the safety and use of the footpath which runs along the northern boundary. Concern that enclosing the footpath with landscaping and high fencing will reduce the existing partially open nature of the route, which at present allows views between the footpath and the adjacent sites.

The position of Unit 10b fairly hard against the northern boundary is another related safety factor. The northern elevation combined with the acoustic fence and the large massing of the NW corner of Unit 10b, will be oppressive. Moving the car park to this boundary in place of the building will increase surveillance at this area.

Environmental Policy and Climate Change Team

- Welcome and support the overall approach to this scheme including the targeting of BREEAM 'Very Good' 2018.
- Where heat pumps/VRF/VRV units are specified, encourage the applicant to select units using refrigerants with the lowest available global warming potential (GWP) available, and to design the system to minimise the system charge.
- Encourage the applicant to target BREEAM POL 01.
- The proposal to include roof-mounted PV is strongly supported. encourage the applicant to design the roof to allow PV to be maximised across the south-facing roof pitch and integrated with the roof lights.
- The provision of EV charge points is welcome. Encourage the applicant to meet emerging policy on EV charging and provide one charge point in 20% of the parking spaces with provision (as proposed) for charge points in the remaining spaces. Charge points should have a minimum power output of 7kW.
- Request further information on how the risk of summer overheating in the permanently occupied spaces has been addressed under current and emerging climate scenarios over the lifetime of the scheme, and what credits are being targeted under BREEAM HEA04

Environmental Protection (Contamination) Summary

The Desk Study/Preliminary Risk Assessment identifies relevant potential sources of contamination and potential pathways and receptors in the event the site is redeveloped. A number of potential sources of contamination have been identified including on-site tanks, transformer and sub-station. The qualitative

risk assessment includes an appropriate conceptual model and a recommendation is made to investigate the site further by undertaking an intrusive investigation.

A condition is recommended to secure the above and appropriate follow-up actions depending on the results.

Environmental Protection (Noise)

No objection subject to the provision of the 3 metre high close boarded fence set out in the noise report

All fixed plant and site activity noise sources meet the industrial noise criterion BS4142 as amended; in this regard an appropriate noise condition specific to the site noise survey can be specified.. 'The Rating Noise level of noise emitted by all on site activities shall not exceed 51dBA at any noise sensitive premises between 0700 and 2300 hours ,and 43dBA between 2300 and 0700hrs.The measurement and assessment shall be made in accordance with the BS4142:2014+A1:2019.

Lead Local Flood Authority

Additional information required regarding discharge rates. CCTV survey work required of the existing water sewage network.

Following the submission of additional information, no objection is raised to the development subject to a condition to secure a sustainable urban drainage system (SuDS).

Other Representations

4.3 Local Residents/Neighbouring Occupiers

Two letters of objection has been received. The grounds of objection can be summarised as follows:

Concern that the development might include the possibility of a B2 use
Dust can be produced during the construction/demolition process
The buildings are considerably higher than those existing
Concern over impact upon footpath (would be darker)
There would be additional vehicle movements to those at present (additional 35 movements)
The noise barrier will not be sufficient
Concern over light pollution

Following the second round of Public Consultation, no objections have been received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS4A of the Local Plan Core Strategy 2013 provides a presumption in favour of sustainable development and for this to be approved unless material considerations indicate otherwise. The application site lies within an area safeguarded by Policy CS12 for economic development, specifically B Use Classes, with this site listed in Table 2 as an 'Interim Safeguarded Area' - site 49 (Patchway Industrial Estate). This is because the site lies within the Cribbs/Patchway New Neighbourhood Area CPNN (Core Strategy Policy CS26) for which the adopted SPD identifies a long-term *aspiration* to redevelop the area for housing as part of mixed-use new neighbourhood, since an SPD cannot formally allocate land uses.

For the interim period, policy CS25 seeks to deliver the vision for the North Fringe of Bristol Urban Area which includes its role as a major focus for employment, commercial and retail activity, education and learning. The application site also lies within the Filton Enterprise Area for which policy PSP26 of the Policies Sites and Places Plan 2017 sets criteria for acceptability of proposals. This includes safeguarding future economic prosperity, and making appropriate provision towards education, skills development and training and towards enabling communities and local businesses to access jobs and supply opportunities. Policy PSP27 also provides that B8 class uses would be acceptable in this enterprise area.

The proposal is therefore acceptable in principle since it would provide a replacement building for industrial and storage/distribution uses within a safeguarded area for economic development bringing associated economic benefits. Since the replacement building would retain the existing industrial use, thereby not significantly altering the current position, it would also not prejudice future aspiration for housing with the CPNN SPD. The remainder of this report will consider the relevant material planning considerations.

5.2 Tree/Landscape Issues

The key areas of landscaping lie along the western boundary where there is a hedgerow and group of poplars, silver birch and an ash/sycamore group with one tree within the site. There will be tree removal however on the eastern boundary bund vegetation is protected by fencing. The applicant has following negotiation indicated 29 no. compensatory trees and these are accommodated on the plans. Officers are content with the location and type of planting indicated and a compliance condition will be attached to the decision.

Information has been submitted to ensure the landscaping proposals are compatible with the drainage system. Tree root barriers are to be provided within the car park of Unit 10a. Amendments to the landscaping proposals have been secured during the course of considering the application. An initial concern that proposed tree species would not be sufficiently tall has been rectified through the introduction of taller growing maples, this will help soften

the impact of the buildings. Native hedge planting is also welcomed. A planting bed on the northern side of the service yard has been revised to ensure an appropriate width and a well-designed staff picnic area incorporated. Climbers on vertical structures are included.

Boundary treatments are considered acceptable with a proposed 2.4m high mesh security fence together with 1.8m and 3m high timber acoustic fence with mesh supports for the climbers.

A Landscape Management Plan has been secured which has also been the subject of negotiation, with details of a management company being appointed and maintenance prescriptions. This is deemed acceptable.

In terms of the visual impact of the proposal on the surrounding landscape the primary concern was the impact of the development at the north-east corner. The relocation of the building known as 10b to the south-western corner is considered to address this issue and it is also noted that the buildings have been marginally reduced in height.

In summary the proposal is considered acceptable in landscape terms subject to conditions to secure a tree/hedgerow protection plan (compliance), a compliance condition in relation to the submitted detailed planting plan, a compliance condition in relation to a landscape management plan, a compliance condition in relation to hard landscaping and to the boundary treatments.

5.3 Design/Visual amenity

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policies, Sites and Places Plan Policy PSP1 seeks proposals to respond constructively to the buildings and characteristics that make a particularly positive contribution to the distinctiveness of the area.

The new buildings will have a maximum height at the ridge of 15.3m and 15.1metres for Unit 10a and 10b respectively. As set out above landscape improvements are indicated and will be secured. The elevational treatment of the units provides a mixture of curtain walling and windows, built up and composite metal cladding panels and half round cladding profiles. The glazing to cladding has been centralised around the entrance cores and office accommodation, whilst the other three elevations are subservient, finished with simpler detailing. The cladding finishes have been selected from a pallet of metallic greys/silvers. It is considered that the buildings are appropriate within this commercial context. The massing, height and appearance of the buildings is considered acceptable.

As set out elsewhere in this report, a key concern related to the layout. Positioning Unit 10b along with 10a along the northern boundary has been

revised to remove the former unit away from that edge of the site. This has allowed the footpath, (which does not show as a Public Right of Way on the public record but is a route from Coniston Road through to Britannia Road), along this boundary to remain largely open on each side.

In summary the development is considered acceptable in design/visual terms.

5.4 Ecology/Nature Conservation

Policies, Sites and Places Plan Policy PSP19 and NPPF paragraph 180 require development proposals to safeguard against loss of irreplaceable habitats and sites of value to local biodiversity and seek provision of ecological enhancements.

The site is not covered by any ecological designations however within and adjoining the site lies suitable habitat for protected species. A preliminary ecological appraisal was submitted with the application and a Construction and Environmental Management Plan both of which have been reviewed by the Council Ecologist.

The site consists of amenity planting and grassland, scrub and trees.

Turning to protected species and priority species (NERC Act) :

Bats

With the demolition of buildings this is an important consideration and the report identifies that all five buildings were assessed for their bat roosting potential. Buildings 1-4 hold negligible potential for roosting bats but does not detail building 5, but the report states later that all buildings have negligible potential for roosting bats. There are some foraging and commuting opportunities for bats on site, with higher value provisions along the eastern woodland belt. Sensitive lighting has been recommended and a condition will be added to ensure details of the scheme are approved, this is especially important where the woodland belt is.

Great Crested Newts

The site lacks suitable terrestrial habitat for GCN and amphibians and supports no breeding habitats, no further surveys required.

Birds

There are limited nesting opportunities in the scrub and trees with some potential in building 1. Suitable mitigation has been recommended including sensitive timing of works and if this is not practical a pre-works inspection no later than 48 hours prior to any works to potential nesting areas. A condition will be attached to the decision notice to ensure that the development takes places in accordance with the recommendation within the report.

Reptiles

The majority of the site is unsuitable for reptiles, mainly consisting of buildings and hardstanding. No further surveys required.

Hedgehog

There are some areas which could be used by hedgehogs such as the scrub and grassland, suitable mitigation has been proposed. I

Invertebrates

The site is not expected to support species of notable or rare importance.

Biodiversity Net Gain (BNG)

An updated Biodiversity Net Gain assessment has been secured through negotiation, required because of the alterations to the landscaping submission previously discussed in this report. The BNG assessment has resulted in a 16.29% net gain in habitat units and 100% net gain in hedgerow units. This is considered accurate.

In summary the proposal is considered acceptable in ecological terms subject to conditions to ensure that the development proceeds in accordance with the mitigation measures set out in the ecological appraisal and a lighting design strategy.

5.5 Transportation

Policies, Sites and Places Plan Policy PSP11 provides that development proposals which generate a demand for travel will be acceptable where appropriate, safe, accessible, convenient, and attractive access is provided. For commercial development this should be located with access by walking routes and public transport, and provide appropriate on-site loading, unloading and waiting facilities. Core Strategy Policy CS8 requires car parking and vehicular access to be well integrated and provide safe and secure cycle parking facilities.

Officers have viewed the submitted transport statement and framework travel plan. It is noted that the development will also result in the Gross Floor Area (GFA) increased from 9,812m² to 11,406m² and this this will be provided in two units rather than one. It is also noted that this site is currently accessed from two entrances onto Britannia Road and this will be reduced to a single entrance giving access to both units under these proposals. It is considered that the site is situated within a safeguarded employment area and thus is provisioned with a road infrastructure appropriate to the uses proposed.

A concern has been raised by a neighbouring occupier that there would be additional vehicle movements as a result of the development where as indicated above there would be an increased in floor space. Officers agree with the conclusions of the Transport Statement however that the development will

result in an increase of 35 movements during a 12 hour day and consider that this is not sufficient to have a significant impact on the local highway network.

Additional information was secured to confirm the demand that there will be for the car park and an analysis was subsequently submitted. The submitted information indicates that the maximum car parking demand would be 121 vehicles whereas the total number of spaces available is only 116. There is of course no minimum parking standard for such non-residential uses and the findings are a worst case scenario for the flexible uses applied for. However officers consider that this justifies the need for a robust travel plan.

Travel Plan

Whilst this situation is not ideal, as it represents a worst case arising from the flexible uses sought under this application, provided that a robust Travel Plan is implemented, it is not considered that the proposal would give rise to unacceptable highway or transportation issues.

Negotiations have taken place to secure an appropriate Travel Plan. The framework document provides for a package of objectives, targets and measures developed by the applicant aimed at promoting more sustainable means of travel and reducing the reliance on the private car.

The travel plan includes the following measures:

To increase the awareness of employees and visitors of the potential for and advantages of travel to the site by more sustainable transport modes;

To encourage car sharing;

To provide practical information to employees on how they can access non-car modes of transport to and from the industrial and warehouse development;

To facilitate the introduction of physical measures and management initiatives that will encourage employees and visitors to travel to the site by non-car modes;

To display local bus information including nearest bus stops, timetables, routes, and costs in a prominent location within the buildings;

To display local walking and cycling routes to and from the site including approximate journey times;

To display the potential health and financial benefits that travelling by sustainable modes can offer;

It is indicated that the plan will be included in a new employer starter pack to encourage sustainable travel from the first day of employment. It is indicated that a travel plan coordinator will be employed.

The Framework Travel Plan has been viewed and is considered acceptable by officers however clearly a more detailed plan is required upon occupation of each unit that reflects the specific nature of the user and use. A condition will be attached to the decision notice to ensure that a detailed plan is provided within 3 months of the occupation for each unit. In addition a Unilateral Undertaking will need to be signed to secure £500 per unit per year for five years to allow for the plan(s) to be monitored. Subject to the above condition and legal agreement the development is considered acceptable in highways terms.

5.6 Environmental Protection

Ground Conditions/Contamination

NPPF paragraph 183 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions and any risks arising from land instability and contamination. Policies, Sites and Places Plan Policy PSP21 provides that development on land which may be affected by contamination will be acceptable with adequate remediation measures to ensure suitability of the site for the proposed use.

The applicant has submitted both a Method Statement for demolition and a desk study/preliminary risk assessment in relation to contamination. These have been viewed by Council officers and identify potential sources of contamination (on-site tanks, transformer and sub-station). The recommendation of the report is that the site is investigated through further intrusive investigation. An appropriate condition is recommended to require an intrusive investigation, verification report and action to be taken if adverse conditions are found.

Noise

Comments from the Almondsbury Parish Council are noted however a noise report has been submitted that has been viewed by officers. The report examines the potential impact of noise from the proposed activities on the site, assuming a worse case for expected uses within the use class. It is considered that all fixed plant and site activity noise sources meet the industrial noise criterion BS4142 as amended; in this regard an appropriate noise condition specific to the site noise survey can be specified.

The report proposes two measures, an acoustic 3 metre screen located to the east of the site and that noise levels are restricted to below 51db at noise sensitive premises between 07:00 and 23:00 and 43dB between 23:00 and 07:00 hours. This is agreed by officers and appropriate conditions will be attached to the decision notice. Subject to these conditions the development is considered acceptable in these terms.

5.7 Residential Amenity

Policies, Sites and Places Plan Policy PSP8 requires that development proposals should not create unacceptable living conditions for nearby

residential occupiers, including from noise or disturbance and odours, fumes or vibration.

The nearest properties are situated at the end of Kestrel Close approximately 44metres to the north and 58 metres to the east beyond substantial landscape screening in Coniston Road.

Of relevance, is that the site is an existing safeguarded employment site, while the buildings will be slightly larger the uses are essentially those that take place at present although as indicated there will be a projected uplift in vehicle movements although at 35 movements this is not considered significant. The impact in terms of noise is considered in 5.6 above. With the added provision of an acoustic screen and limited upon noise levels secured by condition it is not considered the development would result in a loss of amenity to neighbouring occupiers.

Given the scale and location of the development (with the separation distances set out above) it is not considered that the development would appear oppressive or overbearing or result in loss of privacy.

5.8 Flood Risk and Drainage

NPPF paragraph 167 requires developments to not increase flood risk elsewhere, incorporate sustainable drainage systems except where inappropriate, and satisfy the sequential test if applicable.

The site is located within Flood Zone 1 with the application supported by a Flood Risk Assessment.

PSP20 states that development proposals will be expected to reduce surface water discharge from the site, wherever practicable and feasible on previously developed land so as to reduce impact on existing systems and also ensure that the risk of flood risk is not increased.

Initially it was considered that insufficient information had been submitted to adequately demonstrate that a successful scheme that would comply with the above policy requirements could be achieved. Negotiations have taken place to secure the necessary information in framework form and subject to a condition to secure the necessary detail of the scheme and its implementation, no objection is raised to the proposal in these terms.

5.9 Environmental Policy and Climate Change

Core Strategy Policy CS1 requires developments to be designed to achieve energy conservation. Policies, Sites and Places Plan Policy PSP6 encourages all development to minimise end-user energy requirements over and above those required by the current building regulations, and to ensure the design and orientation of roofs will assist the potential siting and efficient operation of solar technology.

An energy statement was submitted with the application and revisions secured to address those issues set out in Section 4 above. The submission covers the provision of air source heat pumps, prevention of overheating, a solar pv strategy, electric vehicle charging. The revised statement has been viewed by the Environmental Policy and Climate Change Team. In addition an initial pre-assessment indicates that the development will achieve a BREEAM rating of very good. The rating indicates that there is no reason why this should not be achieved.

The development is considered acceptable in these terms, subject to conditions to ensure that the development is carried out in accordance with the submitted energy statement; details of the air pumps; evidence that the buildings will be not be liable to overheating; details of the proposed PV strategy and a condition to ensure that it is implemented

5.10 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 It is recommended that the application be APPROVED subject to:

(i) Conditions written on the decision notice; and

That authority be delegated to the Director of Environment and Community Services to grant 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:

The sum of £5000 (five thousand pounds) as a contribution towards the monitoring of the travel plan to serve the Development for a period of 5 years

Reason: To accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy 11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017)

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

CONDITIONS

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

Reason

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

2. Mitigation Measures (Ecology)

The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal (Ecology Solutions, March 2023) and a Biodiversity Net Gain Report (Ecology Solutions, March 2023).

Reason

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

3. Lighting Design Strategy

Prior to commencement of above ground works (following demolition), a "lighting design strategy for biodiversity" for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:

Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly

demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

A pre-commencement condition is required to avoid the need for future remedial action.

4. Construction environmental management plan

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be written in accordance with BS42020, including mitigation details on bats, birds, reptiles, hedgehog and badger, as well as any pollution prevention measures. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

A pre-commencement condition is required to avoid the need for future remedial action.

5. Ecological Enhancements

Prior to commencement of above ground works (following demolition), a plan detailing the location and specifications of ecological enhancements detailed within Preliminary Ecological Appraisal (Ecology Solutions, March 2023) and a Biodiversity Net Gain Report (Ecology Solutions, March 2023) is to be submitted to the local authority for review. This includes, but not limited to invertebrate provisions, bat and bird boxes. The development shall take place in accordance with the approved details.

