



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF PLANNING, TRANSPORTATION AND STRATEGIC
ENVIRONMENT**

CIRCULATED SCHEDULE NO. 41/08

Date to Members: 10/10/08

Member's Deadline: 16/10/08

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by the Planning and Transportation Committee on 21 November 1996. The procedure is designed to increase the effectiveness and efficiency of the Development Control Service. Under the arrangement reports are circulated on a weekly basis.

The reports assess the application, consider representations which have been received, and make a recommendation regarding the proposal. The procedure is designed to ensure that Members are aware of any concern expressed by interested parties in their ward and indicate a recommendation.

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **within five working days of the publication of the schedule (by 5pm)**. If there has been no 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, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (eg, if the schedule is published on a Friday, comments have to be submitted by the end of Thursday) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to PlanningApplications@southglos.gov.uk

Members will be aware that the Director of Planning, Transportation and Strategic Environment has a range of delegated powers designed to improve the efficiency and effectiveness of the Development Control service. The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Area Committees or under delegated powers including:

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development
- g) Applications for the following major development:
 - (a) Residential development the number of dwellings provided is 10 or more, or the development is to be carried out on a site having an area of 0.5 ha or more and the number of dwellings is not known.
 - (b) Other development(s) involving the provision of a building or buildings where the floor space to be created is 1000 sq. m or more or where the site has an area of 1 ha or more.

GUIDANCE FOR 'REFERRING' APPLICATIONS

Members are entitled to refer any application for consideration by the relevant DC Committee or Sites Inspection Committee, before a decision has been made. However as call-ins will delay the decision on an application in the interests of improving the effectiveness and efficiency of the Development Control service, this option should only be exercised after careful consideration. Members are therefore asked to take account of the following advice:

- Before referring an application always speak to the case officer or Area Team Leader 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. Do not leave it to the last minute
- Always make your referral request in writing, either by letter, e-mail or fax, preferably using the proforma provided. Make sure the request is sent to the Development Control Support Team (East or West as appropriate), not the case officer who may not be around to act on the request, or email planningapplications@southglos.gov.uk. Please do not phone your requests, as messages can be lost or misquoted.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised

CIRCULATED SCHEDULE

DATE: 10/10/08

SCHEDULE NO. 41/08

If you wish any of the applications to be considered by the appropriate Area Committee you should return the attached pro forma not later than 5 working days from the date of the appropriate schedule (by 5pm), to the appropriate Development Control Support Team. For the Kingswood area, extension 3544 (fax no. 3545), or the Development Control Support Team at the Thornbury office, on extension 3419 (fax no. 3440), or email Planningapplications@southglos.gov.uk.

The Circulated Schedule is designed to improve the effectiveness and efficiency of the Development Control service. To minimise referrals to the Area Committees, Members are requested to discuss the case with the case officer or team leader to see if any issues can be resolved without using Committee procedures for determining the application.

COUNCILLOR REQUEST TO REFER A REPORT FROM THE CIRCULATED SCHEDULE TO THE APPROPRIATE COMMITTEE

NO. OF SCH	APP. NO.	SITE LOCATION	REASON FOR REFERRAL
Have you discussed the application(s) with the case officer and/or area team leader?			
Have you discussed the application with the ward members(s) if the site is outside your ward?			

Please note: - Reason for Referral

The reason for requesting Members to indicate why they wish the application to be referred, is to enable the Committee to understand the reason for referral in the determination of the application, or to allow officers to seek to negotiate with the applicant to overcome the Member's concerns and thereby perhaps removing the need for a Committee determination.

SIGNATURE

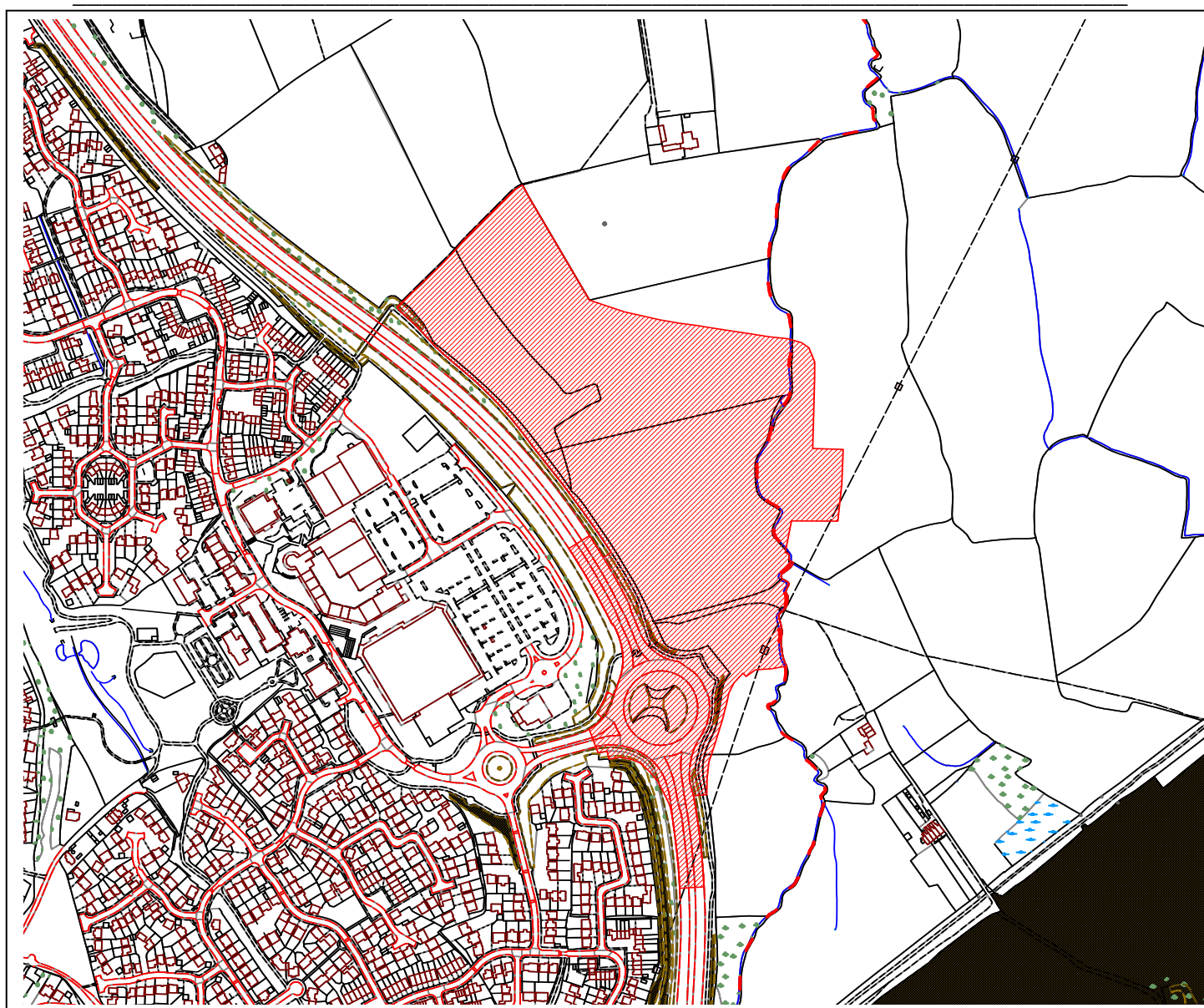
DATE

Circulated Schedule 10 October 2008

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK05/1009/O	Refusal	The Gateway Site Emersons Green East South Gloucestershire	Siston	Mangotsfield Rural Parish Council
2	PK07/3391/F	Approved subject to Section 106	12 East Walk and Land adjacent to 29 East Walk Yate South Gloucestershire BS37 4AS	Yate Central	Yate Town Council
3	PK08/1530/F	Approve with conditions	Kingswood Trading Estate, Southey Avenue, Kingswood, South Gloucestershire, BS15 1QT	Kings Chase	
4	PK08/1717/F	Approve with conditions	13 Regent Street, Kingswood, South Gloucestershire, BS15 8JX	Kings Chase	
5	PK08/2488/R3F	Deemed consent	Kingsfield School, Brook Road, Kingswood, South Gloucestershire, BS15 4JT	Kings Chase	
6	PK08/2545/F	Approve with conditions	79 Salisbury Road, Downend, South Gloucestershire, BS16 5RJ	Downend	Downend and Bromley Heath
7	PT08/2140/LB	Approve with conditions	Over Court Farm House, Over Lane, Almondsbury, South Gloucestershire, BS32 4DF	Almondsbury	Almondsbury Parish Council
8	PT08/2141/F	Approve with conditions	Over Court Farm House, Over Lane, Almondsbury, South Gloucestershire, BS32 4DF	Almondsbury	Almondsbury Parish Council
9	PT08/2196/RM	Approved subject to Section 106	Land south of Ellinghurst Farm, Marsh Common Road, Pilning, South Gloucestershire, BS35 4JX	Pilning and Severn Beach	Pilning and Severn Beach
10	PT08/2441/F	Approve with conditions	48 Mallard Close, Bradley Stoke South Gloucestershire, BS32 0BL	Bradley Stoke Central and Stoke Lodge	Bradley Stoke Town Council
11	PT08/2445/F	Approve with conditions	99 Cooks Close, Bradley Stoke, South Gloucestershire, BS32 0BB	Bradley Stoke North	Bradley Stoke Town Council
12	PT08/2500/CLE	Approve	5 Stover Road, Yate, South Gloucestershire, BS37 5PB	Westerleigh	Westerleigh Parish Council

CIRCULATED SCHEDULE NO. 41/08 – 10 OCTOBER 2008

App No.:	PK05/1009/O	Applicant:	Howsmoor Developments Ltd / Keebold Ltd
Site:	The Gateway Site Emersons Green East BRISTOL South Gloucestershire	Date Reg:	13th April 2005
Proposal:	Residential development (approx 400 units), small scale retail/commercial units (approx 500m2 gross) on 13ha of land. Construction of new access road from 'The Rosary' roundabout and associated works (Outline).	Parish:	Mangotsfield Rural Parish Council
Map Ref:	67424 77253	Ward:	Siston
Application Category:	Major	Target Date:	31st January 2007



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100023410, 2008.

N.T.S

PK05/1009/O

INTRODUCTION

This report relates to an undetermined 2005 application that has not been substantially revised since it was originally submitted. It is considered however that it should now be determined. The applicant has recently submitted a revised draft layout plan, however as this is significantly different it will need to be form part of a fresh application in due course.

1. THE PROPOSAL

1.1 This outline application relates to approximately 13 hectares of land at Emersons Green East, known as the Gateway Site, opposite Emersons Green District Centre. Means of access to the site is the only detail to be determined at this stage. All other matters are reserved for future consideration. The proposed mixed-use development would include:

- 400 dwellings
- 500 square metres of retail/commercial units
- A new highway connection to the Rosary Roundabout
- Structural landscaping
- Formal and informal open space

1.2 A range of supporting material has been submitted with the application, including an Environmental Statement (ES) and a Transportation Statement. The applicant states that the ES complements the existing ES for the Heron Gallagher Quintain application (PK04/1965/O) by considering the Gateway site proposals in further detail. It further states that additional work has been undertaken specifically in respect of the Gateway ES, relating to archaeology, ground conditions and urban design.

1.3 In addition an illustrative master plan has been submitted, and the key elements of the scheme are described in the associated Design Statement as follows:

- The scheme responds to the existing landscape and topography, retaining elements of the character of the area through the provision of open space.
- Continuity and linkage are key features
- Building blocks along the main circulation route respond to higher levels of activity by providing continuous street frontage.
- Building bocks behind the main street frontage focus on containment and enclosure.
- The scheme provides 400 units and achieves a density of 55 d/ha
- A variety of units for one-bed flats to 3- bed townhouses are proposed.
- The massing varies from two to four storeys, responding to the topography of the site and minimising disruption of views.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - Delivering Sustainable Development Planning and Climate Change (Supplement to PPS1)
- PPS 3 - Housing
- PPG4 - Industrial & Commercial Development and Small Firms
- PPS6 - Planning for Town Centres
- PPS9 - Biodiversity & Geological Conservation
- PPG13 - Transport
- PPG16 - Archaeology and Planning
- PPS22 - Renewable Energy
- PPS23 - Planning and Pollution Control
- PPG24 - Planning and Noise
- PPS25 - Development and Flood Risk
- Circular 11/95 - Use of planning conditions
- Circular 05/05 - Planning obligations
- Circular 2/99 - Environmental Impact Assessment
- Circular 01/2006- Guidance on changes to the DC System
- By Design - Urban design in the planning system: towards better practice
- By Design - Better places to live: A companion guide to PPG3
- Design and Access Statements: How to write, read and use them
- Code for Sustainable Homes
- Department for Transport's 'Manual for Streets' (March 2007)
- CABE's ' Creating Successful Masterplans'
- Every Child Matters: Change for Children(DfES 2004)
- A sure Start Children's Centre for every Community – Phase 2 Planning Guidance (DfES July 2005)
- Sure Start Children's Centres Phase 3 Planning and Delivery (DfCSF 2007)

2.2 Regional Guidance

- RPG10 - Regional Planning Guidance for the South West
- Emerging Regional Spatial Strategy for the South West
- Final Joint Local Transport Plan, March 2006

2.3 Development Plan

Adopted Joint Replacement Structure Plan (Saved Policies)

- Policy 1 - Sustainable development objectives
- Policy 2 - Location of development
- Policy 4 - Integrated transport corridor improvements
- Policy 13 - Development at Emersons Green
- Policy 17 - Landscape Areas
- Policy 33 - Housing provision and distribution
- Policy 41 - Safeguarding of local shopping
- Policy 48 - Corridor improvements to bus transport (through Local Plans)
- Policy 58 - Non-trunk road network

2.4 South Gloucestershire Local Plan (Adopted January 2006)

- D1 - Achieving Good Quality Design in New Development
- L1 - Landscape Protection & Enhancement
- L4 - Forest of Avon
- L8 - Sites of Regional and Local Nature Conservation Interest

- L9 Species Protection
- L11 Archaeology
- L17 & L18 The Water Environment
- EP1 Environmental Pollution
- EP4 Noise-Sensitive Development
- H1 Proposed Sites for New Residential Development and Mixed Use
- H6 Affordable Housing
- M2 Major Mixed Use Development Proposals at Emersons Green East
- T3 Public Transport Route and Park and Ride
- T4 Bus Priority Measure
- T5 Multi-Modal Interchange Strategy
- T6 Cycle Routes and Pedestrian Routes
- T7 Cycle Parking
- T8 Parking Standards
- T10 Travel Plans
- T11 Traffic Management Proposals
- T12 Transportation Development Control Policy for New Development
- E1 Proposals for Employment Development and Mixed Use Schemes
- RT7 Shopping Facilities for New Residential or Commercial Development
- RT8 Small-scale retail uses in urban areas
- LC1 Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC2 Provision for Education Facilities (Site Allocations and Developer Contributions)
- LC8 Open Space and Children's Play in Conjunction with New Residential Development
- LC11 Allotments
- LC13 Public Art
- S1 Service Infrastructure in New Development
- S2 Proposals for Health Provision (Site Allocation and Developer Contributions)
- S3 Proposals for Social Services Provision (Site Allocation and Developer Contributions)

2.5 Supplementary Planning Guidance

- Adopted Emersons Green East Concept Statement
- Adopted Emersons Green East Development Brief
- Adopted Design Checklist SPD
- Adopted Affordable Housing SPD
- Adopted Biodiversity Action Plan
- Landscape Character Assessment SPD

3. **RELEVANT PLANNING HISTORY**

- 3.1 P95/700/13: Comprehensive development of and access to a Science Research Park & Academic Innovation Centre, and associated business units, a hotel, leisure facilities, small-scale – retail and campus-style housing. This application covered the whole of EGE and was supported by a master plan. It was never determined.
- 3.2 P95/4605 (K7284/2) Science Research Park on 25.5 hectares. (Outline) Permission granted March 2000. This application site included a finger of land projecting into the current Gateway application site.

3.3 PK01/0783/F Construction of the southern section of infrastructure road ('Yellow Road'). This application site abuts the western and south western boundary of the Gateway application. It has never been determined on the grounds of its prematurity.

PK07/2755/VAR: modification of Section 106 Agreement dated 22nd March 2000 attached to planning permission P95/4605 (K7284/2) to enable development of the site to take place in the context of a revised masterplan. Approved 14th May 2008.

PK06/2004/O: Urban extension on 102 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m² of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m² of small scale A1, A2, A3, A4 and A5 uses...(cont'd), Outline with means of access to be determined. Refused planning permission July 2008.

PK04/1965/O: Duplicate application of the above. Officers currently negotiating on affordable housing.

4. **CONSULTATION RESPONSES**

The consultation responses which the Council received in respect of the application are summarised in point form below.

External Consultation Responses

4.1 Mangotsfield Rural Parish Council

- The portion of footpath PMR 11 must be preserved.
- As the crossing on the Rosary Roundabout is so hazardous we recommend that the new bridge to cross the ring road be built at an early stage in development.
- TPO trees must be protected at all times.
- Pedestrian/cycle bridge would reduce traffic from Gateway site to District Centre.
- The Environmental Statement states there are no mine workings, but residents know there are mine workings.

4.2 Pucklechurch Parish Council

- Do not agree that an extra 2000 dwellings will have no impact on infrastructure.
- Park & Ride would be best situated near the Science Park.
- The Parish Council make comments regarding the EGE site as a whole:
Shopping – there should be provision for a shopping centre.
Health Centre – its location is not specific.
Gypsy/traveller site – should be included in the development.

4.3 Highways Agency

- The Highways Agency originally gave notice to the Council under Article 14 of the Town & Country Planning (General Development Procedure) Order 1995 that the Secretary of State for Transport directs that the planning authority shall not grant permission for this application before April 2007. This was because the Highways Agency required further information from the applicant in order to fully assess the possible impact of the additional development on Junction 1 on the M32 Motorway, and Junction 19 on the M4 Motorway. Extra time was required for this information to be submitted and considered. The HA subsequently advised that the submitted TA did not examine the impact on the Strategic Road Network.
- In February 2007 the HA removed the Direction. The HA considers that it is only the proposed employment uses in the wider EGE applications that would have a material impact on the Strategic Road Network, and as such PK05/1009/O does not give cause for concern. No conditions are required by the HA for this application.

4.4 Environment Agency

- The EA originally objected to the proposal on the grounds that the applicant proposes to dispose of surface water via SUDS. This is contrary to the surface water strategies (Parkman Report 1999 and Halcrow Report 2004 & 2006) for EGE.
- The EA have now withdrawn their objection and have requested Grampian Conditions to cover the surface water drainage issues and foul water disposal.
- The surface water drainage strategy must conform to the Emersons Green East Folly Brook Catchment Surface Water Drainage Strategy March 2006 – (Halcrow Report).
- This report identifies the strategy for surface water discharge for this application site is positive discharge to Attenuation Pond C3 via a trunk sewer – not via the Folly Brook.
- On-site SUDS should supplement the drainage strategy.
- Following the receipt of the Environmental Statement (ES) addendum the EA expressed a number of concerns regarding the application and its recognition of the Halcrow Report.
- However, the EA confirmed that following the receipt of a site specific drainage strategy that this is acceptable subject to additional conditions relating to finished floor levels; the submission of a scheme for surface water runoff limitation; and the construction of the surface water sewer linking the site to the attenuation pond C3 – as per the Halcrow report.

4.5 Wessex Water

- Foul drainage from EGE has been identified for connection to the foul sewerage system serving EG Area B (employment area), however these have not been transferred to public ownership.

- The developers should negotiate and agree with the owner of the private sewers in Area B the terms for connection. In the absence of agreement there will need to be a long off-site sewer to connect with the existing public foul sewerage system at the Westerleigh roundabout.
- The sewerage system in Area B was designed to accommodate a projected flow rate from the whole of Emersons Green – including Area A North. The total flow from these areas must therefore not exceed the design flow. (Spare capacity has already been taken-up by higher densities at Area A North).
- The development will lead to increased impermeable areas and rates of surface run off. The precise drainage arrangements will need to be agreed by the Environment Agency and the Council.
- Comments regarding Environmental Statement:
 - The developer should discuss programmes with Wessex Water in relation to the availability of sewerage infrastructure.
 - Attenuation (enlargement of Pond C3) will depend on the larger EGE site being developed at the same time as the Gateway site.
 - Further detailed points regarding sewer connections.
 - Landscape – please note the need for stand off distances between trees and sewers.
 - Comments regarding the point of connection and the upsizing of the sewer.
 - Question the assertions regarding suitable levels of supply being achieved for all key services

4.6 Government Office for the South West

GOSW have asked to be notified of the outcome of the relevant committee.

4.7 The Ramblers' Association

- This application involves several Public Rights of Way, but the developers have not discussed this with the Ramblers.
- Footpaths PMR 8 and PMR 11 should remain undisturbed and it is essential that a pedestrian bridge is built at the Rosary Roundabout on the ARR for pedestrian safety.
- Members not clear how adverse the effects on the PROW will be or whether every possible way of mitigating the adverse effect has been considered.
- Letter received from the ' Countryside Protection Secretary' of the Ramblers – concern over preserving the amenity that the public currently enjoy.

4.8 Western Power Distribution

- A new substation within the wider development will be required to meet the medium to long-term requirements for power.

- Gateway site can only be supplied via the existing local infrastructure should sufficient capacity still be available at the time of the application for connection, additional demands in excess of capacity will require the construction of the substation.
- Western Power remain supportive of the development as a whole.

4.9 South West of England Regional Development Agency

- SWRDA are the adjacent landowner promoting the Science Park proposals, but these comments are SWRDA's response as a statutory consultee only.
- The proposal helps to deliver a number of the key regional activities identified in the Regional Economic Strategy (RES).
- SWRDA supports the proposal subject to:
 - Appropriate vehicular, (including public transport) pedestrian and cycle links being secured to link the development with the neighbouring land uses (including Science Park) in order to reduce the need to travel by car.
 - The provision of affordable housing being made to meet demonstrated local need.

4.10 Avon Badger Group

- Badger Report is from surveys carried out from Sept. 2003 to February 2004.
- The Badgers Act 1992 makes it illegal to intentionally interfere with a Badger sett.
- PPS9 states that Councils should have regard to survey that is not over one year old.
- The main sett in this area should be retained in the existing hedgerow and green boundary to the Ring Road, or expanded as an artificial sett utilising the proposed shrubs as cover. Proposed artificial setts should be connected to wildlife corridors.
- Conditions should ensure retention of the wildlife corridors.
- Following receipt of the *ES Addendum* ABG expressed concern over the Folly Brook wildlife corridor and requested an up to date badger survey as there are active badger setts on the site.

4.11 English Nature (Now Natural England)

No objection because the application is unlikely to affect any statutory nature conservation sites.

4.12 Avon Wildlife Trust

No comments received.

4.13 Countryside Agency (Now Natural England)

Have advised – no comments to make.

4.14 English Heritage

The case should be determined in accordance with government guidance, development plan policies and local conservation advice.

4.15 Institute of Environmental Assessment & Management (IEMA)

- The Environmental Statement (ES) has been received by the IEMA, in accordance with the Institute Review Criteria and Review Grades. The full report is available for members, but set out below are some of the key points from the section of the Review report entitled 'Presentation of Results'.
- Presentation – Although information is clear and logical, the ES draws heavily on the ES for the wider EGE site and in some instances the information in this larger document should be included in the ES. The ES would benefit from inclusion of additional figures to support the landscape and visual chapter.
- Objectivity – The ES is unbiased, however the assessment of alternatives has a negative effect on the objectivity of the ES.
- Non-Technical Summary – is generally a good summary of the main ES.
- The IEMA highlighted a number of areas where the ES could be improved. The IEMA gave the ES Review Grades of B, C and D, with an average of C which the Institute define as 'Satisfactory' – despite omissions and inadequacies.

5.1 Primary Care Trust

The PCT requires a suitable S.106 Agreement for the provision of appropriate health services on the EGE site as a whole

The PCT have indicated a requirement for a 5-GP surgery with a total floorspace of 709m². (This includes an additional 20m² over and above the PCT's original request in order to accommodate a minor injuries treatment room). The required schedule of accommodation includes provision for a district nurse and health visitors offices. The PCT will need to render contracts to select the practice that will take legal ownership of the accommodation. The practice would need to commence service provision when the level of population within the development reaches a minimum of 1,700, but temporary accommodation will need to be made available in the interim, i.e. on the occupation of 200 dwellings.

5.2 Forest of Avon

Originally requested a total of £412,500 for EGE as a whole towards the provision of new off-site woodland public open space, landscape improvement, access improvement and integration. Following negotiation on application PK06/2400/O, the Forest of Avon stated that they could accept £50,000 for EGE as a whole. This would be used towards access improvement work (including signage, information and related small – scale landscape improvements) related to EGE. This would be in the expectation that the major work required to Overscourt Wood, other countryside sites and access networks would be funded through Section 106 agreements where reasonably related to the new urban extensions.

Internal Consultation Responses

4.16 Environmental Services

Noise:

- The noise data submitted within the ES is considered accurate.
- The site is dominated by M4 traffic noise, except for day time levels on land bordering the Ring Road. Night time levels are dominated by the M4 at present. An acoustic fence along the M4 is therefore required for the Gateway site as well as the wider EGE.
- The emerging Environmental Services “Planning & Noise” (Bristol, Gloucestershire & Somerset Environmental Protection Committee) document requires new housing to be protected from pre-existing noise to achieve NEC A in PPG24, and ideally, better than NEC A (L50dBA LAeq).
- The Gateway site will need to be shielded from noise from the Ring Road by either an acoustic fence or a bund.
- Garden amenity needs to be protected to meet WHO (linked to PPG24) outdoor criteria.
- In the unlikely event of no fence, the houses need to be far enough away to meet NEC A, and an extra 3m to allow for anticipated extra carriageway.
- NEC A should be met not just indoors by the attenuation of the building envelope and mechanical ventilation. The WHO outdoor criteria will assist in achieving this.

Pollution

- No adverse comments on the geotechnical issues relating to mine working and Radon Protective measures.
- Some small ‘hot spot’ areas of contamination have been identified. The sampling of these ground investigations used trigger values which are now out of date. Further investigation is required.
- A condition is required for further ground contamination analysis prior to the commencement of development.

4.17 Drainage – Technical Services Unit

Original Comments:

- There is insufficient commitment by the applicant to accommodate a surface water drainage design in accordance with the Halcrow Surface Water Drainage Strategy (2004). The ES does not sufficiently imply full compliance with it.
- No response has been received to our correspondence with the applicant seeking further clarification regarding the timing of the upgrade of Pond C3.
- Water quality improvement at source (i.e. on site) can be obtained by the use of appropriate SUDS techniques to be agreed by the TSU. However the ES infers only minimal SUDS are planned.

Further comments following receipt of ES addendum

- The ES addendum now acknowledges the revised Halcrow Drainage strategy of May 2006.
- The Gateway developers need to acknowledge that whilst the development of the Gateway site alone would not trigger the requirement for Pond C3 to be enlarged, this would depend on the timing of other development whether or not there is a cumulative requirement.
- Further detailed technical points made.

SGC Ecologist

Following receipt of the ES Addendum, it is recommended that the ES include:

- An up to date bird survey – focussing on BAP species.
- An up to date badger survey.
- A survey for bats in any trees required to be removed.
- Resolve issues relating to the position of any road crossing points over the Folly Brook tributary.
- Confirm that the width, constituents, habitat and management of the Gateway length of the Folly Brook corridor will accord with that agreed for the entire FBC within EGE as a whole.
- Should consent be granted the Council will require a Hedgerow Removal application under the 1997 Regulations.

Children and Young People (CYP)

Primary Education

CYP have confirmed that the surrounding schools do not have the capacity to expand and many are already located on undersized sites. CYP have indicated a requirement for 2 No. 2-form entry (420 place) Primary Schools – providing a total of 840 places.

In accordance with the December 2005 DfES cost-calculator (11,752.36 per pupil place) CYP indicated a requirement for a 2 hectare site and a total contribution of £4,935,991 for each 2fe school. This has now been replaced by the DCSF 2008 Q4 building cost index which is £12,651 per primary place.

Secondary Education

CYP have indicated that the development should fund the provision of the necessary additional Secondary School places arising from the development. This is because the area adjacent to EGE contains four schools which are unable to expand beyond their current capacity owing to site restrictions. Even if it were possible to expand, pupils would have to travel outside their new community to get to school.

A minimum of 7.02 hectares site on EGE is sought.

CYP acknowledge that the development of EGE as a whole would not generate sufficient numbers of pupils to fill a Secondary school, but a school of less that

6 forms of entry (900 pupils) would not be contemplated. The 2008 cost per Secondary School place is £19,000

Nursery Places

CYP have indicated that a facility for 60 three year old and 60 four year old part time nursery school places should be provided.

Children's Centre

CYP are seeking a contribution of £550,000 in total for the whole of EGE (at June 2007 prices) towards the establishment of a new Children's Centre at EGE.

Housing

Housing is seeking 33.3% affordable housing in accordance with the Local Plan Policy H6 target.

The affordable element should provide 77% social rent and 23% shared ownership, and other intermediate market options, the need for which has been evidenced by the John Herington Housing Needs Survey (Final report March 2004). The following split is required:

10% 1-bed flats
29% 2-bed houses
12% 3-bed houses
31% 4-bed houses
of which 18% to be wheelchair accessible units.

The affordable housing should be developed on site pro rata to the private housing in clusters of no more than ten dwellings. It should be located with good access to jobs, local services and public transport.

The affordable housing should be provided through a Registered Social Landlord agreed by the Council.

○ Extra Care

An extra care housing facility with a minimum of 50 places should be secured on EGE.

○ Community Services

The development will be expected to meet specific requirements for the provision of formal and informal Public Open Space (POS). These requirements derive from Policy LC8 of the SGLP and are set out in the Development Brief. They all relate to on-site provision. The proposed public open space provision on the GHQ site complies with Policy LC8 requirements. In addition to the requirements for POS, Community Services also require financial contributions towards the provision of other community facilities and services including: library services, public art, litter and dog waste bins, sewer baiting, a community development worker and waste management.

The development of EGE as a whole will also be required to provide sufficient new community meeting space to meet the projected needs of the future population of EGE. This would be in the form of a new community centre. In addition there is a requirement for outdoor changing, allotments and a pavilion. The following is required for EGE as a whole:

Community Hall 880m²
Outdoor Changing rooms 200m²
Pavilion 280m²

Other Representations

4.25 Local Residents

No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

6.1 Principle of Development

Policy 13 of the adopted Joint Replacement Structure Plan relates to Emersons Green East (EGE). It states that provision will be made for a major mixed use development integrated into the wider Emersons Green residential development to the west of the Ring Road. This policy states that the development will be planned on a comprehensive basis to integrate the different land uses and to maximise the provision for public transport, walking and cycling. Policy 13 also provides that there should be a 'convenient public transport system within and to the EG developments by ensuring, inter alia, " a reduction in the physical barrier created by the Avon Ring Road between the EG developments by providing safe and easy access across the road at convenient points for buses, pedestrian and cycle movements".

EGE is allocated for a major mixed-use development in the adopted South Gloucestershire Local Plan (SGLP). The proposals for development at EGE are set out in Policy M2 of the SGLP:

- A. A SCIENCE PARK COMPRISING OF APPROXIMATELY 25HA SUITABLE FOR SCIENCE, HIGH TECHNOLOGY AND RESEARCH BASED USES AND INCLUDING AN ACADEMIC/INNOVATION CENTRE AND OTHER RELEVANT ANCILLARY FACILITIES;**
- B. APROXIMATELY 20HA FOR B1 (BUSINESS) USES, B2 (GENERAL INDUSTRY) USES AND SMALL SCALE B8 (DISTRIBUTION) USES TO MEET EMPLOYMENT NEEDS;**
- C. APPROXIMATELY 40HA FOR 2,000 DWELLING IN A MIX OF SIZES AND TYPES (OF WHICH ABOUT 1,200 ARE EXPECTED TO BE COMPLETED IN THE PLAN PERIOD);**
- D. APPROXIMATELY 8HA WILL BE RESERVED FOR THE PROVISION OF A SECONDARY SCHOOL;**
- E. APPROXIMATELY 30HA WHICH WILL REMAIN SAFEGUARDED TO MEET DEVELOPMENT NEEDS BEYOND THE PLAN PERIOD. (THE LIKELY MIX OF USES WILL COMPRISE APPROXIMATELY: 15 HECTARES FOR A FURTHER 750 DWELLINGS, 5HA FOR EMPLOYMENT USES WITH THE REMAINDER USED FOR PLAYING FIELDS/FORMAL PUBLIC OPEN SPACE NATURE CONSERVATION AREAS, BALANCING PONDS AND ROADS);**
- F. THE REMAINDER OF THE SITE TO BE USED FOR THE PROVISION OF A RANGE OF LOCAL FACILITIES INCLUDING LOCAL SHOPPING, HEALTH CARE, PRIMARY EDUCATION AND OTHER COMMUNITY FACILITIES,**

FORMAL AND INFORMAL OPEN SPACE, NATURE CONSERVATION AREAS, BALANCING PONDS AND ROADS.

