

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

CIRCULATED SCHEDULE NO. 07/19

Date to Members: 15/02/2019

Member's Deadline: 21/02/2019 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2018. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

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

Before referring an item to the Committee, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee.

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The request in writing must be made in writing by at least two or more Members, not being Members of the same ward
- d) In addition, the request in writing must have the written support of at least one of the Development Management Committee Chair and Spokes Members
- e) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral
- f) Indicate whether you have discussed the application(s) with the Case Officer and/or Development Manager
- g) Indicate whether you have discussed the application(s) with ward Member(s) if the site is outside of your ward

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

When emailing your circulated referral request, please ensure you attach the written confirmation from the Supporting Member(s) and Supporting Chair or Spokes

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:
2. Site Location:
3. Reasons for referral:

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

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

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

a) Referring Member:

b) Details of Supporting Member(s) (cannot be same ward as Referring Member)

c) Details of Supporting Chair or Spokes Member of the Development Management Committee

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

Date:

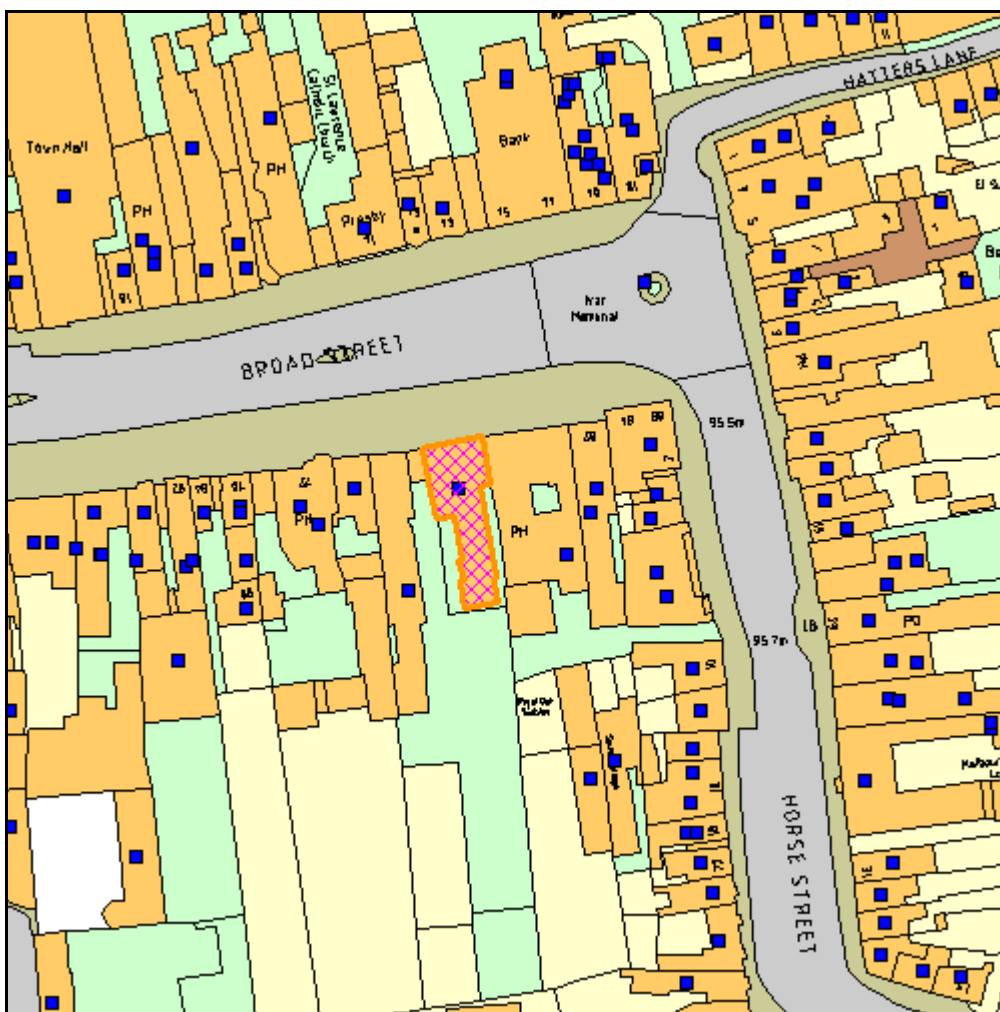
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 15 February 2019

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK19/0614/ADV	Approve	78 Broad Street Chipping Sodbury South Gloucestershire BS37 6AG	Chipping	Sodbury Town Council
2	PK17/0704/F	Approved Subject to Section 106	Land At 298 Soundwell Road Soundwell South Gloucestershire BS15 1PE	Kings Chase	None
3	PK17/1112/F	Approved Subject to Section 106	Land South Of Lyde Green Emersons Green South Gloucestershire BS16 9NN	Boyd Valley	Emersons Green Town Council
4	PK18/4988/F	Approve with Conditions	21 Sweets Road Kingswood South Gloucestershire BS15 1XJ	Kings Chase	None
5	PK18/6115/F	Approve with Conditions	Warmley Court 33 Deanery Road Kingswood South Gloucestershire BS15 9JB	Siston	None
6	PT18/1632/F	Approve with Conditions	The Chapel Chapel Road Oldbury On Severn South Gloucestershire BS35 1PL	Severn	Oldbury-on-Severn Parish Council
7	PT18/6718/PND	No Objection	Charborough Road Centre Charborough Road Filton South Gloucestershire BS34 7RA	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 07/19 – 15 FEBRUARY 2019

App No.:	P19/0614/ADV	Applicant:	Coventry Building Society
Site:	78 Broad Street Chipping Sodbury Bristol South Gloucestershire BS37 6AG	Date Reg:	22nd January 2019
Proposal:	Display of 1no. non-illuminated fascia sign and 1no. non-illuminated hanging sign.	Parish:	Sodbury Town Council
Map Ref:	372888 182202	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	19th March 2019



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

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with procedure as an objection has been received from the Parish Council.

1. THE PROPOSAL

1.1 The application seeks advertisement consent for the display of 1 no, non-illuminated fascia signs and 1 no. internally illuminated projecting sign.

1.2 The signage for Coventry Building Society would be as follows:

Fascia sign: 4m length and 0.7m width, set centrally on the front elevation
Hanging sign: 0.65m by 0.95m

The signage replaces existing signage on the front elevation of the building

1.4 The application site relates to a retail unit on the southern side of Broad Street, within Chipping Sodbury Conservation Area. Buildings on either side of the application site are listed.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS9 Managing the Environment and Heritage

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

PSP1 Local Distinctiveness

PSP11 Transport

PSP17 Heritage Assets and the Historic Environment

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Shopfronts and Advertisements SPD (Adopted) 2012

3. RELEVANT PLANNING HISTORY

- 3.1 Historically the application site has been subject to a number of applications including for advertisement consent

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council

Members raised no objection to the hanging sign but OBJECT to the fascia sign as it is considered to be over-sized and would encourage the applicant to retain the original dimensions.