Reason

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

A pre-commencement condition is required to avoid the need for future remedial action

6. Tree/Hedgerow Protection Plan

The development shall take place in accordance with the submitted Tree/Hedgerow protection plan received 26th April 2023 (DLA-2111-DR-L-003-P09)

Reason

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

7. Planting Plan

The development shall take place in accordance with the following plans received 26th April 2023:

DLA-2111-DR-L-002-P15 SOFT LANDSCAPE PLANS_-OVERVIEW
DLA-2111-DR-L-002-P15 SOFT LANDSCAPE PLANS_-SHEET 2 (1TO200)
DLA-2111-DR-L-002-P15 SOFT LANDSCAPE PLANS_-SHEET 3 (1TO200)
DLA-2111-DR-L-002-P15 SOFT LANDSCAPE PLANS_-SHEET 4 (DETAILS)

Reason

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

8. Landscape Management Plan

The development shall be carried out in accordance with the submitted Landscape Management Plan received 26th April 2023 (DLA-2111-LMP-01-Rev P03)

Reason

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

9. Hard Landscaping/Surface Treatments/Site Furniture

The development shall be carried out in accordance with the following submitted details received 26th April 2023

DLA-2111-DR-L-001-P13 HARD LANDSCAPE -OVERVIEW NTS
DLA-2111-DR-L-001-P13 HARD LANDSCAPE -SHEET 2 (1TO200)
DLA-2111-DR-L-001-P13 HARD LANDSCAPE -SHEET 3 (1TO200)

Reason

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

10. Boundary Treatments

The development shall be carried out in accordance with the following plans received 26th April 2023:

DLA-2111-DR-L-004-P10 PROPOSED BOUNDARY TREATMENT SHEET 1
NTS
DLA-2111-DR-L-004-P10 PROPOSED BOUNDARY TREATMENT SHEET 2
DLA-2111-DR-L-004-P10 PROPOSED BOUNDARY TREATMENT SHEET 3

Reason

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

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

Received 26 April 2023

11362-D-001 PROPOSED EXTERNAL MATERIALS REV D
11362-D-002 CYCLE PARKING REV D
11362-D-003 WASTE MANAGEMENT REV D
11362-E-110 UNIT 10B PROPOSED ELEVATION REV F
11362-E-210 UNIT 10B PROPOSED ELEVATION REV H
11362-E-310 PROPOSED ELEVATION DETAILS_REV E
11362-L-005 PROPOSED SITE PLAN - WIDER CONTEXT_REV D
11362-P-101 PROPOSED SITE PLAN REV T
11362-P-110 UNIT 10A PROPOSED GROUND FLOOR PLAN REV D
11362-P-111 UNIT 10A PROPOSED FIRST FLOOR PLAN REV D
11362-P-112 UNIT 10A PROPOSED PLANT DECK REV D
11362-P-113 UNIT 10A PROPOSED ROOF PLAN REV D
11362-P-210 UNIT 10B PROPOSED GROUND FLOOR PLAN REV F
11362-P-211 UNIT 10B PROPOSED FIRST FLOOR PLAN REV E
11362-P-212 UNIT 10B PROPOSED OFFICE ROOF REV E
11362-P-213 UNIT 10B PROPOSED ROOF PLAN REV E
11362-S-110 UNIT 10A PROPOSED SECTION REV D
11362-S-210 UNIT 10B PROPOSED SECTION REV F
11362-S-310 PROPOSED SITE SECTION REV D
D-004 PROPOSED FENCE REV B
DLA-2111-DR-L-001-P13 HARD LANDSCAPE -OVERVIEW NTS
DLA-2111-DR-L-001-P13 HARD LANDSCAPE -SHEET 2 (1TO200)
DLA-2111-DR-L-001-P13 HARD LANDSCAPE -SHEET 3 (1TO200)
DLA-2111-DR-L-002 -P15 SOFT LANDSCAPE PLANS_OVERVIEW NTS

DLA-2111-DR-L-002 -P15 SOFT LANDSCAPE PLANS_-SHEET 2

DLA-2111-DR-L-002-P15	SOFT LANDSCAPE PLANS_-SHEET 3
DLA-2111-DR-L-002-P15	SOFT LANDSCAPE PLANS_-SHEET 4 (DETAILS)
DLA-2111-DR-L-003-P09	TREE RETENTION AND REMOVAL OVERVIEW NTS
DLA-2111-DR-L-003-P09	TREE RETENTION AND REMOVAL SHEET 2
DLA-2111-DR-L-003-P09	TREE RETENTION AND REMOVAL SHEET 3
DLA-2111-DR-L-004-P10	PROPOSED BOUNDARY TREATMENT SHEET 1 NTS
DLA-2111-DR-L-004-P10	PROPOSED BOUNDARY TREATMENT SHEET 2
DLA-2111-DR-L-004-P10	PROPOSED BOUNDARY TREATMENT SHEET 3
DLA-2111-DR-L-010-P08	PROPOSED CYCLE WAY VISUALS
DLA-2111-LMP-01 -REV P03	LANDSCAPE MANAGEMENT PLAN
11363 L-004 REV D	PROPOSED SITE PLAN WITH EXISTING BUILDING LOCATIONS OVERLAID

Reason

For the avoidance of doubt

12. Contamination

A) Intrusive Investigation/Remediation Strategy

A Desk Study undertaken of the site has identified potential sources of contamination. No development except for the demolition works and site clearance shall take place until detailed site investigations have been carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems. Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

The approved remediation scheme shall be carried out before the development (or relevant phase of development) is occupied.

B) Verification Report

Prior to first occupation, where works have been required to mitigate contaminants (under condition A) a report providing details of the verification undertaken, demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

C) Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk

assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason

To ensure that the site is appropriate for the proposed use and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy and Policy PSP21 of the South Gloucestershire Policies, Sites and Places Plan 2017.

A pre-commencement condition is required to avoid the need for future remedial action

13. Rating Noise Level

The Rating Noise level of noise emitted by all on site activities shall not exceed 51dBA at any noise sensitive premises between 0700 and 2300 hours ,and 43dBA between 2300 and 0700hrs. The measurement and assessment shall be made in accordance with the BS4142:2014+A1:2019

Reason

To prevent unacceptable levels of noise pollution to the surrounding area and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP21 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

14. Acoustic Report

The development shall be carried out in accordance with the submitted Noise Assessment (Sharps Acoustics 1st April 2023)

Reason

To prevent unacceptable levels of noise pollution to the surrounding area and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP21 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

15. Travel Plan

Within 3 months of first use of each of the buildings hereby approved, a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall be based upon the principles laid down in the Framework Travel Plan SKP/RT/24044-02C and Action Plan Travel Plan Framework Rev B (David Tucker Associates). Operation of the development shall thereafter be carried out in accordance with the approved details.

Reason

To encourage means of transportation other than the private car and to safeguard public highway safety in accordance with Policy CS8 of the South Gloucestershire

Local Plan: Core Strategy December 2013 and Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan November 2017.

16. Air Source Heat Pumps

Prior to the construction of the development above Damp Proof Course (DPC) level, details of the proposed air source heat pump system, including emitters, controls and hot water storage, shall be to and approved in writing by the Local Planning Authority. Details shall include the location, and technical specification of systems and a calculation of annual energy generation (kWh/annum) and associated reduction in residual CO2 emissions. The development shall take place in accordance with the approved details.

Reason

To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP6 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

A pre-commencement condition is required to avoid the need for future remedial action

17. Overheating Details

Prior to the construction of the development above Damp Proof Course (DPC) level evidence that the buildings will not be liable to overheating under current and future climate scenarios shall be provided. This shall be based on dynamic thermal modelling of dwellings using 2020 and 2050 weather files with the risk of overheating assessed using the CIBSE TM52 methodology or appropriate equivalent agreed with the local planning authority. Where overheating risks are identified the design shall be amended to include appropriate mitigation measures. The development shall take place in accordance with the approved details.

Reason

To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP6 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

A pre-commencement condition is required to avoid the need for future remedial action

18. Solar PV Strategy and Implementation

Prior to the construction of the development above Damp Proof Course (DPC) level PV, details of the proposed PV system including location, dimensions, design/technical specification together with calculation of annual energy generation (kWh/annum) and associated reduction in residual CO2 emissions shall be provided to the Local Planning Authority for approval. The approved PV system shall be implemented in accordance with the approved details.

Reason

To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP6 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

A pre-commencement condition is required to avoid the need for future remedial action

19. Sustainable Urban Drainage

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

For the avoidance of doubt we would expect to see the following details when discharging the above conditions:

- Confirmation and acceptance of an agreed connection point and discharge rate for surface water disposal from Wessex Water.
- A clearly labelled drainage layout plan showing the pipe networks and any attenuation features and flow control devices (where applicable).
- Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events (winter and summer); and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer) in line with the current industry accepted allowance 40% up to and including the 10080 minute scenarios.
- (Preferably in the MicroDrainage format to include the MDx file for auditing).
- Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer) in line with the current industry accepted allowance.
- There is to be no planting of trees over, or within close proximity (3 metres) of any existing or proposed drainage infrastructure, which may include but not limited to, pipework, gullies and attenuation features such as ponds, basins and tanks (3 metre offset from top of bank including access track).
- The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
- The plan should also show any manholes with cover level (CL) and pipe node numbers, including size, length, gradient, and invert level (IL), referred to within the drainage calculations.

- A manhole / inspection chamber schedule to include cover and invert levels.
- Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration/Conveyance features, Flow Control Devices, and Pumping Stations where applicable, for the lifetime of the development, must also be provided.
- This should clearly outline which elements/components will be offered for adoption and those which are to remain privately maintained and by whom (in this context this refers to the wider scheme infrastructure such as ponds, basins, swales, ditches, soakaways, and permeable paving which may form part of the surface water network).
- If privately maintained, the document should also consider any future sale scenarios and how tentative purchasers will also be made aware of their jointly vested highway and drainage assets.

Reason

In order to secure a satisfactory drainage system and to comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2012.

Case Officer: David Stockdale
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 28/23 -14th July 2023

App No.:	P22/06264/F	Applicant:	Mr Luke Boxal IBarratt Homes
Site:	POS Corridor Between Barratt Phases 2 & 6 North Yate South Gloucestershire	Date Reg:	16th November 2022
Proposal:	Installation of sculptural seating arrangement within three distinct locations along the green corridor of Barratt Phases 2 and 6 with associated works.	Parish:	Yate Town Council
Map Ref:	371037 184612	Ward:	Yate North
Application Category:	Minor	Target Date:	9th January 2023



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N.T.S.

P22/06264/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 appears on the circulated schedule because objections have been received from Yate Town Council contrary to the officer recommendation. A total of 32 interested parties made objections during the initial two phase of consultation but no further representations were received following consultation in respect of scheme revisions.

1. THE PROPOSAL

- 1.1 The application is for full planning permission for sculptural seating in three locations through and along the green corridor of informal open space within phases 2 and 6 of the North Yate New Neighbourhood (NYNN) development. This part of the site and the proposal are by Barratt Homes and this forms a part of the required public art provision within the wider development approved under the Outline consent PK12/1913/0.
- 1.2 The application proposals have been subject of additional information submissions and subsequently revisions as to the proposed location of two sets of seating, relocating those further away from residential properties and northward into the linear open space area.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2, 7, 8, 10, 11, 38, 47, 92, 93, 97(a), 126, 130. (NPPF July 2021)
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS2 Green Infrastructure
CS24 Green Infrastructure Sport and Recreation Standards
CS31 North Yate New Neighbourhood

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017
PSP1 Local Distinctiveness
PSP2 Landscape
PSP8 Residential Amenity
PSP44 Open Space, Sport & Recreation
- 2.3 Supplementary Planning Guidance
Green Infrastructure SPD
Design Checklist SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/1913/O Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved.
- 3.2 PK18/1656/RM Approval of remaining site wide infrastructure including primary and secondary streets, utilities, services, foul and surface water drainage, hard and soft landscaping in relation to Phase 0 (Reserved Matters application to be read in conjunction with outline planning permission PK12/1913/O) amended by PK17/4826/RVC in regard to landscaping, appearance, layout and scale)
- 3.3 PK17/4826/RVC Variation of conditions 12, 19 and 41 attached to outline planning permission PK12/1913/O to rationalise and validate amendments to conditions previously granted under application reference numbers PK15/5230/RVC, PK16/2449/RVC, and PK17/0039/NMA.
- 3.4 PK18/3185/RM Approval of the reserved matters appearance, layout, scale and landscaping associated with application PK12/1913/O superseded by application PK17/4826/RVC for the erection of 106no. residential dwellings and associated works.
- 3.5 PK18/1723/RM Erection of 226 no. dwellings with associated roads, drainage, landscaping, garaging and parking to include reserved matters for appearance, layout, scale and landscaping to be read in conjunction with outline permission PK12/1913/O amended by PK17/4826/RVC.
- 3.6 P19/14361/RM Erection of 3 no. buildings to form 48 no. flats and a retail unit (Class A1) with land reserved for a health centre and community centre. Application includes roads, parking and associated works with appearance, landscaping, layout, scale and access to be determined. (Approval of Reserved Matters to be read in conjunction with outline permission PK12/1913/O as amended by PK17/4826/RVC).
- 3.7 P22/02306/RM Erection of 201 no. dwellings and associated works with access, appearance, landscaping, layout and scale to be determined. (Approval of Reserved Matters to be read in conjunction with outline permission PK17/4826/RVC formerly PK12/1913/O). *Pending determination*

4. CONSULTATION RESPONSES

- 4.1 Three periods of consultation were undertaken following receipt of the initial submissions. A third and final set of revised and additional submissions were made following the outcome of the first and second consultation exercises. This in response to the representations received from members of the public and the Town Council, in particular those raising concern as to the proposed seating locations. The following is a summary of comments received and identifies the

final position of consultees following the three consultations. This is not intended to be a verbatim recitation of all comments made and only references representations received.

4.2 Yate Town Council

Initial response raised concerns regarding the positioning of two the proposed seating sets and proximity to nearby dwellings; concern raised as to pooling of water on seating surfaces; Materials and design not practical or obviously seating.

Following the two phases additional submissions reconsultation undertaken locational and residential amenity concerns remain.

4.3 Other Consultees

Public Art Officer – No objection.

Urban Designer – No objection but additional details as to supporting structure and maintenance. Addressed by additional submissions.

Sustainable Transport – No objection.

Trees Officer – No comment.

Public Rights of Way – No objection but recommended PROW should be shown on revised plans.

Other Representations

4.3 Local Residents

4.4 A total of 32 representations were received from members of the public over the two consultation periods with the majority submitted during the second consultation period in response to revised and additional submissions from the applicant. Similar concerns were raised in both periods however. The majority of the representations received were either in objection or raised general queries and concerns. Those submissions can be summarised as follows, this is not intended to be a verbatim recitation of representations submitted.

- Will act as points of congregation for anti social and unlawful behaviour
- Harm to residential amenity including though noise and general disturbance, alternate locations away from housing recommended
- Lack of functionality arising from the design, standard / traditional benches preferred
- Litter and dog bins required
- Will be subject of graffiti and damage with result maintenance and cost issues
- The design will result in water pooling during rain storms on seating areas reducing use

- The designs are visually unattractive and bear no relationship to the locality or the design of the development – incongruous design.

Following the third and final period of consultation no further representations and no further objections were received from members of the public. As such it is considered concerns raised previously had been addressed by the final proposed revisions.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

5.2 The principal of development has been established through the allocation of the site in the Council's Core Strategy; the approval of the outline planning application and related masterplan as supported by the related Section 106 agreement. The approval of subsequent revision applications and discharge of conditions for the layout of the public open space further establishes the use as consented and provided. The approval of the public arts plan as required by the section 106 agreement addresses the requirements therein and provides the framework and supporting in principle justification for arts provision in this space and location.

5.3 Furthermore, Criterion 7 of CS1 of the CS requires that public art be embedded within the public realm where warranted by the scale, location and or significance of development. Whilst criterion 13 of CS31, which allocates the site for the strategic development, requires contributions toward the provision of public art. The Public Art Plan approved under the S106 agreement identifies that the design of public seating in open spaces within the development as an appropriate opportunity to embed public art in the public realm as required by CS1. The proposals are considered to accord with these policy provisions and in principle requirements, achieving the intended provision of the outline consent as granted and controlled by condition and legal agreement. Additionally, the Council's adopted Green Infrastructure SPD makes clear that open spaces in new development perform and provide multifunctional benefits which includes provision of cultural heritage features.

5.5 Consideration of Visual Impact, Character and Appearance – Design Quality

The proposed seating is divided into three separate elements in 3 separate locations and in this way the scale, bulk and mass of the individual seating facilities is limited. The location of the proposal is within the strategic open space provision for the NYNN development and specifically the linear space that runs adjacent to and northward from the Local Centre. Provision of both seating and artworks within in public open spaces has a long established history nationwide and is not in any way unusual. In this context it is not considered that the proposals are out of character or harmful such that conflict with policies CS1 & CS2 of the Core Strategy, PSP1 & PSP2 of the Policies Sites and Places Plan, or the Design Checklist & Green Infrastructure SPDs arises.

5.6 Concerns have been raised as to the design character of the seating, in effect to the artistic design. This is considered to be an inevitable outcome of public

art engagement and with designing features of a development. Art and Design is subjective and not all persons will value and appreciate art in the same way or to the same degree. There will always be some level of disagreement as to the quality and character of artistic creations and designs, it is an intrinsic element of art and design. To a certain extent this is a function and product of the public art policy and engaging the artist and the public in designing features and elements of new environments – to create interest in those new environments. The application submissions represent the final stage of the agreed public art plan for the NYNN development. Supporting submissions and correspondence with the applicant and the Council's Arts and Development Team/Community Cultural Services identify the inspiration behind the design and features of the sculptural seating as following and stemming from careful research of the Celestine Mining in this locality and local resident workshops. The proposed material for the seating includes Celestine. In that context it is considered that the proposals do add character and distinctiveness to the locality and the NYNN development. It is not considered to be the case that harm arises or that there is conflict with development plan policies in relation to character, appearance and visual amenity such that the development ought to be refused on this basis.

- 5.7 Concerns have also been raised as to the long term condition of the seating and scope for defacement including graffiti; alongside structural safety and pooling of water in the seats themselves. The applicant has submitted details as to the foundational structure including supporting calculations that are considered to demonstrate that these matters have been given detailed consideration in their design development and are capable of safe construction. Similarly, several options for maintenance and graffiti prevention have been submitted for review and consideration by officers. The most effective and least intrusive approach has been identified as appropriate and sufficient and will be subject of condition. This is Option 1 in the supporting statement : 1. *Impregnating or soak in sacrificial sealant (Tensid)*. The seating details have been revised to ensure level seating areas and no consequent pooling of rainwater on the seating. In this way it is not considered that the proposals will be subject to decay and dilapidation or limitations on usage such that harm to visual amenity will arise.

5.8 Consideration of Residential Amenity

Following the relocation of two sets of the seating away from nearby residential properties and further into the public open space area, alongside the original location of one set of seating adjacent the local centre, it is not considered that the proposals will result in significant harm to residential amenity. It is considered that there is a sufficient degree of separation from the proposed seating locations to the nearest residential properties, with residential access roads and landscaping/planting located in intervening locations, to minimise and mitigate the potential for disturbance from noise or loss of privacy from intervisibility and overlooking.

- 5.9 Given the design, form and scale of the proposed seating it is not considered that the proposals in each of the three locations lend themselves to substantive levels of persons utilising the seating and congregating in those locations. The

design and layout is not considered to result in a feature that would be a focus for anti-social behaviour, the proposal is simply for a limited amount of seating without shelter, lighting or heating. They provide for a short stay rest whilst walking through the open space. In this context any form of seating or indeed any structure could provide some degree of focal point. Refusal of the proposals on this basis would not be justified and indeed would effectively bar the erection of any seating or facility within the open spaces in the development. In providing for a rest stop for those utilising the open space and to enjoy the open area with friends, relatives and neighbours it is considered that the proposals do, to a certain degree, add to the residential amenities of the development, enabling social interaction and utilisation of the open space provided in reasonable proximity to and accessible from residential properties.