DEVELOPMENT WILL BE PLANNED ON A COMPREHENSIVE BASIS, DESIGNED AND PHASED TO ENSURE MAXIMUM PRACTICAL INTEGRATION BETWEEN THE DIFFERENT USES AND PROVISION OF ANCILLARY FACILITIES AND SUPPORTING INFRASTRUCTURE. IN PARTICULAR, PROVISION WILL BE MADE FOR:

- **A COMPREHENSIVE NETWORK OF SAFE AND CONVENIENT FOOTPATH AND CYCLEWAYS LINKING ALL THE USES AND DESTINATIONS BEYOND THE SITE, WITH PARTICULAR REFERENCE TO THE DISTRICT CENTRE TO THE WEST OF THE RING ROAD;**
- **A HIGH STANDARD OF BUS PENETRATION AND SIGNIFICANTLY IMPROVED 'RADIAL' SERVICES TO EAST AND CENTRAL BRISTOL AND YATE AND ORBITAL SERVICES LINKING TO MAJOR EMPLOYMENT DESTINATIONS AND TRANSPORT INTERCHANGES IN THE NORTH FRINGE.**

TO THIS END DEVELOPERS WILL BE EXPECTED TO CONTRIBUTE TOWARDS THE EARLY PROVISION OF THE COMPREHENSIVE PACKAGE OF TRANSPORTATION MEASURES SET OUT AT FIGURE 8.2 IN SCALE AND KIND TO THE DEVELOPMENT.

- 5.4 The Local Plan's locational strategy focuses on development occurring alongside 'substantial improvements in public transport services...' . The multi – modal interchange (MMI) strategy is specifically considered in Policy T5 of the Local Plan, with the initial phased implementation programme for the strategy including an MMI site within an area of search shown within EGE.
- 5.5 Policy M2 refers to the requirement for provision to be made for “ A comprehensive network of safe and convenient footpaths and cycleways linking all the uses and destinations beyond the site, with particular reference to the District Centre to the West of the Ring Road.” Further, the supporting text to Policy M2 envisages a high quality facility for interchange between public transport and car, cycle and walk modes will be provided within the overall EGE development to facilitate express commuting bus services into Bristol and the Bristol North Fringe.
- 5.6 In the High Court Judgement relating to the adoption of the EGE Development Brief, the judge stated that it is open to the Council to conclude that its Local Plan had made an allocation by way of policy that the MMI and the pedestrian bridge should be in EGE. It is considered therefore that the absence of these two elements of supporting infrastructure in the current proposal is unacceptable in principle. These matters are however discussed in more detail later in this report.
- 5.7 In addition, the application site covers only a small proportion of the whole of the allocated area, and does not include an illustrative master plan document for the whole of EGE. Further, it does not include the required strategic infrastructure for the site itself as noted above, hence would not result in the comprehensive development of EGE as a whole and hence fail the policy tests. It is considered that demonstrable harm could result from the site being developed in advance of the remainder of the site.

Supplementary planning documents

- 5.8 The EGE concept statement was approved by the Executive Member for PT&SE on the 5 November 2002, subsequently the Council's EGE Development Brief, was adopted in October 2006.
- 5.9 The Environmental Statement and Illustrative Masterplan submitted with the application describes the development framework and key principles. In terms of disposition of uses, the Illustrative Masterplan is not in conformity with the adopted development brief in a number of respects. It does not provide for a new 'landmark' pedestrian/cyclist bridge to link EGE with the existing District Centre. Nor does it provide a site for a high quality MMI. In terms of urban design (discussed under 'Urban Design') the Illustrative Masterplan does not show a perimeter block approach to urban form.
- 5.10 In summary, the proposed Illustrative Master Plan is unacceptable in urban design terms and does not conform with all of the requirements and principles set out in the approved concept statement and adopted development brief.

Environmental Impact Assessment

- 5.11 The proposed development requires Environmental Impact Assessment under the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999. This outline application includes an Environmental Statement (ES). Officers arranged for the ES to be reviewed by the Institute of Environmental Management and Assessment (IEMA). The IEMA review is a qualitative assessment of the ES based on best practice, not just statutory requirements. The IEMA have given the ES an average set of grades, with most elements judged to be satisfactory.
- 5.12 Notwithstanding this, the Council considers that the ES is not complete as certain issues are not properly addressed, and these matters are discussed in the sections below. The Council considers that the ES does not fully comply with the required information for inclusion as set out in Scheme 4 of the 1999 Regulations. If a developer fails to provide enough information to complete the ES, the application can only be determined by refusal (Reg.3).
- 5.13 At present the applicant has advised that under Regulation 19, the Council is required to suspend determination of the application, as additional information for the ES has been sought by the Council. However, the Council's Legal Services Manager has advised that this suspension does not apply as the applicant has had since May 2007 to submit revised information for the ES; and the application can be determined, but only by refusal.

Master planning and design

Illustrative master plan document

- 5.14 The adopted EGE Development Brief makes it clear that outline planning permission at EGE will only be granted subject to an associated master plan and that master plan is to be prepared by the developers. The specific requirements for an illustrative master plan document are set out in the EGE Development Brief.
- 5.15 When a master plan forms the basis of an outline planning permission it will be the link between that permission and the consideration of subsequent reserved matters applications. In this respect a master plan can fulfil the same role as a

design and access statement. Officers therefore consider that Circular 01/2006, which sets out guidance on (amongst other things) the role of design and access statements accompanying an outline application, is also applicable in assessing the merits of the submitted indicative masterplan. The circular provides guidance on the extent to which a development approved by an outline planning permission should be constrained by the parameters described in a design and access statement, or in this case the illustrative masterplan.

- 5.16 The purpose of the illustrative master plan document is not to prescribe a final design or to predetermine reserved matters. It is required to describe and illustrate how the principles set out in the approved concept statement and in the development brief are to be implemented on site. In addition, it will form the basis for a detailed design code. Officers take the view that the illustrative details contained within the master plan document must provide sufficient certainty and ‘fix’ on the principles of design to enable Members to assess, properly the acceptability of the proposals.
- 5.17 The GHQ application at EGE recently considered at DC East (on 10th July 2008) included a DAS covering the whole of EGE. The Gateway proposal would need to fully integrate with this as well as the recently approved revised master plan for the Science Park.
- 5.18 As the application is not supported by an agreed illustrative master plan document or DAS, the outline application, as it stands, is not acceptable form a land use planning point of view.

Urban Design

- 5.19 Notwithstanding the non-compliance with the development brief in terms of the level of information provided and the principle of development as noted above, the proposal has also been considered in terms of Policy D1 of the SGLP and the adopted Design Checklist SPD. Of further relevance are the two ‘By Design’ documents – “Urban design in the planning system: towards better practice”, and “Better Places to live: A companion guide to PPG3” (Published by DETR & CABLE, and DTLR & CABE respectively).
- 5.20 ‘By Design’ indicates that one of the objectives of urban design is to promote continuity and enclosure in order to clearly define public and private areas. Buildings which follow a continuous line around a street block and contain the private space within back gardens or courtyards are known as perimeter blocks and results in continuous street frontages as well as a coherent permeable layout. This approach is also promoted by the larger outline applications at EGE – (PK04/1965/O and PK06/2400/O).
- 5.21 The applicant has submitted a Design Statement. However officers consider that this only sets out a justification for the earlier illustrative master plan, which is unacceptable in principle. The proposed Gateway Illustrative Master Plan is not considered to be consistent with the key development objective of perimeter blocks. Most of the layout is based on a campus approach and the distinction between public and private space ambiguous. Moreover, the layout as a whole is considered to lack coherence and with awkward relationships between terraces.

New bridge over Avon Ring Road

- 5.22 A key aspect of the design concept for EGE, as outlined in the 'Principle of Development' section above, is the construction of a new pedestrian/cyclist bridge to link the development with the existing District Centre. Although the Gateway Illustrative Master Plan indicates a "Potential pedestrian/cyclist bridge" it is outside the application site and moreover the Environmental Statement states that it "*would have a significant adverse effect on the environment*" and "*serve no function*" further, it would need to be a space intensive design and would prevent *much needed highway improvements....the construction of a new bus ramp from the existing District Centre onto the northbound carriageway of the ARR.*" Following officer concern regarding these comments, the ES Addendum goes further and states that the footbridge is considered by the applicants to be not cost effective, justifiable or necessary structure as far as the Gateway Site or the EGE allocation as a whole is concerned.
- 5.23 The 'potential' bridge shown on the Gateway application illustrative master plan is a compact spiral ramp in close proximity to adjacent housing, and a TPO'd tree. The 'potential' bridge would therefore be unacceptable for a number of reasons. The quality of design of any bridge is critical, as it should be a high profile route that will be an enjoyment to use. The EGE Development Brief provides a full justification for the need for the bridge. There is a need to comply with Policy 13 and Policy M2, to provide maximum practical integration between the different uses and an easy connection over the physical barrier of the Ring Road. As members will recall, the issue of the new footbridge at EGE was considered by Executive Members at Executive Briefing on 9th July 2007, and the DC (East) Committee on 10th July 2008. At DC East, planning permission was refused for the GHQ application on the grounds of affordable housing and children's centre contribution only.
- 5.24 The EGE development Brief includes an indicative Development Framework Plan which shows the location of a new footbridge landing in the District Centre, in the car park area opposite the Sainsbury's entrance. The GHQ applications (PK06/2400/) and PK04/1965/0) however indicate a new bridge landing at the District Centre reserve leisure land (allocated in the Local Plan), adjacent to Boots. The justification for this is due to the falling land levels on the EGE side of the District Centre; the Council's Structural Engineers found that in order to ground the footbridge on the eastern side, at a gradient of 1:20, a 250 metre ramp would be required. The GHQ application therefore proposed a new footbridge, some 35 metres to the south of the existing one, and some 200 metres from that indicated in the EGE Development Brief.
- 5.25 The purpose of the bridge is to create a link to the District Centre that is attractive and easy to use to the extent that it encourages the greatest volume of people possible to walk or cycle there instead of use the car. The comparison between the two sites is therefore more than locational, the ease of use and attractiveness of the route is of great importance. It is considered that the revised location of the bridge would be more convenient for Science Park employees, as well as the high density residential areas in the central western part of EGE. Although it would arrive at the northern end of the District Centre, rather than the centre, Community Services have advised a willingness to adapt the relevant part of the Reserve Leisure Land to create a landscaped arrival route. Conversely, a bridge in the Brief location would be more convenient to residents of the eastern parts of EGE, and whilst arriving more centrally to the District Centre, would nevertheless be in a car park. However,

for the bridge to be satisfactorily located in the revised position, Although outside the Gateway site the alternative new footbridge location should be indicated as integral to the proposal and the movement strategy and the layout of blocks and spaces will need to fully relate it so that it is sufficiently prominent in the Gateway site. The absence of this in the proposal renders the application unacceptable in principle and in urban design terms.

- 5.26 In conclusion therefore, the proposal is considered unacceptable in urban design terms for the reasons given above.

Transportation issues

Direction from the Secretary of State for Transport

- 5.27 Members are advised that the Highways Agency have now lifted their Direction not to determine this application, and requested conditions relating only to the construction of employment development associated with other EGE development.

5.28 Transportation Assessment

- 5.29 The application relies on the TA prepared some while ago for the whole of the EGE site, but also includes an additional Transportation Statement (TS) to supplement it. The applicant has subsequently produced an addendum to the ES, which includes transportation issues.

- 5.30 In terms of general transport policy, it is noted above that the application does not include an MMI, further to this however, the ES Addendum goes further and compares the location of an MMI at EGE with one at the District Centre (two applications for an MMI here have been refused by the Council, and a recent appeal withdrawn). It is stated in the application that an MMI within EGE would conflict with the Council's objective of creating roads in EGE that are less permeable to traffic. Further the main ES states that it would draw commuter traffic unnecessarily across the Ring Road and increase traffic congestion on the Rosary Roundabout. The Council's highway Engineer does not however accept this point, there being the opportunity within EGE to integrate the MMI travel demand within the EGE road network in a planned manner. In addition the applicant's technical comparison with an MMI site at the District Centre shows a significant impact on the network as a result of queues extending back to the District Centre roundabout.

- 5.31 The provision of an MMI for the EGE development is a key factor in securing traffic neutral development by diverting existing traffic on the network onto public transport, thus creating equivalent road space for development traffic. MMI's are intended to provide a more sustainable alternative to single occupant car commuting and would cater for interchange between all modes. The scale of the MMI required (240 spaces) is such that there would be no dedicated bus services provided for it. Users of the facility would be able to take advantage of new bus services for EGE (discussed below) and the MMI would, in turn, provide early commercial support for these services.

- 5.32 It is considered that the absence of an MMI undermines the overall objective of creating a sustainable urban extension and would be prejudicial to the Council's transport strategy for the area and contrary to Policy T5 and Policy M2 of the SGLP.

- 5.33 Since the application was submitted, a revised masterplan has been approved for the Science Park, which abuts the north western boundary of the site. The transportation strategy for the Gateway site will need to fully integrate with this approved layout, as well as the GHQ site which abuts the other boundaries of the Gateway site,(albeit there is currently no approval for the GHQ application). In addition to the bus services identified as part of the EGE transport strategy, the Joint local Transport Plan identifies proposals for a network of Bus Rapid Transit (BRT) routes serving the greater Bristol area. A corridor running along the northern side of the Ring Road adjoining the Gateway site would be required to be safeguarded for potential future rapid transit use. The proposal does not include this feature.
- 5.34 *Detailed transport Issues*
- 5.35 There are a number of technical concerns. Firstly the TS and ES Addendum do not make satisfactory reference to the Gateway traffic on the wider road network. There should be an explicit commitment to supporting the wider improvements.
- 5.36 Policy M2 requires developers to contribute towards the early provision of a comprehensive package of transport measures as set out in the North Fringe Development Major Scheme (Transport Measures). In addition Policy M2 requires a high standard of bus penetration and significantly improved radial services to east and central Bristol and Yate, and orbital services linking to major employment destinations and transport interchanges in the North Fringe. The Gateway TS or ES Addendum however make no reference to the provision of new or enhanced services and therefore the Policies and the adopted Development Brief are not complied with.
- 5.37 Further, the Council's Principal Engineer has a number of technical concerns regarding the information contained within the Transport Statement which is considered unsatisfactory. In addition it is considered that the TS does not discharge a number of criteria required by the Environmental Statement Scoping document.
- 5.38 With regard to the use of the at grade crossing over the Ring Road, whilst this would comply with safety standards, as the ARR will continue to be dominated by fast moving, heavy traffic flows and pedestrians will be obliged to wait for long periods before being able to safely cross, it is considered that they will find the route intimidating and uninviting. In addition, the Council's Principal Engineer has a number of concerns regarding the detailed layout of the illustrative masterplan.
- 5.39 Notwithstanding the above inadequacies of the application in highway terms, in the event of a refusal it is necessary to include reference to the lack of a Section 106 Obligation relating to the required transport issues as follows:
- The provision of an appropriate public transport subsidy.
 - The improvement of the Rosary Roundabout.
 - A contribution towards the North Fringe Development Scheme (Transport Measures).
 - Provision of MMI.
 - Provision of footbridge.

- Contribution towards Car Club.
- 5.40 For the above reasons the application is unacceptable in land use planning terms.

Landscape & Visual Assessment

- 5.41 Officers consider that a detailed illustrative master plan document is required in order to properly consider how existing site assets such as significant vegetation are to be protected where appropriate and sensitively integrated into the proposed development in accordance with Policy L1 of the SGLP.
- 5.42 It is considered that one of the main impacts of the development arises from the access arrangements. The greatest impact on the Folly Brook corridor will arise from the creation of the road link from the Rosary Roundabout. Assessment of the impact of the Gateway site should involve the impact of essential enabling development.
- 5.43 The ES does not address the fact that the proposed four storey flat block at the site entrance will block views and isolate a visually important hedgerow with a number of trees to be retained.
- 5.44 No photomontages or sketches of the development are provided, these would have been useful. The ES should also provide diagrams in relation to the Gateway site within the main ES, for example the zone of visual influence of the site and the location of the potential viewpoints.
- 5.45 To fully assess the current proposal there should be a full Tree Survey and Arboricultural Impact Assessment as BS 5837 2005. The impact on existing trees is not explored, for example, one of the TPO'd trees lies within the spiral ramp structure of the potential pedestrian/cycle bridge. This would clearly be damaged.
- 5.46 It is considered that the level of detail does not allow a judgement to be made as to whether the hedgerows and trees will be successfully incorporated into the design. The lack of detail also raises the question as to whether the Folly Brook corridor will be sufficiently maintained in conjunction with the highway network and still make a positive contribution to the site.

Alternative Proposals

- 5.47 There is a requirement that the ES considers an outline of the main alternatives studied by the applicant and an indication of the main reasons for the choice made, taking into account the environmental effects. Although the ES looks at the options of the footbridge and MMI it is not considered that they have been considered in a balanced way, nor have the environmental effects been properly considered.

Archaeology

- 5.48 In accordance with the Council's Scoping Opinion a geophysical survey has now been undertaken, and it is understood that the results of this survey have been tested by trial excavation. Further to this however, officers have not received a report of the findings.
- 5.49 Without this written report therefore, it is not possible to ascertain whether or not the proposal complies with Policy L11 of the SGLP.

Drainage

The EA originally objected to the proposal on the grounds that the applicant proposed to dispose of surface water via SUDS. This is contrary to the surface water strategies (Parkman Report 1999 and Halcrow Report 2006) for EGE.

The EA have now withdrawn their objection and have requested Grampian Conditions to cover the surface water drainage issues and foul water disposal.

The surface water drainage strategy must conform to the Emersons Green East Folly Brook Catchment Surface Water Drainage Strategy March 2006 – (Halcrow Report).

This report identifies the strategy for surface water discharge for this application site is positive discharge to Attenuation Pond C3 via a trunk sewer – not via the Folly Brook. On-site SUDS should supplement the drainage strategy.

Following the receipt of the ES addendum the EA expressed a number of concerns regarding the application and its recognition of the Halcrow Report.

However, the EA confirmed that following the receipt of a site specific drainage strategy that this is acceptable subject to additional conditions relating to finished floor levels; the submission of a scheme for surface water runoff limitation; and the construction of the surface water sewer linking the site to the attenuation pond C3 – as per the Halcrow report.

- 5.50 There will be a requirement for a S 106 Agreement clause precisely defining the amount of development that can take place prior to the enlargement of Pond C3. Subject to this and a number of further technical matters, the application is acceptable in terms of the principles of surface water drainage.

Noise

The Council's Environmental Protection officer has confirmed that the noise data submitted within the ES is accurate.

The site is dominated by M4 traffic noise, except for day time levels on land bordering the Ring Road. Night time levels are dominated by the M4 at present. An acoustic fence along the M4 is therefore required for the Gateway site as well as the wider EGE.

The emerging Environmental Services "Planning & Noise" (Bristol, Gloucestershire & Somerset Environmental Protection Committee) document requires new housing to be protected from pre-existing noise to achieve NEC A in PPG24, and ideally, better than NEC A (L50dBA LAeq).

The Gateway site should be shielded from noise from the Ring Road by either an acoustic fence or a bund. The applicant has however stated that any dwellings below NEC A adjacent to the Ring Road would be appropriately insulated and this should be secured by condition. The preferred acoustic practice is however, is to attenuate at source, therefore this solution would not be ideal in terms of quality of life of future applicants. NEC A should be met not just indoors by the attenuation of the building envelope and mechanical ventilation. Members will note, however from the consultation reply received from Environmental Services, that officers do not propose to cite noise as a reason for refusal.

Ecology

- 5.51 There are no local, national or international nature conservation designations covering the application site. The Rosary Site of Nature Conservation Interest (SNCI) adjoins it to the south east. However with suitable buffering of the stream corridor, development should not impact upon the nature conservation interest of the SNCI.
- 5.52 The ES contains a number of surveys that are now several years old. Updated bat, bird and in particular badger surveys are required. There have been numerous badger setts on the Gateway site in the past, (as evidenced by the submitted May 2004 badger report) and it is generally accepted that badger surveys should be updated every 12 months or so as matters can change in short period of time. In addition the Council's Ecologist considers that there should be a revision of the great crested newt mitigation measures (they are located at Shortwood Quarry), Whilst further surveys for badgers and bats could be the subject of conditions, there is a requirement for the Gateway ES to illustrate that the masterplan will not impact on any species of national or local significance, and the only way of realising this is via a specific, up to date bird survey. In addition, there is a requirement, as per the GHQ applications at EGE to submit a management plan for the Folly Brook Corridor, to provide greater certainty on this matter whilst ensuring that the recommendations in the ES relating to the integrity of the corridor – i.e. resolving the road alignment/ position of the crossing points; and ensuring the width, constituent habitat and management of that length of the Folly Brook tributary within the Gateway site accords with the ecological management plan and design of the entire Folly Brook tributary.
- 5.53 Whilst the above matters in themselves may not be considered sufficient grounds for refusal, the EIA Regulations (1999) require the ES to provide a description of the aspects of the environment that would be significantly affected by the development, as well as a description of the likely significant effects of the development, and description of measures to prevent, reduce and where possible, offset any significant adverse effects on the environment. In the absence of complete and up-to-date information relating to ecological issues, the application does not comply with the EIA Regulations.

5.54 Energy Conservation

The application is not accompanied by any supporting strategy to reduce energy and water consumption. The proposal is therefore unacceptable in this respect and contrary to the EGE Development Brief, the Design Checklist SPD, Policy D1 and Government Advice set out in the Policy section of this report.

Public Rights of Way

The submitted layout plan indicates the PROWs within the site and to the north of the site unaffected by the proposed development, in terms of routing, however there is insufficient information to ascertain whether the environment would be suitable for pedestrians.

Public Open Space

The submitted Design Statement confirms that a large proportion of the eastern edge of the Gateway site would be set aside for the continuation of the Folly Brook tributary. It is also proposed to provide other areas of informal open

space, in the form of green corridors through the site. There are however no proposals for Category 1,2 or 3 public open space in the Gateway application. In support of the GHQ application, a Public Open Space Strategy was submitted for the whole of EGE. POS proposals outside of the GHQ site boundary are indicative only, however the Strategy is designed to show the comprehensive distribution of the required quantum of POS over the site as a whole. The Strategy shows a Neighbourhood Area for Play (NEAP) and an area of Category 3 – unequipped play, as well as a teenage shelter on the Gateway site. Officers would expect this to form part of the Gateway application in order that the EGE site as a whole requirements are met. Playing field and other types of POS would be provided elsewhere on EGE.

In terms of POS maintenance, any S.106 Agreement would need to put in place arrangements acceptable to the Council for the long term management and maintenance of POS.

6.2 Community Facilities

6.3 *Children's Centre*

6.4 CYP have advised that EGE would require its own Children's Centre as part of the community facilities needed for the new population. Although acceptable to co – locate a Children's Centre on the same site as other activities – for example a school, the Centre would need its own dedicated space for uses such as stay and play, specialist play groups, health services, advice and information for parents and support for childminders. A total contribution of £550,000 for EGE has been requested.

6.5 Without this community facility the proposal would be contrary to PPS3, PPS1, and Policies LC1, S1, S2 and S3.

6.6 *Community Hall and outdoor changing*

6.7 The GHQ application proposal includes a community hall of 880 sq m gross floorspace. In addition there would be attached outdoor changing rooms of 200 sq m to serve the pitches on the BBC mast site. These floor areas would be in accordance with those set out in the Development Brief and in accordance with the requirements of the Council's Community Services Department. Any approved residential development on the Gateway site would require a Section 106 obligation to proportionally contribute towards these facilities that would serve the whole of EGE.

6.8 *Cricket Pavilion*

6.9 The GHQ application proposal includes a cricket pavilion located to the south of Lyde Green Common, with a gross floorspace of 280 sq m. This floorspace is considered sufficient to accommodate a social function room as well as changing rooms. Any approved residential development on the Gateway site would require a Section 106 obligation to proportionally contribute to this facility that would serve the whole of EGE.

6.10 Education/ Children's Services

6.11 As noted in the Consultation Responses in Section 5, Children and Young People (CYP) have indicated a requirement for 2 no. 2-form entry Primary Schools (on 2 no. 2 hectare sites) and a 6-form entry (900 place) Secondary School (on a 7.02ha site) to serve EGE. In addition, contributions towards the provision of school places are also sought.

6.12 The adjacent GHQ application shows sites for two Primary Schools on the Development Framework Plan. GHQ propose to make available the land and the entire costs of providing the first Primary School. In addition, it is proposed to make available the land and pay a pro-rata contribution towards the cost of building the second Primary School – i.e. the balance of pupils arising from their 2,200 dwellings. The balance of funding for the second Primary school would need to come from other developers, including the Gateway site.

6.13 With regard to the Secondary school, which is proposed on the GHQ site, the Gateway site would need to contribute proportionately to the Secondary School provision as required by the pupils generated by the proposed 400 dwellings.

6.14 Affordable Housing.

6.15 In accordance with PPG3 and Policy H6, the Council is seeking 33.3% affordable housing, of which 77% would be social rent and 23% shared ownership. The preferred mix would comprise:

10% 1-bed flats

29% 2-bed houses

12% 3-bed houses

31% 4-bed houses

of which 18% to be wheelchair accessible units.

Section 106 requirements

There have not been any discussions with the applicant regarding Section 106 obligations for the Gateway site. The applicant has however advised that they are '*working closely with GHQ on the anticipated Section 106 obligations...*' The Section 106 requirements are set out in the preceding sections above. The Gateway site will be expected to contribute proportionally to the strategic infrastructure and community facilities for EGE as a whole to ensure that the proposal is acceptable in land use terms.

As the application is deemed unacceptable in principle, the applicant has not been engaged in any Section 106 negotiations with the Council. However, in accordance with standard practice, as the outline application is not supported by agreed proposals for a planning obligation, the application as it stands, is considered unacceptable in land use planning terms.

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.

The recommendation to refuse permission has been taken having regard to the policies and proposals in the Adopted Joint Replacement Structure Plan and in the South Gloucestershire Local Plan set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

- 7.1 That Outline planning permission be refused for the following reasons:

Background Papers **PK05/1009/O**

Contact Officer: **Helen Ainsley**
Tel. No. **01454 863788**

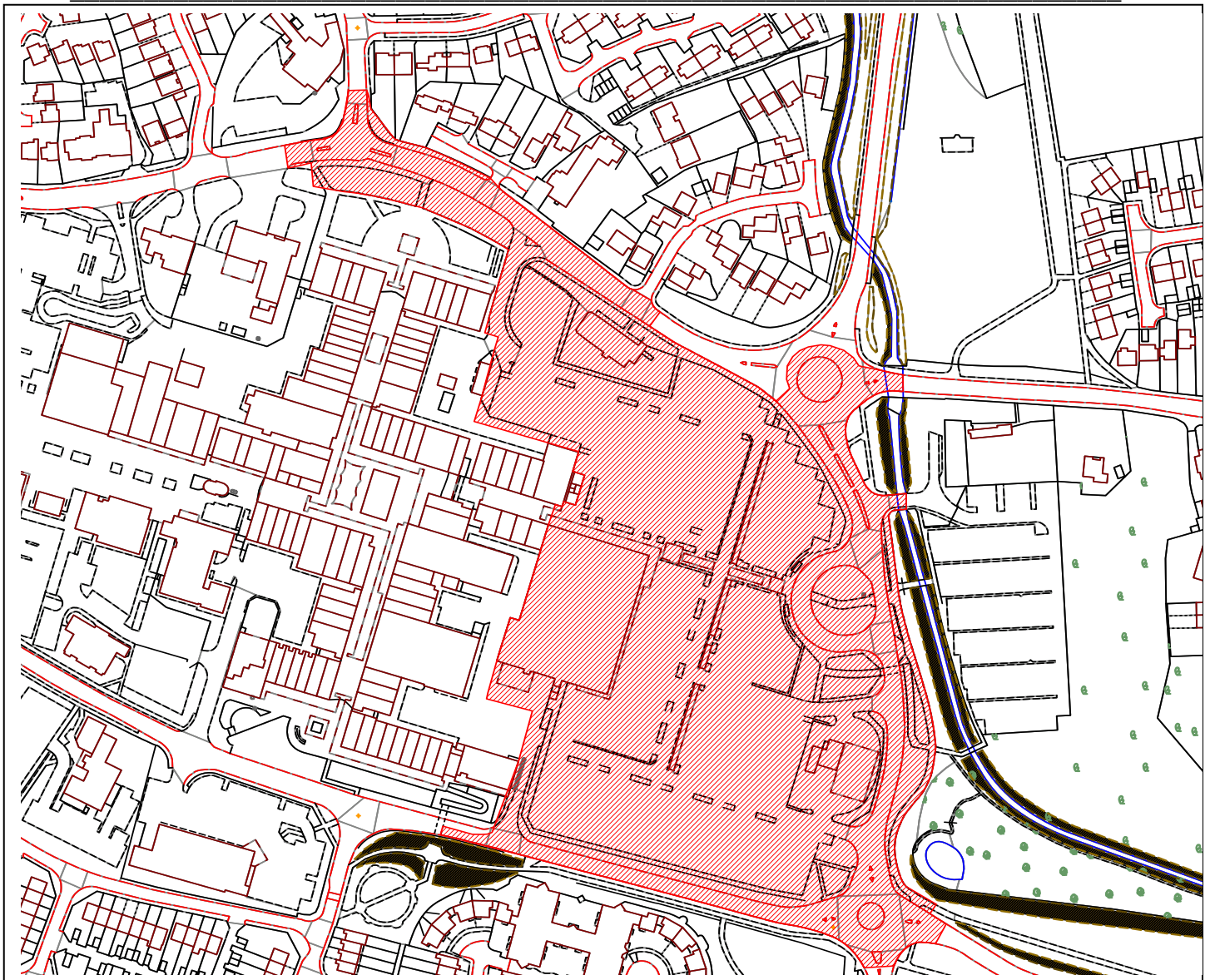
REFUSAL REASONS

1. The scheme proposals do not include an illustrative master plan document or Design and Access Statement which clearly sets out how the proposed development has been planned on a comprehensive basis to fully integrate with the surrounding development. It is considered that demonstrable harm would result in this site being developed without this as there is a requirement for certainty that the proposal would fully integrate with the surrounding development, and that the necessary supporting infrastructure is delivered in phase with the development, at the appropriate time. Such an agreed illustrative master plan document, would set out clearly how the proposed development has been planned on a comprehensive basis, designed and phased to ensure maximum practical integration between the different uses within and beyond the site. In this respect the scheme proposals do not conform to the requirements of: Policy 13 of the Joint Replacement Structure Plan, (JRSP); Policy M2 of the adopted South Gloucestershire Local Plan (SGLP); and the adopted EGE development brief.
2. The submitted Illustrative Masterplan and Design Statement is based on a campus approach and do not show a perimeter block approach to urban form as advocated in: By Design; the Design and Access Statement submitted in support of the adjacent outline application, PK04/1965/O; and by the adopted Development Brief. As such the proposed layout lacks coherence and in areas the distinction between public and private space is ambiguous. The relationship between some of the terraces is unsatisfactory. The scheme proposals do not include a detailed illustrative master plan document, which shows clearly how those aspects of form that are pertinent to the principle of development: i.e. urban structure and grain; landscape; density; and overall massing, have been informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality. And in this respect the scheme proposals do not conform to the requirements of Policy 13 of the adopted JRSP; Policies D1, L1 and M2 of the SGLP; the adopted EGE concept statement; the adopted EGE development brief, and the adopted Design Checklist SPD.