4.2 Sustainable Transport

No objection

4.3 Listed Building/Conservation Officer

I've no objection in principle to the design and construction of the fascia sign but there is a lot of dead space and it is much larger than the present sign. I'd recommend that they reduce the size it does not need to be as wide as the two bay windows. I've also made the observations to the applicant that having a heavy dark grey finish to the bay windows and doors does create a disjointed appearance between the ground and first floor and it may be preferable to use a lighter colour to keep a sense of coherence in the elevation of the building.

Other Representations

4.4 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state that a Local Planning Authority shall exercise its powers under these regulations in the interests of amenity and public safety.

The National Planning Policy Framework (NPPF) states that the quality and character of places can suffer when advertisements are poorly sited and designed and states that advertisements should be subject to control only in the interests of amenity and public safety taking into account cumulative impacts (para 132).

5.2 Design and Visual Amenity

The application site comprises premises within the Chipping Sodbury Conservation Area and it should be noted that on either side of the property the buildings are listed, with a number of other such properties in the vicinity.

Concerns were raised, regarding the scale of the proposed signage. Given the rich heritage location any development should as a minimum preserve the character and appearance of the building and wider locality and as a result a reduction in the scale of the signage was negotiated with the applicant resulting in a reduction in the length of the sign of approximately 1 metre. Concerns have been raised by the Conservation Officer regarding the colour scheme to be used for the bay windows however it should be noted that this is not development and not considered in this application.

5.3 Overall, the proposed signage is considered appropriate in terms of scale, design and finish and is not considered that cumulatively it would adversely affect the character and appearance of the host building or the wider context.

5.4 Residential Amenity

The signage is non-illuminated and it is not considered that there would be any adverse impact upon residential amenity.

5.5 Public Safety

Given the location of the signage it is not considered that there would be any impact either on pedestrian or highway (motor vehicle safety).

6. CONCLUSION

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

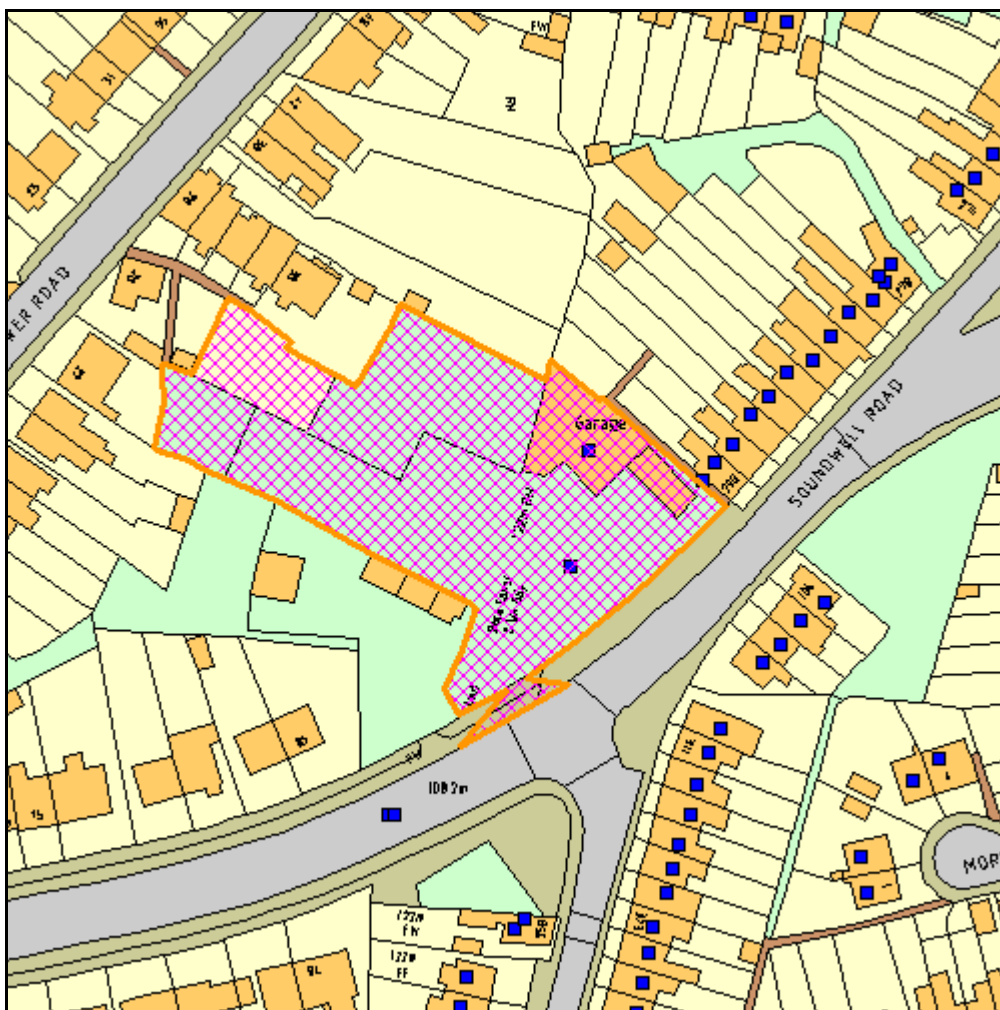
7. RECOMMENDATION

7.1 That the application be **APPROVED**

Contact Officer: David Stockdale
Tel. No. 01454 866622

CIRCULATED SCHEDULE NO. 07/19 – 15 FEBRUARY 2019

App No.:	PK17/0704/F	Applicant:	Land Venture Properties Ltd
Site:	Land At 298 Soundwell Road Soundwell South Gloucestershire BS15 1PE	Date Reg:	3rd March 2017
Proposal:	Demolition of car sales building and erection of 20no. dwellings with access, landscaping, parking and associated works.	Parish:	None
Map Ref:	364501 174414	Ward:	Kings Chase
Application Category:	Major	Target Date:	30th May 2017



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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application previously appeared on Circulated Schedule 20/18 – 18 May and 11/18 – 16 March 2018. From these processes, a resolution to grant planning permission was made subject to the recommended conditions and the applicant to enter into a S106 Agreement. The application was initially referred to the Circulated Schedule as: comments of objection have been received which are contrary to the officer recommendation; the grant of planning permission would be subject to a S106 Agreement; and, because this is a cross-boundary application (as the site mostly falls within Bristol City Council, who are acting as the lead authority) and therefore the recommendation is based upon a balanced view taking into consideration both council's development plans.