- 5.10 On this basis it is not considered that the proposals result in significant harm to residential amenity such that conflict with PSP 8 of the Policies Sites and Places Plan, Design Checklist SPD and para 130 of the framework arises.

Other Matters

- 5.11 *Conditions* The location of the proposed development falls within the strategic landscaping for the site, which was subject of two separate permissions covering two areas of the wider development. The relevant application and consent for this locality was PK18/1656/RM. The permissions would stand alongside one another, so it is necessary to consider which, if any, conditions need to be reapplied and/or amended. Following review and given the limited nature of the development now proposed in the revised locations identified the conditions suggested below are considered appropriate and necessary.
- 5.12 *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.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

7.1 Approval subject to the following conditions:

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

Reason

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Revised Site Location Plan

Revised Site Layout Plan

Received 14.04.2023

Structural Calculations Seating Foundations 05067E (Excluding Site location plan page 2) Received 10.01.2023

Supporting Statement & Surface Treatment Detail -Tensid UK ltd Graffi Coat 1 Product Data (2 docs) (Option 1 maintenance Tensid)

Received 07.03.2023

Tree Protection Plan BBS21717-03 Received 01.11.22

Reason

For the avoidance of doubt and in the interests of proper planning.

3. The seating shall be erected as shown on the approved plans and shall be retained and maintained in accord with the approved details in perpetuity, unless otherwise agreed by the Local Planning Authority following submission and approval of an application.

Reason

To prevent harm to residential amenity and in the interests of visual amenity.

ADDITIONAL INFORMATION:

1. This permission is to be read in conjunction with: i) The Land North of Brimsham Park Yate Agreement made between South Gloucestershire Council (1) and The Owners (2) and Heron Land Developments Limited (3) and Wessex Water Limited (4) DATED 17TH July 2015. All in pursuance of Section 106 of the Town & Country Planning Act 1990, as amended by Section 12 of the Planning & Compensation Act 1991.

2. This decision is to be read in conjunction with the decision notices for applications PK18/1656/RM and discharge of conditions notices for applications DOC19/00313 and DOC20/00339.

3. Works shall take place in accordance with agreement/s made pursuant to section 38 and/or section 278 of the Highways Act 1980 entered into with South Gloucestershire Council as the Highway Authority (substantially in accordance with the Council's standard form agreements) in respect of the relevant works authorised by this permission.

4. The developer/contractor should ensure that all foundations (buildings, external structures, and hard landscaping, including highways construction) are designed and constructed in accordance with current legislation and best practice guidance, to take into account all existing and new trees, hedgerows or other vegetation and how their root growth and water demands may change as they mature. Both existing/proposed vegetation within the application site, and any existing vegetation on land adjoining the site, at the time of construction should be taken into the consideration, together with any changes to ground conditions likely to arise due to the felling/removal of any trees/other vegetation during the previous 15 years. For this purpose, the developer/contractor will submit all relevant details to the authority dealing with the Building Regulations Certificate.

5. Under the Wildlife and Countryside Act 1981 it is an offence to damage, destroy or obstruct access to any structure or place that bats, great crested newts or any other animal listed in Schedule 5 of the Act use for shelter or protection. Under this Act it is also an offence to disturb barn owls whilst building a nest or in the vicinity of a nest containing eggs or young.

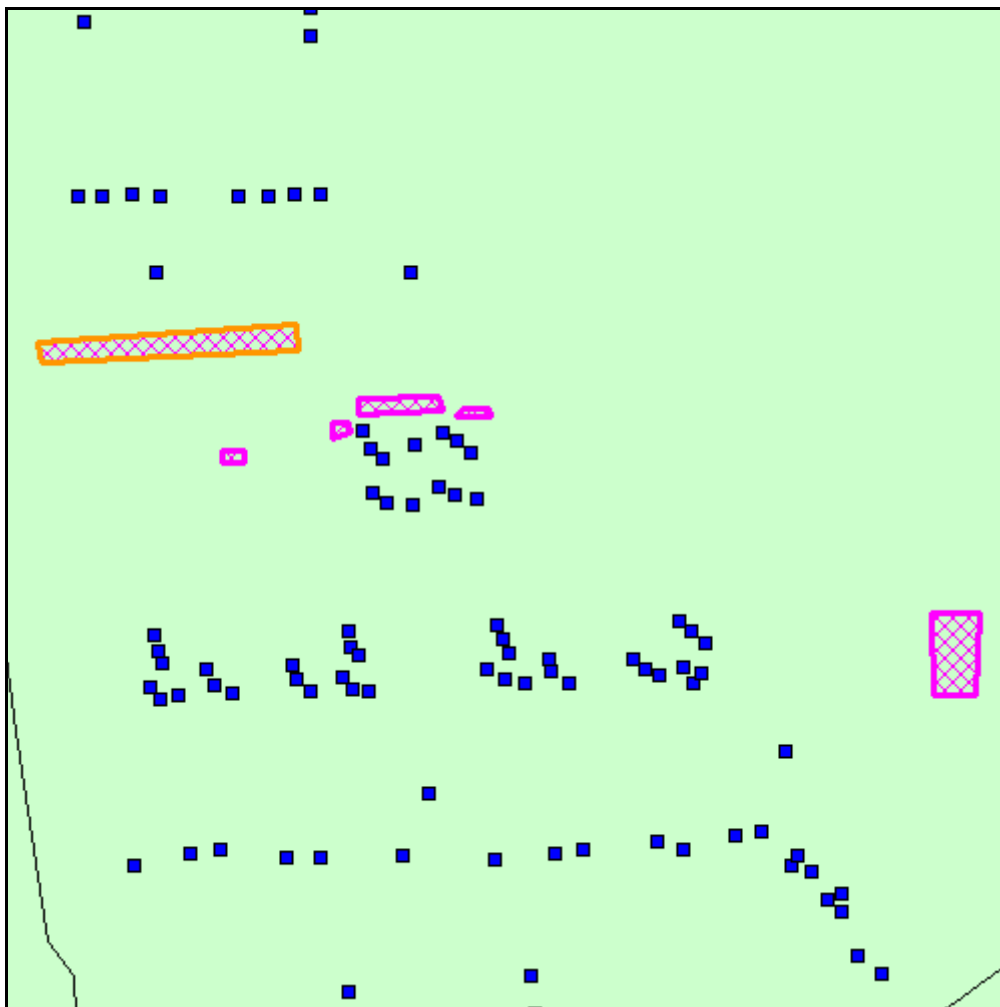
6. If breeding birds are present, development (including any clearance of vegetation) should only take place outside the nesting season to avoid potential offences under the Wildlife & Countryside Act 1981 (as amended) and/or CROW Act 2000. Generally speaking, this will be between March and August inclusively although it will vary according to seasonal temperatures (CS9, PSP19).

PLEASE NOTE: The development hereby permitted must be implemented in accordance with plans hereby approved and any conditions specified above. The conditions may specify that works are to be carried out or details are required to be submitted for further approval, before all or part of the development is otherwise commenced. For further information regarding the discharge of Planning Conditions and the relevant forms please view "compliance with conditions" on our website, www.southglos.gov.uk If the permission is commenced without these requirements being fully met, or in any other manner, the development may be unauthorised and the permission invalidated. The council holds a definitive copy of this planning decision notice. You should be aware of the risk that subsequent copies of the decision notice may be subject to unauthorised alteration and if necessary you are advised to refer to the council for verification. The definitive copy can be viewed via the council's planning website.

Case Officer: Lee Burman
Authorising Officer: Eileen Paterson

CIRCULATED SCHEDULE NO. 28/23 -14th July 2023

App No.:	P23/01103/ADV	Applicant:	Sainsbury's Supermarkets Ltd
Site:	North Yate New Neighbourhood Yate South Gloucestershire	Date Reg:	28th March 2023
Proposal:	Display of 1no, illuminated fascia sign, 1no. illuminated hanging sign, 1no. non-illuminated totem sign, and 8no. non-illuminated totem car park signs.	Parish:	Yate Town Council
Map Ref:	371123 184198	Ward:	Yate North
Application Category:	Minor	Target Date:	19th May 2023



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 100023410, 2008. N.T.S. P23/01103/ADV

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 appears on the circulated schedule because objections have been received from Yate Town Council contrary to the officer recommendation. One public representation of objection was also received.

1. THE PROPOSAL

- 1.1 The application is for Advertising Consent for the display of 1no, illuminated fascia sign, 1no. illuminated hanging sign, 1no. non-illuminated totem sign, and 8no. non-illuminated totem car park signs. The application relates to the Local Centre within the North Yate New Neighbourhood development (NYNN) and follows reserved matters approval for the Local Centre under application reference number P19/14361/RM. The application also follows the confirmation of the operator for the local centre retail unit to which the advertising relates – Sainsburys.
- 1.2 The application proposals have been subject of revision as to the proposed details of the adverts, with directional signage amended, and time period for parking extended to 1 hour. The building elevations showing the storefront signage have also been amended to exclude use of vinyl treatments to windows. The totem signs are re-confirmed as non-illuminated also. It should however be noted that the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended) only allows Local Planning Authorities to consider amenity and public safety in the determination of applications for consent to display advertisements. Amenity is considered to include both visual amenity, character and appearance alongside residential amenity. National and local planning policies are considered relevant in this context.
- 1.3 Separate applications have been submitted for installation of an ATM with related layout revisions for provision of security bollards and a related advertisement consent application, which impact the shopfront and building also. The applications appear separately on the circulated schedule. A related Non Material Amendment Application for alterations to the approved shopfront has been approved P23/01102/NMA.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2, 7, 8, 10, 11, 38, 47, 111, 130, 136.
(NPPF July 2021)

Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended)
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS31 North Yate New Neighbourhood

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1 Local Distinctiveness
PSP8 Residential Amenity

- 2.3 Supplementary Planning Guidance
Shopfronts and advertisements SPD (Adopted April 2012)

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/1913/O Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved.
- 3.2 PK17/4826/RVC Variation of conditions 12, 19 and 41 attached to outline planning permission PK12/1913/O to rationalise and validate amendments to conditions previously granted under application reference numbers PK15/5230/RVC, PK16/2449/RVC, and PK17/0039/NMA.
- 3.3 P19/14361/RM Erection of 3 no. buildings to form 48 no. flats and a retail unit (Class A1) with land reserved for a health centre and community centre. Application includes roads, parking and associated works with appearance, landscaping, layout, scale and access to be determined. (Approval of Reserved Matters to be read in conjunction with outline permission PK12/1913/O as amended by PK17/4826/RVC).
- 3.4 P23/01102/NMA Non Material Amendment to application P19/14361/RM to substitute amended plans to shopfront design.

4. CONSULTATION RESPONSES

- 4.1 Two periods of consultation were undertaken following receipt of the initial submissions. This in response to the representations received from a member of the public and the Town Council. The following is a summary of comments received and identifies the final position of consultees following the two consultations. This is not intended to be a verbatim recitation of all comments made and only references representations received.

4.2 Yate Town Council

Initial response raised concerns regarding the proposed parking arrangements as indicated by the signage details and the potential for disturbance and harm to residential amenities of future occupants of neighbouring residential

properties to the proposed adverts. Concerns as to how individuals seeking to park would interpret the signage and park in the wrong locations as consequence, as well as directing persons along adjacent residential roads were also raised. Scale of the advertising was considered unnecessary. Objection to absence of electrical vehicle charging points was raised.

Following the second phase revised submissions reconsultation undertaken, objections remain in respect of the proposed parking arrangements for the local centre indicated by the content of the proposed adverts and harm to residential amenity.

4.3 Other Consultees

Sustainable Transport – No objection.

Climate and Nature Emergency Team – No objection, encourages applicant to considered energy efficient lighting and controls.

Other Representations

4.4 Local Residents

One representation of objection was received from a member of the public raising concerns regarding impact on property values; impact on the character and appearance of the area, including in respect of cumulative lighting alongside street lights; and health impacts of illumination and flashing lights.

Following the second period of consultation no further representations or objections were received from members of the public.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

5.2 The principal of development has been established through the allocation of the site in the Council's Core Strategy; the approval of the outline planning application and related masterplan as supported by the related Section 106 agreement. The approval of subsequent revision applications, reserved matters approval and discharge of conditions for the layout of the local centre further establishes the use as consented.

5.3 The reserved matters permission consents the retail use and it is not out of the ordinary or in any way unusual for retail stores to require advertising signage. It is essential to note however that this is an application solely for advertisement consent and the matters that are available are limited to considerations of amenity and public safety – not principle. This is material also in respect of concerns raised as to the site parking arrangements that are referenced in some of the adverts (Totem). The extent of parking provision and its usage in the local centre/adjacent the retail store is not a matter available for consideration and determination through this application.

- 5.4 The quantum and layout of parking provision was considered as part of the reserved matters permission and is consented. It is clear from the officer report for that application that no objections to the proposals were raised on parking sufficiency grounds by highways officers. Furthermore, that the original submissions for that application included a significantly greater quantum of parking provision than was ultimately approved and those details were amended through determination to remove parking and increase the quantum of public amenity space. In part this was on the basis of character, appearance, visual amenity and design quality considerations. Also in respect of sustainability, in that this is the local centre for the NYNN development and was accessible therefrom by foot and cycle. No controls and conditions as to the use of approved parking were imposed as part of the approval of those reserved matters details, just timing of provision. Similarly, there were no conditional controls as to the use of parking imposed as part of the original outline permission or subsequent variation consents. The management and maintenance agreement required by the S106 agreement attached to the Outline permission does not impose controls or requirements in respect of the parking for the retail unit. Requirements therein address parking courts servicing residential properties.
- 5.5 It is, however, also important to note that the reserved matters application for the Local Centre excluded the area of land identified for the Community Centre. As such details in that respect are yet to be submitted and determined. Whilst the site area is limited and access to the local centre has been determined forming some constraints, it does remain the case that the layout of that part of the local centre has yet to be determined and related parking facilities to support the facility can be considered through the future reserved matters application.
- 5.6 On this basis it is not considered that the detail included in the signage as to parking arrangements and controls provides a basis for refusal or determination.
- 5.7 Consideration of Amenity
- 5.8 The proposed signage attached to the retail unit includes 1no, illuminated fascia sign and 1no. illuminated hanging sign. These are considered proportionate in scale to the retail unit and of a form typical to retail development of this nature. Whilst illuminated this is internal illumination and can be controlled by condition, limited to opening times for the unit and to be static. Subject to such controls and given the limited scale alongside the positioning in relation to the nearest residential units it is not considered that significant harm to either residential amenity or visual amenity arises. Consequently, it is not considered that conflict with the relevant provisions of national guidance, policies of the plan, requirements of the Council's Shopfront and Advert SPD or the provisions of the advert regulations arises.
- 5.9 The 8 totem signs in the car park are confirmed as non illuminated and it is not considered that visual amenity or residential amenity concerns arise in this respect. Whilst there are multiple signs proposed they are individually relatively small in scale and necessary, performing individual functions such as

identifying disabled parking and so do not contain repeated messaging or company logo advertisements. In this context it is not considered that the proposals result in unnecessary clutter that degrades the design quality or visual amenity of the development as approved. It is not considered that significant harm to visual amenity arises. These proposed adverts/signage are located a significant distance from the nearest properties and at ground level with the nearest dwellings being apartments above the retail unit. As such it is considered that the proposals will not result in significant harm to residential amenities. Consequently, it is not considered that conflict with the relevant provisions of national guidance, policies of the plan, requirements of the Council's Shopfront and Advert SPD or the provisions of the advert regulations arises.

5.10 The 1 freestanding totem sign located adjacent to Leechpool Way is confirmed as non illuminated and it is not considered that visual amenity or residential amenity concerns arise in this respect. Whilst there are windows in the side elevation of the nearest dwellings (the apartment block) these are a significant distance from the location of the totem sign. The sign itself is not considered excessive in scale and form. Consequently, it is not considered that the sign will have an overbearing impact on future occupants and will not result in significant loss of daylighting or overshadowing such that significant harm to residential amenities arises. Therefore, it is not considered that the proposals conflict with the relevant provisions of national guidance, policies of the plan, requirements of the Council's Shopfront and Advert SPD or the provisions of the advert regulations arises.

5.11 Consideration of Public Safety

5.12 In relation to adverts and public safety this is most commonly taken as risk of distraction to vehicle users, largely from lighting, movement or prominence and related scale. Also in terms of potential decay and deflection or poor maintenance resulting in risk of collapse. In these respects, it is not considered that the shopfront / retail unit signage poses a significant risk given distance to the nearest highways, positioning and orientation in relation to adjacent highways and the limited scale and absence of flashing lighting.

5.13 Similarly the totem signage within the car park is limited in scale, non illuminated, positioned and orientated some distance from, and in locations that are not especially prominent in respect of, the adjacent highway network. The signage is intended to serve users of the parking area, those vehicle users already off the adjacent highways.

5.14 The free standing totem sign adjacent Leechpool Way is both designed and located to be visual prominent in relation to passing motorists. It is however limited in scale and non-illuminated. It is also a common type of signage utilised by this retailer across multiple stores nationwide. Similarly so with many other such retailers. It is not out of the ordinary or exceptional and so is not likely to distract and result in significant highway safety issues in this respect. The relevant part of the highway is also designed to minimise traffic speeds, including use of speed humps.

5.15 In all respects the Council's Sustainable Transport Team has raised no objections. It is considered that significant harm does not arise in relation to public safety from the proposed signage and advertising. Consequently, it is not considered that conflict with the relevant provisions of national guidance, policies of the plan, requirements of the Council's Shopfront and Advert SPD or the provisions of the advert regulations arises.

5.16 Other Matters

5.17 Concerns have been raised in respect of risk to public health from use of flashing illumination, but the proposals do not include this type of lighting and such it is not considered that harm arises in this respect. This can also be controlled by use of condition. The directional element of the proposed signage has been amended to clarify matters and address previously raised concerns in this respect. As set out above this is an application for advertisement consent and does not address or deal with electric vehicle charging provision and requirements. This is not material to determination and is not a matter available for consideration. The impact of any development proposal on existing property values is not a material planning consideration.

5.18 *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.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 Approval subject to the following conditions

1. This consent shall expire at the end of the period of [5] years from the date of this Notice.

REASON: To comply with Regulations 14 (7) and (8) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Site Location Plan

Received 20.03.2023

Revised Proposed Signage Details PL-A-2003-A

Received 24.05.2023

REASON: For the avoidance of doubt and in the interests of proper planning.

3. The illuminated advertisement(s) permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

REASON: In the interests of amenity.

4. The illumination of the sign(s) hereby permitted shall be static and shall not be of a flashing type.

REASON: In the interests of amenity and/or public safety.

5. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to—

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASON: To comply with Regulation 14 (7) of the Town and Country Planning

(Control of Advertisements) (England) Regulations 2007.