3. The scheme proposals do not include illustrative material in plan and elevation in the form of an agreed architectural strategy or concept, which shows how the proposed development will, through high quality design, enhance the character and distinctiveness of both the site and the locality. And in this respect the scheme proposals do not conform to the requirements of: PPS1; PPG3; By Design-Better places to live (A companion guide to PPG3); Policies D1, L1 and M2 of the SGLP; the adopted EGE concept statement; the adopted EGE Development Brief and the adopted Design Checklist SPD
4. The findings of the Environmental Statement are not fully supported by up-to-date evidence, and/or key issues are not fully addressed within the ES. In the absence of full knowledge of the environmental effects of the proposal, planning permission cannot be granted, having regard to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
5. The proposal fails to demonstrate that significant hedgerows and trees will be adequately protected to ensure their long-term health and contribution to the character and distinctiveness of the area , contrary to Policy L1 of the SGLP.
6. In the absence of an MMI, and new footbridge over the Avon Ring Road with integrated movement patterns, on the submitted Illustrative Masterplan and in the submitted proposal, the development would fail to provide the necessary infrastructure for a sustainable urban extension and a traffic neutral development, contrary to Policy 13 of the JRSP and Policies M2 and T5 of the SGLP, and the adopted EGE Concept Statement and adopted EGE Development Brief.
7. The submitted Illustrative Master Plan fails to include sufficient public open space to meet the needs arising from the future occupiers of the development. The proposal would therefore be contrary to Policy LC8 of the adopted SGLP, the adopted EGE Concept Statement and the adopted EGE Development Brief.
8. The outline application is not supported by an agreed Section 106 planning obligation, which requires the provision and maintenance of necessary Public Open Space and other necessary community facilities: health care facilities, community hall, changing rooms for playing fields, cricket pavilion, children's centre; together with contributions towards community development worker, library, waste management, sewer baiting and dog and litter bins, in phase with the development. In this respect the scheme proposals do not conform to the requirements of: PPS1; PPG3; PPG17; Policy I3 of the JRSP; Policies M2, LC8, LC1, LC2, S1, S2 and S3 of the adopted SGLP; the adopted EGE concept statement; and the adopted EGE development brief.
9. The outline application is not supported by an agreed Section 106 planning obligation, which requires a contribution towards the provision or commissioning of publicly accessible art, craft and design works. In this respect the scheme proposals do not conform to the requirements of: Policies M2 and LC13 of the adopted SGLP; the adopted EGE concept statement; and the adopted EGE Development Brief.
10. The outline application is not supported by an agreed Section 106 planning obligation, which requires the provision of necessary nursery, primary and secondary school places and facilities, in phase with the development. In this respect the scheme proposals do not conform to the requirements of: Policies M2 and LC2 of the adopted SGLP; the adopted EGE concept statement; and the adopted EGE Development Brief.

CIRCULATED SCHEDULE NO. 41/08 – 10 OCTOBER 2008

App No.:	PK07/3391/F	Applicant:	Tesco Stores Ltd & Dominion Corporate
Site:	12 East Walk and Land adjacent to 29 East Walk Yate BRISTOL South Gloucestershire BS37 4AS	Date Reg:	15th November 2007
Proposal:	Erection of replacement Tesco store with ground floor parking, incorporating 3 no. separate non-food retail units. Erection of 4 no. non-food retail units, public transport interchange, construction of footway along north side of Kennedy Way, acoustic screen to service yard and associated works.	Parish:	Yate Town Council
Map Ref:	71557 82438	Ward:	Yate Central
Application Category:	Major	Target Date:	11th February 2008



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PK07/3391/F

INTRODUCTION

This application is reported on the Circulated Schedule as there have been objections received from the Town Council and local residents.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a replacement Tesco supermarket in place of the existing store, which is stated in the accompanying Design and Access Statement to be one of the oldest in the country. This enlarged building would also include three additional retail units. Across East Walk from the site, it is proposed to demolish the existing toilet block and build four retail units. It is intended to update the existing bus station, including the provision of more shelters and highway works to facilitate the creation of a bus turning lane. A footway is proposed to be provided along the northern side of Kennedy Way and an acoustic screen provided next to the proposed service yard area to be accessed off Kennedy Way. The scheme also proposed various highway works and landscaping of the site as a whole. It is also proposed to demolish the derelict public house, the Swan Inn, which occupies land to the north of the town centre. A Flood Risk Assessment, Retail Statement, Noise Assessment Report, Transport Assessment, a Green Travel Plan and a Masterplan for the shopping centre have been submitted to accompany the application.
- 1.2 The site lies at the eastern edge of Yate Town Centre, which is itself bounded by three roads: Station Road (class B) Kennedy Way (A432) and the Link Road, which joins the two others at roundabouts, where there are also road links with, and through, Chipping Sodbury. The existing Tesco store is of medium size, over two storeys with sales to the public taking place solely on the ground floor. The proposed replacement store would be three storeys high, with the bulk of the store itself on the first and second floor, with undercroft parking underneath. The overall scheme retains the existing level of parking available to the centre as a whole. The service area is proposed to be created on the southern part of the site, with dedicated access and egress derived from Kennedy Way. It would be located above ground level and due primarily to the proximity of the elderly persons housing complex on the southern side of Kennedy Way, would be screened.
- 1.3 Yate Bus Station occupies land on the western side of Link Road. It has three bus shelters and the majority of the site is reserved for parking and turning. The proposals for the bus station involve the erection of a canopy to serve as cover for waiting passengers and the creation of 5 bus parking bays, complete with a turning area.
- 1.4 The seven proposed retail units other than the replacement supermarket would continue the form of the existing town centre, which is cruciform, by extending East Walk in an easterly direction. Three shops would be read as part of the Tesco store, only on ground floor level, masking the undercroft parking area, although they would not be part of the supermarket and would be let/ sold separately. Opposite them are proposed three one and a half storey retail units, with large glass frontages of a scale, particularly height, greater than the existing units in East Walk.
- 1.5 The proposal has gone through three iterations and for each, consultation was undertaken. The above is a general description of the works proposed. The changes between the first and the current versions are mainly to do with highway modelling, signalisation and junction positions. These are summarised in the comments of the Council's Transportation Officer at 4.2

below. In addition to this, there have been some changes made to the design of the proposed Tesco's store in order to emphasise its Southeast corner, to improve the frontage primarily onto Kennedy Way, which is necessarily to a large degree blank, as the proposed store will concentrate its frontages towards East Walk itself (and the rest of the development) as well as the car park, to encourage some outward looking aspect to the proposal, to counteract the identified problem of the town centre that at present, with the exceptions of South and North Parades, it is almost exclusively inward-looking.

- 1.6 The Shopping Direction requires that retail schemes creating a floorspace of a minimum of 2,500 square metres, in relation to planning applications submitted after November 1993 shall be referred to the Government Office. This application, which proposed 20,800 square metres of gross floor space to replace the existing 5,700 square metres (approximate figures) exceeds this threshold and therefore should the application be approved, this decision would be subject to government scrutiny.

2. **POLICY CONTEXT**

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS6 Planning for Town Centres
PPG13 Transport
Circular 15/93: The Shopping Direction

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
RT1 Development in town centres
RT3 Land East of Link Road, Yate
EP1 Environmental Pollution
EP2 Flood Risk and Development
L1 Landscaping
L11 Archaeology
L17 The water environment
L18 The water environment
T7 Cycle parking
T8 Parking standards
T10 Travel Plans
T12 Transportation Policy
LC13 Public Art

Joint Replacement Structure Plan

Policy 38 Town Centre Hierarchy

2.3 Supplementary Planning Guidance

Yate Town Centre Strategy
Roger Evans Associates Urban Design Study 1998
Vision for Yate Town Centre (Winter 2002)
Town Centres and Retailing (South Glos 2007)
Yate Town Shopping Centre Regeneration (May 2007 – see 5.2 below)

3. **RELEVANT PLANNING HISTORY**

- 3.1 N837 Extension to Yate Shopping Centre (Outline) (included Tesco's building). Approved 1975.
- 3.2 N837/2 Extension to existing shopping centre (8,450m²) construction of car park, vehicular access and associated works (included a major store (Tesco) and 10 additional shops and overflow car park.)
Full planning permission granted 1980.
- 3.3 N89/2632 Refurbishment of existing shopping centre including erection of canopies, kiosks, shelters, public conveniences and entrance barriers, together with access improvements and landscaping.
Permission granted.
- 3.4 PK02/2152/F Extension to store Approved – Section 106 signed 2005 but unimplemented
- 3.5 PK04/2201/F Extension to store and alteration to car parks Withdrawn

4. **CONSULTATION RESPONSES**

Three separate consultations were undertaken and in each case, the replies are numbered 1, 2 and 3. The comments received relate to each specific design or amendment, but in many cases can be read as general comments on the whole of the proposal. The first iteration was the submitted application, the second relates to changes made to the highways aspects and the design of the proposed Tesco store, while the last included further changes to transportation arrangements, which were later superseded.

4.1 Yate Town Council

1. Objection unless arrangements can be made for acoustic/ architectural feature screening to be provided on the elevation facing Kennedy Way. The proposal for this elevation is particularly bland.

2. Objection

1) Re. Noise assessment. Due to elderly residents living nearby, noise restrictions should be stricter than is normally the case.

2) Illuminated signs on south elevations will affect the elderly residents opposite.

3) Object to the loss of the Swan Inn and request an archaeological condition to examine the site.

4) None of the parent/child parking is next to the walkway without crossing a vehicular route

5) Trolley bays are needed in the overflow car park.

3. Yate Town Council responded to the above planning application on 30 June 2008 with No objection

Following further information received and discussions which took place at the Environment and Planning Committee meeting last night, Members have requested that the above response be overturned and an objection be lodged for the following reasons:

1) It will have an impact on pedestrians. It will cut off the whole of the north of the town from the town centre, requiring them to cross a five lane road, using a light controlled crossing with the sort of iron railing central reservation that they have in the centre of Bristol. There will be no pedestrian crossing facility to the west of Church Road, which will mean anyone coming from North West Yate or from the school for example will have to cross Church Road first, adding to the number of dangerous crossings.

2) It will have a significant impact on traffic flows through the town centre. Kennedy Way is the A432, the main through road. If we widen Station Road, making it faster and easier to use, we will divert traffic onto it. This is fundamentally contrary to 20 years of highways planning, which has sought to remove traffic from Station Road in the location immediately north of the shopping centre, and downgrade it to a local serving road. By increasing Station Road traffic it will increase traffic on the Station Road/Goose Green Way junction, which already has serious congestion problems - and onto which all the new housing development will flow!!

The idea has always been to downgrade Station Road, so that ultimately it becomes a local service road.

3) By putting in the right hand filter lane into Church Road it is drawing attention to it and encouraging cars to use Church Road as a through road, again, contrary to 20 years of highway attention which has tried to divert traffic away from this narrow twisting road, serviced by a temporary bridge!

4) It is contrary to the Town Centre Strategy, which stressed the importance of integrating the town centre - retail and civic, and strengthening the linkages between the shopping area and the civic area around the church. This will put a 5 lane road between the two.

Sodbury Town Council

1. No reply received

2. No reply received

3. No comment

4.2

Other Consultees

Environmental Protection

1. No reply received

2. No reply received

3. No objection in principle, but conditions should be considered as follows to help protect residential amenity in neighbouring properties:

- * Rating level of noise from the site should not exceed existing background noise levels

- * The acoustic barrier should be completed before first use of the Tesco store and retained in such a condition thereafter

- * Additional planting required in a bund to be extended along Kennedy Way as far as possible to the west

- * Traffic routes to the loading bay should be designed to avoid the need to reverse vehicles

- * Lighting for the site should be conditioned

Informatives: The car park layout should be designed to minimise problems associated with boy racers. Low level planting around the site should be avoided to deter rodents.

Environment Agency

1. The Agency has no objection in principle to the proposed development subject to the inclusion of conditions which meet the following requirements:

CONDITION:

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON:

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

CONDITION:

No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

REASON:

To prevent pollution of the water environment.

CONDITION:

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

REASON:

To prevent pollution of the water environment.

CONDITION:

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

REASON:

To prevent pollution of the water environment.

CONDITION:

Activities carried out at this site in the past may have caused contamination of soils, subsoils and groundwater (water in both unsaturated and saturated zones). Therefore, it is recommended that any planning permission require the applicant to carry out an investigation to the satisfaction of the Local Planning Authority in consultation with the Environment Agency to determine the nature and extent of contamination.

In the event that contamination of the site is confirmed the developer should liaise with the Environment Agency on measures required to protect surface water and groundwater interests. The investigation should include the following stages: -

A desk study, which should include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information.

If the potential for significant ground contamination is confirmed, this information should be used to produce: -

- * A detailed water interest survey to identify all wells, boreholes, springs and watercourses:-

- * A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors:-

- * A site investigation, designed for the site, using this information and any diagrammatical representations (Conceptual Model) undertaken. The investigation must be comprehensive enough to enable: -

- * A suitable risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and - refinement of the Conceptual Model, and - development of a Method Statement detailing the remediation requirements.

Reference should also be made to the Model Procedures for the Management of Land Contamination CLR11 Report which can be found on the Agency's website www.environment-agency.gov.uk

REASON:

To prevent pollution of the water environment.

In the event of planning permission being given we request that the Decision Notice contains the following information:

- * There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

- * Measures must be taken during demolition and construction to prevent pollution of the watercourse directly or via surface water drains.

- * Wastes arising from demolition should be characterised and disposed of at appropriately authorised sites. A site waste management plan should be produced to minimise waste arising and to ensure that reuse/recycling is maximised. Please contact Chris Barnes on 01278 484562 to further information.

2. The Environment Agency - South West Region has no comments to make, in addition to those contained in its letter dated 9 January 2008 regarding the proposal.

3. Nothing further to add to the earlier response.

Wessex Water

1. Foul Drainage

All existing provision is shown as private

The development would cause a minor increase in foul flows and it is suggested that the developer re-uses existing connections

Wessex would consider adoption of existing sewers if requested

Surface water drainage

Assume that storm drainage will discharge to existing land drainage to the south and east of the site

Any storm water draining to foul system needs to be separated in the re-development of the site

2. No further comments

3. No further comments to make other than those made on 3 January 2008.

Technical Services

1. Objection. Details are required to show that the risks of flooding have been eliminated.

2. No reply received

3. No reply received

Traffic management

1. We have now had a look at the various documents outlining the works associated, in the main, with the TESCO redevelopment YTC. Our initial comments are as follows. The report seems to only have the results of the modelling (LINSIG,etc.) When the junctions have been remodelled (see below) I will require a copy of the data files AND a full print out of the model.

Church Road / Station Road / YTC car park junctions

(i) These junctions have been modelled using LINSIG as two SEPARATE junctions. This is incorrect they should be modelled together as they will, self evidently, effect how the other operates.

(ii) South Glos has previously considered the full signalisation of the Church Road Junction but this was discounted due to the long cycle times;delays to pedestrians and likelihood of increasing traffic flows through Church Road.

(iii) The LINSIG models supplied have modelled the Right Turn Lanes into Church Road and Right/Left turns into YTC as full traffic Links. This is incorrect as they are, obviously Flare lanes with PCU lengths of approx 4. The junctions should be remodelled, with 4 stage (if for no other reason than the submitted results use)

(iv) As modelled with differing cycle times of 120 & 90 Seconds there is likely to be blocking of the straight ahead lanes by the short R/T lanes

(v) It is unclear from the plans supplied how access to properties 117 to 125a station Road will be made under the proposed signalisation. Currently access is made via a break in the hatched R/T centre lane.

(vi) The existing PUFFIN and TOUCAN facilities (Not PELICANS as shown on the plan) are VERY well used by pedestrians and cyclists. Currently a delay of no more than 25 Seconds is experienced in using these crossing and whilst this might be increased slightly to address traffic hot spots PM peak, Sat Mornings. The proposed cycle time of 120/ 90 seconds is NOT acceptable in delay to pedestrians/ cyclists alone. Such long cycle times are contrary to South Glos policy to encourage Walking / cycling ;the stated aims of the travel plan to encourage walking / cycling and the stated aim of the Vision for Yate Town Centre

(vii) In addition the intergreen values have uniformly been set to 5 seconds (UK minimum is 4 seconds) including those to the pedestrian phases (which are likely to be closer to 10 seconds) Correctly calculated intergreens should be modelled.

- (iix) Saturation flows are unsustainable given the the access arrangements on to the internal car park road.
- (ix) Suggest that the option of a mini roundabout at the YTC car park should be tested.
- (x) Has the impact of proposed work been tested on the existing junction to the west of the fire station (Site 2 of the traffic count) ?
- (xi) The proposed pedestrian crossing facility across the entrance to the YTC car park does NOT line up with the current (and future?) desire line from North Parade into the car park. How is this to be accommodated?

Junction modification Link Road

- (i) No details as to how the existing (and only recently installed) PUFFIN will integrate with the proposed layout. Pedestrians currently using the facility enjoy limited delays that I can not see will be maintained under the proposed layout.
- (ii) No details as to how the buses are to enter and exit the proposed bus station without interrupting traffic (how has this been modelled?) As shown there is potential for conflict of buses turning right into the bus station with traffic Northbound on link road AND traffic left turning out of the car park. In addition Buses turning right will block the southbound traffic lane.
- (iii) Not fully detailed on the supplied plans but a new taxi rank is proposed to be built North (and immediately adjacent to) the existing PUFFIN crossing. Drivers waiting to turn right into the taxi rank will obstruct following traffic and may come into conflict with North bound traffic (proceeding under a green signal from the crossing). Is there scope to widen Link Road to make a centre hatched turning lane?
- (iv) Not detailed but required are details as to how the proposed junction will be co-ordinated with the existing TOUCAN crossing. This should be modelled and the effects detailed. Likely Increase in delay to pedestrians contrary to policy.
- (v) As detailed the proposed internal road network may, under peak conditions, become saturated and block the proposed junctions. (Redesign to include long access roads and mini roundabouts?)

Station Road / Kennedy Way / Home Orchard Junctions

- (i) As this junction appears to be the main cause of congestion west of Church Road an increase in lanes back from the junction to, at least, the PELICAN crossing should be considered
 - (ii) The proposed re-shaping of the traffic island, as shown, is likely to lead to traffic going straight ahead from Home Orchard into Kennedy Way to come into conflict with traffic turning Left from Home Orchard into Station Road.
- #### Link Road / Kennedy Way Roundabout
- (i) The proposed works results in a loss of Southbound deflection with resulting increase in through traffic speeds. The works along with the proposed increase in lanes at the roundabout are likely to be at the disadvantage of cyclists at this junction or Pedestrians crossing (3 lanes) at this point.
 - (ii) The existing entrance to YTC off of Link Road currently queues back onto the roundabout yet has not been addressed as part of these works. Can a widening (giving two lanes out of the roundabout be looked at ?

Works adjacent to Kennedy Way.

- (i) The proposed pedestrian access off Kennedy way near the access to Tesco service yard should be deflected to relation to the existing TOUCAN Crossing
- (ii) The proposals seem to suggest a restriction (by means of a central refuge) on access to the Tesco service yard to Left in / Left Out with no clear rationale for why. Such a restriction by a central island can not be accepted as the carriageway width would appear to be insufficient to accommodate it and on safety grounds

it is not appropriate to site such islands near signal crossings where they could attract pedestrian use.

In addition to the Traffic Signal comments above, I would also welcome a opportunity to discuss with the Tesco's representative (i.e. White Young Green) matters relating to some other highway issues such as;

- 1) access /egress to proposed taxi area on Link Road,
- 2) potential to provide a pedestrian/cycle route along the northern side of Kennedy Way between Scott way/ Link Road and Station Road/Home Orchard junctions.

2. No reply received

3. The proposed development would include:

- Demolition of existing store, bus station, toilet block and public house to be replaced with the followings:
- New Tesco store (on stilts of 13,901m², excluding travelator) containing 3 separate non-food retail units,
- Ground floor parking,
- 4 non-food retail units (totalling approx. 4030m²),
- Alteration to the existing bus station is aimed to create 5 bay stops for buses as opposed to the 3 current bus bays in bus station
- Provision of a separate taxi parking/ lay-by adjoining to the bus station along Station Road
- Associated highway works put forward by the applicant agent as mitigating measures.

The applicant sees his proposal as opportunity for expansion. Other aims of the expansion according to the developer, is to enable the shopping centre to compete with Cribbs Causeway Mall and other shopping centres such as the Cabot Circus development in Bristol City Centre. The proposed development at Yate is intended to attract shopper outflow back to Yate and retain shoppers in the Yate area and to serve part of planned future demand from new development in area.

Proposed highway works

In association with the development and as part of mitigating measures, the applicant has put forward the following mitigating off-site highway works,

- a) widening of Link road and associated works
- b) signalising Link Road at its junction with shopping centre car park egress point.
- c) Provision of an improved bus station
- d) Provision of taxi parking
- e) Signalising Tesco car park access/Station Road/Church Road junction (this proposal was initially put forward by the applicant but due to officer's concerns, these are now omitted from the final scheme of highway works).
- f) Alterations to toucan crossing opposite Morrison store
- g) Minor Alteration to the exit leg on station Road at double roundabout junction.

Transportation Background

By way of background information, Members should be advised that the officers gave comments on some aspects of the junction design as put forward by the applicant at pre-planning stage. It is appropriate at this stage to highlight that the officers expressed doubt (at pre-planning stage) in relation to signalising Tesco's car park access with Station Road and Church Road junction. Despite officer's concerns about this, the applicant has nevertheless been keen to promote their own scheme of highway improvements and felt that further consideration ought to be given to their revised scheme.

Transportation

The application is accompanied by a Transportation Assessment (TA), and detailed plans for access and egress arrangement for East Walk car park.

Access

In terms of access to the development, there are two access points to the proposed car park. One of the main vehicular access to the development is via Station Road and the other is via Link Road both of which serve the East Walk car park. There is also a separate egress point to East Walk car park from Link Road. The service yard access is via Kennedy Way. All these accesses are proposed to be retained and some would be upgraded to *serve the new development*.

Traffic

Traffic figures that have been used in the Transportation Assessment (TA) are based on 2017, ten years after the year of planning application. For large development such as the current proposal, it is industry's norm that future traffic growth is included to ensure robust assessment. Traffic figures used in this case therefore includes the forecast future traffic growth in the area.

A proportion of traffic of the new development, taken together with a draw back to trade from competing shopping centres will result in increase in traffic on Yate Town Centre Road network. This impact will mainly be on the roads forming the periphery of the main shops namely A432, Kennedy Way, B4060 Station Road and B4069 Link Road.

To address the impact of the new development as well as future traffic on the public highway, the applicant has proposed a number of alterations to the existing junctions on the road network outside the shopping centre and these have been tested through the submitted TA.

Transportation Assessment

The proposal and the associated Transportation Assessment (TA) have been carefully assessed. The submitted TA has considered and tested a number of junctions and assessment has been based on traffic flow in the worse case to ensure robust assessment.

The original proposal to signalise Tesco's car park access with Station Road and Church Road junctions did not meet the required Councils design standards. This element of the proposal was subsequently rejected by the Council's traffic signal experts. To overcome those initial highway concerns, amendment was put forward. Members are advised that having modelled the Tesco Car park access /Station Road / Church Road junctions, it is concluded that the amended scheme would still not work as well during the test period.

Initial officers assessment on these junctions was followed by further assessment by the Council's consultant (JCT consulting) who prepared a full audit report on the proposals. This audit report raises concerns about some technical aspect of the proposal and identifies some errors in the provided models for junctions.

In relation to Tesco's car park access with Station Road and Church Road junctions, the audit report indicates traffic queues in both approaching directions. Based on the audit report, the officers are not in full agreement with some aspects of proposals as put forward.

Yate Town Council has expressed concerns in respect of the proposed traffic signal arrangement for top of Church Road/Station Road junction. It is felt that the proposal is over-designed and as the result there would separate the centre from residential areas.

Members need to be advised that the officers have considered and tested other alternatives access arrangements such as mini Roundabout on Station Road and left only exit onto Station Road. Among other options for alternative access to the site, officers also considered the creation of new vehicular access from Kennedy Way. However, all these options were ruled out for different reasons.

Alternative Mitigating measures

As stated previously the original submitted proposal included a proposal to signalise the Station Road junctions with Church Road and Tesco's car park access. Due to officers concerns, these proposals have now been omitted. It is now proposed that these junctions remain as existing, but through discussion with the applicant, it has been agreed that the applicant makes a financial contribution towards a comprehensive traffic study in the Yate Town Centre and part implementation of measures as approved. Officers are satisfied that this new proposal would overcome some of the concerns which still exist over the proposal on the highway network. This option will allow wider participation of all interested parties including the local members, the public and other retailers in the Town Centre.

Public Transport

As stated previously, the bus station adjacent to the proposed Tesco's redevelopment is to be redeveloped as part of the development proposal and a new building/waiting area will be built.

A total of 5 bus bays will be created in the new bus station and that would provide an enhanced facility compared to the current situation where there are 3 bus bays in existing bus station.

A taxi parking rank will also be provided on the public highway and this will be located to the north of the bus station.

Other agreed transport measures

In addition to taxi provision on the Link Road, it is also proposed to provide parking for approved operators in the East walk car park adjacent to the store entrance.

In this location, there will also be parking for the community dial-a-ride bus service.

These measures would be secured via an appropriate planning conditions.

Parking

At present there are 929 car parking spaces in total in the east car park of the town centre which include 22 disabled and 6 parent and child spaces. There are also 251 spaces within the overflow car park on the east side of Link Road.

As part of the proposed development, the scheme provides a total of 889 spaces. The make up of the car parking would be 825 standard car parking spaces, 44 disabled spaces and 20 parent and child spaces. The overflow car park is to be extended to 282 spaces.

Transportation Conclusions

Apart from the proposed signalisation of Tesco's car park access with Station Road and Church Road junctions all other transportations measures as put forward are considered acceptable. Instead of those works associated with signalisation of those junctions above, the applicant is required to provide a financial contribution of £200,000 towards a comprehensive traffic study in the Yate Town Centre area and implementation of the approved measures.

Recommendation

In consideration of all the above, the officer's highway recommendation is for approval of the proposed development subject to completion of a s106 legal agreement to secure the following measures;

1. *Link Road–Kennedy Way-Scott Way Roundabout* - widening to three lanes on the southbound link Road approach and realignment of the existing cycletrack together with all associated works.
2. *Link Road - Station Road - Goose Green Roundabout* - minor widening of the Station Road approach by increasing the flare lengths, enabling two lane entry into the roundabout from Station Road east; alteration to the alignment of the footpath around Home Orchard/Station Road, upgrading of existing pelican to toucan crossing with removal of the refuge island to enabling pedestrians to cross the road in one movement together with all associated works.
3. *Link Road - shopping centre car park junction* – change this junction to traffic signal control and provide a commuted sum for future 15 years maintenance period. The new signal controlled junction shall be linked to existing pedestrian crossing and bus right turn from Link Road together with all associated works.
4. Provision of a new bus station in accordance with submitted and approved plan together with all associated works.

5. Provision of taxi parking along Link Road in accordance with the approved plans together with all associated works.
6. Provision of a 3m wide new footway/cycle cycleway along Kennedy Way between Link Road junction and access to Tesco service yard together with all associated works.
7. The developer makes financial contribution of £200,000 towards;
 - A comprehensive traffic study in Yate town Centre and the vicinity of the development proposal towards implementation of the scheme including improved footway and cycle facilities in Yate Town Centre including improvements to pedestrian and cycle provisions along Kennedy way.

Avon & Somerset Police

1. Mention is made in the Design and Access Statement reference the car park being covered by CCTV. Our comment relates to the fact that at present the car park areas are covered by CCTV monitored by the Shopping Centre Staff, who work closely with the local police. The concern is that the car park CCTV would now be monitored by Tesco security staff, perhaps as only part of their security role.

- Has a structural engineer considered the consequences of the detonation of a vehicle borne bomb within the vicinity of the car park supports. Yate Shopping Centre have participated in Counter Terrorism events such as Project Argus and Tesco would be wise to assess their risk.
- Advice in relation to the car park includes
 - tightening up of access procedures;
 - removal of any unnecessary material which may obscure a threat or contribute to fire damage;
 - basic vetting of staff providing access to others or with access out of hours;
 - checking of any vehicle left overnight;
 - basic checks on large vehicles entering the car park such as vans, coaches, minibuses, people carriers, stretch limousines, particularly where the interior is obscured;
 - ensuring that CCTV is well placed and regularly checked by security staff for potential reconnaissance;
 - ensuring that personnel who control access to internal areas or are responsible for parking security are trained, reliable, and well supervised;
 - regular review of adequacy and maintenance of fire fighting, detection and alarm systems.

- The plans show that the ATM machine has been located independent of the main building. This leaves it open to attack especially from a vehicle. There needs to be some form of hostile vehicle mitigation from the surrounding areas which could take the form of bollards, however there are now a number of other more aesthetic solutions on which we are willing to give further advice.
 - The cycle storage facility to the south of the development is under poor natural surveillance and would need to be included under the CCTV coverage or moved.
2. No reply received
 3. Where the design of buildings such as this cannot be amended for practical reasons, then comprehensive procedural, control and constructional hardening measures could be considered as a next best solution. Good practice on other Tesco sites would reduce risks and should be considered for this site.

Arts Development Officer

1. A figure of £50,000 was offered. However £60,000 had been on the table for a previous version of the development.

2. Given the previous S106 offer and the increased size and importance of the development, I would hope for a contribution to public art of at least £75, 000.

I would recommend that the developer works with a public art specialist to develop a clear vision for the development to ensure a thorough consideration of the possible opportunities and a high quality integrated scheme. It would be good if this strategy could be produced at the earliest opportunity to ensure good linkage with other design professionals (e.g. The architects and landscape designers) and opportunities to capitalise on other budgets (e.g. seating, paving, etc) are not lost. I would expect this to be produced at the client's expense (but I don't think it would be hugely expensive!)

I would anticipate that the strategy would cover the following points as a basis (though obviously this can be looked at with the appointed consultant):

- An assessment of the development - its opportunities, site and context - and the rationale for developing a particular strategy.
- Details of an artist's contribution to defining the development.
- Descriptions of work that will be realised through collaboration between artists, architects and other design professionals.
- A programme of on-site and off-site permanent and/or temporary public art
- Details of how the local community will be involved in the creation of the art scheme
- Timescales for the development and implementation of public art
- Details of the commissioning process and draft briefs as appropriate
- Details of maintenance and de-commissioning of public art
- Budget allocations relating to all of the above
- Trigger points for delivering public art that inform the wording of planning obligations between the developer and South Gloucestershire Council.

4. I am pleased to confirm that I am happy with the offer of £75, 000 as a contribution to public art.

Archaeology

Although unlisted the building appears to have a historic core that would benefit from building recording prior to demolition. This could be dealt with by an archaeological condition. I would provide a brief for recording to English Heritage Level 3.

Spatial Plans Section

1. Relationship to the Masterplan process:

It has been made clear to Dominion representatives and to Tesco on several occasions that we would expect to consider the current proposals in the context of an agreed updated masterplan/strategy for the town centre and that logically this should be prepared and considered before submission of any major applications. As the masterplan has been submitted as part of the application it is necessary to run the policy process of reviewing the masterplan in parallel with the development management process for the planning application.

Policy Context Background

Tesco proposes to replace its existing Yate store with a larger store on broadly the same site within the town centre. This is broadly consistent with national and local policy subject to issues of scale and impact being addressed

The applicant has been asked to address issues of scale and impact as required by national policy PPS6 and in SGLP policy RT1.

It is particularly important that the tests are addressed as if minded to approve the scheme the Council will be obliged to advise GOSW under the Town and Country Planning (Shopping Development) (England and Wales) (No.2) Direction 1993.

A supplementary Retail Statement dated 10th April has been submitted by DPP. The following notes respond to that supplementary statement and the wider policy issues.

The current position is that the Town Centre as a whole has about 23,340 sq m of retail floorspace of which 16,340 (70%) is within the Core Shopping Centre area and 30% is edge of centre (Table 1).

Of the total floorspace approximately 8,240 sq m sells day to day convenience items. This is approximately 35% of the total floorspace.

Tesco currently controls 12% of all floorspace in Yate Town Centre and 33.9% of all convenience floorspace (NB this analysis includes edge of centre stores)

Table 1 – Retail Floorspace in Yate (August 2007)

	sq m net	%	Units	%
Retail floorspace Central Yate area	23,343.4	100	90	100
Retail floorspace Yate Shopping Centre	16,340.4	70.0	87	96.7
Edge of Centre Stores -	7,003	30.0	3	3.3
B+Q,	3,060			
Morrisons,	2,843			
Lidl	1,100			
Convenience floorspace Central Yate Area	8241.8	100	12	100
Convenience as % of total floorspace		35.3		
Convenience floorspace – Shopping Centre	4,298.8	52.2	10	83.3
Convenience floorspace – Edge of Centre (Morrisons and Lidl)	3943	47.8	2	16.7
Tesco Store (existing)	2794.8			
% of all floorspace in central Yate		12.0		
% of all convenience floorspace		33.9		

The Proposals

The main elements of the proposed scheme are for a replacement Tesco Store of 9949 sq m , 3 small units (total 449 sq m) within the Tesco site and for 4 non-food units (4,005 sq m) net.