Since that time the applicant has revised the red edge boundary of the planning application twice. This amendment did not affect the land within the administrative district of South Gloucestershire and only affected land within Bristol City Council. Nonetheless, as the red edge had been amended, a period of re-consultation was undertaken for each plan submission.

The application is now ready to be determined. However, the resolution gained under the last submission to the Circulated Schedule expired in November 2018. It is therefore necessary for the application to be re-referred to the Circulated Schedule in order that a decision can be issued in accordance with the current scheme of delegation (which post-dates this application).

There are limited change to the contents of the following report since it last appeared on the Circulated Schedule. These include: the revised National Planning Policy Framework, published July 2018; reference to South Gloucestershire Council's land supply; and, the consultation responses received on the revised red edge plan (which affects only land within Bristol City Council). The recommendation remains the same.

1. THE PROPOSAL

- 1.1 This planning application seeks permission for the demolition of the existing car sales buildings on the site and the erection of 20 dwellings.
- 1.2 This is not a straight forward application. The site is located within the administrative boundaries of both Bristol City and South Gloucestershire councils. Each council is the local planning authority in its administrative area and therefore a planning application must be made to each local planning authority. The authority in which the majority of the development falls acts as the lead authority – which in this case is Bristol City Council – however, regardless as to how the administrative boundaries are laid out, the application should be assessed as one proposal and considered in its whole. That said, under planning law, the local planning authority is obliged to determine applications against its Development Plan unless material considerations indicate otherwise. Each planning authority should consider the other authority's Development Plans as material planning considerations and a

proactive approach taken. This is set out in the body of this report. For record, the frontage of the site is within South Gloucestershire but the majority of the proposed development falls within the administrative area of Bristol City Council.

- 1.3 In terms of constraints within South Gloucestershire, access is gained from a Class B highway. The site is within the urban area of the East Fringe of Bristol. Presently the site is occupied by a car sales business and a service and repair centre. The site is not safeguarded for economic purposes.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS13	Non-Safeguarded Economic Development Sites
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS24	Green Infrastructure, Sport and Recreation Standards
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP5	Undesignated Open Spaces
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land
PSP37	Internal Space Standards
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013
Affordable Housing and ExtraCare SPD (Adopted) May 2014

CIL and S106 SPD (Adopted) March 2015
Waste Collection SPD (Adopted) January 2015 (updated March 2017)

- 2.4 Other Relevant Planning Documentation
Bristol Development Framework: Core Strategy, June 2011
Bristol Local Plan: Site Allocations and Development Management Policies,
July 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/4204/F Withdrawn 08/02/2017
Demolition of car sales building and erection of 14no. dwellings with access,
landscaping, parking and associated works.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
This area is unparished

Internal Consultees

- 4.2 Arts and Development Officer
No comment
- 4.3 Ecology Officer
No objection subject to condition
- 4.4 Economic Development
No objection. Development would assist in achieving council's wider economic objectives.
- 4.5 Environmental Protection
No objection. Conditions should cover potential for land contamination and restrict construction hours.
- 4.6 Highway Structures
Technical informatives suggested
- 4.7 Highways Officer
Objection on the grounds of inadequate parking. Highway works and waiting restrictions should be secured through an appropriate obligation.
- 4.8 Housing Enabling
Affordable housing contribution should be sought on this development as it triggers the threshold when considered as a whole.
- 4.9 Landscape Officer
Protection should be secured for existing trees and a landscaping condition should be attached to any approval.
- 4.10 Lead Local Flood Authority

Drainage details need to be clarified including the connection with Wessex Water.

4.11 Public Open Space

A public open space contribution should be sought on this development

4.12 Urban Design

The scheme is well considered and makes the efficient use of land. The proposal also seeks to reduce residential carbon dioxide emissions.

4.13 Waste Engineer

Concern over waste collection

Statutory / External Consultees

4.14 Avon and Somerset Police

No objection but design improvements could be made in the interests of crime reduction

4.15 The Coal Authority

Site does not fall into an area of high risk

Other Representations

4.16 Local Residents

22 comments of objection have been received which raise the following points:

- Concern over way information was displayed on websites of different authorities
- Development on what was intended to be a parking area
- Highway safety issues
- Impact of noise, privacy, overshadowing, and overlooking
- Impact on house values
- Impact on nearby properties
- Lack of discussion or notification of other developments with existing residents
- Lack of visitor parking
- Loss of car garage/ existing business
- Object to massing of buildings/ overbearing
- Out of character with area
- Overdevelopment
- Parking issues in locality
- Pressure on local schools and doctors surgeries
- Profit orientated
- Traffic issues
- Updated layout does not address concerns

2 general comments have been received which raise the following points:

- Planning is a pointless process as residents are not listened to
- Poor communication with residents

- Queries raised over technical matters

5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the demolition of the existing buildings on the site and its redevelopment for residential purposes.

5.2 Principle of Development

Under policy CS5, new development of this nature is directed to the existing urban area. As the site is within the East Fringe, it is an appropriate location for development of this nature. However, the site is currently in an economic use and therefore, under the provisions of policy CS13, attempts should be made to secure its ongoing economic use.

Loss of Economic Use

5.3 Policy CS13 manages development on non-economic development sites, such as this. Under this policy the priority would be to retain an economic use unless it has been demonstrated that a suitable economic use cannot be secured. Where a non-economic use is being considered, preference would be given to mixed use proposals over residential only schemes.

Housing Land Supply

5.4 When this application was first referred to the Circulated Schedule for determination, the council could not demonstrate a 5-year supply of deliverable housing land. However, following the publication of the 2018 Authority Monitoring Report, the council can now demonstrate a 5-year supply of deliverable housing land. Regardless of this, as was the case on the other referrals to the Circulated Schedule, it is not relevant to the determination of this application as this site is in the existing urban area and development here would not conflict with the locational strategy.

5.5 Economic Re-use

It is fully acknowledged that the site is currently in an economic use and that there is little indication that the site is no longer suitable for economic purposes.

5.6 In response to the application, the council's strategic economic development team did not object to the loss of the economic use. The view taken was that the size of the site was relatively small and that the increased residents associated with the development would increase footfall and local spending.

5.7 In terms of policy CS13, it is clear that the loss of the economic use is not considered to result in a significant impact on the local economy. There would be some economic harm, and this is picked up in the overall planning balance; however, the scale of harm is not so significant that residential uses should not be given due consideration.