6. The ground floor front elevation shopfront windows and door openings shall be retained and maintained free of internal screening, including vinyl screening, at all times and in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of the character, appearance and visual amenity of the locality and achieving and retaining high quality design in the approved development.

ADDITIONAL INFORMATION:

1. This permission is to be read in conjunction with: i) The Land North of Brimsham Park Yate Agreement made between South Gloucestershire Council (1) and The Owners (2) and Heron Land Developments Limited (3) and Wessex Water Limited (4) DATED 17TH July 2015. All in pursuance of Section 106 of the Town & Country Planning Act 1990, as amended by Section 12 of the Planning & Compensation Act 1991.
2. This decision is to be read in conjunction with the decision notices for applications PK12/1913/O, PK17/4826/RVC, P19/14361/RM, P23/01102/NMA and discharge of conditions notices for applications : DOC21/00231 DOC22/00142 & DOC22/00017.
3. Works shall take place in accordance with agreement/s made pursuant to section 38 and/or section 278 of the Highways Act 1980 entered into with South Gloucestershire Council as the Highway Authority (substantially in accordance with the Council's standard form agreements) in respect of the relevant works authorised by this permission.
4. The developer/contractor should ensure that all foundations (buildings, external structures, and hard landscaping, including highways construction) are designed and constructed in accordance with current legislation and best practice guidance, to take into account all existing and new trees, hedgerows or other vegetation and how their root growth and water demands may change as they mature. Both existing/proposed vegetation within the application site, and any existing vegetation on land adjoining the site, at the time of construction should be taken into the consideration, together with any changes to ground conditions likely to arise due to the felling/removal of any trees/other vegetation during the previous 15 years. For this purpose, the developer/contractor will submit all relevant details to the authority dealing with the Building Regulations Certificate.
5. Under the Wildlife and Countryside Act 1981 it is an offence to damage, destroy or obstruct access to any structure or place that bats, great crested newts or any other animal listed in Schedule 5 of the Act use for shelter or protection. Under this Act it is also an offence to disturb barn owls whilst building a nest or in the vicinity of a nest containing eggs or young.
6. If breeding birds are present, development (including any clearance of vegetation) should only take place outside the nesting season to avoid potential offences under the Wildlife & Countryside Act 1981 (as amended) and/or CROW Act 2000. Generally speaking, this will be between March and August inclusively although it will vary according to seasonal temperatures (CS9, PSP19).

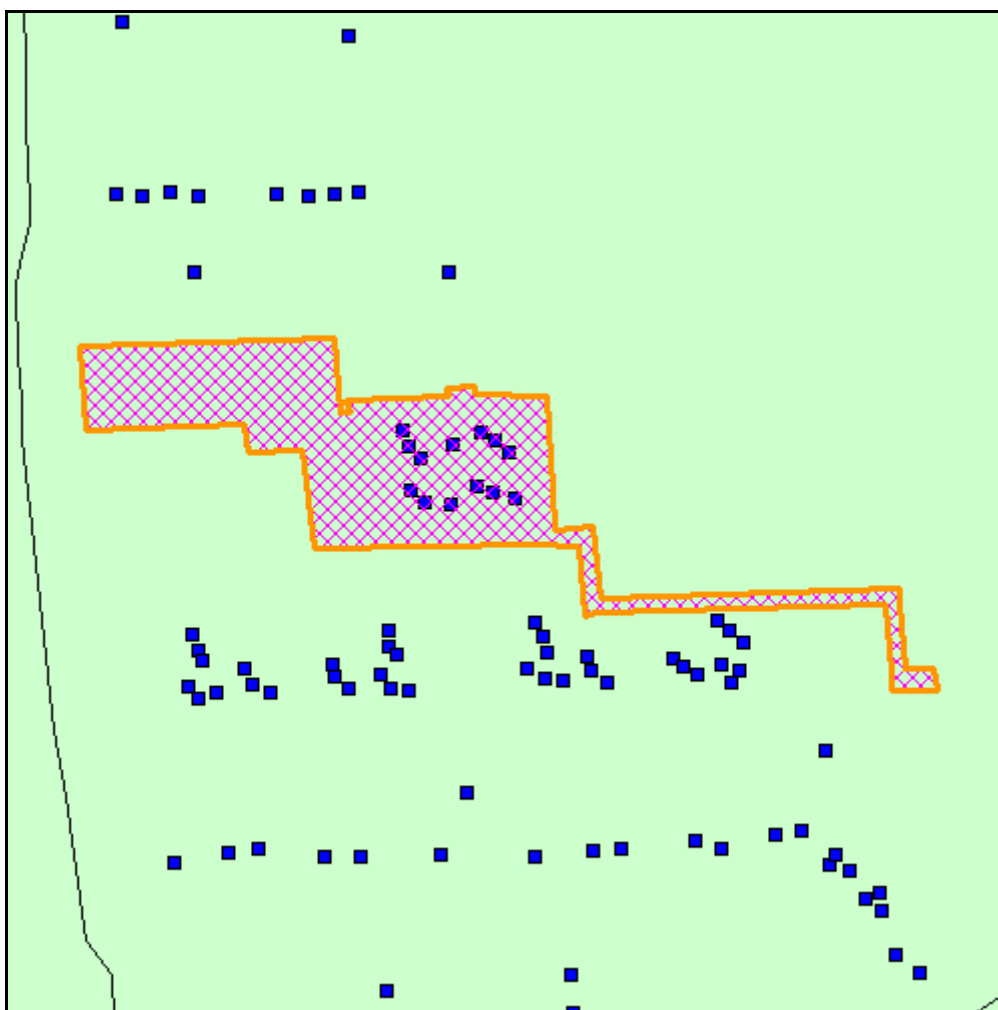
PLEASE NOTE: The development hereby permitted must be implemented in accordance with plans hereby approved and any conditions specified above. The conditions may specify that works are to be carried out or details are required to be submitted for further approval, before all or part of the development is otherwise commenced. For further information regarding the discharge of Planning Conditions and the relevant forms please view “compliance with conditions” on our website, www.southglos.gov.uk If the permission is commenced without these requirements being fully met, or in any other manner, the development may be unauthorised and the permission invalidated. The council holds a definitive copy of this planning decision notice. You should be aware of the risk that subsequent copies of the decision notice may be subject to unauthorised alteration and if necessary you are advised to refer to the council for verification. The definitive copy can be viewed via the council’s planning website.

Case Officer: Lee Burman

Authorising Officer: Eileen Paterson

CIRCULATED SCHEDULE NO. 28/23 -14th July 2023

App No.:	P23/01110/ADV	Applicant:	Sainsbury's Supermarkets Ltd
Site:	North Yate New Neighbourhood South Gloucestershire Yate	Date Reg:	27th March 2023
Proposal:	Display of 1 no. non-illuminated ATM customer information sign.	Parish:	Yate Town Council
Map Ref:	371128 184516	Ward:	Yate North
Application Category:	Minor	Target Date:	19th May 2023



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 100023410, 2008. N.T.S. P23/01110/ADV

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 appears on the circulated schedule because objections have been received from Yate Town Council contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for advertising consent for the display of 1 no. non-illuminated ATM customer information sign within the shopfront of the approved retail unit currently under construction. The signage for which advert consent is required is a coloured non illuminated backing / surround sign to the ATM itself and includes standard logo and text advertising the cash withdrawal facility. The application relates to the Local Centre within the North Yate New Neighbourhood development (NYNN) and follows reserved matters approval for the Local Centre under application reference number P19/14361/RM. The application also follows the confirmation of the operator for the local centre retail unit to which the proposals relate – Sainsburys.
- 1.2 The application submissions have been subject of the same revision as to the proposed details relating to roof eaves and drainage down pipes positioning (reinstatement of the approved detail under the reserved matters consent P19/14361/RM) as for the related full application. The building elevations showing the storefront with ATM installation and signage/advertising have also been amended to exclude use of vinyl treatments to windows. It should however be noted that the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended) only allows Local Planning Authorities to consider amenity and public safety in the determination of applications for consent to display advertisements. Amenity is considered to include both visual amenity, character and appearance alongside residential amenity. National and local planning policies are considered relevant in this context.
- 1.3 A separate application has been submitted for the installation of the ATM and related security bollards. A further advertising application for the local centre site with retail unit advertising has also been submitted. The applications appear separately on the circulated schedule. A related Non Material Amendment Application for alterations to the approved shopfront has been approved P23/01102/NMA.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2, 7, 8, 10, 11, 38, 47, 97, 111,130, 136.
(NPPF July 2021)

Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended).

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS31 North Yate New Neighbourhood

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017
PSP1 Local Distinctiveness
PSP8 Residential Amenity

2.3 Supplementary Planning Guidance

Shopfronts and advertisements SPD (Adopted April 2012)

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/1913/O Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved.
- 3.2 PK17/4826/RVC Variation of conditions 12, 19 and 41 attached to outline planning permission PK12/1913/O to rationalise and validate amendments to conditions previously granted under application reference numbers PK15/5230/RVC, PK16/2449/RVC, and PK17/0039/NMA.
- 3.3 P19/14361/RM Erection of 3 no. buildings to form 48 no. flats and a retail unit (Class A1) with land reserved for a health centre and community centre. Application includes roads, parking and associated works with appearance, landscaping, layout, scale and access to be determined. (Approval of Reserved Matters to be read in conjunction with outline permission PK12/1913/O as amended by PK17/4826/RVC).
- 3.4 P23/01102/NMA Non Material Amendment to application P19/14361/RM to substitute amended plans to shopfront design.

4. CONSULTATION RESPONSES

- 4.1 Two periods of consultation were undertaken following receipt of the initial submissions. This in response to the representations received from and the Town Council. The following is a summary of comments received and identifies the final position of consultees following the two consultations. This is not intended to be a verbatim recitation of all comments made and only references representations received.

4.2 Yate Town Council

Initial response raised No comment.

Following the second phase revised submissions reconsultation undertaken, objections raised in respect of the proposed parking arrangements for the local centre indicated by the content of the proposed adverts under application reference P23/01103/ADV and harm to residential amenity form some of those adverts.

4.3 Other Consultees

Sustainable Transport – No Objection.

Other Representations

4.4 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

5.2 The principle of development has been established through the allocation of the site in the Council's Core Strategy; the approval of the outline planning application and related masterplan as supported by the related Section 106 agreement. The approval of subsequent revision applications, reserved matters approval and discharge of conditions for the layout of the local centre further establishes the use as consented.

5.3 The reserved matters permission consents the retail use and it is not out of the ordinary or in any way unusual for retail stores to include ATMs with related signage. The extent of parking provision and its usage in the local centre/adjacent the retail store is not a matter for consideration and determination through this application.

5.4 The quantum and layout of parking provision was considered as part of the reserved matters permission and is consented. It is clear from the officer report for that application that no objections to the proposals were raised on parking sufficiency grounds by highways officers. Furthermore, that the original submissions for that application included a significantly greater quantum of parking provision than was ultimately approved and those details were amended through determination to remove parking and increase the quantum of public amenity space. In part this was on the basis of character, appearance, visual amenity and design quality considerations Also in respect of sustainability, in that this is the local centre for the NYNN development and was accessible therefrom by foot and cycle. No controls and conditions as to the use of approved parking were imposed as part of the approval of those reserved matters details, just timing of provision. Similarly, there were no conditional controls as to the use of parking imposed as part of the original outline permission or subsequent variation consents. The management and maintenance agreement required by the S106 agreement attached to the Outline permission does not impose controls or requirements in respect of the

- parking for the retail unit. Requirements therein address parking courts servicing residential properties.
- 5.5 It is, however, also important to note that the reserved matters application for the Local Centre excluded the area of land identified for the Community Centre. As such details in that respect are yet to be submitted and determined. Whilst the site area is limited and access to the local centre has been determined forming some constraints, it does remain the case that the layout of that part of the local centre has yet to be determined and related parking facilities to support the facility can be considered through the future reserved matters application.
- 5.6 The detail referenced in terms of use of the parking is contained in the separate advertising application P23/01103/ADV, which appears elsewhere in the circulated schedule. The advertising in that respect is not the subject of this application.
- 5.7 Consideration of Amenity
- 5.8 The proposed coloured signage backing/surrounding the ATM and including logo and standard text advertising the cash withdrawal facility is minimal, small in scale and non-illuminated. It is located within the shopfront which includes significant fenestration allowing views of the internally illuminated area of shop floor. The ATM is at ground floor level significantly lower than and in the same elevational plane as the nearest residential properties above. It is separated from the wider area and residential properties adjacent the shopping centre by the various parking, community and health centre sites, roads and landscaping areas.
- 5.9 On this basis it is not considered that the signage will have a significant harmful impact on residential or visual amenity. Therefore, it is not considered that conflict with the relevant provisions of national guidance, policies of the plan, requirements of the Council's Shopfront and Advert SPD or the provisions of the advert regulations arises.
- 5.10 Consideration of Public safety
- 5.11 In relation to adverts and public safety this is most commonly taken as risk of distraction to vehicle users, largely from lighting, movement or prominence and related scale. Also, in terms of potential decay and deflection or poor maintenance resulting in risk of collapse. In these respects, it is not considered that the ATM signage poses a significant risk given distance to the nearest highways, positioning and orientation in relation to adjacent highways and the very limited scale and absence of illumination. In these respect the Council's Sustainable Transport Team has raised no objections
- 5.12 Therefore, it is not considered that conflict with the relevant policies of the development plan, requirements of the Council's Shopfront and Advert SPD or the provisions of national guidance arises.

5.13 Other Matters

5.14 *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.

6. **CONCLUSION**

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

7.1 Approval subject to the following conditions

1. This consent shall expire at the end of the period of [5] years from the date of this Notice.

REASON: To comply with Regulations 14 (7) and (8) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Site Location Plan X PL-A-20

Received 21.03.2023

Revised Proposed ATM PL-A-2004-A

Received 24.03.2023

REASON:

For the avoidance of doubt and in the interests of proper planning.

REASON: In the interests of amenity and/or public safety.

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to—

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASON:

To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. The ground floor front elevation shopfront windows and door openings shall be retained and maintained free of internal screening, including vinyl screening, at all times and in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of the character, appearance and visual amenity of the locality and achieving and retaining high quality design in the approved ADDITIONAL INFORMATION:

1. This permission is to be read in conjunction with: i) The Land North of Brimsham Park Yate Agreement made between South Gloucestershire Council (1) and The Owners (2) and Heron Land Developments Limited (3) and Wessex Water Limited (4) DATED 17TH July 2015. All in pursuance of Section 106 of the Town & Country Planning Act 1990, as amended by Section 12 of the Planning & Compensation Act 1991.

2. This decision is to be read in conjunction with the decision notices for applications PK12/1913/O, PK17/4826/RVC, P19/14361/RM, P23/01102/NMA and discharge of conditions notices for applications : DOC21/00231 DOC22/00142 & DOC22/00017.

3. Works shall take place in accordance with agreement/s made pursuant to section 38 and/or section 278 of the Highways Act 1980 entered into with South Gloucestershire Council as the Highway Authority (substantially in accordance with the Council's standard form agreements) in respect of the relevant works authorised by this permission.

4. The developer/contractor should ensure that all foundations (buildings, external structures, and hard landscaping, including highways construction) are designed and constructed in accordance with current legislation and best practice guidance, to take into account all existing and new trees, hedgerows or other vegetation and how their root growth and water demands may change as they mature. Both existing/proposed vegetation within the application site, and any existing vegetation on land adjoining the site, at the time of construction should be taken into the consideration, together with any changes to ground conditions likely to arise due to the felling/removal of any trees/other vegetation during the previous 15 years. For this purpose, the developer/contractor will submit all relevant details to the authority dealing with the Building Regulations Certificate.

5. Under the Wildlife and Countryside Act 1981 it is an offence to damage, destroy or obstruct access to any structure or place that bats, great crested newts or any other animal listed in Schedule 5 of the Act use for shelter or protection. Under this Act it is also an offence to disturb barn owls whilst building a nest or in the vicinity of a nest containing eggs or young.

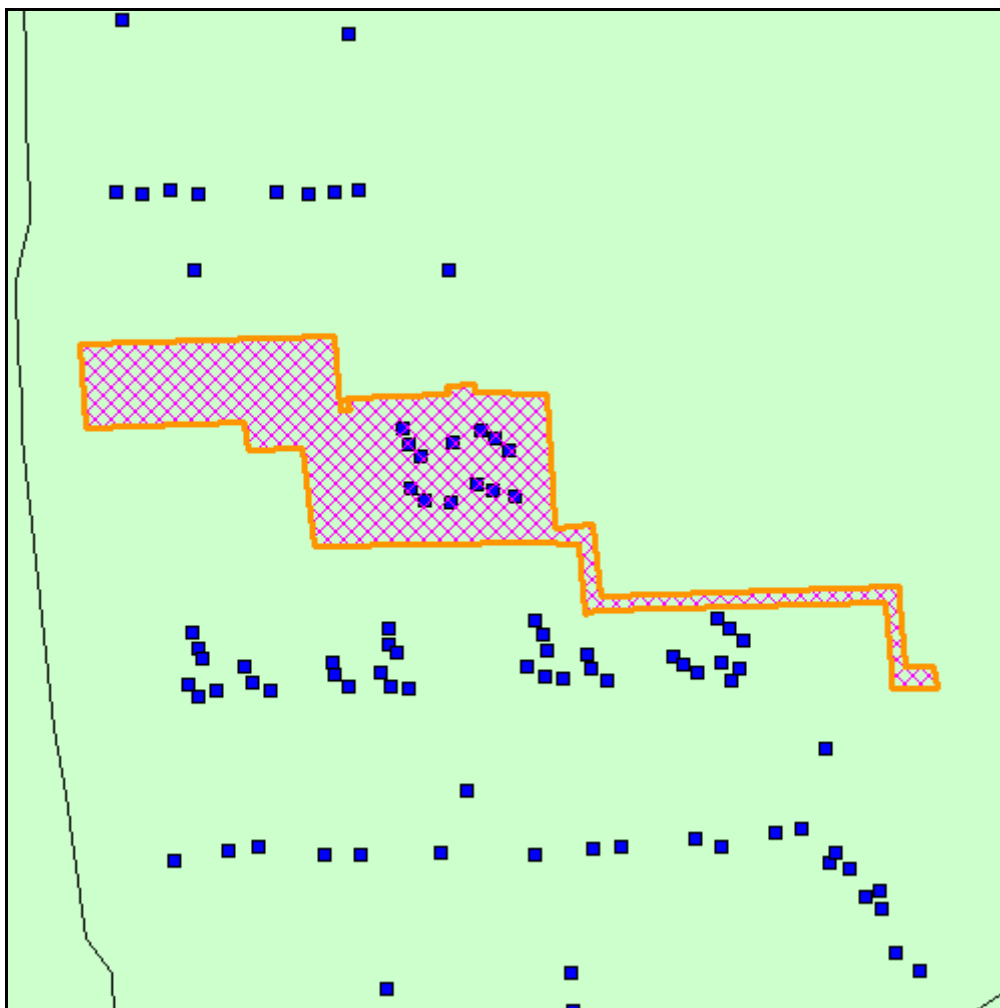
6. If breeding birds are present, development (including any clearance of vegetation) should only take place outside the nesting season to avoid potential offences under the Wildlife & Countryside Act 1981 (as amended) and/or CROW Act 2000. Generally speaking, this will be between March and August inclusively although it will vary according to seasonal temperatures (CS9, PSP19).