Preliminary assessment

Officers do not consider that the smaller and non-food units raise particular policy issues. They are of a scale which is assumed to be appropriate to a Major Town Centre, are consistent with the organic growth of the centre to meet future needs and are unlikely to have any negative impact on the rest of Yate Town Centre or on investment in neighbouring centres.

Equally Officers accept the comments at paragraphs 4.13 - 4.16 that the redevelopment of the Tesco store is unlikely to further undermine investment in Chipping Sodbury Town Centre or make the development of a new foodstore for that town unviable.

The issue is fundamentally whether a large format store of 9949 sq m net convenience floorspace is of an appropriate scale for Yate Town Centre.

Scale of the proposal

The existing Tesco Store is recorded as being 2074 sq m net within the DPP document and 2794.8 sq m net within the Council's own annual monitoring report (Town Centres and Retailing – in South Gloucestershire August 2007).

Although there is a disparity in the figures, it is considered that this makes no significant difference for the assessment of scale and impact.

Tesco propose to increase the net floorspace to 9,949 sq m – an increase of 7870 sq m. In short the proposed trading area of the new store would be over 4.5 times that of the existing store.

While there has been widespread support for the principle of a replacement store within Yate, as evidenced by the response to public consultation, it is questionable whether the full scale of the floorspace and any wider impact for competition within Yate Town Centre has been appreciated.

The new store would be larger than any other single convenience store in South Gloucestershire and, for illustrative, reference over twice the floorspace of the existing Tesco's store at Eastville. (Table 2)

Table 2 – Comparison Proposed Tesco with other large convenience stores

	Sq m Net	Difference sq m	%
Tesco Yate – proposed	9949		
Tesco Yate - Existing	2074	+7875	+458%
Sainsbury's – Fox Den Road, Stoke Gifford	4395	+5554	+226.4
Asda – Longwell Green	6038	+3911	+164.8
Asda – Cribbs Causeway	8361	+1588	+119
Morrisons – Cribbs Causeway	3383	+6566	+294
Tesco - Eastville	4240	+5709	+234.7

The fact that the store would be bigger than any other comparable scheme locally does not in itself make it inappropriate. The need is for a wider strategy to apportion potential growth between towns and between sites within towns as required by PPS6.

In the absence of such an up to date strategy within South Gloucestershire it is left open to the Development Control process to assess the appropriate scale of development. There is only limited guidance within PPS6 on how such judgements should be exercised. This is set out at PPS6 paragraph 3.4 and amplified at paragraph 3.12 but this refers back to paragraphs 2.41 -2.43 which state:

b) Identify the Appropriate Scale of Development

- 2.41 In selecting suitable sites for development, local planning authorities should ensure that the scale of opportunities identified are directly related to the role and function of the centre and its catchment. Uses which attract a large number of people should therefore be located within centres that reflect the scale and catchment of the development proposed. The scale of development should relate to the role and function of the centre within the wider hierarchy and the catchment served. The aim should be to locate the appropriate type and scale of development in the right type of centre, to ensure that it fits into that centre and that it complements its role and function.

- 2.42 Given their characteristics, local centres will generally be inappropriate locations for large-scale new development, even when a flexible approach is adopted. Accordingly, it is likely to be inappropriate in most cases to include local centres within the search area to be applied under the sequential approach for large-scale developments. Local planning authorities should therefore consider setting an indicative upper limit for the scale of developments likely to be permissible in different types of centres, and developments above these limits should be directed to centres higher up the town centre hierarchy.
- 2.43 For city and town centres (as described in Table 1, Annex A), where a need has been identified, local planning authorities should seek to identify sites in the centre, or failing that on the edge of the centre, capable of accommodating larger format developments.

There is little further guidance on the actual interpretation of how large a development would have to be before its scale would be considered inappropriate.

Yate is described as a Major Town Centre within the Structure Plan retail hierarchy. It follows that as Yate is a Town Centre within the meaning described in Table 1 Annex A to PPS 6 it should be able to accommodate larger format developments.

The DDP Retail Statement (at Section Four) compares the convenience and comparison floorspace in a number of centres. Officers consider that only the Major Centres are really applicable for comparison purposes. Kingswood is 29.4% convenience, Staple Hill 43.4%, Thornbury 31.7% and Yate 26.3% at present. Emersons Green 53.8% and the emerging Centre at Bradley Stoke currently 100% convenience. Officers have reworked those figures to include edge of centre stores which contribute to the overall retail offer of a centre. (Table 3)

Table 3 – Proportion of floorspace in convenience use and within the principal store within selected Major Town Centres

		Total	Convenience	%	Principal Store	% of total	% of convenience	Notes
1	Emersons Green	9772.8	5258	53.8	Sainsbury 4515	46.2	85.9	
2	Kingswood	13201.6 *	5149.4*	39.0	Sainsbury 1765	13.4	34.3	*Includes Somerfield Edge of Centre
3	Staple Hill	6,569.1	2851.5	43.4	Pioneer 975 Somerfield 548	14.8 8.3	34.2 19.2	
4	Thornbury	9803.1*	4540.9*	46.3	Tesco 2100	21.4	46.3	*Includes Tesco – Edge of Centre
5	Yate	23343.4	8241.8	35.3	Tesco 2794.8	12%	33.9	

6	Bradley Stoke Existing Centre	2926	2926	100	Tesco 2926	100	100	
7	Bradley Stoke Emergent Town Centre	15891	7439	46.8	Tesco 7439	46.8	100	
8	Yate Town Centre With Approved Tesco Extension	25836.4*	10734.8	41.5	Tesco 4567	17.7	42.5	*Includes B+Q, Morrisons, Lidl
9	Yate Town Centre with Tesco replacement store and East Walk units	35672*	16116.8	45.2	Tesco 9949	27.9	61.7	*Includes B+Q, Morrisons, Lidl
10	Yate Shoppin Centre With Proposed store	28669	12,173.8	42.5	Tesco 9949	34.7	81.7	*Excludes B+Q, Morrisons, Lidl

It is evident that with the proposed replacement store Tesco would represent 34.7 of all of the floorspace and 81.7 % of all the convenience floorspace within Yate Shopping Centre. If account is taken of the wider town centre floorspace Tesco would occupy 27.9% of all floorspace and 61.7% of the convenience offer. This would, for example, compare with the current position at Emersons Green where Sainsbury's control 85.9% of convenience floorspace and the proposed Bradley Stoke Town Centre where Tesco will operate 46.8% of all floorspace but practically 100% of all convenience floorspace. In essence this highlights the tendency in modern centres to have a more limited number of shop units with one dominant anchor convenience store. It is a matter of judgement whether Yate should move towards the position where it has one dominant anchor store.

Conclusions

The proposed Tesco store is of a scale which requires assessment within the terms of PPS6. It would be a larger store than any other convenience store in the local area. The development would result in Tesco occupying 27.9% of all floorspace and 61.7% of the convenience offer within Yate Town Centre.

As such it would establish Tesco in a dominant trading position for convenience goods within Yate, as it is within Bradley Stoke and Sainsbury is within Emersons Green.

It is a matter of judgement whether it is appropriate to have such dominant single outlets. Paragraph 1.4 of PPS6 does refer to competition and choice – but does not really go further to say how that can be achieved through the planning system. It does not give much guidance on issues of competition (and the division of growth potential between stores).

In planning policy terms it is preferable that investment is undertaken within town centres rather than in free standing stores. There is currently no LDF document to set parameters for individual towns and sites within South Gloucestershire. In the absence of such guidance a judgement has to be made on whether the scale of floorspace proposed is appropriate to Yate Town Centre. If the Council is minded to approve the scheme it will be necessary to advise GOSW under the 1993 Shopping Development Direction.

Other Representations

4.3 Local Residents

1. Two replies were received, citing the following concerns:

- * Development should be in a different location – the overflow car park?
 - * The proposed building would be closer to houses in Swan Field and taller than the existing building
 - * Windows in the proposed development would look directly into the houses at Swan Field
 - * The proposal would stand out like a sore thumb in comparison to the rest of Yate – the wood will wear and weather
 - * Noise pollution
 - * The Tesco store may want to operate 24 hours a day, causing continuous noise and traffic
 - * The side of the proposed building would be in close proximity to Kennedy House EPH and this elevation would be largely blank and not broken up
 - * The noise assessment has not taken account of the age of the occupants of Kennedy House
 - * The canopy proposed would offer insufficient protection against the elements
 - * Parking provision would be reduced and needs to be increased to reflect the greater attraction to the town centre, including short term parking and enforcement to prevent all day free parking, a taxi pick up point right next to the store and secure undercover provision for cycle and motorbike parking
 - * Too many disabled bays are exposed to the elements
 - * The layout of the bus station will involve buses reversing
 - * The Green Transport plan should do more to encourage modal shift, e.g. offering staff bus passes. A condition should require interactive bus update boards by the checkouts
 - * If the Tesco plan is dealt with separately to the implementation of the masterplan, the campaigning work of local councillors will be wasted
 - * A condition should require an archaeological survey of the Swan PH, with records and remains transferred to the Heritage Centre
 - * The proposed highway works to Church Road junction will not work and result in traffic chaos. The pelican crossing by the White Lion PH must be retained
- Inconvenience during the construction phase
The town centre strategy requires that civic and commercial should be better balanced in the town centre. A top priority is the funding of a youth hub which should be secured through a Section 106 Agreement

NB The last two points are not valid planning concerns, the latter because Section 106 contributions can only be requested where they mitigate effects of the development and a youth hub would not be directly required as a result of this proposal

2. The second round of consultation generated 5 letters of objection, citing the following concerns:

- * The Swan PH should not be demolished to provide more parking. It will open up uninterrupted views across the car park of the proposal. The current planting plan is inadequate and a wall would help
 - * 24 hour opening would lead to the car park being used by boy racers
 - * The proposal will lead to extra traffic, particularly on Station Road
 - * Yate shopping centre should not be compared to Cribbs causeway or Cabot Circus, which in any case are within driving distance for people in Yate
 - * Many people use the centre because it is on one level. Creating shopping facilities at first floor level will not help this
 - * Nothing has been done about the Swan pub in 8 years
 - * This development should take place on the overfloe car park which is underused
 - * The building is too big
 - * In removing the pelican crossing, pedestrian safety will be compromised
 - * Removing the Church Road mini roundabout may speed the traffic but will lead to more accidents
 - * One large store in the shopping centre will make it hard for smaller competitors
 - * A noise restriction needs to be applied to protect residents in Kennedy House
 - * The plans are incorrect as the land between the cul-de-sac and Station Road is owned by the residents on the other side of the cul-de-sac
- How will house prices be affected by this proposal
NB This last point is not a valid planning concern

3. The last period of consultation generated 4 letters, one being signed by 5 local residents, citing the following concerns:

- * The latest changes have not addressed previous concerns
- * A larger store will need more parking spaces
- * The height and size of the store would be invasive
- * Increasing the width of Station Road would affect residential amenity and highway safety, particularly for pedestrians
- * Retaining the Church Road mini roundabout would be better and when the ambulance and fire stations are relocated it could be made one way
- * One large store in the shopping centre will make it hard for smaller competitors
- * A noise restriction needs to be applied to protect residents in Kennedy House
- * The plans are incorrect as the land between the cul-de-sac and Station Road is owned by the residents on the other side of the cul-de-sac
- * The development should be located out of town where there are better road links

4.4 Local Businesses

1. One letter of objection was received, citing the following concerns:

Scale: Yate is identified in the Development Plan as a major town centre. The application is for a 20,826 square metres (gross) retail development. The current planning permission would allow Tesco to increase the existing floor space by 69% whereas this proposal would allow a quadrupling of the existing retail floor area, plus the extension. PPS6 requires applicants to demonstrate that the proposed development is appropriate to the scale of the centre, but this has not happened.

Impact: Part of the proposal would create an additional floor within the proposed building, which will be used to provide floorspace for non-food goods, which would have a negative impact on other non-food retailers in the town centre and other centres in the district. The applicants have not undertaken the impact assessment required by PPS6 and therefore it fails the five key tests set out in that document.

2. Two letters of objection were received, citing the following concerns:
The points made previously were re-iterated in the second consultation response, along with the additional point that the proposal for a larger Tesco store in Yate would harm the chances of Chipping Sodbury being the site for a new supermarket. The town only has 384 square metres of A1 convenience retail units in total at present, the smallest for any centre in South Gloucestershire.

Yate has the highest area for comparison shopping in South Gloucestershire (64% of the total retail floorspace of the town) but the lowest amount of convenience retail floorspace of any centre in South Gloucestershire. The proposal would result in a net footprint of 14,403 square metres. Convenience retail floorspace in Yate would increase by 114% and the total retail floorspace from 16,340 to 28,669 square metres, or 75% above existing.

The second letter received was on behalf of Iceland Foods Limited, a branch of which is situated in North Walk in the Yate Shopping Centre. PPS6 requires local planning authorities to maintain the existing network of centres and their hierarchy, emphasising the plan-led approach that any significant changes in this hierarchy. The applicants retail statement is deficient as it only provides a comparative analysis of retail floor space in South Gloucestershire town centres before and after development. Yate is the largest of these centres, 1.5 times the size of Kingswood, the second largest centre. Post development, it would be three times the size of Kingswood town centre. The Structure Plan policy requires that the vitality and viability of town centres should be enhanced. Emerging Regional Policy seeks to achieve the same end.

Local Plan policy RT1 states that retail and other development in a town centre should be consistent with the scale and function of the town centre. The development would strengthen the role of Yate in relation to other centres in South Gloucestershire and affect their alter the existing balance and pattern of retailing in the district.

The policy also acknowledges that there will be limited requirement for additional retail floor space to meet local needs until post 2006.

3. One letter of objection was received, citing the following concerns:
The red line area of the site has been increased and as such a new application should be required. No objections are raised in regard to the changes to the Transportation Assessment.

NB. The following analysis will relate to the original red lined site area. This area was extended to allow for road widening which was later withdrawn from this proposal.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The existing supermarket is located within the town centre of Yate, as recognised in the adopted Local Plan. All the proposed development would also be located within Yate Town Centre, with the highway works taking place either within the centre or to the peripheral roads which form the boundary to the town centre. Policy RT1 is the relevant policy governing development in town centres. It sets 5 criteria which have to be met for the proposal to be acceptable. Analysis of these criteria for the proposed Tesco store form headings 5.4 to 5.8 below. 5.9 and 5.10 apply these tests to the other proposed retail units. In addition to these issues, the proposal also has to satisfy the policies listed above, when considered in the light of all material considerations. One particular material consideration is that planning permission has already been approved for an extension to the existing Tesco store on this site. Although the planning permission itself has not yet been implemented, some of the works required under the Section 106 Agreement and this planning permission could yet be implemented. The application has been accompanied by the items listed at paragraph 1.1 above, relating to, inter alia, transportation and the retail impact of the proposal, along with a Masterplan for the development of Yate Town Centre. These issues inform the following analysis:

5.2 **Executive Report & Relationship to Masterplan**

The Masterplan which was submitted along with the first iteration of this application has been endorsed by the Council's Executive Member in February 2008, on the following terms:

- A. Endorses the simple short-term measures for enhancement of the shopping Centre set out at A1-A19 of paragraph 2.3.1. of the master plan;
- B. Endorses the principle of a replacement foodstore and allied retail units on East Walk in line with Phase 1 of the master plan and subject to resolution of detailed issues through the development control process including:
 - i. Assessment of the scale of floorspace and development proposed and its impact on the wider town centre and neighbouring centres;
 - ii. Confirmation that transportation proposals are satisfactory;
 - iii. Confirmation that design proposals are satisfactory in their own right and will make a positive contribution to providing active frontages to surrounding roads in line with the design concept at section 2.2 of the Masterplan and in line with the Roger Evans Associates Urban Design Study 1998.

With regard to the specific proposals for the medium and long term and in phases 2-4, these are not endorsed at this stage. However, the Council encourages all interested parties to continue to work towards a single agreed strategy for Yate Town Centre that will help to deliver remaining elements of the Community Vision and look ahead to meet the needs of the town and surrounding area in the period to 2026.

Reasons for decision:

The South Gloucestershire Local Plan (2006) and Community Vision for Yate Town Centre (2002) provide strategic context and community aspirations for the future development of Yate Town Centre. The Masterplan Studies, prepared on behalf of Dominion Trustees (May 2007), recognises those ambitions and help to take some proposals forward towards implementation in the short-term. However many issues and proposals for the medium and longer-term remain unresolved or have been overtaken by events and therefore do not amount to a coherent and deliverable master plan. Officers consider that there is merit in continuing to work towards a single agreed strategy and action plan for the town centre which addresses both outstanding community aspirations and longer-term needs and opportunities.

Therefore, the principle of the proposal of this planning application has been endorsed by the Council, as phase one of the Masterplan but not the Masterplan in its entirety. The endorsement in principle of this application could form the first part of a revised subsequent parts of the Masterplan. If implemented, the proposal would have to inform later iterations of the Masterplan.

5.3 Terrorism and Security

Avon & Somerset Police raised an objection to the design of the proposal through the consultation process on the grounds of the proposed Tesco store being on slits with the parking underneath the retail area, stating that this would make the building vulnerable to car bombs. This is relevant through policy D1 (F) of the adopted Local Plan. The design has followed the principle that this proposal should not lead to any loss of parking availability for the town centre and therefore the design has not been changed in any of the later iterations of the scheme in order to overcome this risk. The applicants agents have responded to this objection by pointing out that the underside of the building could be strengthened against the likely impact of bomb blasts and the same would also be true for the supporting pillars which would hold the building up. This is a structural matter in the design of this proposed building which could be resolved through the design of the building which is finally submitted for Building Control approval. Any strengthening measures adopted would not necessarily have any impact on the appearance of the building and as such it is not really a matter for consideration at this stage, when the issue is whether planning permission should be approved or not. However, the applicant's agent have claimed that the undercroft area will be subject to CCTV coverage and that the design will allow for a supporting column to fall without severe collapse of the whole building. It is noted that the Police did not object to a later iteration of the scheme, but it is not taken that the later design on which re-consultation took place (which was changed mainly of traffic issues) would not necessarily have overcome this objection.

With regard to security, the Police also raised an objection to the location of the ATM machines, as part of this proposal, as being independent of the main building, thereby leaving them vulnerable to the risk of ram-raiding. The applicant's response to this was that such an approach has been adopted at other locations, without proving to be a problem. It is considered that overcoming this locational issue in the proposed design would be counterproductive to the principle of maximising active shopping frontages in the development, as the ATM's would take up ground floor wall space, which is at a premium when designing a store on stilts and likely to have an impact on the vitality of the shopping centre as a result. It is therefore considered that housing the ATMs in a freestanding block, as shown on the submitted plans, is the best approach to take. The Police have recommended the use of bollards to deter attacking the building with a vehicle. Since this is more of an operational matter for the applicants than a planning issue, this is not recommended to be a condition to the planning approval.

5.4 RT1(B): Replacement Tesco Store

Although the second criteria in policy RT1, this has been brought forward due to its importance to the determination of the application. The consultation process has led to issues over the scale and impact of the proposal. Two of the responses received argue that the issue of scale has not been properly addressed in the Tesco/Dominion submissions and that these should be addressed from two angles: First whether the scale is appropriate to the context of Yate Town centre, and Second, whether the scale is such that it would impact on other centres.

From the submitted Design and Access Statement it is clear that the issue of scale has been addressed from the perspective of massing of the building rather than in retail impact terms. To that extent, and while accepting that they do not need to demonstrate need, the submission should address retail impact and the issue of appropriate scale.

There is an apparent misrepresentation in one of the consultation responses which adds the proposed floorspace in the four non food units and three small units with the main store. At least the four units should be counted as free standing (effectively as a separate development) and not as part of the Tesco store. The 299% increase in gross floorspace quoted – but do accept that the scale of the proposed store is large and needs to be justified as appropriate to the location.

Scale and Impact

It is noted that the RSS Panel's Report recommends an allocation of 5,000 new dwellings to the Yate area. If this level of growth were confirmed it would impact on town centre facilities. There would be a consequent need to establish the extent to which the new development would sustain its own local centre or be dependant on growth within Yate and Chipping Sodbury town centres. It is for this reason that it is desirable to consider development options for the period to 2011 and to maintain some flexibility within Yate Town Centre to meet longer term needs. At present, however, an assessment of scale and impact needs to be made in advance of the adoption of Regional Guidance.

The scale and impact of the proposal therefore need to be assessed in terms of both the shopping centre which is to be extended, Yate Town Centre and the effect that the proposal would have on Yate's standing within the hierarchy of centres identified in the Development Plan. It is acknowledged that the effect of

the proposal would be significant in both respects, due almost entirely to the increase in retail floorspace of the proposed Tesco store, measured against the existing situation. Due to the limitations of the policy and guidance, however, considerations of scale are largely subjective. Should the proposal achieve planning permission, the final decision will rest with the Government Office, who would be scrutinising the proposal. A Retail Statement was submitted along with amendments to the original application, which is intended to address the issues above. This statement makes clear at 3.2 that the scale of development should be directly related to the role and function of the centre and its catchment area. Where that scale would substantially increase the attraction of the centre and could have an impact on other centres, then the impact upon those other centres also needs to be assessed. Regional guidance sends development such as that proposed to the centres of principal urban areas, encouraging town centre development of an appropriate scale which contributes to regeneration and the reduction in need to travel by car. The panel assessing the Regional Planning Guidance for the South West concluded that a substantial opportunity exists to accommodate major residential development around Yate (within the catchment area of the town centre) without significant environmental impact.

Building work is proceeding to provide Bradley Stoke with a new shopping centre of over 33,000 square metres, gross, giving a net retail floorspace of approximately 16,000 square metres, broadly equivalent to that proposed for Yate. Of this development at Bradley Stoke, the Tesco anchor store would be 10,626 m² gross and 7,439 m² net. The applicants make the case that the current proposal would have a significant impact on the retail floorspace of the centre, but this should be considered in the context of the following considerations:

- There is an unimplemented permission for extension of the existing store which would increase A1 net floorspace to 18,833 m².
- There is about 7,000 m² edge of centre retailing, including Morrisons and Lidl, from which the town centre faces competition
- The proposed floorspace increase would leave Yate in the same position as the largest town and district centre in South Gloucestershire, but it would be still less than half the net A1 floorspace at the regional shopping centre at Cribbs Causeway, which competes with Yate in catchment terms
- The proposal is necessary to ensure the viability of the town centre, which in turn facilitates the improved access improvements, car parking and new bus station etc.

It is considered that, following regional and structure plan guidance, growth should, where possible, be guided to higher order centres. The use of land and building should be optimised as part of this process. The development would be located within the existing town centre, which is a significant distance from other centres, Emerson's Green, Thornbury, Filton (for which Cribbs Causeway is a closer rival attraction) and Cribbs Causeway itself, suitable to limit the impact of the growth of Yate Town Centre on those other centres. In regional terms, the centres at Cribbs Causeway and Bristol City Centre would be considered to dominate, regardless of this proposal. Therefore it is considered that the proposed growth to Yate's retailing capacity would not have any harmful impact upon the existing shopping hierarchy. Should the residential development expand in due course, local demand will increase accordingly and the proposal is considered to be able to meet this increase proportionately, in broad terms. Regional policy requires that new retail investment in town centres

should take full account of future levels of population growth. While lifting Tesco into a dominant position in terms of Yate, it is not without competition, albeit at a lower scale, from the existing edge of centre supermarkets operated by Morrisons and Lidl and other shops within (and proposed under this application for) the centre. The proposal is considered to be a step towards redressing the balance between Yate Town Centre and the impact of the RSC at Cribbs Causeway, giving people in the Yate and Sodbury catchment area an opportunity to shop locally, without necessarily having recourse to the car.

It is considered that the scale and impact of the proposal, in accordance with the figures in the tables above and in the absence of any specific policy guidance on the harm which may occur through inappropriate scale and impact, would be appropriate to both Yate Town Centre and to South Gloucestershire in general.

5.5 RT1(A): Replacement Tesco Store

This limb of the policy seeks to ensure that proposals for development appropriate to town centres, including Yate, would not harm the vitality and viability of that centre. The supporting text makes clear the need for flexibility in meeting requirements for local people for retail facilities, encouraging diversity and acting as a strong focus for community life. The threat to local centres from out of town competition is also recognised in the supporting text. Out of town locations comprised 76% of the retail floorspace in South Gloucestershire in 2006 and it is considered that this high figure is unlikely to have changed significantly in the time since the Local Plan was adopted. Encouraging retail (and other activities) within town centres, which already tend to be hubs for public transport, therefore allows more shopping to be undertaken without recourse to the motor car, or at least through the reduction of length in car journeys.

Vitality

This proposal, for an enlarged superstore and 7 additional units, is considered to have the potential to enhance the vitality of the centre, in terms of both the daytime and night-time economy. The superstore is proposed to be open 24 hours, subject to the current Sunday trading limitation for supermarkets to trade for no more than 6 hours on a Sunday. The effect of this on the night-time economy of the Town Centre, particularly with regard to the size of the proposed store, is considered to be positive and have the potential to encourage other uses to the town centre which could meet the aims of policy RT1 summarised above. It is noted that the supporting text of policy RT1 at 9.19 states that schemes which enhance the evening economy of town centres will be supported. The daytime impact is similarly likely to have some positive impact on the centres vitality, by attracting many of the shoppers who currently are prepared to travel to other centres for comparison shopping in particular. The effect of this is considered to strengthen Yate Town Centre's position in relation to those other shopping destinations in the hierarchy, as examined above. The effect of the proposal on the vitality of the town centre is therefore considered to be a positive effect in line with the requirements of the policy.

Viability

In terms of the effect on the viability of the town centre, it is again noted that the proposal would involve a 24 hour operation and be open to the public during those hours. This is considered to enhance the viability of the town centre by increasing the amount of time that the centre is available to shoppers. Naturally, other stores in the centre may not opt for 24 hour opening, but may

be encouraged to remain open in the evening, giving the opportunity for an enhancement to evening viability of the centre. In addition to the proposed replacement superstore, it is noted that the proposed 7 new shops will also have an impact on the viability of the centre, having the potential to expand the range of goods currently available to the public, or to increase competition between retailers, to the consumer's benefit. The proposal is therefore considered to have an overall positive effect on the viability of the town centre.

5.6 RT1(C): Replacement Tesco Store

This limb of the policy seeks to ensure that town centre development should be located where it would be accessible to public transport users, cyclists and those with special mobility needs. It is acknowledged that the location of the proposed development is not only centrally situated for Yate and Chipping Sodbury in geographical terms, but also in transportational terms.

Public Transport

Part of this proposal would be to enhance and enlarge the capacity of the existing bus station and also enhance the arrangements for taxis visiting the town centre. The proximity of the bus station in particular to the proposed expanded Tesco store is considered to have great potential in encouraging using the bus service to shop at the town centre. The bus station, accessed off link road, is at present considered to be unattractive and inadequate to serve the town centre. The proposal **improves the appearance of the station and by enlarging of the existing facilities, the station would be improved in its effectiveness and would allow more services using it.** This is considered to be a positive step in encouraging more journeys to the centre by public transport. The enhanced bus turning lane off Link Road is also considered to help to some extent in this respect.

Cycling

The central location within the settlement and the flat surrounding land make the town centre accessible for journeys by bicycle. This ease is enhanced by a cycleway network with the town centre as its hub. Due to traffic generally being heavier towards the centre of the town and the perceived risks that this brings to cyclists, it is proposed that the existing network is strengthened by adding a cycleway alongside Kennedy Way. This will ensure that the town centre can be accessed safely by bicycle from all directions, either on dedicated cycle tracks or along quiet roads with all the appropriate cyclist-friendly crossing points that are considered to be necessary. The proposed cyclists crossing of Kennedy Way is also considered to be of benefit to cycling commuters.

Special Mobility Needs

The proposal would involve the creation of disabled parking spaces close to the shops themselves. It would also improve the existing taxi arrangements, as noted in the Transportation comments above. Similarly, the bus station would be refurbished, its capacity expanded and a greater amount of cover from the elements provided. Beyond these measures, it is understood that the Tesco's store, being above ground level and incorporating travellators to provide access to the upper floors, will be fully compliant with Part M of the Building Regulations, along with all the proposed retail units, which can all be accessed on the level. It is considered that these steps ensure that the current situation for those with special mobility needs will be enhanced as part of this proposal. In addition to this a dial-a-ride facility has been negotiated and shall be provided in close proximity to the store entrance in accordance with the relevant condition below.

5.7 RT1(D): Replacement Tesco Store

This limb of the policy seeks to ensure that the proposed store would not have any unacceptable environmental or transportation effects and that it would not prejudice residential amenity.

Environmental effects

The Environmental Protection comments to the last iteration of the scheme appear at 4.2 above. No objection is raised to the proposal, subject to the inclusion of conditions covering the following issues raised, in respect of noise from the plant proposed not to exceed background noise levels, ensuring that the acoustic screen detailed in the plans is constructed before the superstore becomes operational, extending the landscaping bund along Kennedy Way as far as possible, design of the route to the loading bay ensuring that vehicles do not need to reverse (setting off their reversing alarms) and a scheme of lighting is submitted for approval. The relevant conditions, which appear below, are considered to be sufficient to ensure that there would be no untoward environmental effects arising from this proposal and that it would comply with policy in that regard.

Transportation Effects

The Transportation comments at 4.2 above cover in detail to implications of the proposal on the road network, public transport, pedestrian and cycle networks and parking arrangements. In all respects, the proposal as originally submitted, along with amended details on the layout of Link Road and the cycleway alongside Kennedy Way, is considered to be acceptable. Parking levels have not been compromised through the proposed development. While it is anticipated that some additional trips would be generated by the larger Tesco store, cycle accessibility and the bus station have both been shown to be enhanced which is considered to be of benefit to the centre as a whole, while also meeting some of the increased demand for patronage of the superstore itself. The overflow car park to the east of Link Road has already been re-surfaced and links to it enhanced. It is anticipated that the increase in the retail floor area of Yate Town Centre will lead to greater use of this car park. Disabled parking is considered to be well-located within the design of the nearer parking area.

As stated above, any road enhancements other than on Link Road have now been dropped. A Section 106 contribution of £200,000 has been agreed with the developer to fund a traffic study of the whole central area of Yate to find a solution. It is expected that this traffic study will be undertaken with full participation of interest groups. Subject to this and the other highways works specified at 7.2 below, there is no objection from Transportation and this part of the proposed development is considered to comply with policy RT1.

Effect on Residential Amenity

The effect of the superstore element of the proposal is closely linked with its environmental effects as analysed above. Kennedy House is an elderly people's home opposite the site, across Kennedy Way. This is the nearest residential property to the proposed replacement superstore and the level of residential amenity it enjoys at present is to a large extent determined by traffic on Kennedy Way and the existing Tesco store, which is in a position to trade 24 hours a day, due to lack of a condition on the planning permission limiting

opening times but does not currently exercise this option. The proposal would place the service area and its delivery access point north of Kennedy Way and slightly to the east of the EPH. The patronage of the store itself is not considered to be likely to be significantly changed over the present situation and night-time patronage is likely to be limited, with most shoppers buying convenience goods and much of the activity within the store being limited to restocking of shelves. Deliveries are however likely to take place around the clock, which is why some care has been taken over screening the delivery area, with the proximity to the EPH in mind. To this end, it is considered that the conditions below would be satisfactory to protect residential amenity.

5.8 RT1(E): Replacement Tesco Store

This limb of the policy seeks to ensure that the proposed store would include residential development or other non-retail uses appropriate to a town centre on upper floors. In the case of this application, the Tesco store is proposed to be a significant height in the first place. Due to the desire not to reduce the current level of parking availability, parking will be provided at ground floor level, with the store above it. The elevation drawings submitted with the application make clear that the proposal would result in a bulky building, of a height which would not be able to take an additional storey without being the most prominent building in Yate's skyline. Adding additional residential units on top of the proposed superstore is therefore considered to be inappropriate. No other uses form part of this proposal, in respect of the superstore, other than retail and functions ancillary to that. Indeed at 9.31 the supporting text makes clear that the Council will resist any proposals that are out of keeping with their surroundings in terms of scale or design. However, the question arises whether some of the retail area should be put to other use in compliance with policy RT1 (E). The supporting text to this policy, at 9.22 states that the retail function should continue to underpin these centres. At 9.23 it states that upper floors shall be used *wherever possible* for residential accommodation. Where this is not possible, then promoting vitality and viability should be achieved through non-retail uses. Failing that, then upper floors should be used for purposes ancillary to retailing. Due to the height limitation and the intention not to lose parking for the centre as a whole, the design of the proposed superstore does not follow the usual conventions of one (with ground floor access) or maybe two storeys of retail floorspace with a floor above this for ancillary functions. This formula allows for some of the upper floor area to be used for other purposes. In the case of the current proposal, however, one floor is lost to parking and therefore it is considered that the usual expectations should not apply as a result of this.