5.8 Design and Appearance

The site has a frontage onto Soundwell Road and it is this part which is within South Gloucestershire. The buildings in this location would provide two short terraces of three dwellings. In terms of their appearance, the buildings would

- be stone fronted and have a Victorian style to them. This would respect the character of the immediate area and is an appropriate design approach.
- 5.9 Behind these terraces, a block of apartments would be constructed and behind that another terrace of houses. These are not within the administrative area of the council. Nevertheless they are considered to be of an appropriate design which reflects the prevailing character of the area while achieving an acceptable development density to ensure the efficient use of land in a highly sustainable urban area.
- 5.10 The proposal complies with the design standards expected by policy CS1. Therefore in the overall planning balance, design attracts neutral weight.
- 5.11 Residential Amenity
Development should not be permitted that has a prejudicial impact on residential amenity. Along Soundwell Road the building line is retained and the existing houses are separated from the apartment building by the parking courtyard. The houses at the rear of the site are also separated from the surrounding existing buildings.
- 5.12 The development is considered unlikely to have an adverse impact on the amenities of any nearby occupier and is therefore acceptable in this regard.
- 5.13 Turning to the living conditions for the proposed dwellings, here there has been some flexibility in the application of policy. In national policy development is required to make the most efficient use land; this is transferred into policy CS16 which states that development in South Gloucestershire must make efficient use of land given the context of the site. Bristol City Council is more explicit in its policy and requires a minimum density to be achieved.
- 5.14 The development is therefore considered to make the efficient use of the site. However, in doing so there is a knock on effect on the provision of amenity space. Amenity space standards are set out in policy PSP43. This policy has been adopted since the application was first received by the authority and certainly after the initial scheme was received in 2016. Given this, it would be considered unreasonable to apply the minimum amenity space standards on this development as it would bring in to question how the minimum densities could be achieved and it did not form part of the development plan when the redevelopment of this site first came forward.
- 5.15 Notwithstanding that, the properties within South Gloucestershire all benefit from a rear garden and therefore are afforded reasonable provision of outdoor amenity space. It is not considered that the development would lead to substandard living conditions for future occupiers and is therefore acceptable. Permitted development rights should be removed to protect the garden areas that have been proposed.
- 5.16 Highways and Parking
Access to the site is from Soundwell Road close to the authority boundary. There are two existing accesses to the site and the redevelopment would automatically lead to the cessation in the use of one of these.

- The access point has been assessed and on balance is considered to be acceptable. There would be a requirement to amend waiting restrictions in the vicinity and an appropriate agreement would need to be entered into. This has been assessed against the CIL Regulations and is considered to pass the relevant tests.
- 5.17 Cycle parking is provided for each property. Given that the site is in the urban area, it is hoped that the provision of dedicated cycle parking will encourage more sustainable travel patterns.
- 5.18 Vehicular parking is also provided on site. A similar situation arises here as did in relation to the provision of amenity space. South Gloucestershire is more suburban and rural than Bristol and there is a greater reliance on the private car and demand for off-street parking; this has led to a policy requirement for the provision of a minimum level of residential parking. This proposal does not comply with that minimum level with one parking space being provided for each dwelling and the highways officer has objected on that basis.
- 5.19 While this does not comply with policy, a pragmatic approach must be taken between achieving the optimum development on the site and appeasing the policy requirements of two very different local planning authorities. In this instance, only 6 of the proposed properties fall within South Gloucestershire and the application of its parking standard would be unreasonable and conflict with the purpose of efficient land use. Therefore, it is considered acceptable by officers that a lower level of parking be provided without a severe highway impact given the character of the area. It is noted that there is on-street parking in the area which is under high demand. The provision of off-street parking would therefore assist in meeting the needs arising from the development.
- 5.20 Affordable Housing
Affordable housing has been a significant area of negotiation as the applicant has been resistant to making any provision as part of the development proposal. Initially no affordable housing was offered by the applicant on the basis that the quantum of development in each authority area did not trigger the relevant threshold. This argument was not accepted by officers who took the view that the scheme as a whole should be considered. Affordable housing was therefore requested at 30% (South Gloucestershire Officers would have sought 32.5% as a compromise between each authority's trigger but accept that 30% is reasonable given the circumstances). Following that, the applicant submitted a viability case setting out why an affordable housing contribution could not be secured. This was analysed by Bristol City Council and their consultant, DVS; it was found that the scheme would be viable. The applicant then proposed an off-site sum as a contribution towards affordable housing. Again, officers did not consider that to be appropriate as the policy position is for on-site provision.
- 5.21 The applicant has now agreed to the provision of on-site affordable housing. As a result of the viability exercise, a reduction in the overall number of affordable houses to be provided has been agreed in line with the viability outcome. Six affordable units will be provided; four would be within Bristol City

- Council and two within South Gloucestershire. For South Gloucestershire this would be two four-bedroom houses. As a percentage, two units equates to 33.3% of the affordable houses provided. While as a whole across the site, the delivery of affordable homes is below policy expectations, officers have secured a high level of affordable housing provision in South Gloucestershire to meet affordable housing targets.
- 5.22 Subject to the applicant entering into an appropriate legal agreement, the proposal is acceptable in terms of its provision for affordable housing. The provision of affordable housing is a significant public benefit which should be afforded weight in the overall planning balance. The requested contribution has been examined against the CIL Regulations and is considered to accord with the relevant tests.
- 5.23 Public Open Space
A request has been made by South Gloucestershire officers for a contribution towards public open space. As with affordable housing this request is based on considering the whole development as if it fell within the administrative area of this council. The results of the audit of public open space provision has indicated a shortfall and therefore a financial contribution would be sought to mitigate the impact of the development. A number of receptor locations have been identified, all of which would be within South Gloucestershire.
- 5.24 In discussion with Bristol City Council it became apparent that no similar exercise or contribution would be sought should the scheme have been wholly within Bristol.
- 5.25 Given that a viability exercise has been undertaken to assess the level of affordable housing provision, it is clear that any further contributions would have a viability impact. Officers have laboured hard to achieve an affordable housing contribution and a request for a contribution towards public open space would jeopardise the provision of affordable homes. Without assistance from Bristol City Council, it would be difficult for South Gloucestershire to justify raising objection to the development on this matter. Therefore, officers have taken the position that the request should not in this instance be carried forward.
- 5.26 Drainage
The site is within the urban area. Drainage is considered under planning, in terms of reducing the impacts of flooding and encouraging sustainable development, and through other statutory technical consents such as the Building Regulations and agreement with statutory drainage undertakers.
- 5.27 Officers are satisfied that the proposal would be able to be drained without an adverse impact on flooding. Therefore it is a technical matter. A SUDS condition would therefore be an appropriate means by which to achieve this. In order that a condition can be discharged and to avoid burdening the applicant, Bristol City Council have indicated that they will apply such a condition and it is not therefore necessary for a duplicate condition to appear on a decision issued by South Gloucestershire Council.