PLEASE NOTE: The development hereby permitted must be implemented in accordance with plans hereby approved and any conditions specified above. The conditions may specify that works are to be carried out or details are required to be submitted for further approval, before all or part of the development is otherwise commenced. For further information regarding the discharge of Planning Conditions and the relevant forms please view "compliance with conditions" on our website, www.southglos.gov.uk If the permission is commenced without these requirements being fully met, or in any other manner, the development may be unauthorised and the permission invalidated. The council holds a definitive copy of this planning decision notice. You should be aware of the risk that subsequent copies of the decision notice may be subject to unauthorised alteration and if necessary you are advised to refer to the council for verification. The definitive copy can be viewed via the council's planning website.

Case Officer: Lee Burman
Authorising Officer: Eileen Paterson

CIRCULATED SCHEDULE NO. 28/23 -14th July 2023

App No.:	P23/01126/F	Applicant:	Sainsbury's Supermarkets Ltd
Site:	North Yate New Neighbourhood South Gloucestershire Yate	Date Reg:	28th March 2023
Proposal:	Installation of 1 no. ATM and associated works.	Parish:	Yate Town Council
Map Ref:	371128 184516	Ward:	Yate North
Application Category:	Minor	Target Date:	19th May 2023



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100023410, 2008. N.T.S. P23/01126/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 appears on the circulated schedule because objections have been received from Yate Town Council contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for full planning permission for the installation of an ATM within the shopfront of the approved retail unit currently under construction. The proposals also include some minor consequential revisions to the approved layout, directly to the front of the unit to include the erection of bollards for crime prevention/safety reasons. The application relates to the Local Centre within the North Yate New Neighbourhood development (NYNN) and follows reserved matters approval for the Local Centre under application reference number P19/14361/RM. The application also follows the confirmation of the operator for the local centre retail unit to which the proposals relate – Sainsburys.
- 1.2 The application proposals have been subject of revision as to the proposed details relating to roof eaves and drainage down pipes positioning (reinstatement of the approved detail under the reserved matters consent P19/14361/RM). The building elevations showing the storefront with ATM installation have also been amended to exclude use of vinyl treatments to windows.
- 1.3 A separate application has been submitted for a related advertisement consent, which impacts the shopfront and building also. A further advertising application for the local centre site with retail unit advertising has also been submitted. The applications appear separately on the circulated schedule. A related Non Material Amendment Application for alterations to the approved shopfront has been approved P23/01102/NMA.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2, 7, 8, 10, 11, 38, 47, 92, 97, 111, 112, 130, 136. (NPPF July 2021)
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS31 North Yate New Neighbourhood

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017
PSP1 Local Distinctiveness
PSP8 Residential Amenity

- 2.3 Supplementary Planning Guidance
Shopfronts and advertisements SPD (Adopted April 2012)

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/1913/O Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved.
- 3.2 PK17/4826/RVC Variation of conditions 12, 19 and 41 attached to outline planning permission PK12/1913/O to rationalise and validate amendments to conditions previously granted under application reference numbers PK15/5230/RVC, PK16/2449/RVC, and PK17/0039/NMA.
- 3.3 P19/14361/RM Erection of 3 no. buildings to form 48 no. flats and a retail unit (Class A1) with land reserved for a health centre and community centre. Application includes roads, parking and associated works with appearance, landscaping, layout, scale and access to be determined. (Approval of Reserved Matters to be read in conjunction with outline permission PK12/1913/O as amended by PK17/4826/RVC).
- 3.4 P23/01102/NMA Non Material Amendment to application P19/14361/RM to substitute amended plans to shopfront design.

4. CONSULTATION RESPONSES

- 4.1 Two periods of consultation were undertaken following receipt of the initial submissions. This in response to the representations received from and the Town Council. The following is a summary of comments received and identifies the final position of consultees following the two consultations. This is not intended to be a verbatim recitation of all comments made and only references representations received.

4.2 Yate Town Council

Initial response raised No comment.

Following the second phase revised submissions reconsultation undertaken, objections raised in respect of the proposed parking arrangements for the local centre indicated by the content of the proposed adverts under application reference P23/01103/ADV and harm to residential amenity from some of those adverts.

4.3 Other Consultees

Sustainable Transport – No comment but no objection to related advertising consent application P23/01110/ADV.

Police Community Safety/ Designing Out Crime Officer – No objection, identifies crime issues associated with ATMs and welcomes measures to address these including use of bollards and gas suppression system. Standard design measures for ATMs reiterated as recommended e.g. security mirrors, privacy zone, use of CCTV in the premises covering shopfront and use of alarms connected to a monitoring centre.

Drainage – No objection

Highways Structures – No comment

Other Representations

4.4 Local Residents

None received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

5.2 The principle of development has been established through the allocation of the site in the Council's Core Strategy; the approval of the outline planning application and related masterplan as supported by the related Section 106 agreement. The approval of subsequent revision applications, reserved matters approval and discharge of conditions for the layout of the local centre further establishes the use as consented.

5.3 The reserved matters permission consents the retail use and it is not out of the ordinary or in any way unusual for retail stores to include ATMs with related security measures. The extent of parking provision and its usage in the local centre/adjacent the retail store is not a matter for consideration and determination through this application.

5.4 The quantum and layout of parking provision was considered as part of the reserved matters permission and is consented. It is clear from the officer report for that application that no objections to the proposals were raised on parking sufficiency grounds by highways officers. Furthermore, that the original submissions for that application included a significantly greater quantum of parking provision than was ultimately approved and those details were amended through determination to remove parking and increase the quantum of public amenity space. In part this was on the basis of character, appearance, visual amenity and design quality considerations Also in respect of sustainability, in that this is the local centre for the NYNN development and was accessible therefrom by foot and cycle. No controls and conditions as to the use of approved parking were imposed as part of the approval of those

reserved matters details, just timing of provision. Similarly, there were no conditional controls as to the use of parking imposed as part of the original outline permission or subsequent variation consents. The management and maintenance agreement required by the S106 agreement attached to the Outline permission does not impose controls or requirements in respect of the parking for the retail unit. Requirements therein address parking courts servicing residential properties.

5.5 It is, however, also important to note that the reserved matters application for the Local Centre excluded the area of land identified for the Community Centre. As such details in that respect are yet to be submitted and determined. Whilst the site area is limited and access to the local centre has been determined forming some constraints, it does remain the case that the layout of that part of the local centre has yet to be determined and related parking facilities to support the facility can be considered through the future reserved matters application.

5.6 The detail referenced in terms of use of the parking is contained in the separate advertising application P23/01103/ADV, which appears elsewhere in the circulated schedule. The advertising in that respect is not the subject of this application.

5.7 Consideration of Residential Amenity

5.8 The proposed ATM will provide a useful facility for local residents of the development to access funds without the need to travel significant distances and to assist with purchases at this retail centre. In this respect it is considered to provide for the amenity of local residents. Similarly, the designs including anti theft measures such as bollards in protecting against crime are also considered to be a positive element of the proposals in amenity terms. As noted above Avon and Somerset Police Designing out Crime officer supports the proposals.

5.9 The ATM and bollards are located in the shopfront at ground floor level below the nearest residential properties. Car park is situated adjacent. The nature of the facility is not considered to generate significant levels of disturbance and it is not considered that substantive harm to residential amenity through overlooking, loss of privacy, noise, overbearing impact or light intrusion arises. Therefore, no conflict with development plan policies, shopfront and advertising SPD or national guidance is considered to arise.

5.10 Consideration of Design Character and Visual Amenity

5.11 An ATM within a shopfront is considered to be an entirely common and normal feature. The facility is relative small scale and not especially obtrusive or prominent being designed to serve customers of the store. Similarly is given its location set within the local centre separated from surrounding road networks by the parking and adjacent land for community and health centre facilities. The bollards are likewise relatively small scale and appropriately scaled to crime prevention function, not obtrusive and located close to the shopfront. On this basis it is not considered that the proposals result in significant harm to the

character, appearance and visual amenity of the locality or a diminution of the design of the shopfront and the layout of the local centre.

5.12 Therefore, it is not considered that conflict with the relevant policies of the development plan, requirements of the Council's Shopfront and Advert SPD or the provisions of national guidance arises.

5.13 Other Matters

5.14 *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.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 Approval subject to the following conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Site Location Plan PL-A-2001

Received 24.03.2023

Received 24.05.2023

REASON: For the avoidance of doubt and in the interests of proper planning.

3. The ground floor front elevation shopfront windows and door openings shall be retained and maintained free of internal screening, including vinyl screening, at all times and in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of the character, appearance and visual amenity of the locality and achieving and retaining high quality design in the approved development.

ADDITIONAL INFORMATION:

1. This permission is to be read in conjunction with: i) The Land North of Brimsham Park Yate Agreement made between South Gloucestershire Council (1) and The Owners (2) and Heron Land Developments Limited (3) and Wessex Water Limited (4) DATED 17TH July 2015. All in pursuance of Section 106 of the Town & Country Planning Act 1990, as amended by Section 12 of the Planning & Compensation Act 1991.

2. This decision is to be read in conjunction with the decision notices for applications PK12/1913/O, PK17/4826/RVC, P19/14361/RM, P23/01102/NMA and discharge of conditions notices for applications: DOC21/00231 DOC22/00142 & DOC22/00017.

3. Works shall take place in accordance with agreement/s made pursuant to section 38 and/or section 278 of the Highways Act 1980 entered into with South Gloucestershire Council as the Highway Authority (substantially in accordance with the Council's standard form agreements) in respect of the relevant works authorised by this permission.

4. The developer/contractor should ensure that all foundations (buildings, external structures, and hard landscaping, including highways construction) are designed and constructed in accordance with current legislation and best practice guidance, to take into account all existing and new trees, hedgerows or other vegetation and how their root growth and water demands may change as they mature. Both existing/proposed vegetation within the application site, and any existing vegetation on land adjoining the site, at the time of construction should be taken into the consideration, together with any changes to ground conditions likely to arise due to the felling/removal of any trees/other vegetation during the previous 15 years. For this purpose, the developer/contractor will submit all relevant details to the authority dealing with the Building Regulations Certificate.

5. Under the Wildlife and Countryside Act 1981 it is an offence to damage, destroy or obstruct access to any structure or place that bats, great crested newts or any other animal listed in Schedule 5 of the Act use for shelter or protection. Under this Act it is also an offence to disturb barn owls whilst building a nest or in the vicinity of a nest containing eggs or young.

6. If breeding birds are present, development (including any clearance of vegetation) should only take place outside the nesting season to avoid potential offences under the Wildlife & Countryside Act 1981 (as amended) and/or CROW Act 2000. Generally speaking, this will be

between March and August inclusively although it will vary according to seasonal temperatures (CS9, PSP19).

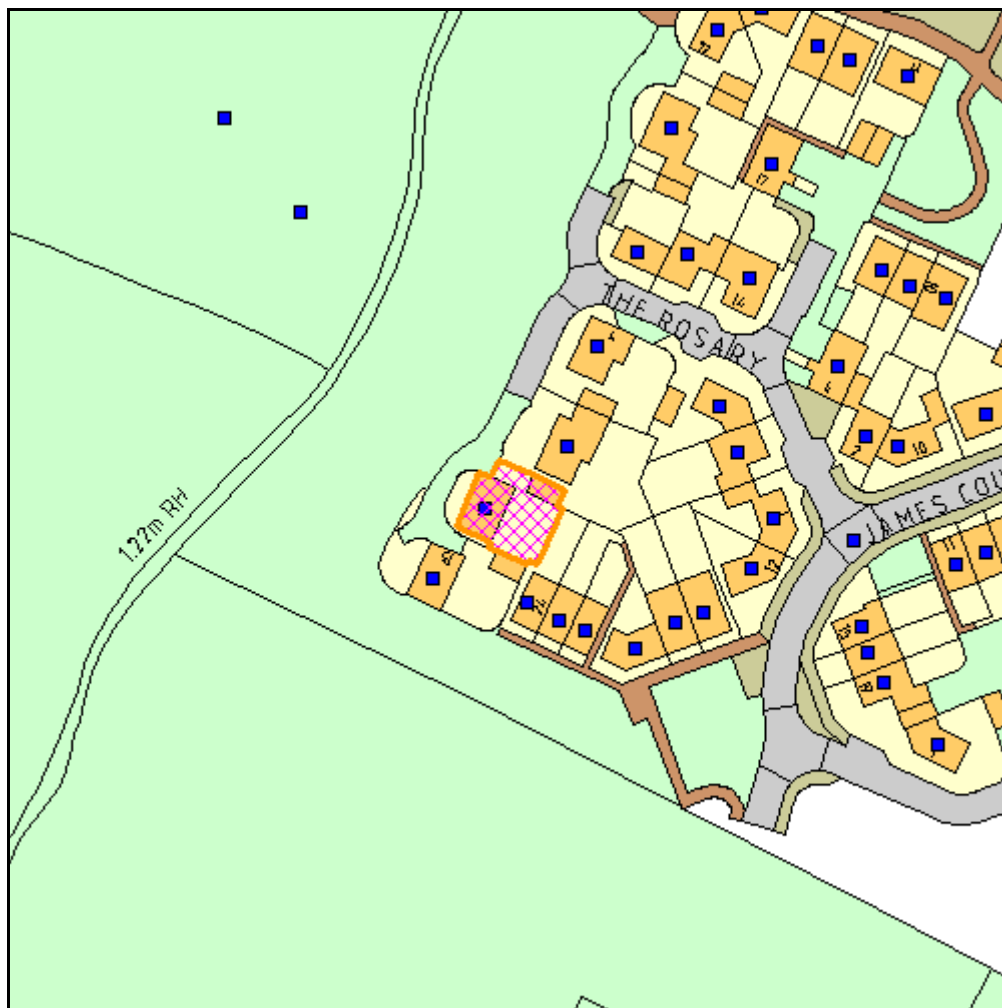
PLEASE NOTE: The development hereby permitted must be implemented in accordance with plans hereby approved and any conditions specified above. The conditions may specify that works are to be carried out or details are required to be submitted for further approval, before all or part of the development is otherwise commenced. For further information regarding the discharge of Planning Conditions and the relevant forms please view "compliance with conditions" on our website, www.southglos.gov.uk If the permission is commenced without these requirements being fully met, or in any other manner, the development may be unauthorised and the permission invalidated. The council holds a definitive copy of this planning decision notice. You should be aware of the risk that subsequent copies of the decision notice may be subject to unauthorised alteration and if necessary you are advised to refer to the council for verification. The definitive copy can be viewed via the council's planning website.

Case Officer: Lee Burman

Authorising Officer: Eileen Paterson

CIRCULATED SCHEDULE NO. 28/23 -14th July 2023

App No.:	P23/01154/HH	Applicant:	Tac Vien
Site:	11 The Rosary Stoke Gifford South Gloucestershire BS34 8AH	Date Reg:	28th March 2023
Proposal:	Installation of 3No front velux rooflights; 2No rear velux rooflights and 1No rear dormer to facilitate loft conversion.	Parish:	Winterbourne Parish Council
Map Ref:	362496 178946	Ward:	Winterbourne
Application Category:	Householder	Target Date:	28th July 2023



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100023410, 2008. **N.T.S.** **P23/01154/HH**

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.

This planning application will be added to the Circulated Schedule because the proposal has received 1No objection from Winterbourne Parish Council, which is contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the installation of 3No front velux rooflights; 2No rear velux rooflights and 1No rear dormer to facilitate a loft conversion, as detailed on the application form and illustrated on the accompanying drawings.
- 1.2 The application site can be found at 11 The Rosary, which is a detached property, within the new residential development area of Stoke Gifford (otherwise known as Land at Harry Stoke). It is also within the settlement boundary.
- 1.3 As part of the assessment and determination of this application, design comments were made in terms of the originally proposed rear dormer. As such the revised proposed description of works and proposed design has been submitted accordingly and a re-consultation has been carried out.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP8	Residential Development
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards
PSP47	Site Allocations and Safeguarding – Land at Harry Stoke

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPS (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/1302/RM. Erection of 166 dwellings (Use Class C3), with parking, landscaping and associated works. (Approval of reserved matters to be read in conjunction with outline planning permission PT06/1001/O). Approved. 19.09.2012.
- 3.2 PT06/1001/O. Residential development on 39.57 hectares of land (Outline) with infrastructure, public open space and ancillary facilities. Means of access to be determined, all other matters reserved. Approved Subject to S106. 17.01.2007.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

1No letter of objection received – following re-consultation –

- *Previous objections still stand.*

1No letter of objection comment received – original consultation

- *Concern that the proposal is overbearing; and*
- *Concerns are also raised in respect of the off-street parking, as 2No additional bedrooms are being proposed into an area where parking is already limited.*

Stoke Gifford Parish Council

No comments received.

4.2 Other Consultees

Sustainable Transport – Transportation DC

No Objections – following negotiations and re-consultation.

1No letter of Objection comments made –

- *Proposed off-street parking not compliant with policy.*
- *To conform to the Councils minimum residential car park requirements as set out in the Residential Parking Standards SPD and Policy PSP16 of the Polices, Sites and Places document, the proposal must be provided with 3No spaces.*

Other Representations

4.3 Local Residents

No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual

- amenity, residential amenity and highway safety. It states that new dwellings and extensions within existing residential curtilages are acceptable in principle but should respect the overall design and character of the street and surrounding area. They should not prejudice the amenities of neighbours, or that of highway safety and the parking provision should be of an acceptable level for any new and existing buildings. The adequate provision of private amenity space should also not be sacrificed for any new development that forms part of a settlement pattern that also contributes to local character.
- 5.2 Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. Additional guidance on achieving good design for householder developments is also set out in the Householder Design Guide SPD (Adopted) 2021.
- 5.3 Design and Visual Amenity
Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design.
- 5.4 The now proposed gable fronted pitched rear dormer projects from the rear facing roof plane by approximately 2.7 meters and extends to an overall width of 5.0 meters. The height of the proposed dormer will not project above the original ridge of the host dwellinghouse and it is sited centrally upon the roof plane. The design of the proposed dormer has now been revised to a 'bonnet' style and features 3No. windows, as well as skylights to both the front and rear roof plane. The proposed dormer would finished in a Parax render finish to match the existing façade of the host dwellinghouse.
- 5.5 The Householder Design Guide SPD sets out general design guidance principles in which extensions and alterations should aim to be; overall high-quality design; achieve successful integration by responding to the characteristics of the host dwellinghouse and the streetscene but remain subservient in scale and character.
- 5.6 The guidance goes on to explain that if a dormer is considered to be the only viable option, and justification to demonstrate this is provided, and the most harmful aspects of the design are mitigated, the proposal should be in accordance with those principles. The most harmful aspects of such a design include its alignment and proportion in respect to the host dwellinghouse; that it is sited a minimum of 300mm below the ridge and from the verges of the host roof; that it is sited 500mm above the existing eaves and that it is set back from the principal elevation.
- 5.7 The SPD continues to say that generally, dormers, particularly 'flat-roof box' dormers are not considered appropriate where planning permission is required as they do not represent good design, due to the level of intrusion they create into the existing roof scape. All that being said, every case needs to be determined on merit and the Householder Design Guide proceeds by saying that such dormers may be permitted where others are present.