5.9 RT1: Proposed shops under Tesco

Part of this proposal is to create a rank of four retail units to be situated at ground floor level underneath the proposed superstore. These units would help provide an active ground level frontage onto East Walk, which is considered to broadly replicate the existing situation along this arm of the shopping centre. Broadly opposite these four units, the three other new retail units would stand under this proposal. This part of the proposal needs to be assessed against the criteria laid down in policy RT1. In this regard, it is considered that this part of the proposal would not detract from the overall vitality and viability of the shopping centre. These units have been specified in the application as being non-food retail units. As such, it is considered that they will add to the existing range of shops offering goods in the centre, or if this is not the case, provide competition for existing units selling similar goods, either of which would be sufficient to improve the vitality and viability of the centre. These units are also

considered to be consistent with the scale and function of the centre. Being of a broadly standard size for retail units in this locality, they are considered to be consistent in this respect. The accessibility is considered to be in common with existing town centre shop units and the measures to enhance that accessibility have been analysed under the superstore proposal at 5.6 above. Again it is considered that this limb of the policy has been met through the overall proposal. In the case of this rank of shops, it is considered that there is no significant proximity to residential properties and therefore the effect they may have on residential amenity is not contrary to policy. Finally, the chance to provide residential accommodation on upper floors does not exist due to the location of the proposed superstore above them. Overall, therefore, this proposed rank of shops is considered to be consistent with the terms of policy RT1.

5.10 RT1: Proposed new rank of shops opposite Tesco

The previous paragraph describes the location of this proposed rank of three shops, which have been designed to include mezzanine floors. The analysis in the previous paragraph applies again to this rank of three non-food retail units, however there are two limbs of policy RT1 which require further consideration, those being D) and E) i.e. the environmental effects and the lack of residential units on upper floors. The objection raised through the consultation process is also relevant under this heading. To deal with that first, the distance between the rear of the houses in Swann Field and the rear of this proposed rank of shops (the nearest proposed building to the north of the site) is 70 metres. The usual intervisibility standard between two habitable room windows is 22 metres. In this case the view would be between rear windows in a retail unit which are not habitable anyway, therefore at such a distance there is considered to be no possibility of overlooking of residential properties being an issue.

With regard to RT1 (D) although over a distance of 70 metres there is not considered to be any likelihood of the development affecting residential amenity, there are existing flats above the shops to the west of the proposed rank of shops in East Walk which are at much closer proximity. These flats face to the north onto the flat roofs of the shops below them. They are somewhat sheltered from the proposed rank of 4 shops by a deeper unit immediately to the east of them. For this reason, any overbearing impact from the proposed rank is considered to be limited and not harmful to existing levels of residential amenity. The shops below the flats do not have restricted opening times and therefore it is considered unnecessary to impose such a restriction on the proposed units, which would be further away.

With regard to policy RT1 (E), the opportunity has not been taken to provide residential accommodation, it is noted that the proposed design, at 1.5 storeys, while appropriate within the street scene of East Walk and lower than the proposed Tesco store opposite, is considered to be effectively the maximum limit in height, given the limited width of East Walk. No additional housing is proposed at this stage, although it is considered that there is some potential for providing some in the future, as long as it is set back adequately from the front building line and sensitively designed. Although this part of the overall scheme therefore does not comply with this part of policy RT1, it is not considered to be an adequate reason for refusing the whole scheme, as the potential is still there to provide residential accommodation above the shops, subject to the normal design criteria in the Local Plan.

5.11 D1: Design Tesco store including rank of shops below

Massing and scale

The proposed building would be sited where the current store is, facing East Walk, although extending further east, facing the existing car park and facing Kennedy Way continuing the building line of the *front* of South Parade. The design would therefore effectively extend the northern and western elevations of the existing store and advance the frontages on the eastern and southern facades, compared with the existing footprint. At an effective height of three storeys, this leaves massive building, 129 by 126 metres, minus a recess for the service area, leaving a building that is virtually square. The three floors would comprise the parking deck, with travellators up to the main floor and a mezzanine floor above that. The building would have a flat roof, but it is considered that its scale would be appreciated as three storeys. This is because, for instance, in addition to the building being read in long and short views against existing two and three storey buildings in the town centre, the Kennedy Road elevation has an appreciable ground floor, above which the windows pick out the first floor and there is clearly a further storey above that.

The mass of the building, being greater than any other in the town centre, needs to be broken up, to avoid it appearing to be too massive. The supplementary planning guidance listed at 2.3 above advocates the approach of turning the existing centre outwards. With new buildings already approved, such as the Health Centre on West Walk, that approach has been advanced through ensuring as many active frontages as possible face out of the town centre. This approach is more important with a larger building. There are inherent difficulties in achieving this with a supermarket, however, as many of the functions ancillary to the sale of goods require blank elevations. With this proposal, due to the location of the proposed store, there are three elevations which face outward, to East Walk, the car park and Kennedy Way. The design approach of maintaining car parking for the centre adds a further layer of difficulty, as it precludes active frontages at ground floor level to a great extent. These elevations are examined in the following section.

Detailing/ Facades

The principle façade would be onto East Walk. This is considered appropriate as this brings the proposed building in contact with the rest of the town centre in the public realm. The frontage is proposed to be as active as it can be, given that it does not suffer from the constraint of visible car parking. There is a prominent tower feature at the north east corner, of glass of different colours which is considered to form something of a landmark, given its height, extending slightly above roof level. The show window would be well above human scale, exposing activity inside the supermarket up to the mezzanine level and this would be the dominant feature of this elevation, under a wavy roof. The three units are appropriately of a smaller scale, with enhanced vertical emphasis, show windows to approximately two storeys (to compliment the units proposed for opposite) and a change of materials at the top floor. The junction with the existing East Walk shops is not considered to be a comfortable one, but here it is considered that the naturally imposing nature of the new building gives it some licence to be abruptly taller than the existing rank.

Of course the bulk of the proposed building is consistent in each elevation and to bring its height down significantly in one corner would risk it appearing to be a contrived effect, so on balance the approach taken is considered to be acceptable and in line with policy D1 in this respect.

The second most prominent façade is considered to be the East elevation, facing the car park. This is dominated by the two corner towers (the southeastern corner one following the design of the more prominent one in the northeastern corner, but featuring less glass, allowing the entrance to the proposed store to be clearly appreciated. Between these two corner towers, the bulk of the elevation would be broken up by three further articulated tower elements. The northeastern corner tower's glass is proposed to wrap around into the eastern elevation to provide some elevated activity on this frontage and then this theme is picked up again with wide first floor windows between the central towers. The building steps down slightly towards the less prominent southern (Kennedy Way) elevation.

This elevation is the third most prominent, but is important as the building line of the superstore would now match that of the existing line of shops forming South Parade. Again, active frontages at ground floor level are not possible due to the presence of the car parking. This is countered by continuing the first floor line of windows displayed in the eastern elevation. There are six of these windows which would be narrower than those facing east, but, along with a further feature tower to mark the corner of the recessed yard area, are considered to help break up the building's bulk in an effective manner.

The least prominent frontage would face the service yard immediately to the west of the site. This features the entrance to Tesco's own proposed service area at first floor level. This elevation is appropriately largely blank. However, due to the greater height of the building than those around it, the two visible towers from this direction are considered to be of benefit as they add features to the skyline, detracting from the building's bulk to some extent.

Overall, the detailing of the proposed building is considered to succeed in its primary function, to provide some degree of activity on the three frontages which face out of the centre, as well as the secondary aim of breaking up the bulk of this massive building. To this end, it is considered that the design is successful and complies with policy D1 in this respect.

Materials

The palette of materials proposed for the Tesco store is as follows: Smooth ivory cladding, gray single ply roofing, a mixture of horizontal and vertical timber cladding (as detailed on the plans) glazing with colour tinted panels, rainwater goods to be pressed white metal and the windows would be double glazed within white aluminium frames. The acoustic screen would be a close-boarded timber fence. Of the above, the dominant materials would be wood and glass, both of which are anticipated to assist with breaking the apparent mass of the building up. A condition below requires the submission of samples for approval prior to commencing development.

The design of the proposed replacement superstore is therefore considered to comply with policy D1 and PPS1 in that its design would enhance the town centre.

5.12 D1: Design proposed ranks of new shops: Extension to East Walk

The design challenges faced in respect of the new rank of four retail units facing East Walk are very similar to those of the proposed superstore. The benefit of these units is that they do not feature car parking at ground floor level and therefore can more easily make a contribution to creating active frontages.

However, in practical terms there are limitations to how many show windows there can be for any shop. This rank of four is effectively a terrace, with each unit having two frontages, or a maximum of three.

The principle façade faces East Walk and is almost entirely glass from ground level to the roof. The glass frontage would extend up to beyond the height of the existing shops on the northern side of East Walk and above that is proposed a roof to a depth of 1.9 metres. The proposed shops would therefore be of a greater scale than the existing ones, but not significantly so and the increase in scale is considered to be acceptable due to the simple, eye catching design as well as the larger scale still of the proposed superstore opposite.

The car park frontage returns to a more human scale, with a tall ground floor show window running the length of the building, which is deeper than the existing shop units. Above this would be a large expanse of horizontal timber cladding, with the opportunity of attaching signage to it. Again, the design is considered to be simple, the wood cladding would compliment the design approach with the Tesco store and the show windows would create a successful active frontage, enabling the town centre to face outwards in this direction.

The northern elevation forms the back of the row of shops. Given the ancillary functions in this area, it has not proved possible to achieve an active frontage on this elevation. To an extent that aim has been sacrificed to an extent to allow for it being pursued in the eastern elevation. However, despite being the back of a row of shops and in fairly close proximity to Station Road, the design approach is again considered to be interesting and attractive in its own right. The ground floor is proposed to be brick, with the first floor wood cladding. Each level is punctuated with long narrow windows, high level at ground floor and centrally located in the first floor. While not obtrusive, it is considered that the windows will stand out, particularly when lit and form an interesting contrasting foreground for the larger, taller superstore behind it, when viewed from Station Road.

The remaining elevation would face west onto the service yard for the existing East Walk shops (north side). This elevation would not be readily visible from public view. It is the side of the easternmost proposed unit and is divided in the same way with wood over brick. It is also screened to a large extent by the existing East Walk shops and flats over them. No windows are shown for this elevation.

Overall it is considered that this proposed row of shops would enhance the locality and successfully bring two frontages more life than they enjoy at present. This element of the proposal is considered to accord with policy D1 and government guidance in PPS1.

5.13 D1 Design: Bus Station

The replacement bus station would be in the same position as the existing, accessed from Link Road. It would have five bays, expanding the existing bus capacity. Shelter for waiting passengers would be provided by fire-retardant PVC tension fabric covers with the appearance of large umbrellas, linked together, with each supported by a galvanised mild steel column (the stick of the umbrella). If kept separated, these shelters are likely to be very exposed, but greater coverage is considered to be attained by connecting them to each other. It is considered that this design would be an improvement over the existing bus station design and this proposed enhancement would accord with policy D1 and government guidance in PPS1. In order to ensure that the enhanced bus station is provided, a condition below makes clear that this will have to be achieved prior to the opening of any of the shops.

5.14 L1: Landscaping

In a scheme of this size landscaping would be expected to perform two functions, helping the development fit into its surroundings and screening it. With respect to the latter function, the essential screening landscaping is already in place, between the car park and Kennedy Way. This forms a barrier between the town centre and Kennedy House EPH which would be largely unaffected by this proposal. Some small areas of landscaping within and around the car park would be lost, but these would be made up for through new planting which would help to some extent to break up the (albeit reduced) large flat area of open car parking to the east of Link Road. The bulk of the proposed superstore would not be expected to be screened by the existing landscaping, but at least views in of the undercroft parking area can be. These views would be from the south and east and the screening would be provided, respectively by the Kennedy Way landscaped buffer, which is proposed to be thickened with additional planting and tree planting forming something of an avenue on either side of the north-south distributor route through the eastern edge of the car park. In addition to this, a row of trees, backed by lower planting is proposed to screen views of the car parking area from Station Road, along the northern boundary of the site. A condition has been appended below to ensure that the proposed landscaping is implemented.

5.15 Flood Risk Assessment

Part of the site lies within the Flood Plain of the River Frome. There was an initial objection to the proposal from the Council's Technical Services, seeking further information to ensure that flood risks had been addressed. In response to the same consultation, the Environment Agency accepted that this had been done and recommended approval of the scheme, subject to the inclusion of five conditions, which appear below, as well as various informatives.

5.16 Archaeology

As noted at 4.2 above, the Swann Inn would be lost as part of this proposal, to be replaced by additional car parking to serve the town centre. The building is not listed, but appears to have a historic core that would benefit from building recording prior to demolition. This issue is covered by the archaeological condition which appears below.

5.17 Overflow Car park

In order to replace car parking spaces lost west of Link Road, it is proposed to enlarge the existing and recently resurfaced overflow car park to the east of Link Road by 31 spaces. There is a footbridge over the River Frome at the northern end of this car park which then links into the remainder of the site via a

surface pedestrian crossing across Link Road. The additional car parking places would be created through a re-configuration of the existing hard surfaced area.

5.18 Other Issues

Trolleys

As the issue of ensuring that trolleys are retained on the site is often contentious, a condition has been appended below requiring the submission of details of how this issue will be managed.

Landownership

The consultation on the third iteration of the proposal led to the issue of landownership being raised, on a larger red-lined area to allow for potential highway widening along Station Road. The proposal has now reverted back to the original red line area and as covered both above and below, a traffic study is now proposed to replace any widening of Station Road. Therefore, the dispute over landownership within the enlarged red line area is no longer considered to be of any relevance in the determination of this application.

Public Art

The Comments from the Councils Arts Development Officer appear at 4.2 above. The comments confirm that a Section 106 contribution of £75,000 has been offered and this is considered to equate with the £60,000 sum which had been agreed in connection with the planning approval to extend the existing Tesco store. Further details of the contribution appear at 7.2 below.

5.18 Design and Access Statement

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

5.19 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the Transportation Improvements, Traffic Study and Public Art contributions are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

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.

The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

- 7.1 The application be referred to the Government Office for the South West under the Town and Country Planning (Shopping Development) (England and Wales) (No.2) Direction 1993.
- 7.2 Subject to the Secretary of State not wishing to intervene, authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) within 12 months of the date of this decision to secure the following:-
- 1) *Link Road–Kennedy Way-Scott Way Roundabout* - widening to three lanes on the southbound Link Road approach and realignment of the existing cycletrack together with all associated works.
 - 2) *Link Road - Station Road - Goose Green Roundabout* - minor widening of the Station Road approach by increasing the flare lengths, enabling two lane entry into the roundabout from Station Road (east of the roundabout) together with all associated works.
 - 3) Alteration to the alignment of the footpath around *Home Orchard/Station Road*, upgrading of existing pelican to toucan crossing with removal of the refuge island to enable pedestrians to cross the road in one movement, together with all associated works.
 - 4) *Link Road - shopping centre car park junction* – change this junction to traffic signal control and provide a commuted sum for future maintenance for a 15 year period. The new signal controlled junction shall be linked to the existing pedestrian crossing and bus right turn facility from Link Road together with all associated works.
 - 5) Provision of a 3 metre wide footway/cycleway along Kennedy Way between the Link Road junction and the access to the proposed Tesco service yard together with all associated works.
 - 6) A contribution of £200,000 towards funding a Traffic Study for Yate Town Centre and the vicinity of the development proposal.
 - 7) Provision of a new bus station in accordance with submitted and approved plans together with all associated works.
 - 8) Provision of taxi parking along Link Road in accordance with the approved plans together with all associated works.
 - 9) A contribution of £75,000 towards providing a programme of on-site and off-site permanent and/or temporary public art

The reasons for these contributions are as follows:

- 1) To ensure adequate provision for vehicles, cyclists and pedestrians resulting from the implementation of the development and to accord with policies RT1 and T12 of the adopted South Gloucestershire Local Plan.

- 2) To ensure that junction capacity at the roundabout is enhanced to accommodate traffic resulting from the development and to accord with policy T12 of the adopted South Gloucestershire Local Plan.
 - 3) To ensure adequate provision for pedestrians resulting from the implementation of the development and to enhance the capacity of Station Road on the approach the roundabout to accord with policies RT1 and T12 of the adopted South Gloucestershire Local Plan.
 - 4) To ensure the provision of enhanced junction facilities to accommodate the movement of all types of vehicles, including buses, to accord with policy T12 of the adopted South Gloucestershire Local Plan.
 - 5) To ensure adequate provision for cyclists and pedestrians resulting from the implementation of the development for road safety reasons and to accord with policies RT1 and T12 of the adopted South Gloucestershire Local Plan.
 - 6) To provide additional measures to accommodate safe and free movement of all users that would result from the development and to accord with policies RT1 and T12 of the adopted South Gloucestershire Local Plan.
 - 7) To promote more sustainable modes of transport other than the use of private vehicles to access the development and to accord with policies RT1 and T12 of the adopted South Gloucestershire Local Plan.
 - 8) To promote alternative modes of transport other than the use of private vehicles to access the development and to accord with policies RT1 and T12 of the adopted South Gloucestershire Local Plan.
 - 9) To ensure the provision of Public Art to accord with policy LC13 of the adopted South Gloucestershire Local Plan.
- 7.3 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.4 Should the Section 106 agreement not be completed within 12 months of the date of this determination then the application be refused or returned to the DC East Committee for further consideration on this basis.

Background Papers **PK07/3391/F**
Contact Officer: **Chris Gosling**
Tel. No. **01454 863787**

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 and Country Planning Act 1990 (as amended).

2. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site or demolition works to the public house, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

Reason.

In order to ensure the adequate protection of archaeological remains, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason.

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal. To accord with policy EP2 of the adopted South Gloucestershire Local Plan.

4. No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

Reason.

To prevent pollution of the water environment to accord with policies EP1 and L17 of the adopted South Gloucestershire Local Plan.

5. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason.

To prevent pollution of the water environment to accord with policies EP1 and L17 of the adopted South Gloucestershire Local Plan.

6. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason.

To prevent pollution of the water environment to accord with policies EP1 and L17 of the adopted South Gloucestershire Local Plan.

7. Activities carried out at this site in the past may have caused contamination of soils, subsoil's and groundwater (water in both unsaturated and saturated zones). Therefore, it is recommended that any planning permission require the applicant to carry out an investigation to the satisfaction of the Local Planning Authority in consultation with the Environment Agency to determine the nature and extent of contamination.

In the event that contamination of the site is confirmed the developer should liaise with the Environment Agency on measures required to protect surface water and groundwater interests. The investigation should include the following stages: -

A desk study, which should include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information.

If the potential for significant ground contamination is confirmed, this information should be used to produce: -

- * A detailed water interest survey to identify all wells, boreholes, springs and watercourses:-
- * A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors:-
- * A site investigation, designed for the site, using this information and any diagrammatical representations (Conceptual Model) undertaken. The investigation must be comprehensive enough to enable: -
- * A suitable risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and - refinement of the Conceptual Model, and - development of a Method Statement detailing the remediation requirements.

Reference should also be made to the Model Procedures for the Management of Land Contamination CLR11 Report which can be found on the Agency's website www.environment-agency.gov.uk

Reason.

To prevent pollution of the water environment to accord with policies EP1 and L17 of the adopted South Gloucestershire Local Plan.

8. The level of noise emitted from the fixed plant and machinery at the site shall not exceed the background noise level at any time. The noise level shall be determined on the boundary of the nearest residential property and measured and assessed in accordance with the British Standard BS4142: 1997 (as amended) 'Method of Rating for Industrial Noise'.

Specify: A - noise level expressed as LAeq,t
over a time period X (eg one hour).

T - time of day.

Reason

To minimise disturbance to occupiers of nearby residential properties and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The solid acoustic barrier shall be erected in accordance with drawing no.s AP12D and AP30 prior to the first opening of the superstore to the public and thereafter so maintained.

Reason.

To minimise disturbance to occupiers of nearby residential properties and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 Mondays to Fridays and 0900 to 1400 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers of nearby residential properties and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. No development shall take place until details of the location of any construction compound to be provided on the site have been submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason.

To minimise disturbance to occupiers of nearby residential properties and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any soft landscaping which may later die or become diseased shall be replaced in the following planting season with substitute planting to be agreed in writing by the Local Planning Authority.

Reason.

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

13. Prior to the commencement of the development hereby authorised details of floodlighting and CCTV for the overflow car park and bus station shall be submitted to and agreed in writing by the Council and shall include:

- (i) the intensity of the lighting;
- (ii) the direction and shielding of the lighting;
- (iii) the hours of operation.

Thereafter the development shall proceed in accordance with the agreed scheme which shall be fully implemented.

Reason.

To minimise disturbance to occupiers of nearby residential properties and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Prior to the first use of the development hereby approved details of a scheme for the retention of shopping trolleys within the site shall be submitted to and approved by the Local Planning Authority. Such details shall be implemented prior to the first use of the development hereby approved unless a variation is agreed in writing by the Local Planning Authority.

Reason.

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy D1 and RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason.

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

16. Prior to any of the retail units opening for trade, the dial-a-ride facility shall be constructed in accordance with the plans hereby approved.

Reason.

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

17. No development shall take place until details/samples of the roofing and external facing materials proposed to be used, including a plan showing all coloured glazing have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason.

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

18. Prior to the commencement of development details of any floodlighting and external illuminations, including measures to control light spillage and CCTV coverage shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason.

To protect the amenities of the users of the facilities as well as occupiers of nearby dwelling houses, and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 41/08 – 10 OCTOBER 2008

App No.: PK08/1530/F
Site: Kingswood Trading Estate, Southey Avenue, Kingswood, South Gloucestershire, BS15 1QT

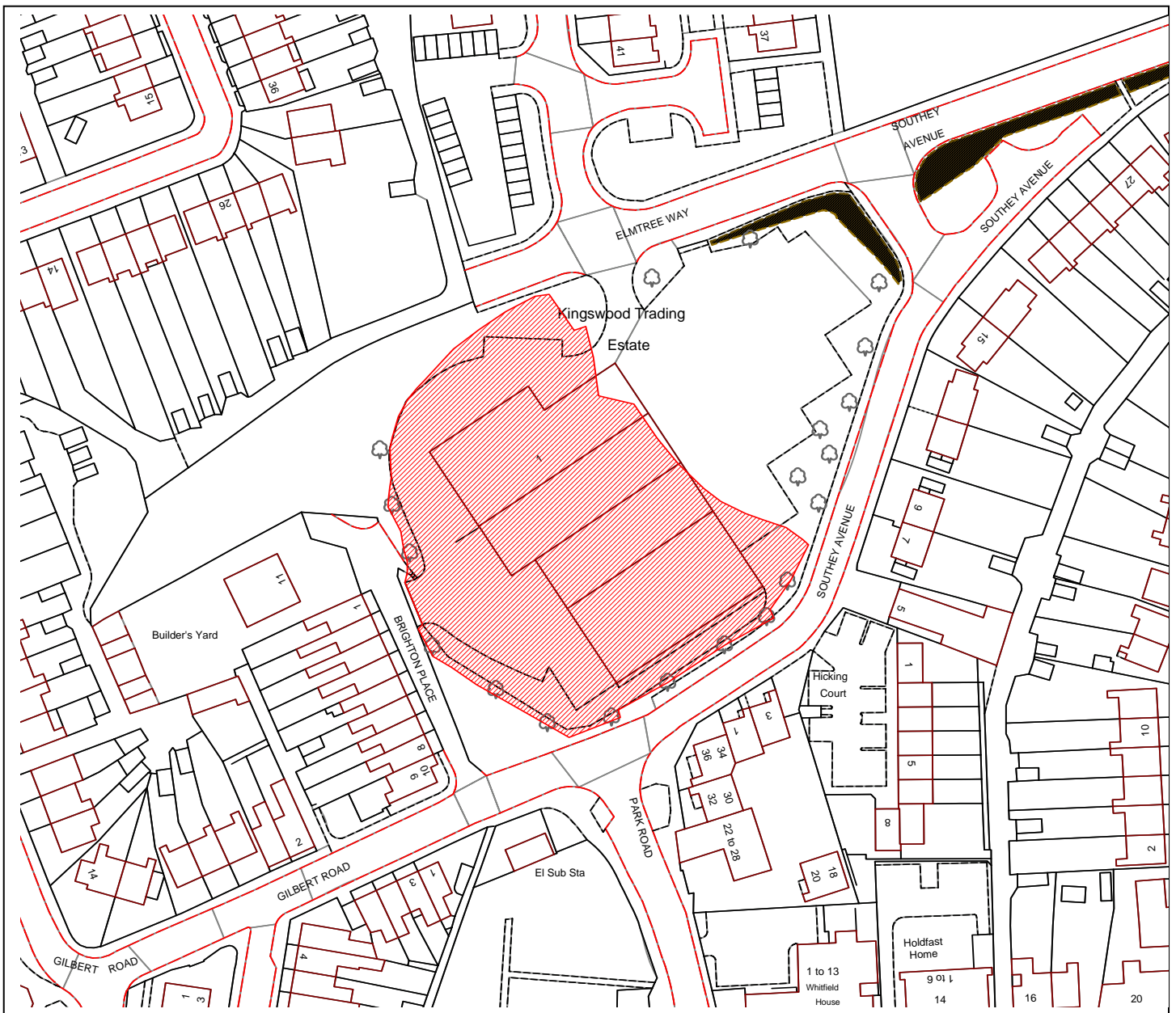
Applicant: Strongvox Ltd
Date Reg: 5th June 2008

Proposal: Demolition of existing warehouses to facilitate the erection of 57 no. one/two bedroom apartments in 2 no. three storey blocks with associated parking, cycle and bin stores, landscaping and associated works.

Parish:

Map Ref: 64926 74085
Application Category: Major

Ward: Kings Chase
Target Date: 29th August 2008



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 100023410, 2008.

INTRODUCTION

This application has been referred to the Circulated Schedule because it is a Major application; furthermore objections have been raised by local residents, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to the western half of the Kingswood Trading Estate, Elmtree Way, Kingswood. A separate application PK06/0199/F, for a 3 storey 62 bed residential Care Home, to be erected on the eastern half of the Trading Estate site was recently approved; the building has now been constructed and the Care Home is now operational. This current application should still be read in conjunction with the approved application for the Care Home, there being common access arrangements to the two sites.
- 1.2 The application site is enclosed by Elmtree Way to the north, Southey Avenue to the south, Brighton Place to the west and the Care Home to the east. The land falls quite steeply from south to north and from west to east. Having been cut into this slope, the site is bowl shaped and bounded by steep grassy banks to the south and west. A number of trees currently grow on the top of the grassy banks; the trees are protected by Tree Preservation Order. Vehicular access is from Elmtree Way. The only buildings on the site are a number of Warehouses all of which would be demolished to make way for the proposed development.
- 1.3 The location lies close to the centre of Kingswood but is generally residential in character, the majority of the surrounding properties being two-storey terraced and semi-detached dwelling houses. The recently constructed Care Home is however a three-storey building.
- 1.4 The application site was recently the subject of a full planning permission PK06/0231/F, granted for the erection of 48no. one/two bedroom apartments in 2 x 2/3 storey blocks with associated underground car parking, cycle and bin stores. The access was common to both the residential development and the Care Home now implemented on the eastern half of the trading estate site. The residential units were to be contained within 2 blocks of 3-storey and 2-storey design, built of brick with render, concrete roof tiles and timber windows. A new footpath to provide a convenient link between Southey Avenue and Elmtree Way was proposed to be routed through the middle of the overall site and between the Care Home and residential dwellings proposed. The landscaping scheme included the planting of a number of new trees to the periphery of the site. The scheme was subject to a S106 Agreement to secure 33.3% affordable housing plus financial contributions towards the maintenance of bus services and improvements to public transport infrastructure, as well contributions to Community services; the S106 has recently been signed and the decision notice issued.
- 1.5 The western half of the Trading Estate site has now been sold to the current applicants who wish to revise the previously approved scheme. The new owners now wish to optimise efficiency in line with national policy guidance contained in PPS3. Furthermore, following detailed investigations, the applicant has concluded that the cost of underground parking would render the previously approved scheme unviable. The current scheme therefore now proposes the erection of 57no. flats (20 x 1 bed & 37 x 2 bed) in 2no. three-

storey blocks with 47no. on-site car parking spaces and associated cycle parking and bin stores. The blocks would be generally rectangular in shape and located on the northern and southern ends of the site with a central parking area between. The proposed vehicular access would again be from Elmtree Way and shared with the existing Care Home. A footpath link, located between the Care Home and the proposed residential blocks, is again proposed to link Southey Avenue and Elmtree Way.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 - Delivering Sustainable Development

PPS3 - Housing

PPG13 - Transport

2.2 Development Plans

Joint Replacement Structure Plan

Policy 1 - Sustainable development objectives.

Policy 2 - Location of development.

Policy 3 - Landscape Protection.

Policy 33 - Housing provision and distribution.

Policy 34 - Re-use of previously developed land.

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design

L1 - Landscape Protection and Enhancement

L5 - Open Areas within the Existing Urban Areas and Defined Settlements.

L11 - Archaeology

L17 & L18 - The Water Environment

EP1 - Environmental Pollution

EP2 - Flood Risk and Development

EP4 - Noise-sensitive development

EP6 - Contaminated Land

T7 - Cycle Parking

T8 - Parking Standards

T12 - Transportation Development Control Policy for New Development

H2 - Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.

H6 - Affordable Housing

LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).

LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions).

LC13 - Public Art

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov 2005

South Gloucestershire Design Checklist SPD (Adopted) 23rd August 2007.

South Gloucestershire Affordable Housing SPD (Adopted) 2nd Sept. 2008.

3. RELEVANT PLANNING HISTORY

- 3.1 P74/4273 - Change of use from warehouse to deep freeze centre for wholesale and retail purposes.
Refused 12 Sept 1974
- 3.2 P74/4190 - Installation of an oil storage tank, erection of bund wall and fencing.
Approved 1st Nov 1974
- 3.3 P76/4564 - Change of use of premises from warehouse to use for storage with ancillary maintenance area.
Approved 11th Jan 1977
- 3.4 P79/4318 - Use of existing warehouse unit for the deboning of meat carcass, freezing, boxing and storage thereof, manufacture packing and storage of pate, wholesale distribution of both pate and meat.
Refused 18th Sept 1979
- 3.5 P82/4445 - Change of use from warehousing to use for finishing processes for industrial fasteners.
Approved 3rd Nov 1982
- 3.6 P86/4247 - Change of use from Class X to Class III
Approved 19th May 1986
- 3.7 P87/4263 - Change of use from repair and finishing of plastic product to warehouse (Class X).
Approved 22 May 1987
- 3.8 P99/4479 - Change of use of premises from storage and distribution (B8) to light industrial (B1c).
Approved 8th Aug 1999
- 3.9 PK04/3199/F - Demolition of existing warehouses to facilitate the erection of 84no residential units with associated parking spaces, cycle and bin stores.
Recommended Refusal 9th March 2005 on grounds of:
- Insufficient information submitted to accurately assess impact of development on residential amenity.
 - Absence of S106 re. contributions to public open space, library and youth services, sewer baiting, dog bins, and provision of public art.
 - Absence of S106 to secure affordable housing.
 - Absence of S106 to secure contributions to Education Service.
 - Absence of S106 to secure contributions towards enhancement of bus stops and provision of season tickets.
 - Inadequate pedestrian and cycle facilities.
 - Density and design would result in on-street parking to detriment of highway safety.
 - Layout and design not in-keeping with character and distinctiveness of area.
 - Shared external amenity space not properly integrated.
 - Inadequate private garden areas.
 - Detrimental to long term health of protected trees.