5.28 Landscape, Ecology and Trees

An extended phase 1 habitat survey accompanied the application. It found that there were a number of valuable habitats for birds on the site, albeit that these were limited. The site offered poor habitat for bats and reptiles. Therefore in order to address the ecology on site, a number of planning conditions should be imposed. It is likely that the most suitable places for bat/bird boxes would be within the site rather than near to Soundwell Road. Therefore, this issue would be best addressed going forwards by Bristol City Council who have indicated that this would be covered by a condition.

5.29 A scheme of landscaping is also proposed by condition. As part of the landscaping would be within South Gloucestershire, this condition should be included on any permission given.

5.30 Part of the site which is in South Gloucestershire would from historic records have been used as a petrol filling station. There is potential that this would have led to land contamination. To ensure this matter is addressed, it should be subject to investigation by condition.

5.31 Overall Planning Balance

Although only 6 properties would be within South Gloucestershire, the scheme should be addressed as a whole with reference made to the direct impact on the district.

Community Infrastructure Levy (CIL)

5.32 The development is CIL liable. The CIL receipt is used by the Council to fund infrastructure services, such as school places and health facilities, across the district. As the proposal is CIL liable, funds from the development would go towards the overall provision of infrastructure within South Gloucestershire and therefore the development mitigates its impact in that regard.

Economic

5.33 There would be some economic harm resulting from the development due to the loss of the existing business premises. However, the economic development team also consider that the proposal would have an economic benefit, notwithstanding the loss of the business site, as it would lead to increased footfall which would improve the vitality and viability of a local centre.

5.34 In terms of the development's economic impact, given that there are both harms and benefits identified, the proposal is likely to have a neutral overall impact

Social

5.35 The development would have significant social benefit through the provision of additional housing, including affordable housing, in a highly sustainable location. This is a factor of significant weight and acts to heavily swing in favour of granting planning permission.

- 5.36 Some social harm would result from the development in terms of the loss of local employment and its impact on a mixed and balanced community. This has been considered in the economic section and therefore will not be given weight here.

Environmental

- 5.37 There would be an environmental benefit to the proposal as it would lead to the redevelopment of brownfield land within the city, improve visual amenity, and enable the clean-up of any contaminated land. This weighs in favour of the grant of planning permission.
- 5.38 To redevelop the site there would be some harm through the loss of habitat; however, conditions are proposed to mitigate this harm and therefore it is a neutral factor in the overall balance.

Conclusion

- 5.39 The development would lead to the creation of both market and affordable housing in a sustainable urban area. For South Gloucestershire there is a relatively modest benefit of 6 new dwellings. However, the benefit overall to housing supply should be considered as the site is on the boundary with Bristol City Council and therefore the development as a whole would provide 20 new dwellings to meet housing needs.
- 5.40 It is considered that the benefits of development outweigh the harms identified and planning permission should be granted subject to the conditions listed below and the applicant entering into a planning obligation.

5.41 Impact on Equalities

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

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

5.43 Other Matters

A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.

- 5.44 There are difficulties in determining a cross boundary application; however, the management of each authority's website is a matter for that authority. The views of local residents have been considered and the purpose of the planning system is to control development in the public interest.
- 5.45 This application may only consider what is contained within it; whether the site was previously meant as a parking area is not given weight as there are no conditions on any previous planning decisions controlling this.
- 5.46 Developers are entitled to make a profit. This application has been subject to viability testing and therefore has been considered. The impact on existing house values is not given weight in determining this application.

6. CONCLUSION

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

7. RECOMMENDATION

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

(i) **AFFORDABLE HOUSING**

To deliver on site:

- 2 x 4 bed house (unit type B – 118.45 metres squared); both for social rent.
- 1 x 2 bed house (unit type D – 78.18 metres squared) on a shared ownership basis
- 1 x 3 bed house (unit type C – 99.22 metres squared) on a social rent basis
- 1 x 2 bed flat (size 61.04 square metres) on a social rent basis
- 1 x 1 bed flat (size 50.94 square metres) on a social rent basis

Reason

To accord with policy CS6 and CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

- (ii) **HIGHWAY WORKS**
To secure the provision of £10,000 towards the cost of a Traffic Regulation Order

Reason

To ensure the safe operation of the highway and to accord with policy CS6 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

7.2 It is recommended that that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.

7.3 It is recommended that should the Agreement not be completed within 6 months of the date of the resolution to grant planning permission (obtained through the Circulated Schedule process), the application shall:

- (i) be returned to the Circulated Schedule for further consideration; or,
(ii) that delegated authority be given to the Director or Environment and Community Services to refuse the application.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, and E), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to ensure adequate living conditions and protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP8 and PSP43 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework

3. The historic use of the site as a petrol filling station may have caused contamination which could give rise to unacceptable risks to the proposed development.

- A) Desk Study - Prior to any ground disturbance, an investigation shall be carried out by a suitably competent person into the previous uses and contaminants likely to affect the development and a report shall be submitted and approved in writing by the Local Planning Authority.
- B) Intrusive Investigation - Where potential contaminants are identified under (A), prior to any ground disturbance, excluding any necessary demolition works, an investigation shall be carried out by a suitably competent person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted to and approved in writing by the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures. (Note (A) and (B) may be combined if appropriate).
- C) Verification Strategy - Prior to the first occupation of any dwelling hereby permitted, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
- D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

To protect existing and future occupiers from the effects of contamination and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework.

- 4. Prior to any ground disturbance, a site specific Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Local Planning Authority. The CEMP must demonstrate the adoption and use of best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
 - a) Procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - b) All works and ancillary operations which are audible at the site boundary, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Monday to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;

- c) Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- d) Procedures for emergency deviation of the agreed working hours;
- e) Control measures for dust and other pollutants;
- f) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- g) Parking of vehicle of site operatives and visitors;
- h) Route for construction traffic;
- i) Hours of operation;
- j) Method of prevention of mud being carried onto the highway;
- k) Pedestrian and cyclist protection;
- l) Proposed temporary traffic restrictions; and
- m) Arrangements for turning vehicles.

Reason

To protect the amenities of nearby occupiers from the effects of construction work and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework.

5. Prior to the first occupation of the development, 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. The planting shall be undertaken within the first planting season following the approval of these details. Any plant, tree, or shrub included in the above scheme which becomes diseased, damaged, or dies within a period of 5 years from the completion of the planting shall be replaced with a specimen of a similar size before the end of the current planting season.