- 5.8 To summarise the design assessment, this now revised gable fronted pitched roof 'bonnet' style proposal is now more improved and does adhere to the design principles of the SPD better. This conclusion is supported by the siting of the centrally located rear dormer upon the rear roof plane, with the proposed materials which will integrate it with the character and design of the host dwellinghouse and that the proposed fenestration is symmetrical. Furthermore, officers also noted that it will have limited impact on visual amenity due to the host dwellinghouse's particular location, within the surrounding context, which is enclosed and surrounded by dense residential development.
- 5.9 Therefore officers conclude that this proposal does now result in development that is more sympathetic to the appearance and character of the host dwellinghouse and would not warrant refusal. The scheme now exhibits an acceptable standard of design and it satisfies the requirements of policies CS1, PSP38 and the Householder Design Guide SPD.
- 5.10 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance, and odours, fumes or vibration.
- 5.11 While the proposed scheme would consist of the roof increasing in mass, this proposal does not pose any unreasonable overbearing effect due to the development taking place entirely within the footprint of the host dwellinghouse and to this location.
- 5.12 When considering the impact of the rear dormer, the proposal may be perceived as permitting increased levels of overlooking upon the adjacent neighbouring gardens, with the possibility of having a detrimental impact on their level of amenity into the adjacent rear gardens, particularly in the case of No. 15 The Rosary and No 24 Harding Road. However, as the site is located in a built up dense residential area, and now given the scale and location of the dormer, the proposal should not result in an unacceptable impact on the residential amenity of neighbouring occupiers in terms of privacy or overlooking.
- 5.13 Therefore it has been concluded that any impacts on the neighbouring residential amenity would be minimal, as there are existing first floor windows in the rear elevation of No 11, which would suggest that the addition of 3No. windows would not exacerbate the existing overlooking, nor would it warrant refusal. Therefore this proposal is deemed to comply with policy PSP8 and PSP38 of the Policies, Sites and Places Plan and the adopted Householder Design Guide SPD.

- 5.14 Transport
Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards. As this proposal would extend the host dwellinghouse to 5No bedrooms (4No bedrooms and 1No study/office), the proposal requires 3No off street parking spaces to comply with policy.
- 5.15 As such, additional information was requested in terms of this provision and following the submission of a revised Proposed Block Plan, 3No off street parking spaces are now provided to the host dwellinghouse. Therefore, the application is acceptable in transportation terms.
- 5.16 Private Amenity Space
The dwelling benefits from a good amount of existing private amenity space to both the front and rear of the property. PSP43 sets out standards which are based on the number of bedrooms at a property. No concern is raised on the level of amenity space being proposed.
- 5.17 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.
- 5.18 With regards to the above this planning application it is considered to have a neutral impact on equality.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to the conditions detailed on the decision notice.

CONDITIONS

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Site Location Plan (Date received 24/03/23)

- 11/TR/W/01/P Rev A Existing Ground Floor Plan (Date received 13/06/23)
- 11/TR/W/02/P Rev A Proposed Ground Floor Plan (Date received 13/06/23)
- 11/TR/W/03/P Rev A Existing First Floor Plan (Date received 13/06/23)
- 11/TR/W/04/P Rev A Proposed First Floor Plan (Date received 13/06/23)
- 11/TR/W/06/P Rev A Proposed Second Floor Plan (Date received 13/06/23)
- 11/TR/W/07/P Rev A Existing Roof Plan (Date received 13/06/23)
- 11/TR/W/08/P Rev A Proposed Roof Plan (Date received 13/06/23)
- 11/TR/W/09/P Rev A Proposed Section A-A Plan (Date received 13/06/23)
- 11/TR/W/10/P Rev A Proposed Section B-B Plan (Date received 13/06/23)
- 11/TR/W/11/P Rev A Proposed Section C-C Plan (Date received 13/06/23)
- 11/TR/W/12/P Rev A Existing Rear Elevation Plan (Date received 13/06/23)
- 11/TR/W/13/P Rev A Proposed Rear Elevation Plan (Date received 13/06/23)
- 11/TR/W/14/P Rev A Existing Front Elevation Plan (Date received 13/06/23)
- 11/TR/W/15/P Rev A Proposed Front Elevation Plan (Date received 13/06/23)
- 11/TR/W/16/P Rev A Existing Side Elevation (F-B) Plan (Date received 13/06/23)
- 11/TR/W/17/P Rev A Proposed Side Elevation (F-B) Plan (Date received 13/06/23)
- 11/TR/W/18/P Rev A Existing Side Elevation (B-F) Plan (Date received 13/06/23)
- 11/TR/W/19/P Rev A Proposed Side Elevation (B-F) Plan (Date received 13/06/23)
- 11/TR/W/23/P Rev B Existing Block Plan (Date received 30/06/23)
- 11/TR/W/24/P Rev B Proposed Block Plan (Date received 30/06/23)

Reason

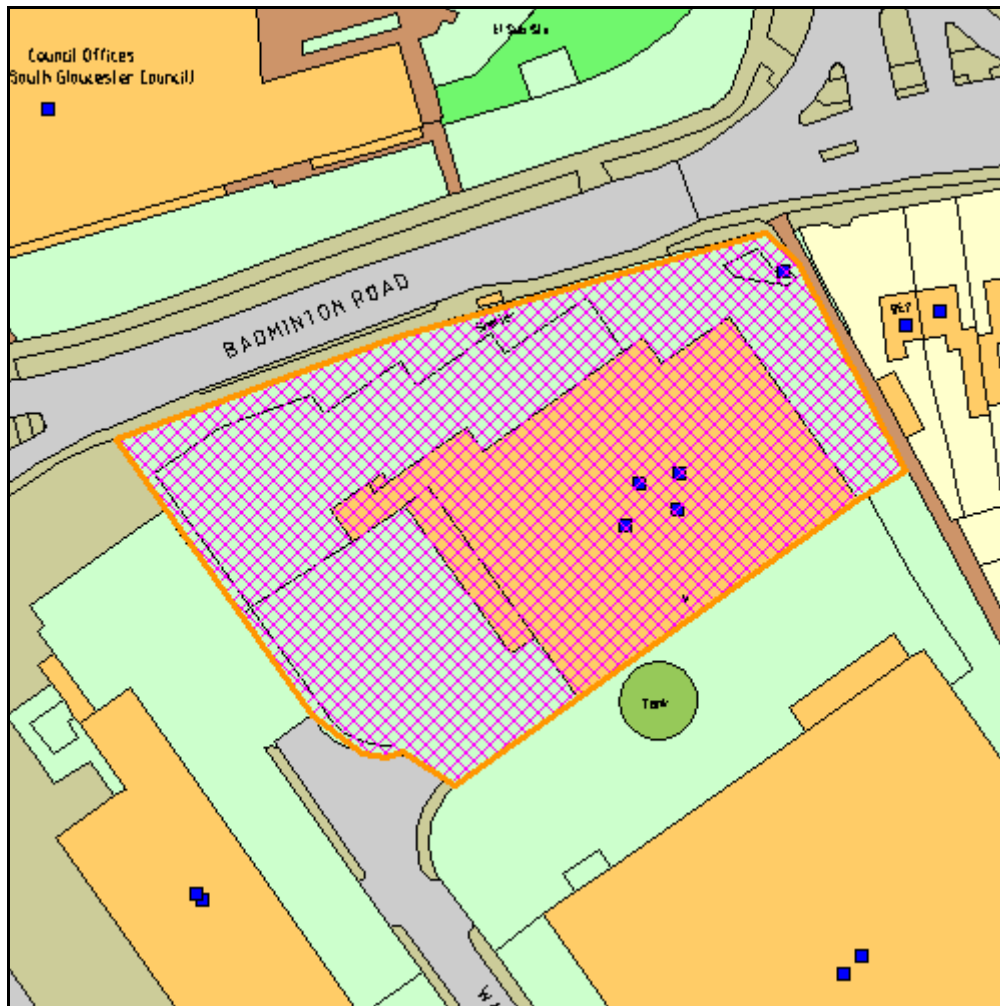
To define the terms and extent of the permission.

Case Officer: Helen Turner

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 28/23 -14th July 2023

App No.:	P23/01382/F	Applicant:	Mr Christian Crawford Knight Frank LLP
Site:	Unit 4 Badminton Road Trading Estate Badminton Road Yate South Gloucestershire BS37 5NS	Date Reg:	2nd May 2023
Proposal:	Installation of new 1.8m high green powder coated mesh fencing.	Parish:	Westerleigh And Coalpit Heath Parish Council
Map Ref:	369749 182445	Ward:	Westerleigh
Application Category:	Minor	Target Date:	21st July 2023



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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.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application appears on the circulated schedule because in excess of 3no. responses from interested parties have been received that are contrary to the findings of this report and officer recommendation.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the installation of a new 1.8-metre-high green powder coated mesh fence.
- 1.2 The application site is an industrial unit on the Badminton Road trading estate, which fronts on to the Badminton Road (A432) to the North. The site is within the Yate and Chipping Sodbury settlement boundary and is within an area safeguarded for economic development under policy CS12 (Badminton Road Trading Estate).
- 1.3 During the application's consideration, the application has been amended to reduce the height of the fence and change the design from steel palisade at 2.4 metre high to green weld mesh at 1.8 metres high. This was done following officer concerns regarding the visual appearance of the proposed fence initially. A period of public re-consultation was carried out in light of this.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2021
National Planning Practice Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS12	Safeguarded Areas for Economic Development

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP11	Transport Impact Management

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P22/03472/F (approved 23/08/2022):
Installation of external cladding, replacement of roof covering, doors and windows.
- 3.2 N5938 (approved 13/09/1979):
Installation of a derv tank for road vehicle fuel storage (capacity 6,000 galls.).
Erection of brick wall, and timber fence around tank.

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No objection.
- 4.2 Transport
No comments to make. Informative provided.
- 4.3 Highway Structures
Informative.
- 4.4 Drainage (LLFA)
After reviewing the submitted 'PROPOSED SITE BLOCK PLAN AND SITE LOCATION PLAN' we have noted that the proposed boundary fence is above a section of culverted watercourse in the north east corner of the site which may affect the layout of the proposed development, therefore it is imperative that details of the culvert/s and associated pipework from the neighbouring properties are investigated and submitted as a matter of priority. This should include invert levels, pipe sizes, depth of culvert and the number of inlets into the culvert. Until this has been provided, we are unable to comment further.

Updated comments: No objection, subject to pre-commencement condition.

- 4.5 Tree Officer
Further information is required.

Following discussions with the Tree Officer and agent for the application, it has been agreed that arboricultural matters can be addressed via appropriately worded condition.

- 4.6 Local Residents
4no. responses were received in the first consultation in objection. No further responses were received in the re-consultation. Objections are summarised as follows:
- Negative impact on visual amenity of Yate with this type of fencing
 - 'Prison like' fencing would impact the look and feel of the community
 - Loss of visual amenity on key 'gateway site'
 - Currently attractive approach with semi mature trees screening warehouse behind

- Trees soften the urban edge
- Fence directly against the highway will result in a hard 'fortified' boundary
- Fence may impact upon vision splays
- Fence should be built inside the line of trees
- Harsh type of fencing, especially compared to nearby park and ride
- Park and ride fencing is green, not so high and is less imposing/intrusive
- Area has generally been well maintained and kept pleasant providing a welcoming approach
- Proposed fencing would destroy the overall appearance and impression and give the impression that security is a problem.
- Tall metal fence would be an industrial, ugly image
- Gives the impression that 'its not safe here'
- Character would change to industrial
- Fence like that at the park and ride would have a softer look and less of an impact.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Planning permission is sought for the installation of a new 1.8-metre-high green powder coated mesh fence.

Principle of Development

- 5.2 The development relates to an area safeguarded for economic development under CS12. This designation sets a presumption in favour of retaining B uses. The development proposed does not intend to alter the use of the unit itself, and relates to ancillary facilities in the form of fencing which, in some respects, could be said to improve the unit in terms of its usability as it would provide increased security for the unit. Either way, the development does not propose to alter the use of the land/building and so the development would not conflict with the objectives of CS12.
- 5.3 The development is located within an established built up area, within a settlement boundary, and so is not subject to any other constraints or sensitive planning designations. Given the nature of the development, the main issues to consider are design/visual amenity, transportation and residential amenity. Arboriculture will also need to be considered as the site frontage is characterised by several mature trees, which are to be retained. Drainage is also a matter for consideration, as the fence is proposed in close proximity to a culverted watercourse.
- 5.4 Design and Visual Amenity
 Unit 4 is a relatively typical looking modern commercial unit that has recently been re-clad. It is located on the Southern side of the A432, opposite the Council Offices which are to the North. The site frontage for unit 4 is characterised by a low stone boundary set in front of a grassed area lined with several mature trees. It is proposed to erect a 1.8 metre tall weld mesh fence immediately behind the wall, which is c.600mm high. When viewed from the road, the wall means that the fence would sit c.1.25 metres above the top of the wall.

- 5.5 Initially concerns were raised as a 2.4-metre-high steel palisade fence was proposed, which would have a far more industrial appearance and would result in an unduly harsh form of boundary treatment in the context of the site. The site context is such that it provides a pleasant and green approach towards Yate, with landscaping and tree planning lining both sides of the A432. The stretch of road can also be considered transitional in nature, signalling the end of the built up area of Yate towards the more rural area to the West.
- 5.6 The fence now proposed would still result in some intrusion into the otherwise open and green context. However, the proposal should be read in the context of the edge of an industrial estate, where features such as fencing may be expected. The revised fence would be lower in height and would be far less intrusive than what was originally proposed. It is understood that the intention is that fence would be coloured green, which would further help to avoid it appearing as an incongruous feature. As a weld mesh fence, through visibility would still be present, allowing visibility of the trees and grass behind. As such, officers do not consider the revised fence design to be objectionable on design or visual amenity terms. It has been confirmed that the fence would be powder coated in colour RAL 6005 (moss green) which is acceptable and should be conditioned as such.
- 5.7 Transport
Comments are noted in respect of potential impacts on 'vision splays'. In this respect, the Council's highways officers have considered the proposals and do not consider the fence to have any impacts on the safe operation of the public highway. Officers note that the fence is a good distance back from the roundabout before a wide verge as part of the highway which provides ample visibility to the Southern arm of the roundabout.
- 5.8 The development would not have any material impacts on the access arrangements for the site or its parking provision and would not result in any increase in parking or travel demand. The development would therefore be acceptable in terms of highways impacts.
- 5.9 Arboriculture
Immediately behind the fence line are several mature trees which arguably contribute to the character and amenity of the area. Whilst the fence may be relatively low impact, consideration is needed as to how the posts may impact upon the trees and their roots, as even in the absence a tree survey, it is evident that they would fall within the root protection zones. Initially, the tree officer requested a tree constraints plan and method statement in accordance with BS:5837:2012. The main issue being to ensure that trees are not damaged by leeching chemicals or excavations.
- 5.10 During the application's consideration, the applicant's agent has confirmed that as the intention is to retain the trees long term, all foundations are to be hand excavated to avoid damage to the roots which would also avoid the need to use heavy plant which would compress the ground and could damage the trees. Standard concrete mix is to be used and so chemical usage would be minimal. On this basis, the tree officer is content to use a condition instead to ensure the

pits are hand excavated and lined prior to addition of cement. In this case, officers are content that the development would not result in any material harm to the trees and as the matter can be addressed by condition, no additional arboricultural information is required in this instance.

5.11 Drainage

It is noted by the Council's drainage officers that the fence will be installed above a culverted watercourse, and so it needs to be ensured that works will not damage or cause collapse of this feature. The applicant's agent has advised that the foundations are to be constructed above the level of the culverted watercourse. That said, without investigation, officers cannot be certain that the development would not impact this watercourse. Having considered the matter, officers note that the drainage officers are happy to use a suitably worded pre-commencement condition to require pre and post construction CCTV surveys be conducted to ensure damage has not been caused during construction. Subject to this, there is no objection to the development on drainage and flood risk grounds.

5.12 Residential Amenity

Having regard to the scale, siting and nature of the development, officers do not consider there to be any material residential amenity issues that would arise from the proposed development, should permission be granted.

Impact on Equalities

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

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

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies,

Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

7.1 It is recommended that permission is **GRANTED** subject to the following conditions:

CONDITIONS

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

Reason

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

2. Prior to commencement of development a, pre-construction CCTV condition survey shall be carried out of the culvert/s and associated pipework along the site frontage with the A432. Upon completion of the proposed works a post-construction condition CCTV survey shall then be carried out of the same culvert/s and associated pipework to ensure that there has been no damage caused during the construction works. The results of the CCTV surveys shall be submitted to the LPA upon completion of the post construction survey.

For the avoidance of doubt the following would be expected when discharging the above condition:

- Submission of the pre-construction CCTV survey footage which should also include invert levels, pipe sizes, depth of culvert and the number of inlets into the culvert.
- Submission of the post-construction CCTV survey footage which should also include invert levels, pipe sizes, depth of culvert and the number of inlets into the culvert.