Appeal against Non-determination Withdrawn 12th January 2006

- 3.10 PK05/2223/F - Demolition of existing warehouses to facilitate the erection of 48no. three storey residential units with associated parking spaces, cycle and bin stores.
Withdrawn 14th Sept 2005
- 3.11 PK05/2243/F - Demolition of existing warehouses to facilitate the erection of building to form 3 storey 62 bed residential care home (Class C2) as defined in the Town and Country Planning (Use Classes Order 1995) with car parking, access and associated works.
Withdrawn 13th Sept 2005
- 3.12 PK06/0199/F - Demolition of existing warehouses to facilitate the erection of building to form 3 storey 62 bed residential care home (Class C2) as defined in the Town and Country Planning (Use Classes Order 1995) with car parking, access and associated works. (Resubmission of PK05/2243/F).
Approved 1st November 2006.
- 3.13 PK06/0231/F - Demolition of existing warehouses to facilitate the erection of 48no. one/two bedroom apartments in 2no. 2/3 storey blocks with associated underground parking, cycle and bin stores and associated external works. (Resubmission of PK05/2223/F).
Approved 31st July 2008.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Not a Parished area.
- 4.2 Other Consultees
- 4.3 Environment Agency
No objection in principle subject to conditions and informatives relating to:
- Identification and mitigation of site contamination.
 - Use of SUDS.
 - Storage of oil or chemicals.
 - Disposal of excavation waste.
- 4.4 Wessex Water
No objection. There are foul sewers of adequate capacity within the area. Surface water flows must not be connected to foul drainage. Points of connection should be agreed with Wessex Water.
- 4.5 Avon & Somerset Police Crime Reduction Officer
Possible lack of surveillance to ground floor windows. The new footpath would increase permeability and there appears to be adequate natural surveillance. The grassed area is close to block A, there could be conflict between users and occupants. It is unclear how access is restricted to the rear of the blocks. There is no defensible space at the front of each block and the east gable end of block B. Ground floor windows should meet BS7950. Doorsets should be to PAS 24 Standard. Lighting should conform to BS 5489.

4.6 South Gloucestershire Council Conservation & Design Advisory Panel

Recommended refusal on the following grounds:

- Overdevelopment.
- Negligible amenity space.
- Random elevational design.
- Awkward roof details. To Block B.
- Poorly designed external areas.

Other Representations

4.7 Local Residents

There have been two rounds of consultations in all, the initial consultation and a second round following submission of a revised scheme design. In response to the initial consultation, 2no. letters of objection were received from local residents, the concerns raised are summarised as follows:

- Increased traffic will result in highway hazards.
- More congestion on Kingswood High Street.
- Inadequate parking provision.
- Increased pollution.
- Increased on-street parking.
- The site is not allocated for housing in the Local Plan.
- No tree planting is proposed.
- Loss of employment site.
- No need for further housing.
- Increased pressure on local services.
- Increased noise, especially at night.
- Increased light pollution.
- Inappropriate design.
- Local bus service is not good.

One further letter was received from a local resident who, whilst not objecting, requested that the back lane to Kingsholme Road be made more secure.

In response to the second round of consultations, letters of objection were received from the same 2no. residents' as previously wrote in. Each reiterated their objections but one added the following concern:

- Loss of privacy and light for local residents.

4.8 Applicant's Supporting Information

The following documents have been submitted in support of the application:

Design & Access Statement

Planning Supporting Statement

Initial Arboricultural Impact Assessment

Arboricultural Impact Assessment

Comparative Impact of the Approved Scheme/Current Scheme on Protected Trees Along Southey Avenue.

Proposed Landscape Plan

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The acceptance in principle of residential development on this site, in the form of a flatted scheme in large individual blocks, with the vehicular access proposed, has previously been established with the grant of planning permission PK06/0231/F. The site lies within the Urban Area and is previously developed land and can therefore be assessed as a brownfield windfall site. The Trading Estate is not a Safeguarded Employment Area and has no special designation in the South Gloucestershire Local Plan (Adopted) 6th January 2006. The existing buildings are not afforded any special protection and do not lie within a Conservation Area. There is therefore no in-principle objection to the demolition of the warehouses and the re-development of the site for residential use. PPS3 supports the generation of mixed communities in sustainable locations and at para.20 states:

“Key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people.”

The proposal for flats is therefore considered to be in accordance with the latest government advice contained in PPS3 and as such, there is no in-principle objection to flats being erected in the location proposed and in place of the existing warehouses. The flats would provide a valuable contribution to the low cost open market housing stock, which is increasingly in demand by single people, professional couples or first time buyers.

5.2 With regard to the adopted Joint Replacement Structure Plan, Policy 34 states that in making allocations, Councils should give priority to the re-use of previously developed land. Similarly, Policy 33 states that priority will be given to the re-use of previously developed sites *within the urban area*. Furthermore, Policy 2 of the JRSP, the locational strategy aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub regional centres.

5.3 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development subject to the following criteria:

- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
- B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
- C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and

- D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.

5.4 Density

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account.

- 5.5 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”*

- 5.6 There would be 57 units on the 0.48ha site, which equates to a density of 118.7 units per hectare. The high density figure merely reflects the fact that the development would comprise of 57no. flats as opposed to individual dwelling houses. Having regard to the size of the plot and the scale of the buildings proposed, officers consider that the proposed density would make efficient use of the site in this urban location and in this respect alone is not considered to be an overdevelopment of the site. Due to the proximity of two-storey residential dwellings and the character of the street scene, the size and configuration of the plot and the need to retain the protected trees, it is unlikely that a larger development than that proposed could be accommodated on the site. The site is in a sustainable location, being close to the centre of Kingswood, within easy walking distance of the shopping and community facilities and main bus routes. The density is therefore acceptable.

5.7 Scale and Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 requires a good standard of design, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

- 5.8 The site is currently developed as single/two storey warehouse/industrial units, the centre of the site having been levelled to make an area for the buildings on this strongly sloping site. The scheme involves the demolition of the existing buildings and the creation of 57 one and two bedroom apartments in two three-storey blocks. The blocks would form two linear elements aligned to face the northern and southern boundaries of the site. The car parking would be contained within a central courtyard around a communal amenity area. Following the receipt of the initial consultation responses the scheme was revised, in particular to take account of the comments of the Council’s Urban Design Officer.

- 5.9 In terms of scale, the proposed footprint of the two apartment blocks compares favourably with that of the previously approved scheme PK06/0231/F and as such, covers a smaller area than the industrial buildings they would replace. The blocks being 3-storey with a low pitched roof, would however be higher

than the existing 2 storey warehouse/industrial units. At its highest points the northern most block (C) would be 13.0m high, the southern block (A+B) would be 13.6m high. The blocks would be generally 2.0m higher than the adjacent Care Home and on average 2.5m higher than the blocks that were previously approved. Since the site however is recessed into the slope, the visual impact of the buildings would be greatly reduced. The submitted Street Elevation drawings (1948 P07 D & 1948 P08 E) show that since the houses on Southey Avenue and Brighton Place lie on elevated ground, the height of the respective roof ridges of the apartment blocks in comparison would not be significantly different, being at worst 2m higher and at best of similar level. Furthermore, the apartment blocks would be set well back into the site, further reducing the impact.

- 5.10 The buildings' mass is further broken down by the use of a variety of materials on the elevations. The roof lines are deliberately kept low by using shallow pitches, so that the overall heights of the buildings are kept as low as possible. The roof would have a standard overhang; this coupled with the various setbacks would create a play of light, shade and shape.
- 5.11 It is acknowledged that the overall mass of the buildings would be greater than the two-storey dwellings that lie in closest proximity to the site, but this is an urban location close to Kingswood Town Centre, where a mix of building sizes would be expected to co-exist. One would not have to travel far from the application site to find such a scenario, the Kings Chase Multi-Storey Car Park and the Civic Centre, High Street being such examples, not to mention the adjacent Care Home.
- 5.12 The design rationale of the proposed apartment blocks is to create buildings, which exhibit both local and contemporary elements. The proposed materials are considered to be high quality, having a mix of brick and timber boarding, which would complement the adjacent Care Home. The traditional pitched roof would be clad with roof tiles.
- 5.13 Officers acknowledge that local residents have concerns about the design of the proposed buildings not being sufficiently in-keeping with the locality. PPS1 (para. 38) in addressing design issues states that:
- "Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design."*
- 5.14 Officers have considered the proposal in the context of the local architectural vernacular, which is not noted for its aesthetic quality, being urban in character and exhibiting no strong local distinctiveness supported by any supplementary planning documents. Most of the buildings are two-storey brick or render with tiled pitched roofs. Exceptions to this style being the existing industrial/warehouse buildings on the Trading Estate and the recently constructed Care Home. The Care Home exhibits a high quality contemporary design, which is considered to enhance the visual amenity of the area. Officers consider that the proposed apartment blocks would be similar in appearance to the Care Home, therefore exhibiting aesthetic qualities that would be superior to

the existing industrial/warehouse units; this would outweigh any loss of character resulting from the increased mass of the building.

- 5.15 In response to the Council's Urban Design Officer comments, the scheme has been re-designed to include a landmark feature at the south-western corner of block A, thus improving the key views from London Street/Gilbert Street and Park Road. A stepped access has been introduced to allow direct pedestrian access into the site from Park Street and London Road. The revised design helps the building to 'turn the corner' using active windows and interesting design details at upper floors. This increases the opportunity for overlooking of the public realm and the building now makes a more positive statement to the public realm.
- 5.16 The scheme aims to achieve a Code for Sustainable Homes Level 3. Although the proposed blocks would be higher than those previously approved, the scheme would make a more efficient use of the site and given the topography of the site in relation to the surrounding higher land, officers consider that the proposal can be adequately accommodated within the site. On balance therefore the scale and design of the buildings is acceptable.
- 5.17 Impact Upon Residential Amenities
A key issue is whether or not the proposal would result in a significant adverse impact on the amenities of the local residents. In particular, the matters to consider are, the level of disturbance caused by the proposed uses, compared to those of the existing use of the site; and issues of overlooking, loss of privacy and overbearing impact.
- 5.18 As regards the future occupiers of the site, amenity areas would be situated around the perimeter on the northern and southern sides of the development and these areas would be enclosed by metal railings and boundary vegetation, which together with the retained new trees, would give a sense of enclosure and privacy. There would also be a grassed communal amenity area within the central courtyard area; the site is however in a sustainable location in close proximity to Southey Avenue playing fields and other facilities around Kingswood Town Centre only 300/400m away. Furthermore the applicant has agreed to make considerable financial contributions towards the enhancement and maintenance of off-site open space within the locality of the site.
- 5.19 In terms of noise, the proposed residential use is likely to create less noise than the existing commercial uses, which have operated for some time adjacent to the residential properties and without complaint. Furthermore the proposed traffic generation can be offset against that which the employment uses already create, which includes a number of HGV movements to the site. All car parking would be contained within the site and not in close proximity to the nearest residential properties. On balance therefore there is unlikely to be any significant additional disturbance from traffic movements over and above those that already exist.
- 5.20 In terms of loss of privacy from overlooking or inter-visibility between facing habitable room windows; the only properties that could realistically be affected by overlooking from the apartment blocks would be those on Southey Avenue and Brighton Place, but the nearest of these properties are comfortably located 24m and 26m away respectively.

- 5.21 Concern has also been expressed about the proximity of the proposed 3-storey buildings to the nearest residential properties and the likely overbearing impact this may have. Contextual Street Elevations and Sectional drawings have been submitted to show the relationship of the respective apartment blocks, to the nearest residential properties in Southey Avenue, Park Road, Brighton Place, and Elmtree Way. These plans show the proposed buildings to be a more than adequate distance from the residential properties, more so than the nearest part of the recently approved Care Home. Whilst the exact height of the existing warehouse/industrial buildings is not known, any increase in height of the apartment blocks on the Southey Avenue frontage, would in part be off-set by the fact that a good proportion of the buildings would be set back further into the site, than the existing buildings. Furthermore there is a considerable ground level difference between Brighton Place and the application site. On balance therefore, having regard to the size, massing and orientation of the proposed buildings and the respective levels differences, officers are satisfied that there would be no significant loss of amenity to result from overbearing impact. The perimeter trees are already nearly twice the height of the existing buildings and are likely to mature further. These trees would remain in-situ to soften the appearance and impact of the buildings; regardless of this, in planning terms there is no right to a view.
- 5.22 Whilst there would inevitably be some disturbance during the development phase, this would be on a temporary basis only; furthermore disturbance during the development phase could in some way be mitigated for by the imposition of a condition to control the hours of working. The work would also be the subject of the normal Environmental Health legislation. Concerns about light pollution can be addressed by a condition to control any proposed external lighting. Officers are therefore satisfied that the impact of the proposed development upon neighbouring residential amenity, would be acceptable.
- 5.23 Transportation Issues
Consideration must be given to the parking and access provision. Car parking provision should comply with the Council's maximum parking standards laid out in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 and the scheme is required to satisfy the highway development control Policy T12.
- 5.24 Access to the site would be from Elmtree Way via a priority junction and is in approximately the same position as the current access to the Trading estate. It is proposed to improve this access, which also serves the Care Home located on the eastern half of the Trading Estate (see PK06/0199/F). The access would be 5.5m wide and there would be a 2m wide footway on each side of the access. The visibility splay from the access onto the public highway would be adequate. The internal layout provides sufficient turning and manoeuvring space for service vehicles. It is proposed to leave the internal access as private road, which would be maintained under a management company.
- 5.25 Parking for 47no. vehicles (a ratio of 82%) on the site has been included in the proposal, with all of these spaces accommodated within and around the central courtyard. There would be sufficient turning and manoeuvring space on site for all types of service vehicles that would visit the site.
- 5.26 Additional to the above, secure cycle storage is also provided in various locations within the development proposal on the basis of one space per apartment.

5.27 Existing pedestrian facilities around the site are good and these would be further enhanced by the provision of a new direct pedestrian link through the site to link Elmtree Way and Southey Avenue.

5.28 The site is close to the centre of Kingswood and public transport provision in the area is considered to be very good. The public transport services in the area are highlighted as follows:

- The bus stop at Kings Chase includes service nos. 4, 6, 41, 43, 43A, 318, 319, 532, 533, 634, 635 and 686. This bus stop is located approximately 360m from the development site.
- The bus stop near the Clock Tower is located approximately 330m from the development site.
- The bus stop on Hanham Road (outside the post office) is located some 350m from the development site.

Service	Supported by	Supported on
4	B.C.C & S.G	Mon-Sat Evenings, some early mornings, Sunday and Bank holidays
318	S.G & BANES	All the time between Kingswood and Keynsham
319	Totally commercial	
634	S.G.	Completely Supported
532/533	S.G. & BANES	Completely Supported
686	S.G. & Glos	Completely Supported
635	S.G. & Wilts	Completely Supported
6	B.C.C. & S.G.	Some Mon – Sat Evenings, some early mornings, Sun and Bank Hols.
43/43A	B.C.C & S.G.	Some Mon – Sat Evenings, some early mornings, Sun evenings and Bank Hols.
581	S.G & B.C.C	Completely Supported
41	Totally Commercial	

5.29 In order to mitigate for the shortfall in parking provision a financial contribution from the development towards public transport would be secured for the following measures:

- Towards the proposed nearby A420 showcase bus route given the proximity of the site to it and the high frequency access it will provide to central areas of Bristol and east Bristol.

- Towards the provision of the existing council supported bus services and
- The provision of more and better facilities for the disabled on the existing bus services infrastructure.

A contribution of £57,000 (equivalent to £1,000 per unit) has been agreed with the developer towards the above-mentioned measures for the proposed development, this would be secured by a S106 Agreement.

- 5.30 Additionally it has been agreed that the developer would implement a Car Club Scheme from this site. The provision of Car Club vehicles is shown to reduce the reliance on privately owned cars and therefore support residential developments. Any Car Club delivered by the proposed development would be available to the wider community. One parking space within the development would be reserved for Car Club vehicles. Included within the package of the Car Club scheme would be free first year membership to each resident on this site. The provision of the Car Club would be secured by a planning condition.
- 5.31 Subject therefore to conditions to secure the proposed car parking facilities, cycle storage, turning area, surfacing and marking of the parking spaces and implementation of the Car Club, there are no highway objections.
- 5.32 Landscape Issues
Policy L1 seeks to conserve and enhance the character, distinctiveness, quality and amenity of the landscape. Officers must consider if there would be any significant loss of vegetation or features of the landscape and whether or not the proposed landscaping sufficiently mitigates for any loss.
- 5.33 The site currently has sloping grass verges to the southern and western sides of the site, planted with clear stem trees, which make a significant contribution to the local environment. These trees are now protected by Tree Preservation Order (TPO) and would be retained. In addition, new trees would be planted in and around the site, which would help to soften views of the proposed buildings.
- 5.34 Following the initial comments of the Council's Landscape and Tree Officers, a revised soft landscaping plan, together with arboricultural assessments, have been submitted. Officers have expressed some concern about the proximity of the existing trees to the ground floor flats in Block A, and the likely future pressure to carry out works to these trees, when they grow bigger. The trees are however protected by TPO and any future works would be strictly controlled. There are therefore no landscape objections.
- 5.35 Drainage
PPG25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, require that proposed development ensures that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles. In addition, development will not be permitted where it could increase the risk of flooding. The Council's Drainage Engineer has raised no objections to the principle of the development. The proposal would also be the subject of building Control and Wessex Water have confirmed that the public foul sewer in Elmtree Way is capable of taking flows from the proposed development. Subject therefore, to the standard drainage condition, there are no objections on drainage grounds.

5.36 Environmental Issues

Policy EP1 does not permit development that would unacceptably harm the environment, or the health, safety and amenity of users of the site or surrounding land, as a result of pollution to water, air or soil, or through noise, vibration, light, heat or radiation.

5.37 Due to the sites previous industrial uses a condition to secure a contamination survey is required. Subject to other standard conditions and informatives neither the Environment Agency or the Council's Environmental Health Officer raise any objection to the principle of the proposal.

5.38 Education

Since there is a projected surplus capacity at both primary and secondary schools within the area of the proposed development, there are no requirements for contributions towards education facilities within the locality.

5.39 Affordable Housing

There is a 33.3% on-site affordable housing requirement for this development, which equates to 19 units. The affordable housing mix would comprise 10 x 1 bed flats and 9 x 2 bed flats. The affordable housing is to be provided in line with Local Plan Policy H6 and the findings of the JHA Housing Needs Survey 2004.

- Tenure split - 77% Social Rent/23% intermediate housing, which reflects the local housing need identified in the JHA Housing Needs Survey 2004. The tenure split proposed for the affordable housing would be 15 units for social rent and 4 units for shared ownership.
- The affordable housing to be delivered without any public subsidy.
- 100% of initial occupants to be nominated by SGC.
- The affordable housing should be distributed across the site in a minimum of 2 clusters.
- All units to comply fully with the latest Housing Corporation standards applicable at the time the S106 will be signed or 6 months prior to start on site, whichever date is the latter, to include Code 3 for Sustainable Homes, building for life assessments, and compliance with the RSL design brief.
- Delivery is preferred through a partnering Registered Social Landlord (RSL)
- Phasing - The affordable housing should be built at the same time as the rest of the housing on site in line with agreed triggers as per S106 agreement.
- The Council will define affordability outputs in the S106 agreement and currently that would be:
 - Social rents to be set at target rents.
 - No more than 40% of the market value will be payable by the purchaser so that the units are affordable to those in need of intermediate housing. The annual rent on the equity retained by the RSL should be no more than 1% of the unsold equity. This approach is supported by the JHA Housing Needs Survey 2004.
 - Service charges of shared ownership units to be capped to ensure affordability.
- Social rented accommodation to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.

- Any capital receipts on intermediate housing to be re-cycled as capital expenditure on approved affordable housing schemes in South Gloucestershire.

5.40 The affordable units are to be as follows:

1 bed flat for rent : Plots 15,16, 17, 18, 19, 20, 21, 34, 38, 40

2 bed flat for rent : Plots 35, 36, 37, 39, 41

2 bed flat for shared ownership : Plots 1, 2, 3, 4

5.41 Community Services

The following contributions are required:

£7,695.00 towards the enhancement of local library facilities. Kingswood Library is within 0.8 km of the development site and would require the contributions to cater for the new residents.

£56,378.03p towards enhancement of public open space, to be spent on improving facilities within a 2km radius of the application site i.e. one or more of the following: Southey Park, Fisher Road, Tenniscourt Road, Wesley Hill, Waters Road, Syston Way, North Park/Church Road/New Cheltenham Road, or Lees Hill Playing Fields, to cater for the increased usage as a result of this development.

£50,408.33p towards the maintenance of the enhanced open space.

£3,353.00p towards the provision of Litter Bins on or near the Public Open Space that the future residents would use.

A contribution towards public art of 1% of the development cost in line with Policy LC13 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

5.42 Other Concerns Raised

Regarding concerns raised that have not been addressed above, concern has also been raised about possibly making access to the back lane to houses on Kingsholme Lane more secure. As this lane lies outside the applicant's control, a condition cannot be imposed.

5.43 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Adopted) 23rd August 2007.

5.44 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable.

In this instance, having regard to the above advice, the transportation improvements, affordable housing, and community services contributions are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

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 planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 (1) That authority be delegated to the Director of Planning, Transportation & Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- (i) A contribution of £57,000 towards the provision of local bus services and improvements to public transport infrastructure in the vicinity of the site.
 - (ii) A contribution of £7,695.00 towards the enhancement of local library facilities.
 - (iii) A contribution of £56,378.03p towards enhancement of existing public open space within a 2km radius of the development site, to cater for the increased usage as a result of this development.
 - (iv) A contribution of £50,408.33p towards the maintenance of the enhanced public open space.
 - (v) A contribution of £3,353.00p towards the provision and maintenance of Litter Bins to cater for the increased usage as a result of this development.
 - (vi) The provision of on-site public art to the value of 1% of the development cost.
 - (vii) The provision of 33.3% affordable housing at nil public subsidy i.e. 19 units to meet local housing need, on the basis of 15 units for rent i.e. 5 x 2 bed and 10 x 1 bed; and 4 x 2 bed units for shared ownership.

The reasons for this Agreement are:

- (i) To improve public transport infrastructure and to ensure the adequate provision of public transport facilities within the vicinity of the development having regard to the increased population generated by the development in accordance with T12(F) of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

- (ii) To ensure the adequate provision of Library facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
 - (iii) To ensure the adequate provision of Public Open Space facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
 - (iv) To ensure the adequate maintenance of Public Open Space facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
 - (v) To ensure the adequate provision and maintenance of Litter Bin facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
 - (vi) To ensure the adequate provision of Public Art within the development in accordance with Policy LC13 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
 - (vii) To ensure the adequate provision of Affordable Housing within the development in accordance with Policy H6 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (2) That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- (3) Should the S106 Agreement not be completed within 6 months, that authority be delegated to the director of Planning Transportation and Strategic Environment to refuse the application due to the failure to complete the S106 Agreement offsetting the otherwise adverse impacts of the development.

Background Papers PK08/1530/F

Contact Officer: Roger Hemming
Tel. No. 01454 863537

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 and Country Planning Act 1990 (as amended).

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

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The drainage scheme approved, incorporating Sustainable Drainage Systems (SUDS), shall be implemented in accordance with the approved details before the development is occupied.

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Building operations shall not be commenced until samples of the roofing and external facing materials proposed to be used, have been submitted to and approved by the Council and all such materials used in construction of the building hereby authorised shall conform to the details so approved.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1/H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The hours of working on the site for the period of demolition and construction of the development hereby approved, shall be restricted to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
 - (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
 - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
 - (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
 - (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
 - (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason:

To accord with the Council's adopted Waste Management Strategy, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To protect the character and appearance of the area to accord with Policies H4/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The development hereby permitted shall not commence until the developer has submitted to the Local Planning Authority for its prior written approval, the following information detailing any potential land contamination and a proposed scheme of works:
 1. A preliminary investigation including a desk study report detailing the history of the site and identifying risks to human health and the environment.
 2. A main investigation including a site investigation report documenting the types, nature and extent of contamination present, risks to receptors and potential for migration within and beyond the site boundary as identified in the preliminary investigation. The investigations and assessments shall be in accordance with current Government and Environment Agency guidance.
 3. A detailed remediation scheme including a method statement and measures to be taken to avoid risk to human health and the environment, as identified by the desk study and site investigation, from contaminants or gases.

The construction of buildings shall not commence until the developer has provided a validation report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report and appropriate validation certificates submitted for approval.

Reason:

To ensure that development can be constructed having regard to local ground conditions, and to accord with Policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Before the development hereby permitted is commenced details of the proposed finished floor levels of the building relative to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect the amenity of neighbouring occupiers, and to accord with Policy H2/D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason:

To prevent non-point source pollution and to accord with Policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Any oil or chemical storage tanks shall be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank and of a structural design approved in writing by the Local Planning Authority.

Reason:

To prevent non-point source pollution and to accord with Policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason:

To prevent non-point source pollution and to accord with Policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Development shall be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality, and to accord with Policy EP1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Prior to the commencement of the development hereby approved, a Coal Mining Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that a satisfactory means of drainage is provided having regard to possible past coal mining activities beneath the site, and to accord with Policies L17/L18/EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. Prior to the commencement of the development hereby approved, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the local planning authority for approval. The boundary treatment shall be completed before before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason:

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. The off-street car parking and manoeuvring facilities, and cycle parking facilities, shown on the plan hereby approved shall be provided before the buildings are first occupied, and thereafter retained as such and used only in conjunction with the occupation of the buildings purpose.

Reason:

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

17. Prior to the first occupation of the buildings hereby approved, the parking and turning areas shown on the approved plans shall be surfaced with permeable bound materials and the parking spaces marked out with white lines and maintained as such thereafter.

Reason:

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

18. Prior to the first occupation of the buildings hereby approved, the applicant shall set up a Car Club Scheme for the site, the details of which shall be submitted to and approved in writing by the Local Planning Authority. Evidence shall be provided to confirm that the Car Club shall be operational for a minimum of 3 years .

Reason:

To mitigate for the under-provision of on-site car parking spaces and to reduce on-street parking, in the interests of highway safety and the amenity of the area, in accordance with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

CIRCULATED SCHEDULE NO. 41/08 – 10 OCTOBER 2008

App No.: PK08/1717/F
Site: 13 Regent Street, Kingswood, South Gloucestershire, BS15 8JX

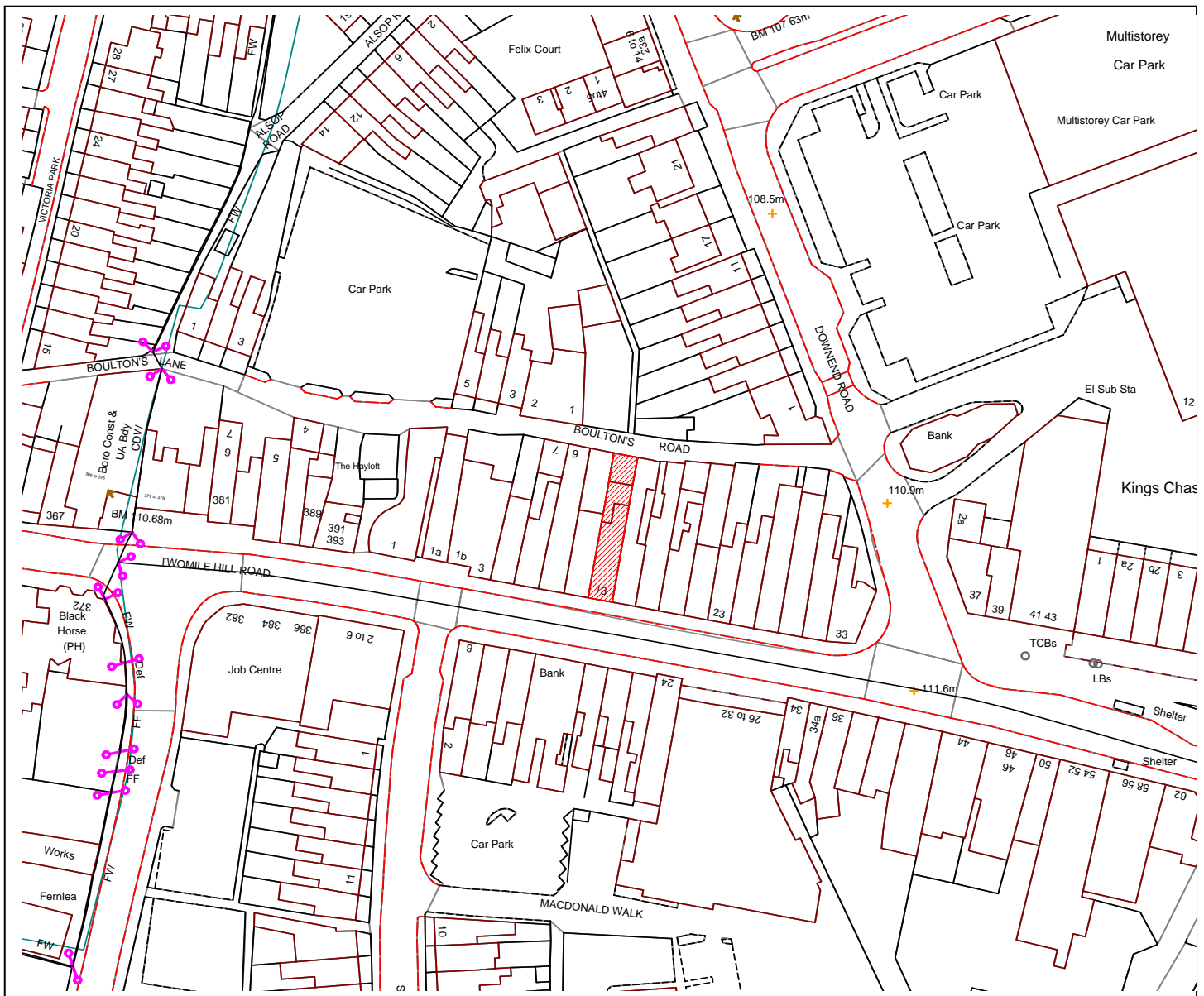
Applicant: Mr Jawid
Date Reg: 24th June 2008

Proposal: Change of use of ground floor Shop (Class A1) to Restaurant (Class A3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of flue to rear elevation. (Resubmission of PK07/2977/F)

Parish:

Map Ref: 64618 73916
Application Category: Minor

Ward: Kings Chase
Target Date: 11th August 2008



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N.T.S

PK08/1717/F

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of an objection to the proposal.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to change the use of a retail unit (A1) in the Primary Retail frontage of Kingswood to a restaurant (A3). This shop is operating at present but on an expired lease (end of 2007) with the current occupier not being willing to sign another lease and at risk of going into liquidation. The unit in question is operating as a shop at present. Full details of the proposed extraction and odour abatement system were not received in regard to the previous application, which was refused because it was not possible to make an assessment of the impact that the proposal would have on residential amenity. With this resubmission, details have been supplied. As can be seen below, these details were not initially considered to be satisfactory in terms of the impact of the proposal on residential amenity and therefore further details were required. These have been submitted.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS6 Planning for Town Centres
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
RT9 Changes of use within primary shopping frontages

3. RELEVANT PLANNING HISTORY

- 3.1 P81/4532 Change of use of ground floor from retail to snack bar Approved
- 3.2 P82/4383 Change of use from retail to office use Refused
- 3.3 PK07/2977/F Change of use from shop (A1) to restaurant (A3) Refused

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
None
- 4.2 Other Consultees
Environmental protection
Replied initially that more information on ventilation and noise would be needed to make a proper assessment of the proposal, particularly with residential properties so close to the site. Details have since been provided by the applicant's agent and these issues are now considered to have been satisfied.

Transportation

This proposal is a resubmission of a previously refused planning application (PK07/2977/F). Subject to a condition to restrict food taken away to be eaten elsewhere, no transportation objection was raised to this proposal. This current submission proposes the installation of a flue to the rear elevation but is exactly the same in transportation terms. On that basis, subject to a condition to restrict the use to non food takeaway there is no transportation objection to this proposal.