Reason

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

6. Prior to the application of any external finish, details of the roofing and external facing materials proposed to be used (including a samples of the proposed stonework and a picture of a sample panel of stonework) shall be 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 CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

7. The off-street parking facilities (for all vehicles, including cycles) shown on plan 35.01C 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 CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

Reason

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

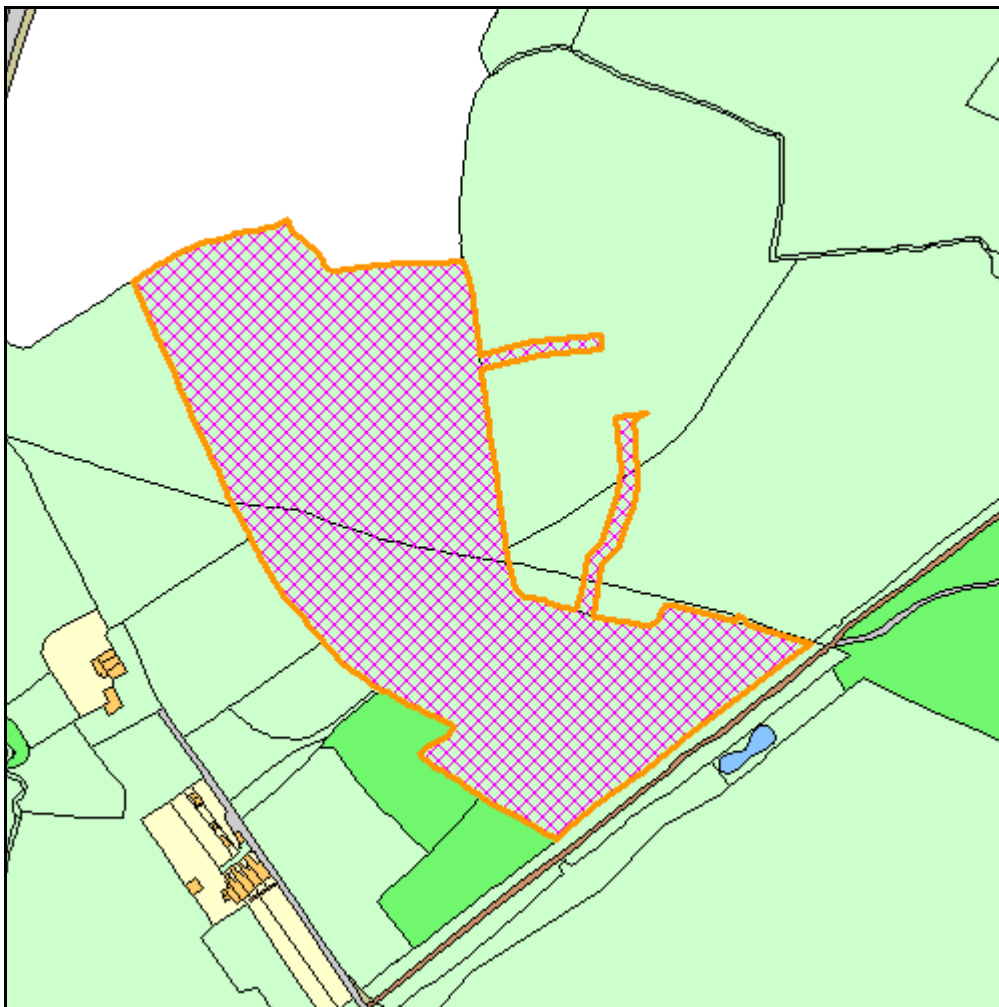
8. The development shall be carried out in accordance with the following plans: Site Location Plan, and F35/01B Site Layout Plan, received 15 January 2019; F35/10/05A Elevations Type B (Plots 15-20), received 03 March 2017; and, F35/02C Materials Plan, F35/04C Storey Heights Plan, F35/05 Cycle Store, F35/06 Bin Stores, F35/10/01A Type B Ground and First Floor Plans, F35/10/02B Type B Second Floor Plan, F35/11/01 Apartments Ground Floor Plan, F35/11/02A Apartments First Floor Plan, F35/11/03A Apartments Second Floor Plan, F35/11/04A Apartments Front Elevation, F35/11/05A Apartments Rear Elevation, F35/11/06/A Apartments Side Elevation, F35/12/01 Type C Ground and First Floor Plans, F35/12.02A Type C Second Floor Plan, F35/13/01 Type D Floor Plan, F35/14/01A Type C and D Front and Side Elevations; received 07 September 2017.

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 07/19 – 15 FEBRUARY 2019

App No.:	PK17/1112/F	Applicant:	BDW Trading Ltd And Taylor Wimpey PLC
Site:	Land South Of Lyde Green Emersons Green Bristol BS16 9NN	Date Reg:	23rd March 2017
Proposal:	Erection of 115 dwellings, associated infrastructure, construction of vehicular access, parking, landscaping, allotments and public open space.	Parish:	Emersons Green Town Council
Map Ref:	367677 177054	Ward:	Boyd Valley
Application Category:	Major	Target Date:	10th July 2017



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 100023410, 2008. **N.T.S.** **PK17/1112/F**

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

INTRODUCTION

This application appears on the Circulated Schedule due to the requirement for a new Section 106 Agreement.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the erection of 115 dwellings, (the originally submitted application was for 120 dwellings), garaging, parking, landscaping, public open space and associated works on 4.09 hectares of land at Emersons Green East.
- 1.2 The site adjoins land which has the benefit of outline planning permission PK04/1965/O for an urban extension on 99 hectares of land including residential development of up to 2550 dwellings; to the east are parcels 25 and 26, (not yet commenced) and to the north lie parcels 1 and 23 (built out). The current application site lies within the area allocated for a major urban extension, but is not within any of the areas which already have the benefit of Outline consent, hence it is an application for full planning permission.
- 1.3 The 115 dwellings, including 40 affordable units, would comprise 2, 3 and 4 bed roomed dwellings, mainly 2 stories in height, with some at 2.5 stories in height. In addition two, 3 storey, 1 and 2 bed roomed apartment blocks are proposed.
- 1.4 The application was submitted with an Environmental Statement, following the Council's earlier Screening Opinion.
- 1.5 The Rosary Site of Nature Conservation Importance (SNCI, grassland importance) adjoins the site to the west, with the Green Belt and Dramway-Bristol to Bath cycle path- to the south east boundary. The site is currently gently sloping pasture fields with significant groups of trees along the boundary hedges. Views exist to the historic mine chimneys and the wooded Shortwood ridge lie to the east. The site is crossed by a public right of way which leads from the entrance to Emersons Green new neighbourhood, through The Rosary SNCI and leading to the Dramway cycle path, which is also an SNCI.
- 1.6 In support of the application, the applicant has submitted the following documents:
 - Environmental Statement
 - Flood Risk Assessment and Drainage Strategy
 - Draft Heads of Terms
 - Geophysical Survey Report
 - Noise Assessment
 - Public Open Space Assessment
 - Planning Statement

- Statement of Community Involvement
- Tree Report
- Topographical survey
- Tree Protection Plan

1.6

Revisions to the scheme

It has been necessary for the applicant to make revisions to the scheme, in order to enable officers to make a positive recommendation and to raise the quality of the scheme, and as a result of officer negotiation, the following summarised amendments have been achieved:

- Wider southern green corridor
- Clear viewpoint through development of chimney of Brandy Bottom Colliery provided
- Improvements to rear gardens
- Improvements to residential amenity
- Reduction in frontage parking
- Full connections to adjoining parcel 25 and 26
- Footway/cycleway link to Dramway
- Relocated and enhanced equipped play area
- Development moved away from retained trees
- Significant buffer to Rosary SNCI provided
- Retention of PROW alignment as far as possible
- Addition of allotments

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework 2018

National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design

CS2 Green Infrastructure

CS5 Location of Development

CS7 Strategic Transport Infrastructure

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS18 Affordable Housing

CS16 Housing Density

CS17 Housing Diversity

CS24 Green Infrastructure, sport and recreation standards

CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan: Policies Sites and Places Plan (adopted Nov 2017) (PSP).