Reason

To ensure that any damage caused to the existing culverted watercourse is recorded in the interest of ensuring that development does not increase flood risk elsewhere and to accord with PSP20 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

3. The pits for the fence posts shall be hand excavated and shall be lined prior to the addition of any cement/concrete.

Reason

To ensure that works do not damage adjacent trees and to accord with PSP3 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

4. The fence hereby approved shall be painted colour RAL 6005 (moss green) and shall be retained as such in perpetuity.

Reason

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

5. Development shall be implemented in accordance with the following plans:

E00 - block plan - existing

E00 A - the location and block plan

P00 - topographical plan of the site

As received 17th April 2023

E100 - existing site block plan and site location plan

E101 - existing site plan (1 of 2)

E102 - existing site plan (2 of 2)

E103 - existing Northwest elevation

As received 2nd may 2023

P100 A - proposed block plan and location plan

P103 A - proposed elevations and fence detail

P101 A - proposed site - extent of new fence (1 of 2)

E102 A - proposed site - extent of new fence (2 of 2)

As received 20th June 2023

Reason

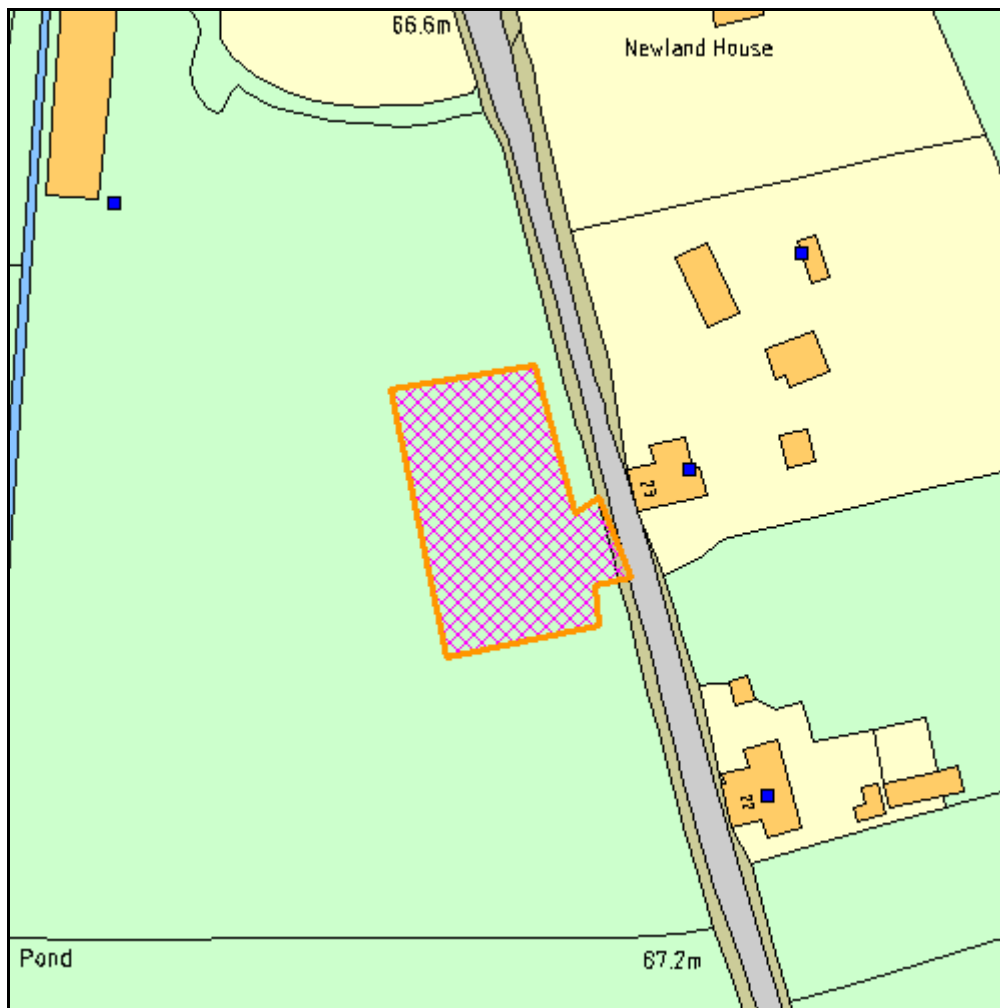
To define the exact terms of the permission.

Case Officer: Alex Hemming

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 28/23 -14th July 2023

App No.:	P23/01667/PIP	Applicant:	Mrs D Townsend
Site:	Land Off Engine Common Lane Yate South Gloucestershire BS37 7PX	Date Reg:	25th May 2023
Proposal:	Permission in principle for the erection of up to 3 no. dwellings.	Parish:	Iron Acton Parish Council
Map Ref:	370040 184993	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	21st July 2023



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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.

CIRCULATED SCHEDULE

The following report appears on the Circulated Schedule due to support comments received contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 This is a Permission in Principle application for Land off Engine Common Lane, Yate. The proposal is for the consideration of the erection of a maximum of 3 no. dwellings.
- 1.2 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of development.
- 1.3 The permission in principle consent route therefore has two stages:
 - The first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and
 - The second stage ('technical details consent') is when the detailed development proposals are assessed
- 1.4 If the grant of permission in principle is acceptable, the site must receive a grant of technical details consent before development can proceed. It is the granting of technical details that has the effect of granting planning permission. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings. An application for technical details must be in accordance with the permission in principle that is specific to the applicant.
- 1.5 In the first instance a decision must be made in accordance with relevant policies in the development plan unless there are material considerations such as those in the NPPF and national guidance which indicate otherwise.
- 1.6 The scope of a Planning in Principle application is limited to:
 - location,
 - land use and
 - amount of development.

Issues relevant to these 'in principle' matters should be considered at the permission in principle stage.

2. PLANNING POLICY

- 2.1 National Guidance
National Planning Policy Framework February 2021

National Planning Guidance
Town and Country Planning (Permission in Principle) Order 2017
National Design Guide 2021

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS3	Renewable and Low Carbon Energy Generation
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural area

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP40	Residential development in the countryside
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Household Design (Adopted) 2021)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 2015

South Gloucestershire Council Waste Collection: guidance for new
developments SPD (Adopted) Jan 2015

3. RELEVANT PLANNING HISTORY

Application site and associated land:

- | | | |
|-----|---------------|--|
| 3.1 | P22/00055/CLP | Creation of a private way access into agricultural field. |
| | Approved | 1.3.22 |
| 3.2 | P19/7343/RVC | Variation of Conditions 7 and 9 of approval PK18/3104/F to specify the revised soft landscape plan in relation to bird and bat box locations and to reference the revised tree report dated June 2019. |

- | | | |
|--|---------------|--|
| | Approved | 21.10.19 |
| 3.3 | PK18/3886/F | Creation of new vehicular access onto Engine Common Lane and installation of driveway. Erection of single storey side and front extension to form garage and additional living accommodation. |
| | Approved | 7.12.18 |
| 3.4 | PK18/3104/F | Erection of 4no. detached houses with associated access, parking, hard/soft landscape works and drainage. |
| | Approved | 19.10.18 |
| 3.5 | PK17/4492/O | Erection of up to 4no. dwellings (outline) with access and layout to be determined: all other matters reserved. |
| | Approved | 25.5.18 |
| 3.6 | PK15/2944/F | Change of Use of land from Agricultural to residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include mobile home to be used as annex ancillary to main dwelling (Retrospective). |
| | Refused | 26.10.15 |
| 3.7 | PK11/2680/F | Erection of 1no. detached replacement dwelling with access and associated works. (Resubmission of PK11/1384/F) |
| | Approved | 21.10.11 |
| 3.8 | P94/1970 | Renewal of temporary consent for the stationing of 12 no. Touring caravans (in accordance with supplementary plans received by the council on 1 august 1994) |
| | Approved | 15.8.94 |
| 3.9 | P91/1920 | Use of land for the storage of twelve touring caravans |
| | Approved | 31.7.91 |
| 3.10 | P91/1288 | Use of land for stationing of 15 touring caravans. |
| | Refused | 29.5.91 |
| 3.11 | P88/1168 | Use of land for the storage of touring caravans (renewal of temporary consent) |
| | Approved | 9.3.88 |
| Site to the west of the field – land associated with Holmlea House: | | |
| 3.12 | P23/01219/PIP | Permission in principle for the erection of up to 6no. dwellings. |
| | Approved | 7.7.23 |
| 3.13 | P19/13918/NMA | Non material amendment to planning permission PK18/0504/F to change the soakaways to an attenuation system. |
| | Approved | 21.1.20 |

- | | | |
|------|--|---|
| 3.14 | PK18/0504/F
associated works.
Approved | Erection of 7 no. dwellings with access and
29.5.18 |
| 3.15 | PK17/1226/O
layout to be determined. All other matters reserved. (re-submission of
PK16/4890/O).
Approved | Erection of 7no dwellings (outline) with access and
17.10.17 |

Recent PIP appeal decisions in the area:

- | | | |
|------|--|--|
| 3.16 | Appeal Ref: APP/P0119/W/23/3316108
P22/01125/PIP
Allowed | Development of up to 2 self-built dwellings
27.6.23 |
|------|--|--|

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
No response received

Consultees

- 4.2 Transport
Heavily reliant on private motor vehicle - Contrary to policies CS8 and PSP11.
- 4.3 Tree Officer:
The Tree Officer questions why field access is required to the South of the site. When technical details are being submitted, a Tree Constraints Plan and Tree Protection Plan, in accordance with BS5837:2012, are required to show that the hedges to the East of the site are sufficiently protected during construction. A Landscaping Plan is also required to demonstrate that consideration has been given to increasing canopy cover in accordance the South Gloucestershire Trees and development sites - Guidance for new developments - Supplementary Planning Document Adopted April 2021 The Tree Officer defers to the Landscape Architect
- 4.4 Drainage Team
Objection –
Unacceptable in current form: The current 'Permission in Principle' submission documents do not indicate what form of foul or surface water drainage is to be utilised.
- 4.5 Highway Structures
No comment
- 4.6 The Coal Authority
It is a requirement of the National Planning Policy Framework that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development. We would therefore expect the potential risks posed to surface stability by past coal mining features to be properly considered and any necessary remedial works carried out in order to ensure the safety and stability of the development proposed.

On the basis of the above the Coal Authority wish to be consulted on any future technical details consent submitted, should Planning Permission in Principle be granted.

Any application for approval of technical details consent should be supported by a Coal Mining Risk Assessment, this should make an assessment of the coal mining features present on the site and the risks they pose, and identify any further works necessary, including investigatory and remedial works, to address any identified land stability issues.

SUDs

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

Other Representations

4.7 Local Residents

5 support comments have been received. The points raised are summarised as follows:

- The houses would blend in well
- I walk my dog along this land and would love to live here.
- Sensibly sized and priced houses
- A developer not wanting to fill the whole land/space with houses
- Properties along this lane are at the higher end of market and these smaller homes will allow younger families who cannot afford high prices to come into our community

4 objection comments have been received. The points raised are summarised as follows:

- Neighbouring land owner objects on principle of the site being outside settlement boundary and would not protect rural character of the area

- Fails to accord with policy for development in the countryside
- New occupants would be wholly reliant on car use
- The site will not enhance or improve the area for wildlife particularly due to loss of hedgerows
- Three houses would only be small benefit to housing supply and have very small economic benefit – the council has a five year land supply anyway
- The access gate approved under P22/00055/CLP built into the existing hedgerow is not in the correct approved position and is a lot further down Engine Common Lane. It should be moved.
- Surrounding roads are narrow without a footway – increased risk to pedestrian users of the lane
- This is the last safe rural area linked to Yate
- South Glos needs to stop all this small development that then grows in order to preserve the countryside that we have left
- The roads and services cannot cope
- Historically planning application P22/00055/CLP was allowed after the applicant and the farmer placed great emphasis on how important a new gate was to bring in machinery to cut the grass and feed animals. I objected saying the gate was totally unnecessary and believed it was masking an attempt to develop the land for housing. This application proves I was right
- Engine Common Lane is used for recreational purposes, part of the Avon Valley Walkway, and especially since the new Ladden Garden Village development. Additional accesses on this narrow lane is going to increase traffic on this road at a considerable risk of safety to the public.
- Drainage from the more recent developments at Feltmakers Lane and Weavers Lane have resulted in excessive water draining across the field in running through my property causing permanent quagmires or water and bogs on my land – more development will exacerbate the problem

5. ANALYSIS OF PROPOSAL

- 5.1 This is a Permission in Principle application for the erection of a maximum of 3 dwellings.
- 5.2 Principle of Development
The application is to consider the location, the type of development and the amount of development and 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.
- 5.3 The development plan directs residential development to within established settlement boundaries/areas. CS5 of the Core Strategy specifies new development should be within sustainable locations. Furthermore, new development should be informed by the character of the local area and contribute to the high quality design set out in Policy CS1 which among other things stipulate development will be required to demonstrate such issues as siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context and density and overall layout is well integrated with existing adjacent development and ensure soft landscaping forms an integral part of the

design and makes a net contribution to tree cover in the locality. PSP43 sets out specific private amenity space standards for all new residential units. Policies CS8 and PSP16 deal with on-site parking, off site impact on highway safety and associated cycle parking standards. However, Policies CS34 (Rural areas), among other things, specifically aims to protect rural areas' distinctive character, beauty, landscape and heritage and PSP40 (Residential development in the countryside) lists a set of criteria to be met and states development must not have a harmful effect on the character of the countryside or the amenities of the surrounding area.

- 5.4 The application site is outside of the established settlement boundary. However, recent appeals relating to Land West of Park Farm (Thornbury) and Land South of Badminton Road (Old Sodbury) have determined that the settlement boundaries on which CS5 rely are out of date. Following the issuing of the Thornbury appeal decision, the Council has been able to update its authority monitoring report (AMR) and is able to demonstrate a 5-year housing land supply. The most up-to-date figure as of 15th March 2023 is 5.26 years.
- 5.5 Whilst the Council has a 5 year HLS, the locational element of policies CS5, CS34 and PSP40 are considered 'out of date' for decision making purposes i.e. where reference is made to settlement boundaries. This means that other elements of the those policies remain in accordance with the NPPF but as per paragraph 11(d) of the NPPF, the 'tilted balance' is engaged and whereas ordinarily development in the countryside would be contrary to policy, currently, further assessment is required. Paragraph 11(d) states permission should be granted unless:

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

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.

- 5.5 Notwithstanding where reference is made to settlement boundaries in policies CS5, CS34 and PSP40 it is this element only of those policies is considered out of date, and all other policies remain valid for the purposes of decision making. Recent appeal decisions have demonstrated that despite some LPAs having out of date policies or not having a 5YLS which would trigger paragraph 11(d) of the NPPF, Inspectors have taken the view that rural areas still require protection from inappropriate development and the sustainability element of such locations is also an important factor in the suitability of a site for development. (Examples are provided within the below text.)
- 5.6 The overarching spatial strategy of South Gloucestershire Council is set within the Core Strategy policies. Together these policies acknowledge rural areas as an important asset that contribute, among other things, to the economy, biodiversity and heritage of the district. Specifically the Vision of the Core Strategy is so that *The diversity and unique character of individual settlements and the open countryside will be conserved and enhanced and recognised as*

providing a valuable setting to the main urban area, contributing to a unique sense of place and identity.

5.7 **Recent applications:**

It is appropriate to mention recent Planning in Principle applications in the Engine Common Lane proximity that have either been approved by the LPA or received an allowed decision from the Planning Inspectorate. These are referenced in the planning history section 3 above at 3.12 and 3.16.

5.8 It must be highlighted that both of these applications are quite different to the application being considered here. In Appeal Ref: APP/P0119/W/23/3316108 at 13 Engine Common Lane (application ref P22/01125/PIP) the Inspector commented how the development *would form part of a cluster of dwellings and would not extend build form out into the open countryside and Given that the site is part of a garden which contains a number of domestic outbuildings, its character and appearance is already residential. In addition, as the site is part of a garden outside of a built-up area, it is considered to be previously developed land.* That situation is fundamentally different to the site under consideration here and no direct comparison can be made.

5.9 Moving on to application ref P23/01219/PIP, Permission in principle for the erection of up to 6no. dwellings, approved on 7.7.23. That application was on a vacant light industrial site, adjacent to a cluster of existing residential development and again cannot be compared with the site under consideration under this current application.

5.10 **LOCATION:**

The starting point of the assessment is the spatial aims of the local plan. In this case, the site is located within a field around 1.26km from the outskirts of Yate, the nearest urban area.

5.11 The application site is part of a larger field for which a recent certificate of proposed development to create a new (separate) entrance to enhance access into the field, which is rented out to a local farmer, was approved. This confirms the rural location and the current agricultural use of the site, supported by a letter from the farmer himself under application P22/00055/CLP.

5.12 The proposed development would therefore, be in a countryside location, remote from services and facilities where overarching spatial strategies do not support residential development. It is acknowledged that a recent scheme for around 3,000 houses lies to the east of the application site but this is an allocated site for a planned new neighbourhood rather than a speculative scheme within a field.

5.13 The site is an undeveloped green field. Opposite to the east on the other side of the single track lane is a residential dwelling and its associated garden. The built form in this part of Engine Common Lane is sporadic with properties separated from one another by large gaps formed by residential gardens or open fields. The character is distinctly rural.

- 5.14 It is acknowledged that development should make the best use of land as a limited resource but that should not be to the detriment of function and appearance. It is noted that Engine Common Lane is sparsely populated with some clusters of housing created by extensions/development within existing residential curtilages. Most of the houses are older cottages, interspaced by open agricultural fields. Hedges delineate the fields and are a strong feature on either side of the single track highway. Where houses are present their large expanses of gardens are characteristic of their countryside location.
- 5.15 One example of a cluster is to be found around the host property for this application where 4 houses were allowed when the LPA was unable to demonstrate a 5YLS of housing (PK18/3104/F) over some five years ago. Since that time it is pertinent to note appeal decisions have demonstrated that even if the tilted balance is engaged, there is a requirement for the location of new development to be sustainable. This is demonstrated by a recent appeal for a flexible industrial/warehousing, distribution site in the countryside DCS Ref 200-011-807, South Gloucestershire (5.5.23) where the Inspector stated:

The approach in Policy CS5 to strictly control development in the countryside is not wholly aligned with the more flexible and balanced approach implicit in the objectives outlined in the Framework. However, it does not fundamentally undermine the continued relevance of boundaries to allocations, as there is still a clear rationale for these to focus growth within designated areas. I have therefore regarded the underlying objectives of the policy, as being generally consistent with the Framework.

- 5.16 In DCS Ref 400-039-026, Uttlesford, (6.2.23) when considering a permission in principle appeal, the Inspector found that although the tilted balance was engaged, the out of date policies were still significant such that the appeal scheme, which would be surrounded on 2 sides by arable fields, would be a stark incursion into the rural area with the resulting encroachment harming the character and appearance of the area.
- 5.17 Another permission in principle appeal DCS Ref 400-034-577 again in Uttlesford (25.2.22) found significant harm to character and appearance of the area, in conflict with NPPF paras 130 and 174 which required that development be sympathetic to its landscape and setting and should recognise the intrinsic character and beauty of the countryside.
- 5.18 Following on from the report written by the *Building Better, Building Beautiful Commission (2020)* and the subsequent *National Design Guide (2021)* the government has emphasised its commitment to promoting high quality design for new build homes and neighbourhoods.
- 5.19 The government places increasing importance on this topic area of planning with the emphasis on enhancing and caring for our environments, long-term investment in such spheres as beauty, sustainability, bio-diversity, landscape, history and community so as to pass these qualities onto generations to come.