Other Representations

4.3 Local Residents

One letter of objection has been received, citing the following concerns:

- * The loss of a further shop would diminish the viability for the others in this part of the street where a bus stop has been removed and waiting times reduced for motorists
- * A restaurant will be geared to evening trade which will not help the nearby shops' trade
- * Too many non-retail uses in this section of Regent Street, over 25%
- * At weekend evenings, the area is noisy and adding another eating establishment will not help
- * Odours and noise from the ventilation system could harm residential amenity – filters don't get changed regularly in practice and the fans hum at a low, but annoying, level
- * The Council has removed a bus stop at this end of Regent Street, despite assurances that this would not happen, permitted a reduction in parking time at Somerfield, effectively reducing shopping time to close to that store and creating a wider junction at Downend Road, all effectively cutting the one end of Regent Street from the rest of the shopping area on this side of the road

NB With regard to this last point, these issues do not relate directly to the proposal.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. Policy RT9 rules out changes of use of retail premises in primary frontages, unless certain criteria are met. These criteria form the headings of the analysis below. A strong material consideration is a recent appeal decision relating to the retrospective change of use of a retail unit to a restaurant, ref. no. PK06/1730/F virtually opposite this site, where the appeal was upheld. Kingswood has two ranks of Primary shopping frontage, buttressed by four secondary frontages. Complementary uses to the primary frontages are encouraged through policies RT9 and RT10 to locate in the secondary frontages. There are at present vacant units in these secondary frontages. Indeed, there is also a vacant retail unit close to the site within the Primary frontage itself. It should be borne in mind, however, that this application relates to one site and the foregoing amounts to material considerations.

5.2 RT9: Has it been demonstrated that the premises could not be retained in retail use?

It is noted that no such information has been submitted with the application. There is no evidence that the premises is being marketed and there is a continuing retail use, so it is considered that this criterion has not been satisfied. The circumstances of the current use are noted, but are not considered to provide evidence that the premises could not be retained in its present use, albeit with a different lessee.

5.3 RT9: OR, would the proposed use make a positive and complementary contribution to the vitality and viability of the centre and not undermine it?

The proposed use is for a restaurant. This use falls under Class A3 of the Use Classes Order. It should be noted that the only changes use for an A3 premises which do not require planning permission would be to A1 (retail) and A2 (financial services). At present there are other A3 uses in the protected frontages of Kingswood, not least the restaurant almost opposite this site which was approved on appeal. On this basis and due to the Primary frontage (from nos. 1-33 north side of Regent Street) being at the time of the last retail survey 75.6% A1 retail, it is considered that the proposed change of use is unlikely to undermine the retail frontage. Furthermore, it is considered that the proposed use would attract people to the centre, who would then be likely to support the other facilities in the vicinity. On that basis, it is considered that the proposal would have the potential to support the vitality and viability of the Kingswood primary frontage. While the use would be better playing a supporting function to the primary frontage from a location in the secondary frontage is a material consideration, but is not considered to be of sufficient weight to overcome the policy criterion in this instance. Having met the policy test in this regard, the proposal still has to be tested against the following criterion:

5.4 RT9: AND would the proposal cause unacceptable environmental or transportation effects?

Transportation comments appear above. Subject to a condition, which could be appended, to ensure that the unit is used as a restaurant and not a hot food takeaway, there is no transportation objection to this proposal. This criterion of the policy is considered to be satisfied. With regard to the environmental effects of the proposal, the requested detailed information on noise and odour abatement which was requested has been supplied. This has been fully assessed by Environmental Protection and it is considered that the proposal, subject to a condition below to ensure that the premises is operated in accordance with those details supplied, would not cause any harm to existing levels of residential amenity. This is with regard to noise, including that generated by the fans and extractor system and odours, which would be adequately filtered and a regime has been set up for changing the filters. Any problems arising in the future with regard to noise and odour could therefore be dealt with through the planning system through Enforcement action, should such problems arise.

5.5 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is

preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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.

The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is approved, subject to the conditions shown. Due to the need for planning permission to change the use of the premises to a hot food takeaway, the condition suggested by Transportation is unnecessary.

Background Papers **PK08/1717/F**

Contact Officer: **Chris Gosling**

Tel. No. **01454 863787**

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 and Country Planning Act 1990 (as amended).

2. The premises shall not be open to the public outside the following times 1000 to 2300 from Mondays to Saturdays and 1000 to 2200 on Sundays and Bank Holidays.

Reason:

To minimise disturbance to occupiers of nearby dwellings and to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The extrication and odour abatement system shall be used and maintained in full accordance with the details approved under this planning permission.

Reason:

To minimise the effects to residential amenity of surrounding occupiers of nearby dwellings and to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No outside storage of material/goods/waste or plant shall take place at the premises.

Reason:

To minimise the effects to residential amenity of surrounding occupiers of nearby dwellings and to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 41/08 – 10 OCTOBER 2008

App No.: PK08/2488/R3F

Applicant: Mr D Beale South Gloucestershire Council

Site: Kingsfield School, Brook Road, Kingswood, South Gloucestershire, BS15 4JT

Date Reg: 5th September 2008

Proposal: Erection of Portakabin Duplex Block to be used as temporary teaching accommodation for a period of 18 months.

Parish:

Map Ref: 66365 73683

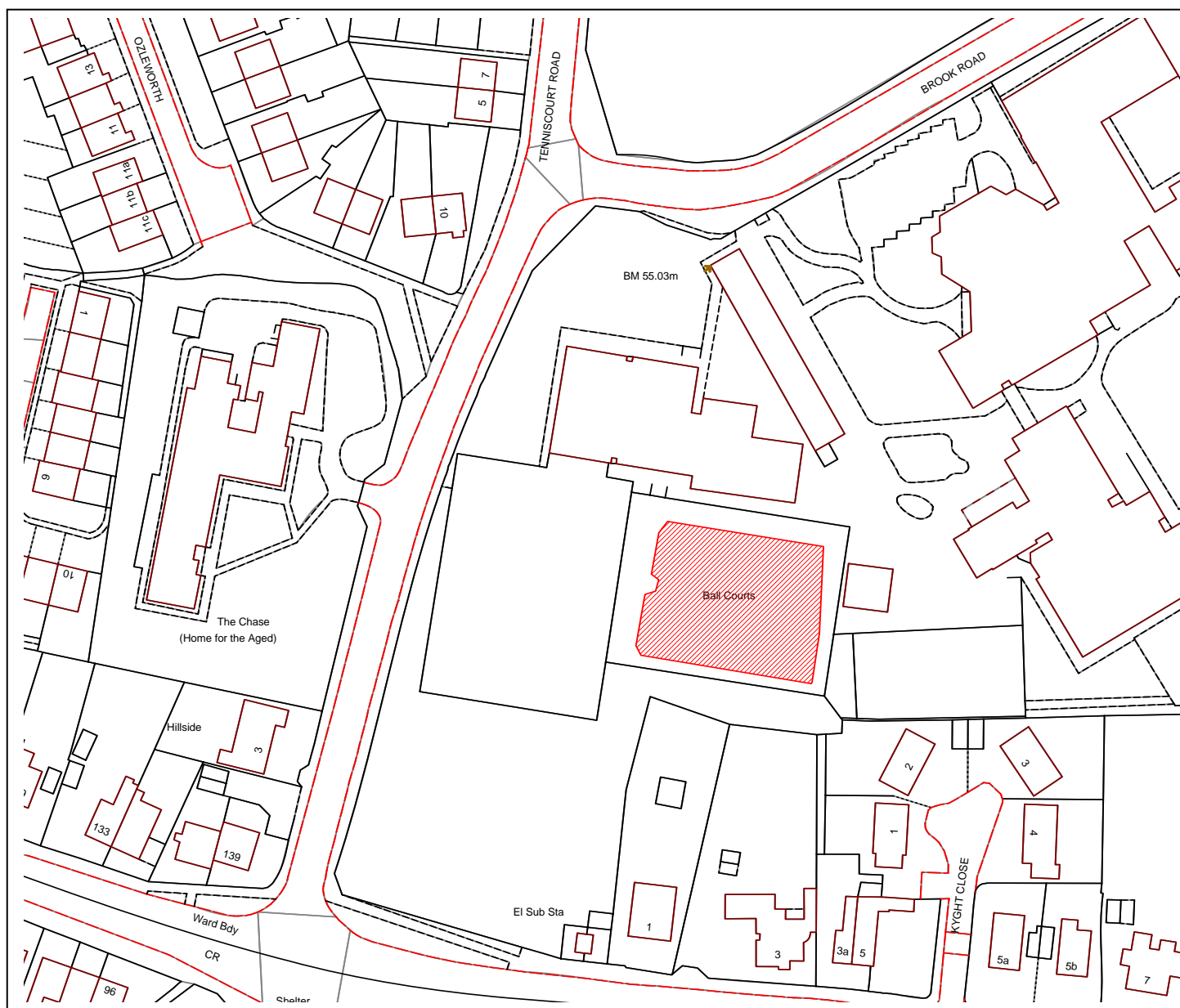
Ward: Kings Chase

Application Category: Minor

Target Date: 30th October 2008

Category:

Date:



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PK08/2488/R3F

INTRODUCTION

This application has been referred to the Council's Circulated Schedule Procedure, as the applicant is South Gloucestershire Council.

1. THE PROPOSAL

1.1 This planning application seeks planning permission for the erection of a Portakabin Duplex Block to be used as temporary teaching block for a period of 18 months. The school has recently been targeted by an arson attack, and are in desperate need for immediate accommodation to keep the school running during repairs to the existing building.

1.2 The application site relates to Kingsfield School which is adjacent to the residential area of Kingswood.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

T7 Parking Standards

T12 Transportation Development Control Policy for New Development

LC9 Protection of Open Space and Playing Fields

LC4 Proposal for Educational Facilities

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Town / Parish Council
The site does not fall within parished area.

4.2 Sustainable Transport
No objection.

Other Representations

4.3 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for expansion of existing education facilities provided there is no impact on existing residential amenities and highway safety.

5.2 Visual Amenity

This application seeks permission for the erection of a prefabricated building for a period of 18 months. External walls and roof are constructed from steel faced composite panels with steel framework. The buildings would have an external Light Grey colour scheme. The building would have two wings. One of them would measure 33 metres long by 9 metres wide and 7 metres high and another building would measure 29.5 metres long by 12 metres wide and 7 metres high. There is a link between two buildings.

The building block would be in proximity to the existing school buildings but with access available going through the existing school building. It would be sited on a tarmac area.

These buildings are very important as they would provide essential teaching facilities for the School. Whilst it is considered that the proposed buildings would be out of keeping with the character of the host building and the area, the buildings will be of temporary use. A planning condition is therefore imposed to ensure that the buildings will be removed after 18 months.

5.3 Residential Amenity

The proposed building would be approximately 20 metres from the nearby dwelling house, No. 2 Kyght Close (and 9 metres from the rear boundary of the property). It is therefore considered that the proposal would not cause significant overbearing impact or loss of privacy to the nearby residential properties.

5.4 Transportation

The proposal to erect a temporary portakabin duplex block on the Kingsfield Site is to provide emergency classroom accommodation for the next 18 months. This temporary building does not affect the existing car parking and access to the site.

On that basis, there is no transportation objection to this proposal.

5.6 Design and Access Statement

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

5.7 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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.

The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

- 7.1 That planning permission be granted subject to the following conditions.

Background Papers **PK08/2488/R3F**

Contact Officer: **Olivia Tresise**
Tel. No. **01454 863761**

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 and Country Planning Act 1990 (as amended).

2. The building hereby permitted shall be removed and the land restored to its former condition on or before April 2010 in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.

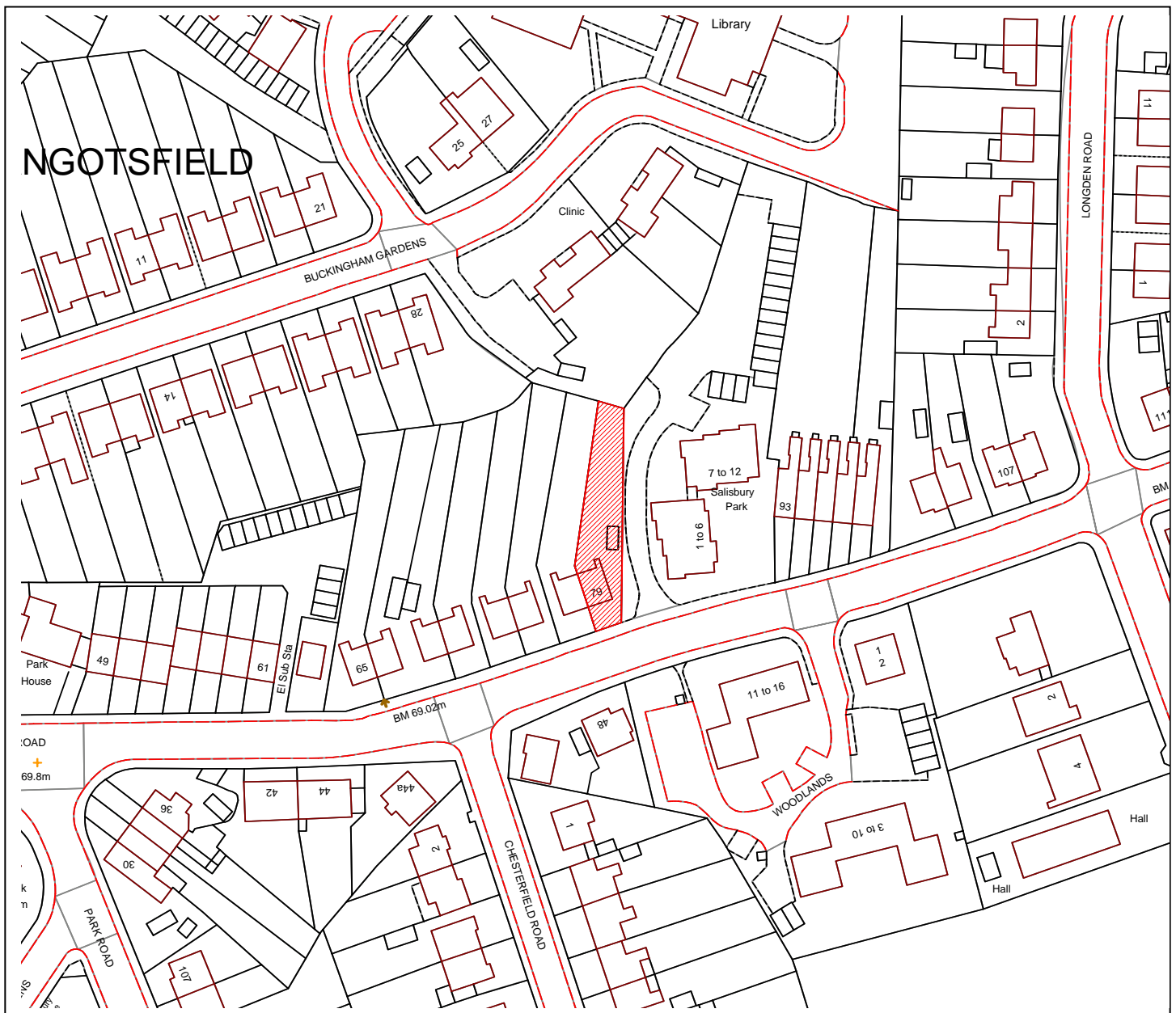
Reason:

The form and appearance of the buildings is out of character with the surrounding area and is permitted for a limited period only because of the special circumstances of the case.

CIRCULATED SCHEDULE NO. 41/08 – 10 OCTOBER 2008

App No.: PK08/2545/F
Site: 79 Salisbury Road, Downend, South Gloucestershire, BS16 5RJ
Proposal: Erection of two storey side and single storey side extensions to provide integral garage and additional living accommodation.
Map Ref: 65411 76618
Application Category: Minor

Applicant: Mr C Fullbrook
Date Reg: 11th September 2008
Parish: Downend and Bromley Heath
Ward: Downend
Target Date: 3rd November 2008



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N.T.S

PK08/2545/F

INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule procedure due to the receipt of objections from local residents regarding the proposed development.

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of a two storey side and single storey side extension to provide integral garage and additional living accommodation.
- 1.2 The application site relates to a two storey semi detached dwelling within the established residential area of Downend.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Extensions
- 2.3 Supplementary Planning Guidance
SPD Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PK05/3075/F Erection of single storey side extension
Approved November 2005

4. CONSULTATION RESPONSES

- 4.1 Downend & Bromley Heath Parish Council
No objection

Other Representations

- 4.1 Local Residents
Three letters has been received from local residents, two of which although raise an objection they have not stated on what grounds they object.
-Will there be no side access
-Will extension negate the need for the existing security light on application site property?

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for extensions to existing dwellings subject there being no adverse impact on existing visual or residential amenities.

5.2 Visual amenity

The application site relates to a two storey semi detached dwelling within the residential area of Downend. This application seeks planning permission for the erection of a two storey side and single storey rear extension. The two storey side extension will read as subservient extension. It is considered that the proposed extensions by reason of their scale, design and materials will be in keeping with the character of the existing dwelling and nearby neighbouring properties.

5.3 Residential Amenity

The proposed two storey side extension will be sited along the eastern elevation of the property. Sited to the west of the application site is a block of flats which appear to have a number of habitable room windows that face onto the application site property. The proposed extension if allowed would be set back at a distance of 10.0m from the above mentioned windows. Both properties are separated by way of a driveway which serves the flats. It is considered that a two storey side extension in this location would not have an overbearing impact or result in a loss of privacy for the adjacent occupiers.

5.4 Transportation Issues

Due to the retention of one unenclosed car parking space within the site and the proposed garage, no objection is raised on transportation grounds.

5.5 Other Issues

Side Access

The proposed development will result in the loss of a side access, this however is not a material planning considerations with regards the determination of this planning application.

Security Light

The issue of the existing security light and illumination is a civil matter.

5.6 Design and Access Statement

Not applicable with this type of planning application.

5.7 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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.

The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Planning permission be granted subject to the following planning conditions.

Background Papers **PK08/2545/F**

Contact Officer: **Tracey Price**
Tel. No. **01454 863424**

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 and Country Planning Act 1990 (as amended).

2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the eastern (side) elevation of the property.

Reason:

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. (* delete as appropriate)

CIRCULATED SCHEDULE NO. 41/08 – 10 OCTOBER 2008

App No.:	PT08/2140/LB	Applicant:	Dr. B McConnell C/o Hydrock Ltd
Site:	Over Court Farm House, Over Lane, Almondsbury, South Gloucestershire, BS32 4DF	Date Reg:	29th July 2008
Proposal:	Internal and external alterations to facilitate change of use from farmhouse to offices (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987	Parish:	Almondsbury Parish Council
Map Ref:	58641 82393	Ward:	Almondsbury
Application Category:	Minor	Target Date:	12th September 2008



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N.T.S

PT08/2140/LB

INTRODUCTION

This report appears on the circulated schedule as there are public comments received which are contrary to the officer recommendation in respect of this planning application.

1. THE PROPOSAL

- 1.1 The site consists of a traditional manor farm house. The building is a Grade II Listed Building. The farm buildings associated with the farm house are immediately adjacent to this site and are currently in use as offices (Class B1).
- 1.2 The application seeks listed building consent for the conversion of the building for office use and for its inclusion in the office operations within the associated farm buildings.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas
PPG2	Green Belt
PPG15	Planning and the Historical Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
GB1	Green Belt
E6	Employment Development in the Countryside
E7	Conversion and Re-use of Rural Buildings
L13	Listed Buildings
T12	Transportation

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) SPD
Development in the Green Belt (Adopted) SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/2141/F Internal and external alterations to facilitate change of use from farmhouse to offices (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987
Undetermined at the time of writing this report

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

The Parish Council are not objecting to the actual conversion of the Farm House into offices, but as the building is listed feel that the alterations should be sensitive, we are not sure that replacing the timber door with a glass one with a logo printed on it and new upvc are the most appropriate materials to use.

Other Representations

- 4.3 Local Residents
No comments Received

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of the conversion of an existing traditional dwelling to offices

5.2 Principle of Development

In this instance, the planning merits of this proposal is to be considered under PT08/2141/F. However, it is also necessary to gain Listed Building consent for the works. The issue for consideration under this application is to assess the impact of the proposed works on the special architectural and historic character of the listed buildings; and its setting.

5.3 Listed Building and Character Issues

Policy L13 is relevant to this application as it is a Grade II Listed Building. The policy is specific in seeking to ensure that the character and architectural and/or historical importance of the building is not compromised.

- 5.4 The proposed development would involve limited external alterations (new roof lights and new entrance door). Fascia boards throughout the buildings external envelope are to be repaired and/or replaced sympathetically with the buildings historical/architectural character. It is considered that the use of a sliding glass door would offer a sympathetic modern solution to the requirements of the proposed business use; and this would not detract from the character of the Listed Building.

- 5.5 It is also proposed to provide additional motor vehicle parking and cycle parking as part of the proposed development and this would take place within ancillary buildings and within the former farm yard area that is within the setting of the listed building. However, given that the development would take place within a former working farm yard, such provision would not materially harm the character and setting of the listed building. The use of curtilage buildings for use a cycle storage can be carried out with virtually no alteration and would involve sympathetic repair.

- 5.6 The current proposals follow extensive pre-application consultations, in respect of the potential implications of meeting the building regulation requirements. The building has previously been subject to extensive internal alterations and as a result the impacts of the current proposals upon the surviving historic fabric are much less than might otherwise have been the case. Nonetheless, further technical and structural information should be provided in respect of the physical works to the subject building. As it is clearly possible to carry out the conversion work sympathetically this technical information can be provided by way of planning condition in the event that the application is approved. Subject to the above suggested conditions, the proposed development is acceptable in Listed Building and Character Terms.

5.7 Design and Access Statement

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

6. CONCLUSION

- 6.1 The decision to grant consent has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That Listed Building Consent is granted subject to the following conditions.

Background Papers PT08/2140/LB

Contact Officer: **Simon Penketh**
Tel. No. **01454 863433**

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason(s):

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Prior to the commencement of the works approved, large scale details (including materials and finishes) of the following, (in respect of which approval is expressly reserved), shall be submitted to the Local Planning Authority for approval.
 - a) Doors and windows, including detailing to architraves, label moulds and surrounds
 - b) Eaves, verges (including decorative bargeboards) and ridges
 - c) The rainwater goods
 - d) External vents and flues

No works shall be commenced until the Local Planning Authority has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason(s):

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of the works hereby approved, details of the proposed external joinery and fenestration finishes shall be submitted to the Local Planning Authority for approval. No works shall commence until the Local Planning Authority has given written approval for the submitted details and the finish of the fenestration and joinery shall comply exactly with the details so approved. No alteration of the approved finish shall take place without written approval of the Local Planning Authority.

Reason(s):

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of the works hereby approved, details of the proposed floors including any strengthening and fire protection works shall be submitted to the Local Planning Authority for approval. No works shall commence until the Local Planning Authority has given written approval for the submitted details, and the works shall comply exactly with the details so approved.

Reason(s):

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of the works hereby approved, full details of proposed mechanical and electrical systems including external electrical fittings including lights, meter boxes and security alarms, (in respect of which approval is expressly reserved) shall be submitted to the Local Planning Authority for approval. No works shall be commenced until the Local Planning Authority has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason(s):

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 41/08 – 10 OCTOBER 2008

App No.:	PT08/2141/F	Applicant:	Dr. B McConnell C/o Hydrock Ltd
Site:	Over Court Farm House, Over Lane, Almondsbury, South Gloucestershire, BS32 4DF	Date Reg:	29th July 2008
Proposal:	Internal and external alterations to facilitate change of use from farmhouse to offices (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Almondsbury Parish Council
Map Ref:	58641 82393	Ward:	Almondsbury
Application Category:	Minor	Target Date:	12th September 2008



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N.T.S

PT08/2141/F

INTRODUCTION

This report appears on the circulated schedule as there are public comments received which are contrary to the officer recommendation in respect of this planning application.

1. THE PROPOSAL

- 1.1 The site consists of a traditional manor farm house. The building is a Grade II Listed Building. The farm buildings associated with the farm house are immediately adjacent to this site and are currently in use as offices (Class B1).
- 1.2 The application seeks approval for the conversion of the building for office use and for its inclusion in the office operations within the associated farm buildings.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas
PPG2	Green Belt
PPG15	Planning and the Historical Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
GB1	Green Belt
E6	Employment Development in the Countryside
E7	Conversion and Re-use of Rural Buildings
L13	Listed Buildings
T12	Transportation

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) SPD
Development in the Green Belt (Adopted) SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/2140/LB Internal and external alterations to facilitate change of use from farmhouse to offices (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987
Undetermined at the time of writing this report

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

The Parish Council are not objecting to the actual conversion of the Farm House into offices, but as the building is listed feel that the alterations should be sensitive, we are not sure that replacing the timber door with a glass one with a logo printed on it and new upvc are the most appropriate materials to use.

4.2 Sustainable Transport

No transportation objection subject to the following condition:

1. The travel plan shall be implemented within 6 months of full occupation. The occupier must supply to the Council the name of the appointed person responsible for the implementation of the travel plan within this timeframe

Other Representations

4.3 Local Residents

No comments Received

5. **ANALYSIS OF PROPOSAL**

The proposed development consists of the conversion of an existing traditional dwelling to offices

5.1 Principle of Development

Policy E6 of the South Gloucestershire Local Plan makes the presumption against development for business use in the Countryside, with the exception of; Conversions of Re-use of Existing buildings; Extension or Intensification of existing employment generating businesses (except where the site is within the Green Belt); and Development permitted by policies E4 and E7 to E11 (this site is not covered by these policies and this element of the policy is therefore not relevant).

- 5.2 The site is located within the Green Belt and the proposed development would effectively intensify the existing development associated with the immediately adjacent site. However, the development would involve the re-use of an existing rural building without the need to extend the building itself. As such the proposal is consistent with policy E6 and the change of use of the building for an office use is acceptable in principle subject to the following considerations.

5.3 Re-use of the Existing Rural Building

Policy E7 makes provision for the conversion of rural buildings for business uses provided that the building is of a permanent construction and capable of the conversion without major or complete reconstruction. The building should be in keeping with its surroundings and the proposed development should not have a harmful impact upon the character of the building and the surrounding countryside.

- 5.4 In this instance the subject building is substantial in its own right and has recently been occupied as a living dwelling. The building is of sound construction and it is capable of the proposed conversion without major or complete reconstruction.

5.5 Listed Building and Character Issues

Policy L13 is relevant to this application as it is a Grade II Listed Building. The policy is specific in seeking to ensure that the character and architectural and/or historical importance of the building is not compromised. Policy E7 also seeks to ensure that the character of the subject building and the surrounding locality is not harmed as a result of development.

- 5.6 The proposed development would involve limited external alterations (new roof lights and new entrance door). Facia boards throughout the buildings external envelope are to be repaired and/or replaced sympathetically with the buildings historical/architectural character. It is considered that the use of a sliding glass door would offer a sympathetic modern solution to the requirements of the proposed business use; and this would not detract from the character of the Listed Building.
- 5.7 It is also proposed to provide additional motor vehicle parking and cycle parking as part of the proposed development and this would take place within ancillary buildings and within the former farm yard area that is within the setting of the listed building. However, given that the development would take place within a former working farm yard, such provision would not materially harm the character and setting of the listed building. The use of curtilage buildings for use a cycle storage can be carried out with virtually no alteration and would involve sympathetic repair.
- 5.8 Nonetheless, further technical and structural information should be provided in respect of the physical works to the subject building. As it is clearly possible to carry out the conversion work sympathetically this technical information can be provided by way of planning conditions in the event that the application is approved. Subject to the suggested conditions, the proposed development is acceptable in Listed Building and Character Terms.
- 5.9 Transportation
The proposed car parking and cycle parking is considered to adequately cater for the requirements of the proposed development. The cycle parking provision also forms part of the submitted Travel plan which is also considered acceptable. Nonetheless, the Travel Plan should be implemented within 6 months of the first occupation of the development. This can be adequately addressed by way of planning condition.
- 5.10 Design and Access Statement
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.11 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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 decision to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That Planning Permission is granted subject to the following conditions

Background Papers **PT08/2141/F**

Contact Officer: **Simon Penketh**
Tel. No. **01454 863433**

CONDITIONS

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

Reason(s):

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

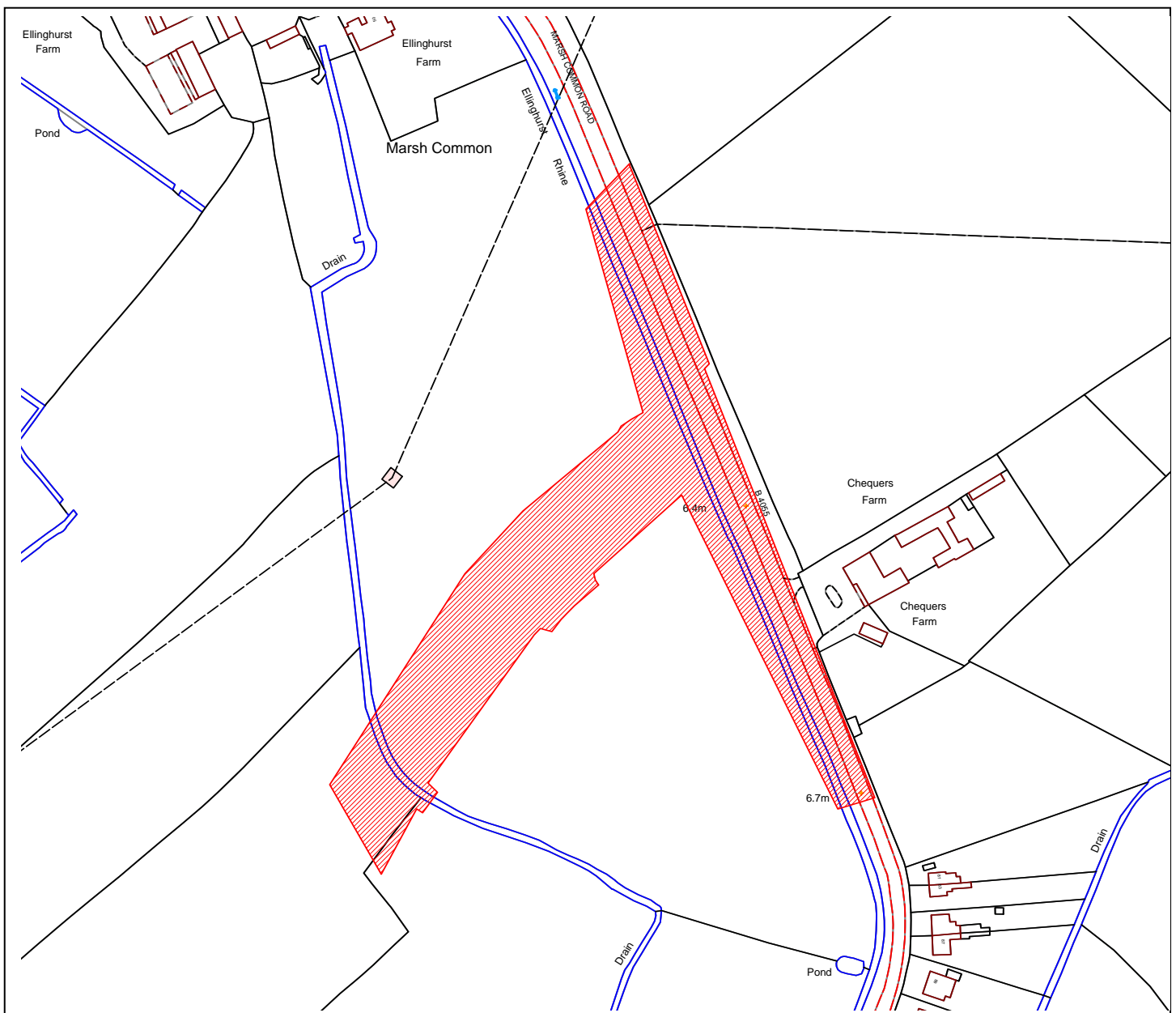
2. The Travel Plan as submitted with this planning application shall be implemented within six months from the date of the first occupation of the development hereby approved. For the avoidance of doubt, the date of the first occupation of the development shall be agreed in writing by the Local Planning Authority.