PSP2 Landscape

PSP3 Trees and Woodland

PSP6 - Onsite Renewable and Low Carbon Energy

PSP8 Residential Amenity

PSP10 Active Travel Routes

PSP11 Transport Impact Management

PSP13 Safeguarding Strategic Transport Schemes and Infrastructure

PSP17 Heritage Assets and the historic environment

PSP19 Biodiversity

PSP20 Flood Risk, surface water and watercourse management

PSP21 Environmental pollution and impacts

Other material considerations

Approved Masterplan and Design Code or Emersons Green East

2.3 Supplementary Planning Documents

Adopted Emersons Green East Development Brief (2006)

Adopted South Gloucestershire Design Checklist SPD

Residential Parking Standards SPD March 2013

3. RELEVANT PLANNING HISTORY

- PK04/1965/O Urban extension on 99 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. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavillion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined.
Approved 14th June 2013.
- PK15/4232/RVC Development as above for PK04/1965/O, with Variation of Condition relating to trigger for construction of Tiger Tail on M32 attached to approved Outline application.
Permission granted 9.5.16
- PK16/038/SCR Screening request for development of Land to the South of Lyde Green for 120 dwellings. Screening Opinion – Environmental Statement required. 29.9.16

4. CONSULTATION RESPONSES

4.1 Emersons Green Town Council

Objection: this parcel of land is not within the Master Plan designated for housing, and would question what investigations have been undertaken to ascertain if the existing and forthcoming infrastructure/schools can cope with this additional development. Members have serious concerns with regards to the PROW being diverted through the proposed development as opposed to around the edge of the development thereby maintaining a 'green feel'. Members have noted that neither the advice from the PROW Officer or the Coal Authority appear to have been heeded. There is no information on who will be responsible for the running and maintaining of the 4 proposed allotments.

4.2 Other Consultees

4.3 Department for Communities and Local Government

No comment to make on the Environmental Statement.

4.4 Natural England

No objection.

4.5 Coal Authority

4.6 Original response

The Coal Authority confirmed that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority's information indicates that historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth.

4.7 The applicant has submitted a Ground Investigation Report to accompany the planning application; however, The Coal Authority did not consider that this adequately addressed the impact of coal mining legacy on the proposed development. The Coal Authority therefore objected to the proposal, and stated that the applicant needed to revise and resubmit the Ground Investigation Report to the LPA.

4.8 Based on a review of geological and coal mining information and in light of the results of a magnetic survey carried out across the site, the Report identifies that three features were identified which could be possibly related to historical mining activity (including possible shaft caps). On this basis, the applicants original Ground Investigation Report concludes that there is a potential for historical mine workings in the area of the possible features. It goes on to recommend that further investigation is undertaken regarding these features prior to construction.

4.9 The Coal Authority has no record of any mine entries within the application site, however, it is not uncommon for unrecorded mine entries to be established as a result of the planning/development process. In light of their adopted policy, where suspected mine entries are identified on a development site, the CA

would expect the undertaking of intrusive site investigations prior to determination of any planning application in order to ensure that built development is located clear of any mine entry and its associated zone of influence.

- 4.10 In addition, as the Ground Investigation Report does not detail which shallow coal seams are likely to have been worked beneath the site and at what depths, The Coal Authority does not consider that the risk posed by probable unrecorded shallow underground coal mining activity at shallow depth has been adequately assessed.
- 4.11 It is a requirement of paragraphs 120-121 of the NPPF that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development.
- 4.12 The applicant should therefore be advised of The Coal Authority's view and should be required to carry out intrusive site investigation works, subject to obtaining Coal Authority permission, to determine the extent of past coal mining activities and the implications for the layout and design for their development proposal. Any remedial, preventive and mitigation measures should then be proposed as part of the revised Ground Investigation Report, as necessary, to address any issues of land instability.
- 4.13 *Coal Authority's Latest Response*

In the initial consultation response (above) the Coal Authority indicated that the risk posed by unrecorded underground coal mining activity had not been discounted within the applicant's report. As such, the CA recommended that the LPA impose a condition on any planning permission granted requiring the undertaking of further intrusive site investigations to ascertain whether or not shallow workings are present beneath the site and to inform any remedial measures necessary to ensure the safety and stability of the development.

The CA notes that the applicant has since indicated verbally that Section 4.3 of the Ground Investigation Report (May 2017) addressed the issue of potential unrecorded shallow mining activity. This Section states that:

"The Hard Coal, Top Coal and Hollybush & Great Coals lie sequentially within the lower part of the Farrington and Barren Red Formations. These outcrop approximately 1km south of the site. Seam contours on the map suggest that the shallowest named seam (The Hard Coal) is at around -90m OD (150m below site level).

Shaft records from the Parkfield Colliery No2 shaft located to the south of the site boundary indicates that the shallowest coal was identified at a depth of 167 feet (51m) with a thickness of 16 inches (0.40m). This shaft is located within an upthrown side of a fault, the seam will be lower within the site.

At this depth any historical mining activity would not present a risk of future ground movement at the surface."

Notwithstanding the recommendations for further works contained within Section 12 of the applicant's Ground Investigation Report which states that "Drilling would also be beneficial to confirm the absence of any shallow coal seams", the applicant's engineer has indicated verbally that intrusive site investigations are not necessary.

Given this clearly expressed professional opinion that development at the site is not at risk from historic unrecorded coal mining activity, I can confirm that The Coal Authority would no longer require the undertaking of the previously recommended intrusive site investigations.

British Horse Society Access and Bridleways Officer

Object to the proposal for the footpath diversion which directs the footpath onto estate roads. The footpath should either retain its original line in a protected form or be diverted around the edge of the site along the proposed tree line to retain a more country side atmosphere for walkers following the path from Lyde Green to the Railway Path.

Highways Agency

No objection.