- 5.20 Design is therefore currently very much at the forefront of planning. It is clear that substandard design or poor site planning should not be supported. The proposal would be for a scheme of housing on an undeveloped greenfield in a countryside location which would be contrary to the spatial policy aims of South Gloucestershire Council. Recent appeal decisions, including the small sample related to permission in principle appeals cited above, demonstrate that the overarching aim of policies to protect rural locations remains valid and important despite policies being deemed out of date.
- 5.21 The proposal would be at odds with the existing pattern of development, would have an adverse impact on the visual amenity and character of this area and shows a lack of consideration or thought for its surroundings.
- 5.22 Substantial weight is given against the scheme for this reason.
- 5.23 In addition to the above, the rural location brings into question the suitability of the site in terms of its sustainability credentials. Other Inspectors cite rural development in locations as meaning occupants would not have reasonable access to day to day services and facilities without the likely high dependency on the private car (DCS Ref 400-039-725, Copeland (30.3.23)) and similarly in DCS Ref 400-039-393, Basingstoke and Deane (2.3.23) where the Inspector commented on the very few public amenities within walking distance and limited bus services meant future occupants would at least in part be reliant on private vehicles to access services and employment opportunities.
- 5.24 The proposed site can only be reached via the single track lane, Engine Common Lane. The applicant cites it is connected to public right of way footpaths that would lead to for example bus stops and eventually a local primary school. However, this highway has no pavements and is unlit and the footpaths are across fields. Both situations are undesirable especially in winter months or inclement weather and neither amount to appropriate alternatives to occupants having to use motor vehicles for access to day to day needs.
- 5.25 Given the above the proposal fails to comply with sustainability standards expected of new development and is therefore unacceptable in principle.
- 5.26 Drainage:
Insufficient information has been provided by the applicant regarding methods for both foul and surface water drainage. It is noted that this site is within the countryside but other residential properties are located along the lane and as such it is likely that an appropriate drainage system for both surface and foul water could be agreed.
- 5.27 **LAND USE:**
- Current use of the site:
- 5.28 The application site is an agricultural field. Details submitted within a recent certificate of proposed development confirm the field has been used for poultry farming and most recently used for hay production. The farmer who rents the field confirmed this in a supporting letter to planning application P22/00055/CLP.

- 5.29 Submitted details estimate the grade of farm land as being 3a or 3b, nevertheless, it has been demonstrated that it plays a supporting role in an existing farming business by being rented out to that farmer for the production of hay. The retention of this field for agricultural purposes is important to the rural economy and substantial weight is therefore, given against its loss.
- 5.30 Notwithstanding recent development to the north and west this field provides a welcome buffer to and stops the built form of the newly created Ladden Garden Village and the expanded edge of Engine Common from merging into one built up area.
- 5.31 Proposed use of the site
The proposed use of the site is for residential purposes. Development within the countryside is strictly regulated and controlled under spatial planning policy. This scheme is it therefore unacceptable in principle.
- 5.32 The plot is a small rectangular area within the larger rectangular field taking up approximately 0.13ha of the 1.52ha field. Garden space for each of the properties is modest and not in-keeping with the character of the area. The introduction of new dwellings at this location would be discordant to the character of the area. In addition the details state the agricultural access into the field behind where the new houses would be positioned would continue to be used by the farmer. The proposed housing site would reduce the amount of hay that could be produced in the field and the plans also show a number of new trees that would also need to be avoided, thus further reducing the amount of land available for crops.
- 5.33 Plans show the existing access would be used and a site visit has confirmed to Officers that this gateway is in a different position to the one assessed under P22/00055/CLP. It is located opposite No. 23 Engine Common Lane rather than closer to Rock View. Although as an agricultural access the location of the gateway would fall under permitted development, this application is for a shared access for residential and agricultural use.
- 5.34 Overall the proposal would represent encroachment into the countryside which spatial policy aims to resist. For this reason the proposal is unacceptable and substantial weight is given against scheme for this reason.
- 5.35 Landscape and ecology:
Any development on this site would result in the loss of some vegetation. In 2019 South Gloucestershire Council declared a climate emergency. Within recent government design guides, papers and proposals, great emphasis is placed on the importance of landscape and trees not only for good place making and the wellbeing of future residents but also on the aspirations of achieving a carbon neutral goal. Trees/planting play an important role in off-setting greenhouse gases. It is the intention of both local and national policy to achieve net gains in terms of trees/planting in all new development.
- 5.36 Given the brevity of PIP applications, no details regarding existing trees, hedgerows or a proposed landscape or mitigation for the loss of vegetation

- have been presented. The hedge fronting the road is mature, part of the character of the area and would require some form of protection.
- 5.37 In addition, Biodiversity Net Gain will become law in November 2023. Government guidance states: *Biodiversity Net Gain (BNG) is a way to contribute to the recovery of nature while developing land. It is making sure the habitat for wildlife is in a better state that it was before development.*
- 5.38 Developers must try to avoid loss of habitat to a piece of land and if this is not possible, must create habitat either on or off-site. In future the history of development sites will be checked to see if changes have been made prior to an application being submitted in an attempt to avoid having to replace lost habitats. South Gloucestershire Council, along with many LPAs throughout the country, will expect all new development from now on to contribute to biodiversity net gain.
- 5.39 In this case, again due to the brevity of PIP applications, no ecological details have been given or assessment made.
- 5.40 In terms of being considered against the current development plan and being aware of the forthcoming suite of supplementary planning documents written in response to the climate emergency and biodiversity net gain, any scheme would be required to provide a high quality landscape and robust ecological mitigation scheme.
- 5.41 **AMOUNT OF DEVELOPMENT:**
- To assess whether the amount of development proposed for a site is appropriate, the existing situation is a useful starting point which in this case, is an agricultural field. The field is currently used by a local farmer. The field is surrounded by hedgerows and access from it onto Engine Common Lane is through field gates.
- 5.42 The proposal is for 3 modest detached dwellings positioned in a line facing the western side of Engine Common Lane.
- 5.43 The houses would occupy a small proportion of the existing agricultural field. The site plan shows they would be located centrally along the eastern field boundary facing the single track lane. An access point has already been made in the hedge which would also be used by the farmer to access the agricultural field. This does not seem a realistic and practical situation for a new development and appears a contrived scheme.
- 5.44 The proposal would be a discordant and incongruous introduction of built form at this location. It is concluded that development is unsuitable and inappropriate at this location.
- 5.45 The proposed development would fail to reflect and respect the character of its immediate surroundings and would be contrary to the adopted suite of development plans and the NPPF. The scheme would fail to represent the

highest form of site planning which is expected under adopted national and local planning policy and for this reason cannot be supported.

5.46 Residential amenity:

This type of application provides very little detail and does not stipulate the number of bedrooms in the dwellings – it says 2 or 3. From the block plan it is assumed that the dwellings would be at least 3 bedrooms. Adopted planning policy requires as a minimum that new development provides 60 sq metres for a 3 bed and 70sq meters for a 4 bed dwelling. However, these are more akin to gardens of houses in more densely built up areas so it would be expected that gardens in this rural area should have more space. Garden areas need to be functional, orientated to attract the most sunlight and would not include footpaths around the houses or parking areas.

5.47 Despite the brevity of the details included within this type of application it can be surmised that amenity space to accord with adopted policy could be accommodated on this site, although the design of the gardens need to reflect policy which requires the highest form of site planning to avoid, for example, overlooking, inter-visibility and impact on privacy.

5.48 Parking and access:

5.49 The site is in the open countryside outside of a defined settlement boundary. There are limited facilities within the vicinity of the site and no scheduled bus services. Brimsham Green School and some employment facilities in Yate are within a 2Km walking distance of the site, but there are no footways on Engine Common Lane or Tanhouse Lane leading to these facilities. These lanes are generally a single vehicle width with occasional passing places. There have been a number of small residential developments permitted off these roads in recent years, for example, at Weavers Lane, which has increased the number of vehicles using them resulting in a less safe environment for pedestrians and cyclists.

5.50 Having regard to the above Officers conclude that future residents would be heavily reliant on the private motor vehicle for their day to day needs contrary to policies CS8 and PSP11.

5.51 Access and layout. Visibility splays of 2.4m x 43m would be required at the site access (unless speeds surveys demonstrated that 85th%ile speeds were under 30mph in which case they can be reduced correspondingly). The splays will require the hedgerow to be cut back either side of the access accordingly.

5.52 Parking: The illustrative layout demonstrates that sufficient space is available to provide parking and manoeuvring for 2 cars per dwelling for up to 4-bedroom houses.

5.53 During the course of the application and in response to queries regarding the position of the gate introduced under P22/00055/CLP, the agent has responded saying:

The lawful development certificate confirmed that planning permission was not required for the creation of a field access, nor the creation of a field access in a specific location. The access can be located anywhere along the lane, in relation to the field. The location showing the proposed location of the access was not binding, because prior approval was not required. The access was positioned further along the lane so that it wasn't too close to the applicant's existing access.

5.54 In response the LPA agrees that a proposed agricultural access submitted can be positioned anywhere along the field boundary because it is not adjacent to a classified road. However, this application is for a shared agricultural and residential access.

5.55 To conclude, based upon the details submitted the concerns are such that the scheme fails to accord with adopted policies PSP11 and PSP16.

5.56 Conclusion of assessment of permission in principle:

The above has assessed the Permission in Principle for the site in terms of the three set criteria: location, land use and amount of development. In terms of location, the development of this site would not be supported as it is contrary to the suite of documents that make up the spatial aims of the LPA. .

5.57 The legislation that sets out the Permission in Principle is very clear and the national guidance states:

A decision on whether to grant permission in principle to a site following a valid application ... must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance which indicate otherwise.

Paragraph: 011 Reference ID: 58-011-20180615

5.58 The introduction of three dwellings at this location has failed to recognise the context or character of this particular area which is within an agricultural field. Its introduction would be at odds with the existing street scene and would have an adverse impact on the openness, encroaching into the countryside. The development would therefore not be in-keeping with or reflect the scale or the development in the immediate area and represents poor site planning and overall design.

5.59 In addition, it has been identified that the site is not in a sustainable location given the distance from services, in a location without pavements or street lighting. The reliance on motor vehicles would be high.

5.60 In its current format the scheme is contrary to overarching spatial policies that aim to protect the countryside from encroachment and encourage sustainable development. It is for this reason that a scheme for residential development on this site cannot be supported.

5.61 Other matters raised by objectors and supporters not covered above:

Support comments:

- *Sensibly sized and priced houses*
Full details have not been confirmed regarding the size of the proposed dwellings and the price is not something that can be commented on within a planning application.
- *Developer not wanting to fill the whole land/space with houses*
Again this has not been confirmed. The application can only deal with what has been presented at this time and Officers cannot predict what other development might come forward on this site in the future.

Objection comments:

- *The access gate approved under P22/00055/CLP is not in the correct approved position and should be moved.*

It is noted that the access assessed under P22/00055/CLP is not in the correct location, however, agricultural development can benefit from permitted development and the location of the gateway could be anywhere provided it met with the regulations.

5.62 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

5.63 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

5.64 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

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 South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 It is recommended that the application is **REFUSED**.

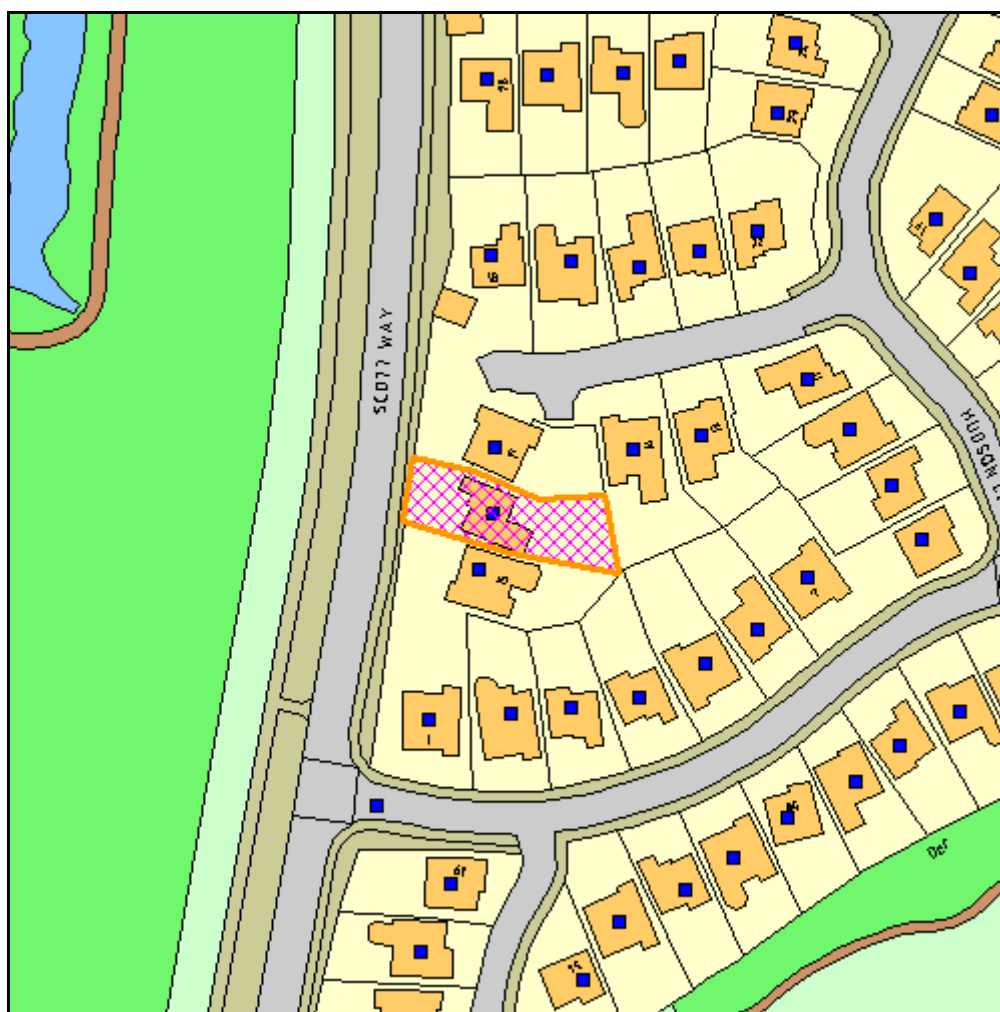
1. The proposal is within a countryside location. The introduction of new houses in this rural location has failed to accord with the spatial aims of adopted policies which seek to ensure that development in the countryside is strictly limited. The proposal is therefore harmful to the visual amenity of the area and contrary to adopted Policy CS5, CS8 and CS34 of the South Gloucestershire Local Plan (Adopted) 2013; Policies PSP11 and PSP40 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.
2. The development would fail to be an appropriate walking or cycling distance from key services and facilities as set out within Policy PSP11. Further, due to their unlit nature and lack of footpath/cycle lane, the surrounding roads would not be suitable for use by pedestrians or cyclists. 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 Policies, Sites and Places Plan (Adopted) November 2017; Policies CS5 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the NPPF in general.

Case Officer: Anne Joseph

Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 28/23 -14th July 2023

App No.:	P23/01763/HH	Applicant:	Mr Colin Gould
Site:	16 Hudson Close Yate South Gloucestershire BS37 4NP	Date Reg:	5th June 2023
Proposal:	Demolition of existing post and rail fence. Erection of 1.67m high feather board fence and gate to front of property.(Retrospective)	Parish:	Yate Town Council
Map Ref:	371720 181746	Ward:	Yate Central
Application Category:	Householder	Target Date:	28th July 2023



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P23/01763/HH

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.

This planning application will be added to the Circulated Schedule because the proposal has received 1No objection from Yate Town Council, which is contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 1.67m high feather board fence and gate to front of property, as detailed on the application form and illustrated on the accompanying drawings. The application also includes the demolition of existing post and rail fence.
- 1.2 The application site can be found at 16 Hudson Close, which is set within a moderate sized plot. It is an existing two storey detached property, and is sited off a private shared drive, which is also shared with Nos 15 and 17 Hudson Close. It is located within the established built up residential area of Yate and is within the settlement boundary.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP8	Residential Development
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPS (Adopted) 2013
Household Design Guide SPD (Adopted) 2021

3. RELEVANT PLANNING HISTORY

- 3.1 COM/23/0045/OD. Erection of high fence adjacent to highway. Pending Consideration.
- 3.2 P89/0103/7. Substitution of house types (plots 127-154); erection of seven detached dwellings (plots 155-161); (in accordance with the amended plans received by the council on the 14th November 1989). Approval. 06.12.1989.
- 3.3 P87/0103/6. Erection of 102 houses and garages; construction of associated roads and footpaths (in accordance with the plans received by the council on 7th October 1987 & the amended drawing no. 509/5/2/B received on 24th November 1987) (details following outline) (to be read in conjunction with P84/103/1). Approval of Reserved Matters. 09.12.1987.
- 3.4 P84/0103/1. Residential and ancillary development on approximately 27 acres (Outline). Approved. 01.07.1986.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

1No letter of Objection comments received -

- *Fence needs to be set back to ensure landscape corridor continues along between pavement and fence.*

Dodington Parish Council

No comments received.

4.2 Other Consultees

Sustainable Transport – Transportation DC
No Objections/Comments.

Planning Enforcement
No comments received.

Other Representations

4.3 Local Residents

8No letters of support comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. It states that new dwellings and extensions within existing residential curtilages are acceptable in principle but should respect the overall design and character of the street and surrounding area. They should not prejudice the amenities of neighbours, or that of highway safety and the parking provision should be of an acceptable level for any new and existing buildings.

- 5.2 Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.
- 5.3 Design and Visual Amenity
Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design.
- 5.4 The 1.67 meter high feather board fence and pedestrian access gate to the frontage of the main dwellinghouse No 16 Hudson Close provides a secure boundary, to this well-established dwellinghouse from the adjacent public footpath and highway Scott Way. This proposal provides a robust boundary treatment to the main dwellinghouse, its neighbouring properties, and the shared private drive and overall provides a more secure boundary adjacent to the public highway and footpath.
- 5.5 Officers understand that the former post and rail fence was old, heavily deteriorated and no longer fit for purpose. In addition to the post and rail fence, the existing fence line was enhanced and surrounded by a dying pivot type hedging.
- 5.6 Given the location of the application site immediately adjacent to the public footpath and highway of Scott Way, officers do not consider that this 1.67 meter high feather board fence and gate is detrimental to the character of the surrounding area. Therefore it is considered to be of an acceptable standard of design, and as such, the proposal is deemed to comply with policies CS1, PSP38 and the Householder Design Guide SPD.
- 5.7 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 outlines the types of issues that could result in an unacceptable impact.
- 5.8 Officers do not consider that this 1.67 meter high feather board fence and gate have a material overbearing effect, nor is it considered to significantly impact on the neighbouring properties. Therefore, this proposal does not have an impact on residential amenity and it is deemed to comply with policies PSP8 and PSP38 of the Policies, Sites and Places Plan.
- 5.9 Transport
Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards.
Therefore there are no transport concerns.

5.10 Private Amenity Space

The dwelling benefits from a good amount of existing private amenity space to the property. PSP43 sets out standards which are based on the number of bedrooms at a property. No concern is raised on the level of amenity space.

5.11 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.

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

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to the conditions detailed on the decision notice.

CONDITIONS

1. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Location Plan (Date received 02/06/23)

A101 Elevation - Existing and Proposed (Date received 02/06/23)

A102 Site Location Plan and Proposed Block Plan (Date received 02/06/23)

Design and Access Statement (Date received 02/06/23)

Wessex Water Asset Map (Date received 15/06/23)

Reason

To define the terms and extent of the permission.

Case Officer: Helen Turner
Authorising Officer: Marie Bath