Reason(s):

In order to ensure that the recommendations set out within the submitted travel plan are adequately implemented and in accordance with Policy T10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 41/08 – 10 OCTOBER 2008

App No.:	PT08/2196/RM	Applicant:	Redrow Homes (South West) Ltd
Site:	Land south of Ellinghurst Farm, Marsh Common Road, Pilning, South Gloucestershire, BS35 4JX	Date Reg:	5th August 2008
Proposal:	Creation of vehicular access in compliance with the terms of Condition 5 attached to Planning Permission SG4244 dated 27 November 1957	Parish:	Pilning and Severn Beach
Map Ref:	56147 84010	Ward:	Pilning and Severn Beach
Application Category:	Major	Target Date:	20th October 2008



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PT08/2196/RM

The application is a major one and therefore falls under the current scheme of delegation to be considered by the circulated schedule procedure. Furthermore, there are representations received contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks reserved matters consent to construct a vehicular access from Marsh Common Road. The principle of a vehicular access in the vicinity, called 'Access 6C', was agreed as part of extant outline planning permission ref: SG4244 dated 27 November 1957. A previous application, PT07/3051/RM (which sought to amend a 2003 permission, PT00/0261/RM, for an access in this vicinity), was approved 16 April 2008, following the signing of a S106 agreement to secure highway improvements, for an access at Ellinghurst Farm itself, the current applications seeks to move the access to the south of Ellinghurst Farm.
- 1.2 The site consists of open farmland, and is approximately 80m from Ellinghurst Farm buildings. Most of the application site is outside the Green Belt, Marsh Common Road is itself within the Green Belt, which extends to the north east. The application has been submitted with a Junction Capacity Assessment, a Flood Risk Assessment and a Wintering Bird Survey. The applicants have also stated that they will enter into a S106 Agreement very similar to that agreed on the previous application PT07/3051/RM.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS7	Sustainable Development in Rural Areas
PPG13	Transport
PPS25	Planning and Flood Risk
PPS9	Biodiversity and Geological Conservation

2.2 Development Plans

Joint Replacement Structure Plan (Saved Policies)

Policy 14	Avonmouth/Severnside
Policy 17	Landscape

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
E2	Severnside
T12	Transportation Development Control Policy
GB1	Green Belt
L9	Species Protection
EP2	Flood Risk and Development

3. RELEVANT PLANNING HISTORY

- 3.1 SG4244: Mixed development, predominately industrial, in excess of 1000 hectares. Outline planning permission application 27 November 1957. Condition 5 of this permission states:

‘The proposed accesses shown on the application plan shall not be constructed until their precise location has been agreed with the local planning authority or in default of agreement determined by the Minister of Housing and Local Government and until detailed plans thereof have been approved by the local planning authority or by the Minister of Housing and Local Government on appeal.’

- 3.2 At appeal in 2003 the Secretary of State confirmed that the 1957 outline planning permission remains extant. Therefore planning permission SG4244 remains extant and is able to be implemented.
- 3.3 PT00/0261/RM Creation of vehicular access in compliance with terms of condition 5 attached to planning permission SG4244 dated 27 November 1957. Allowed on appeal 6 May 2003.
- 3.4 PT07/3051/RM Construction of vehicular access (Amendment to previous permission PT00/0261/RM approved on appeal). Approved with conditions 16 April 2008.

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

The parish Council objects to the application. The objection is based on traffic reasons, the development being contrary to the off-site arrangement, in that no consideration is given to the effect on the local highways.

The highway to which this development is linked is the B4055, an inadequate local road which is not capable of dealing with any increase in heavy traffic. Due to housing development within the villages, and light traffic already using the road as a short cut to the M48 bridge, peak hour traffic already tails back at the traffic lights in Pilning. The other end of the road, at junction 17, M5, already has excessive exit problems, problems which are already well-known to the traffic authority.

The development is unsatisfactory in that no indication is given of the future scale of development on land adjacent to this site. Access to this site should be limited to M49/A403 so that existing traffic problems will not be exacerbated.

Almondsbury Parish Council

The Parish Council would like to strongly object to this application. Although it is not located within our Parish it is very close and the traffic will have a major impact on our Parish. The rural roads and villages are not designed to take the type of heavy traffic destined for this site, the site should have its own exit from the M49 motorway not form a small B road.

4.2 Other Consultees

Environment Agency

The Environment Agency made the following comments: The site is within the "high risk" of flooding area, as identified by the Environment Agency flood zone maps. The proposal seeks to establish a raised access road implying a loss to flood storage volumes, this conflicts with PPS25 Development & Flood Risk. Consequently the Agency would now normally object to such proposals. However, if the Local Planning Authority considers the previous permissions, which this application replaces, establishes the principle of this development and that these proposals do NOT imply any greater loss of flood storage volumes. Then the Agency would not object, subject to Lower Severn Drainage Board being satisfied that there is no detriment to the local rhyme drainage system, or any impediment to flood flows.

The Flood Risk Assessment (FRA) does not appear to have considered the loss of flood storage volumes implied by the raised access road.

PPS25 also requires that development solutions should be robust enough to take account of climate change for their lifetime, see Annex B. The FRA does not appear to have considered climate change. The applicant is advised that new development in this area is presently being reviewed in the light of government advice on Development & Flood Risk and Climate Change. This is likely to have financial implications over the long-term vulnerability of developments in such areas.

The site is within Lower Severn Drainage Board's area, and the Drainage Board should be consulted.

Lower Severn Drainage Board

No response

Other Representations

4.3 Local Residents

Twelve objections have been received from local residents, objecting on the following grounds:

- Consent should not be granted for a road before the development it is to serve is known in detail
- No indications of the type and number of vehicles that will use the proposed road
- Do not know what part of the 1957 consent land it will serve
- The original 1957 permission allowed for a number of accesses from the site and it is inappropriate to develop this huge area from a single point
- No assessment can be made of the effect the traffic generation will have on Pilning and Easter Compton
- Junction 17 of M5 already running well beyond its design capacity
- Should be rejected on insufficient detail
- A local plan should be prepared to inform the community
- A distribution centre operating 24 hours a day is going to have a large no of HGV's running up and down the B4055, a country road
- Residents will be subject to noise, pollution and dangers on narrow road
- There is a weight restriction on B4055
- Why cannot the lorries be taken through the Western Approaches Park over the bridge at the back of Ellinghurst Farm
- Set a precedent for future vehicular access

- Junction 17 cannot be improved
- Already get queues from Over Lane turnings
- Land lies within a high risk flood zone, serious risk of flooding to properties
- Car parking on both sides of road will inhibit lorries
- Damage to wildlife
- Avonmouth has all the infrastructure to manage industrial growth
- 1957 consent not relevant
- Access to the site should be from the A403 and the M49
- Increase in highway danger in Easter Compton
- Insufficient data on increased traffic flows
- Loss of trees and hedgerows
- No pavements or street lighting along Marsh Common Road

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The principle of the proposed development is established by reason of consent PT00/0261/RM (amended by consent PT07/3051/RM) and the extant planning permission SG4244 to which it relates. The issue with this current application is whether the proposed access, which accords with the general location of approved access 6C of planning permission SG4244, raises any material considerations compared to PT00/0261/RM and PT07/3051/RM that would preclude consent being granted.

5.2 The main issues to be considered therefore are:

- In transportation terms whether the proposed access is of an appropriate design having regard to the nature of the development and the highway
- Whether the proposal raises any substantive landscape or nature conservation issues or Green Belt issues
- Whether drainage and flood risk matters are satisfactory

5.3 Transportation

The Council's Highway Engineer has commented that the principle of this junction has been accepted in highway terms in the assessment of previous applications. The junction has been relocated south to a straighter section of the B4055 that is considered preferable from a safety perspective. The likelihood of nose to tail accidents decreases with improved forward visibility, achievable on straighter sections of the highway.

5.4 An additional 'left turn in' lane has been introduced that has improved the capacity of the junction and reduced the impact on through traffic from the previous applications. The Highway Engineer is satisfied that the junction can accommodate the level and type of traffic associated with the development without significant disruption to the free flow of traffic.

5.5 The Highway Engineer states that the S106 agreement has been included with the application adequately covers the construction of the junction and issues of adoption.

5.6 Landscape/Visual Amenity/Green Belt

Having regard to the extant planning permission to which the application relates

- and the previously approved access (PT00/0261/RM and PT07/3051/RM) the proposal will have no greater impact on the openness or visual amenities of the Green Belt. Clearly, the proposal will impact on the character of the landscape, but, in the context of the extant 1957 consent and the approved reserved matters application for access, planning permission could not be withheld for this reason.
- 5.7 The Council's Landscape Officer has stated that whilst there is not an in principle landscape objection, the proposal offers nothing by way of landscape enhancement especially given the substantial amount of existing hedgerow that is to be lost. Previous proposals for vehicular access into the site have included landscape proposals and it is considered this proposal should also contain landscape proposals that make good the loss of the hedgerow and echo the landscape character of the locality. To this end a landscape condition will be recommended.
- 5.8 Nature Conservation
The applicants have submitted a wintering bird survey of land to the east of the M49 ('the Redrow land') carried out in March 2007 to support the current application.
- 5.9 The survey visits found no wildfowl or waders for which the Severn Estuary is designated as a Site of Special Scientific Interest (SSSI) or a Special Protection Area (SPA) although lapwing, Eurasian curlew and golden plover were recorded elsewhere within the Redrow landholding. The Council's Ecologist has stated that taking the survey visits in themselves and on their own, it would appear as if the loss of farmland to the current application is unlikely to have a significant impact on the Severn Estuary designations. He has however, raised concerns that the survey does not include two winters' of bird counts, as usually required by Natural England. However, given the extant 1957 planning consent and the previously approved access just to the north of the current application site, and given that the conclusion of the wintering bird survey is that the proposal is unlikely to have a 'significant' impact Severn Estuary designations, it is not considered that planning permission could be withheld for this reason.
- 5.10 The Council's Ecologist has recommended a condition relating to a survey of the length of ditch to be culverted for any noteworthy aquatic or terrestrial flora/fauna associated with it and if present, a mitigation strategy to avoid any adverse impacts.
- 5.11 Drainage and Floodrisk
The area lies within a high risk flood zone and the applicant has submitted a Flood Risk Assessment. Given the extant 1957 planning permission and the previously approved schemes for an access in this general location, it is considered that the proposal raises no additional concerns in respect of flood risk. Details of surface water drainage will be required by a recommended condition.
- 5.12 Other matters
It is acknowledged that local residents have raised issues with regard to traffic increases, pollution, noise and amenity issues. However, the 1957 planning permission remains valid, and the principle of an access in this general location

has been agreed with the previously approved reserved matters applications. Furthermore, the Highway Engineer has stated that the access currently under consideration provides improved forward visibility than the previous reserved matters application. On this basis, there are no material considerations compared to PT00/0261/RM and PT07/3051/RM that would preclude consent being granted.

5.13 Design and Access Statement

The application is for reserved matters and therefore there is no requirement for a Design and Access Statement.

5.14 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the highway improvements are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

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 1957 planning permission (SG4244) remains valid. There are two approved reserved matters applications that establish the principle of an access in this general location. The only grounds that the Council could refuse planning permission are the technical details of the access. Issues such as nature conservation, landscape impact and drainage can be satisfactorily dealt with by condition.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- (1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to APPROVE the reserved matters submitted in accordance with condition 5 associated with outline planning permission SG4244 subject to the conditions set out below and the applicant first voluntarily entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) (or appropriate alternative agreement) within 12 months of the determination to secure the following:

To secure the implementation of the proposed junction works.

The reason for the agreement is:

To provide the appropriate standard of junction as proposed as part of the application in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- (2) That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- (3) If the Section 106 Agreement (or appropriate alternative agreement) is not signed within 12 months of this determination then, in view of the length of time that would have elapsed, the application should either:
 - a) Return to the circulated schedule for reconsideration or alternatively,
 - b) The application should be refused due to the failure to secure the Heads of Terms listed above under a Section 106 Agreement (or appropriate alternative agreement) for the reasons listed in para 7.1

Background Papers PT08/2196/RM

Contact Officer: Sarah Tucker
Tel. No. 01454 863780

CONDITIONS

1. Prior to the commencement of the construction of the access further details of the design shall be submitted to and approved in writing by the local planning authority in accordance with a timescale to be agreed with the local planning authority. The access shall be constructed in accordance with the approved details prior to its first use for the approved purpose.

Reason(s):

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

2. The access shall not be open for vehicular traffic until the associated footways and cycleways have been completed in accordance with the approved plans.

Reason(s):

To encourage means of transportation other than the private car, to accord with Policy T10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the provisions of Article 3 and Part 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no walls, fences or other means of enclosure shall be erected within 8 metres of the watercourses without the prior written consent of the Local Planning Authority.

Reason(s):

To safeguard the watercourse and ensure that a satisfactory means of access to the watercourse is provided, and to accord with Policies L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

To safeguard the watercourse and ensure that a satisfactory means of access to the watercourse is provided, and to accord with Policies L17,L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority measures in respect of:

- (i) The identification, through site survey, of aquatic flora and fauna in affected ditches and rhynes.

- (ii) An ecological mitigation strategy.

Development shall proceed in accordance with the agreed details. The approved mitigation strategy shall be undertaken to a timetable to be agreed as part of that strategy.

Reason(s):

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Within 3 months from the date of the decision a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details in the first available planting season.

Reason(s):

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

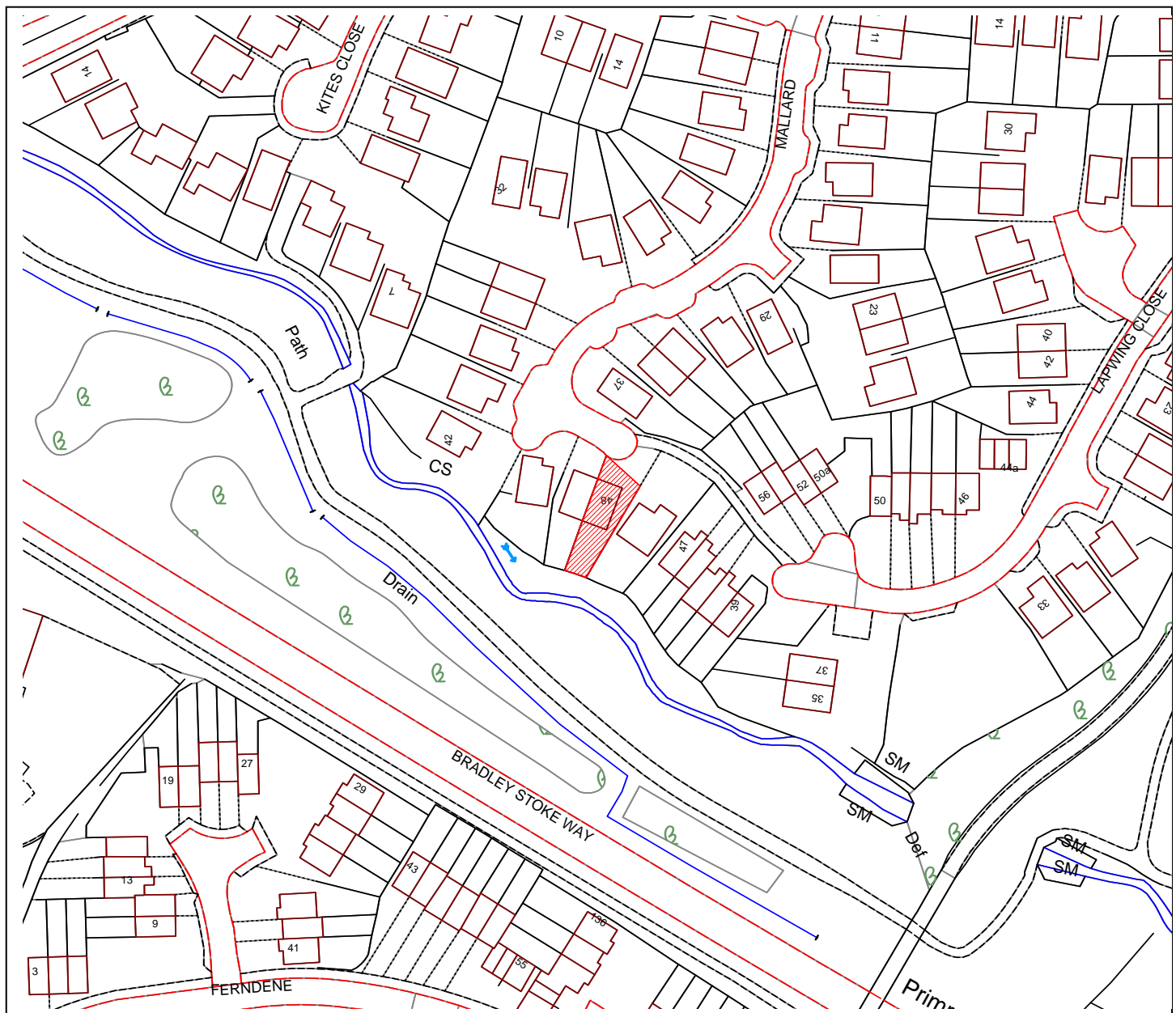
7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a programme of archaeological investigation and recording for the site. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason(s):

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 41/08 – 10 OCTOBER 2008

App No.:	PT08/2441/F	Applicant:	Mr J Howdle
Site:	48 Mallard Close, Bradley Stoke, South Gloucestershire, BS32 0BL	Date Reg:	2nd September 2008
Proposal:	Installation of 1 no side dormer to facilitate loft conversion. (Resubmission of PT08/1825/F).	Parish:	Bradley Stoke Town Council
Map Ref:	61541 82675	Ward:	Bradley Stoke Central and Stoke Lodge
Application Category:	Householder	Target Date:	21st October 2008



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N.T.S

PT08/2441/F

This application appears on the circulated schedule due to the receipt of a letter of objection.

1. THE PROPOSAL

- 1.1 The application seeks permission to alter the roof of this semi-detached house. The alteration involves the formation of a gable end to the side. The house is located within the urban area of Bradley Stoke. The materials would be tiles to match the colour and texture of the roof tiles and a rendered gable.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving good quality design in new development
H4 Development within existing residential cartilages, including extensions and new dwellings.
T12 Transportation development control policy for new development
EP4 Noise sensitive development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (adopted).

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/2384/F Single storey extension Approved
3.2 PT08/2441/F Erection of dormer to side. Refused

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Support - No objection
- 4.2 Other Consultees
None

Other Representations

- 4.3 Local Residents
One letter of objection received on the following grounds:
- The cul-de-sac does not have the necessary parking facilities to accommodate prolonged visits by tradesman who care not how much noise they make and were they park their vans/lorries. This likely to be outside the writers house and would cause stress and anxiety.
 - totally unnecessary and unacceptable

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

Policy H4 of South Gloucestershire Local Plan specifically relates to extensions and other development within residential curtilages. The policy indicates that such domestic development is acceptable in principle subject to the following considerations. Policy D1 seeks to achieve good design in development.

5.2 Design and Residential Amenity

Policy H4 seeks to ensure that any extension should be in keeping with the character and visual amenity of the building and the surrounding area. The policy also seeks to protect the privacy and residential amenity of the neighbouring properties.

The house is located at the end of two cul-de-sacs where there is a range of roof forms, including gable ended and gable fronted houses. The subject house has a ridge line running front to rear and from this the attached house has a ridge running side to side. The proposal seeks to continue the side to side axis of the roof and would as a result appear perfectly in keeping with the design of the house. As such the appearance of the development is considered to be in keeping with policies D1 and H4 of the Local Plan.

The provision of the window at this location is not considered to cause overlooking.

5.4 Transportation

The existing parking spaces and garage space are unaffected within the curtilage. This complies with the Councils maximum parking standards.

5.5 Other matters

Comment is made by the neighbour which refers to matters not reasonably within the remit of planning control and it would be unreasonable of the Council to refuse planning consent due to the disturbance which may be caused during construction or due to the proposal being unnecessary in the neighbours view. Construction noise can be limited to reasonable construction times and as such an appropriate condition is recommended.

5.6 Design and Access Statement

Not required

5.7 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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.

The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is granted subject to the following conditions.

Background Papers **PT08/2441/F**

Contact Officer: **Karen Hayes**
Tel. No. **01454 863472**

CONDITIONS

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

Reason(s):

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

2. The tiles to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason(s):

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The hours of working on site during the period of construction shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason(s):

To minimise disturbance to occupiers of nearby residential properties and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 41/08 – 10 OCTOBER 2008

App No.: PT08/2445/F
Site: 99 Cooks Close, Bradley Stoke, South Gloucestershire, BS32 0BB
Proposal: Erection of first floor extension to provide additional bedroom accomodation.
Map Ref: 61617 82932
Application Category: Minor

Applicant: Mrs R Yang
Date Reg: 2nd September 2008
Parish: Bradley Stoke Town Council
Ward: Bradley Stoke North
Target Date: 22nd October 2008



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N.T.S

PT08/2445/F

This application appears on the circulated schedule list because two neighbouring occupiers have objected to the proposal.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a first floor extension to provide additional bedroom accommodation. The proposal would measure approximately 2.6 metres in width, 7.15 metres in length and have an apex of 7.4 metres at ridge height.
- 1.2 The application site comprises a modern two storey detached dwelling, located within the established residential area of Bradley Stoke.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P98/1809, Erection of porch/conservatory to rear of property, 21/07/98, Approval full planning.
- 3.2 PT04/0712/F, Erection of single storey rear and side extension to form kitchen and erection of rear conservatory, 26/03/04, Approve with conditions.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection
- 4.2 Public Rights of Way
No objection

Other Representations

- 4.3 Local Residents
Two comments received from householders expressing concerns with regards to a detrimental impact on outlook, loss of light, isolation from the cul-de-sac and scaffolding blocking their drive.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the extension to residential dwelling subject to there being no adverse impact on the residential amenity.

5.2 Policy D1 of the Local Plan considers general design principles and ensures good quality design.

5.3 Design/Visual Amenity

This application seeks approval for the erection of a first floor extension to provide additional bedroom accommodation. The application site comprises 99 Cooks Close, which is situated within the established residential area of Bradley Stoke. The side extension would extend across an existing garage and ground floor extension on the southern elevation of the host dwelling. The proposal would measure approximately 2.6 metres in width, 7.15 metres in length and have an apex of 7.4 metres at ridge height. A window matching the existing is proposed in the front and rear elevations of the proposal, while a skylight would be positioned in the roof plane rear elevation of the build.

While single storey garages can help define space between dwellings, the host dwelling benefits by not having a neighbouring property on the garage side by virtue of its corner position, and as such, it is considered that the proposal would not appear visibly cramped. The ridge height of the existing roof line would be stepped down slightly to encompass the proposal, while the rear elevation would be inset by approximately 0.6 metres as per existing at ground floor level. While these elements of the design would help make the proposal appear subservient to the dwelling, the existing front elevation would continue across the build. The applicant was asked to step the proposed front elevation back by 0.6 metres, but refused to do so.

Nevertheless, with materials consisting of brick walls, tiled roof and UPVC double glazed windows and frames to match the existing dwelling, it is considered that the proposal would respect the character of the existing dwelling and would not be detrimental to the character of the surrounding area.

5.4 Residential Amenity

The neighbouring dwelling to the north of the application site would not be impacted by the proposal. The dwellings to the south fan around the bottom of Cooks Close and face north towards the host dwelling. Nevertheless, no windows are proposed in the southern elevation ensuring the privacy of the dwellings and a condition will be applied to maintain this privacy. While windows are proposed on the front and rear elevations, this will not bring about any new privacy issues, given that windows are already in situ in the existing front and rear elevations. Further, the dwellings to the south are set back at a distance of 10 metres and it is considered that this is an acceptable distance for the proposal to not be overbearing on the residential occupiers to the south.

Neighbouring occupiers have objected to the proposal on the grounds of a loss of light and loss of outlook. Given this, the applicant was asked to move the front elevation of the proposal back by 0.6 metres, which would have made the extension slightly smaller. The applicant has refused to do this. Nevertheless, it is considered that there is a sufficient distance from the proposal to the neighbouring properties to not result in a significant loss of light. The issue of outlook is not a planning consideration and a refusal based on this reason would be very unlikely to prove sustainable.

On balance, this proposal is considered to adhere to policies H4 and D1 of the South Gloucestershire Local Plan (adopted) 2006 and is therefore acceptable.

5.5 Outstanding Issues

Other objection reasons given by the neighbouring residential occupiers are not planning considerations and are civil matters. The applicant will require permission from the neighbouring properties to go onto, or erect scaffolding on their land.

5.6 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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.

The decision to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Planning Permission is GRANTED subject to the following conditions.

Background Papers **PT08/2445/F**

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason(s):

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

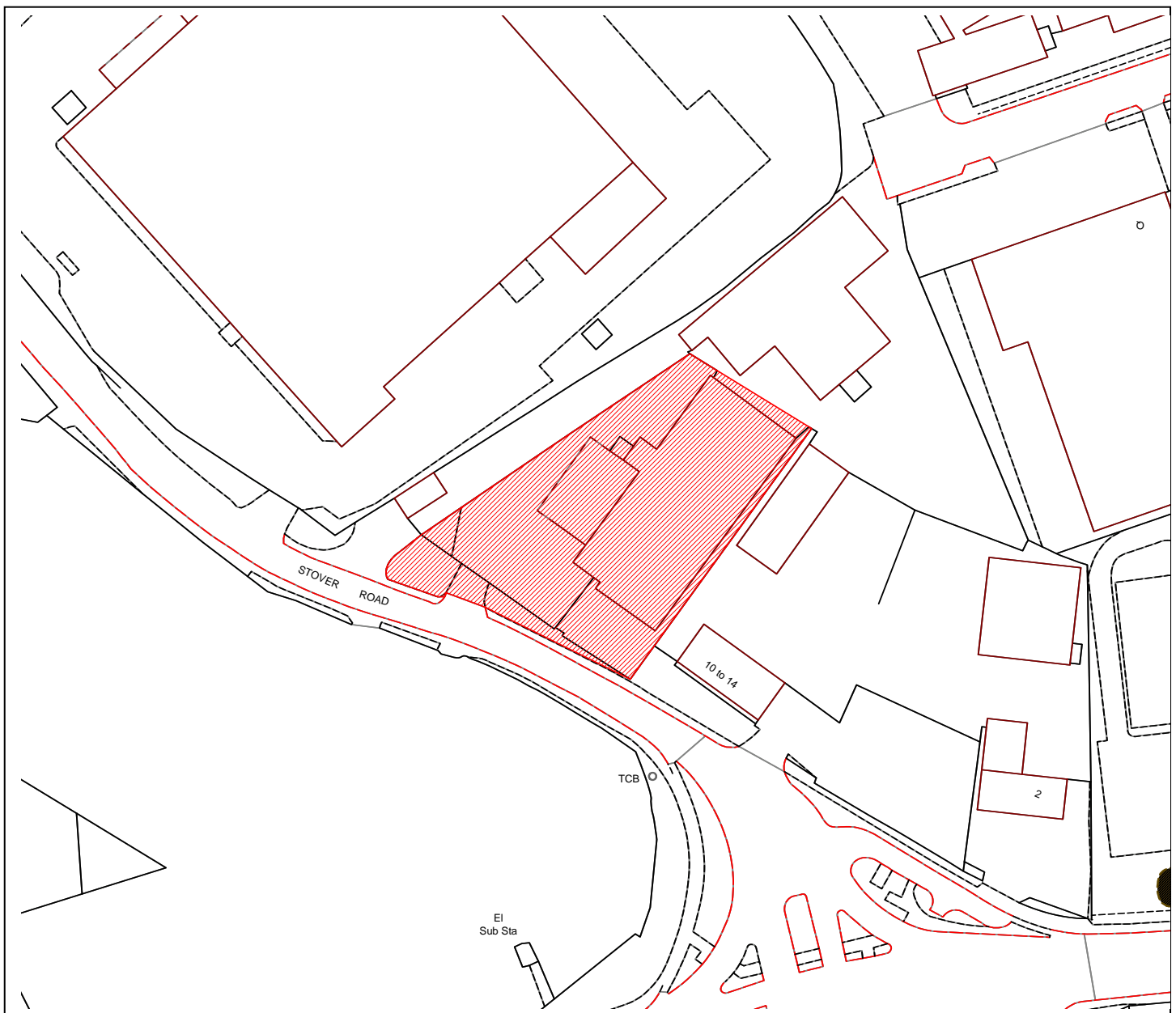
2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the southern elevation of the property.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 41/08 – 10 OCTOBER 2008

App No.:	PT08/2500/CLE	Applicant:	Yate Trading Centre
Site:	5 Stover Road, Yate, South Gloucestershire, BS37 5PB	Date Reg:	8th September 2008
Proposal:	Application for Certificate of Lawfulness for existing use as Class A1 for sale, display and storage of bulky goods together with ancillary office space.	Parish:	Westerleigh Parish Council
Map Ref:	69751 82603	Ward:	Westerleigh
Application Category:	Minor	Target Date:	22nd October 2008



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N.T.S

PT08/2500/CLE

This application comprises a Certificate of Lawfulness for an existing use and thus appears on the Circulated Schedule.

1. THE PROPOSAL

- 1.1 The application submitted comprises a Certificate of Lawfulness for an existing use in respect of the use of a building for Class A1 purposes for the sale, display and storage of bulky goods together with ancillary office space.
- 1.2 The application relates to the Yate Trading Centre on the on the north side of Stover Road, Yate. The building forms a single-storey (albeit with a mezzanine floor inside) warehouse unit on the periphery of the Stover Industrial Estate.
- 1.3 The application site lies within the Yate settlement boundary and lies within a safeguarded employment area.

2. POLICY CONTEXT

- 2.1 Because the application is a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities the use has taken place for a continuous period of 10 years up to the date of this application.

3. RELEVANT PLANNING HISTORY

- 3.1 N3544: Erection of portacabin. Withdrawn: 13 May 1977
- 3.2 N8940: Erection of workshop for vehicle repairs and servicing. Refused: 1 December 1983
- 3.3 P85/2621: Erection of car repair workshop, construction of associated car parking and alterations to vehicular access. Refused: 29 January 1986
- 3.4 P95/2388: Erection of workshop building for B2 use. Refused: 7 February 1996
- 3.5 P96/1475: Change of use of land for vehicle repairs and erection of vehicle repair workshop. Refused: 3 July 1996
- 3.6 PT01/1131/F: Demolition of 2 dwellings; erection of two-storey office buildings, single-storey workshops & attached two-storey offices together with associated external works. Permitted: 22 November 2001

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No objection
- 4.2 Other Consultees
No comments received

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site comprises a detached single-storey warehouse building on the north side of Stover Road, Yate. The premises provide for Yate Bathrooms whom operate a bathroom warehouse, trade counter and retail outlet from the building. The limited land surrounding the premises provides a small parking and delivery area to the front with a small storage yard behind.

- 5.2 The issue for consideration is whether the evidence submitted proves that on the balance of probabilities, the premises have been operated for the sale, display and storage of bulky retail goods together with ancillary office space for a continuous period of 10 years to the date of the application. It is a purely an evidential test irrespective of planning merit.

5.3 Site History

It is stated that Yate Trading Centre Ltd has been operating out of the subject unit for the past 24 years. The company specialise in the bathroom furniture and accessory trade with the unit predominantly used a showroom. A number of the products which are sold are bulky and require delivery; accordingly there is not a requirement to stock many of these terms. Smaller products on display are stocked and are available in store for collection.

- 5.4 The nature of the operation is said to be largely unchanged since trading began in 1984 with the use of the premises considered to be typical of the many retail warehouse operations in this type of location.

5.5 Evidence in Support of the Application

The application is supported by four statutory declarations which comprise:

- Mr Martin Gurney (Chartered Accountant) whom has worked on behalf of the company since 1995;
- Ms Sue Richards (advertising representative) whom has worked on behalf of Yate Bathrooms since 1996;
- Mr Holmes (manufacturing/ distribution agent) whom has worked within this industry since 1984;
- Mr David Thayer whom has worked for the company since 1984.

- 5.6 These statutory declarations confirm that Yate Bathrooms have operated from this site for the requisite period during which, the premises has been open to the public (for retail purposes) with the company a well known supplier to the general public within the greater Bristol area.

- 5.7 Further, in support of the details received, at the time of the site visit it was noted that the premises provided a large area of retail floor space stocking a variety of bathroom fixtures and fittings. A mezzanine floor encompassed part of the building with this seemingly providing for storage purposes. Deliveries/ dispatch were operated from a vehicular loading bay to the far side of the main entrance with the small area north of the building used for storage purposes (occupied in part by four storage containers).

5.7 Conflicting Evidence

The evidence provided is accepted as true unless contradictory evidence indicates otherwise. There is no contradictory evidence.

6. RECOMMENDATION

6.1 A Certificate of existing Lawful use is **GRANTED**.

Background Papers **PT08/2500/CLE**

Contact Officer: **Peter Burridge**
Tel. No. **01454 865262**

REASON

The applicant has demonstrated that on the balance of probability, the premises has been utilised for Class A1 purposes comprising of the sale, display and storage of bulky goods together with ancillary office storage. This has only been demonstrated in relation to inside of the existing building between the hours of 9.00am- 17.30pm Monday to Friday, 9.00am- 17.00pm on Saturday and 9.00am- 13.00pm on Sundays.