Environment Agency

The Environment Agency has no objections to the proposed development, but wishes to make the following comments:

The site is within Flood Zone 1, which is at a low risk of flooding, and residential development in this flood zone is in accordance with the National Planning Policy Framework. The Flood Risk Assessment should cover surface water drainage and be assessed by the Lead Local Flood Authority.

In addition, a scheme for prevention of pollution during the construction phase should be produced and include details of the following:

1. Site security.
2. Fuel oil storage, bunding, delivery and use.
3. How both minor and major spillage will be dealt with.
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness. Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase.

Police Crime Prevention

Detailed comments have been provided with regard to security measures that would improve the proposed scheme.

Lead Local Flood Authority (SGC Drainage)

No objection, subject to a condition and informative. Detailed comments can be found in the *Analysis* section of this report.

SGC Highway Engineer

Comments on the originally submitted scheme have been resolved and there is no objection from Transport DC. Detailed comments can be found in the *Analysis* section of this report.

SGC Ecologist

The revised proposal has resolved the previous ecology problems and there are now no ecological constraints to granting planning permission, subject to conditions in relation to revised planning layout/soft landscape plans, LEMP, CEMP, great crested newt, reptiles (slowworm), hedgehog, badger and a revised Lighting Plan.

SGC Housing Enabling

No objection, subject to a Section 106 obligation and conditions. Detailed comments can be found in the *Analysis* section of this report.

SGC Environmental Health

Noise: No objection.

Contamination:

The application includes an appropriate desk study, site investigation and risk assessment. The gas monitoring results however indicated highest record values occurred in the only monitoring visit undertaken during falling pressure. This exceeds typical quoted for assessing CH₄ and CO₂ for NHBC green category and Wilson and Card Characterisation 1. It is also noted that of the first 4 visits, 7 measurements exceed 5.0% CO₂ and the other 5 measurements are all 4.3% or above i.e. just within stated typical maximum concentrations of <5.0% CO₂. Therefore, it is recommended that a precautionary approach would be prudent and that the developer include Gas Mitigation measures required to NHBC classification Amber 1 or Wilson and Card Characteristic Situation 2 for proposed properties on the development within 250m of the landfill. The following condition is therefore recommended:

Properties within 250m of the boundary with Shortwood Landfill Site should incorporate gas mitigation measures to NHBC classification Amber 1 or Wilson and Card Characteristic Situation 2. Prior to occupation of these properties a report shall be submitted to the LPA for approval verifying that the gas protection measures have been appropriately installed.

SGC Listed Building Officer

No comment.

SGC Archaeologist

No objection, subject to a condition. Detailed comments can be found in the *Analysis* section of this report.

SGC Landscape Architect

No objection to the revised scheme. Detailed comments can be found in the *Analysis* section of this report.

SGC Waste

Overall the design is satisfactory, the distance from the collection vehicle and the bin store at Block B is 15m, a little further than the 10m desirable and also the same for the bin muster point at plot PA34, which perhaps has more opportunity to be improved.

SGC Public Rights of Way Officer

The conclusion is that the application is a disappointing response to the pre-application advice, which tried to inform of the intrinsic value of this public right of way and the relevance of its function within this historically sensitive environment. (Detailed comments can be found in the Analysis section of this report).

Should permission be granted, a contribution of 25K was originally sought to mitigate for increased pressure on the rights of way network as a direct result of the development, both on the site and in proximity to the site. Subsequently, the PROW officer advised that a contribution of £8,000 would be proportionate.

SGC Environmental Policy and Climate Change Officer

No objection to the revised energy statement, subject to two conditions. Firstly requiring the development to be built to the fabric / energy efficiency measures set out in the Energy Statement and for evidence to be provided to the authority prior to the occupation of the dwellings to demonstrate that the building performance set out in the Energy Statement has been achieved. Secondly, a condition to ensure the proposed solar PV systems are installed and operational prior to the occupation of the dwellings.

SGC Public Art Officer

In the light of relevant policies there should be a requirement for public art on the site commensurate with its size and importance. The programme should be integrated into the site and its phasing plan. There has been a requirement for public art on the other sites within Lyde Green and Emersons Green and this site should equally reflect the Council's policies to support high quality design.

SGC Highway Structures

Standard comments.

Other Representations

4.13 Local Residents

No responses received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires development proposals to accord with the adopted Development Plan unless material considerations indicate otherwise. The Development Plan for South Gloucestershire consists of the South Gloucestershire Local Plan: Core Strategy (adopted 2013), and the adopted Policy Sites and Places Plan. The Core Strategy sets out the Council's approach to how growth will be managed over the period up to 2027 through a locally driven growth strategy.

Core Strategy policies of relevance to the principle of the development proposal include Policy CS5 which sets out the framework supporting the delivery of the Council's spatial development strategy. It provides that most development will take place within the north and east fringes of the Bristol area, and states:

“the focus will be the development of existing commitments and the remaining South Gloucestershire Local Plan allocations, together with delivery of the Greater Bristol Bus Network, and the planning for the West of England transport package and future schemes.”

The EGE Mixed-Use area is one of these remaining Local Plan allocations which originated in the (now superseded) South Glos Local Plan which allocated the EGE Mixed-Used area through policies H2 and M2.

Delivery of the former allocation is supported by Core Strategy Policy CS29 Communities of the East Fringe of Bristol Urban Area', which sets out the key principles underpinning the overall 'vision'. Broadly, it seeks to ensure that new development is fully integrated with the existing communities, having regard to existing natural and built heritage assets and landscape views, and taking opportunities to support and improve local infrastructure such as green corridors, strategic transport networks and recreation facilities.

5.2 Urban Design

The layout of the proposal has had regard to the surrounding townscape established throughout Emersons Green. In the eastern part of the application site, a more formal, suburban grain is proposed through the placement of buildings arranged to create strong and consistent frontages to the geometric street pattern, whereas to the western and southern boundaries a more sinuous, lower density arrangement is proposed.

A public square comprising a significant retained oak tree and equipped play area dominates the north eastern entrance to the site.

The character of the proposed development has had regard to the 'southern edge character area' described within the Lyde Green Design Code and pages 4 (local character) and 19 (appearance) of the Design and Access Statement. The elevational and architectural details of the proposed development are shown on streetscenes which demonstrate a mixture of gable and eaves fronted properties, consistent roofline and traditional fenestration patterns required by the Design Code. The submitted building heights plans shows two-and a-half storey dwellings are used in key locations, and three storey development is restricted to apartments.

The proposed materials palette for the proposed development is predominantly red brick or reconstituted stone, with coloured render used for key marker buildings. The roof materials will be red/brown tiles and blue/black slate throughout, in conformity with the Design Code and unifying the appearance of the built form.

The site was subject to pre-application discussion with specific regard to layout and appearance issues. The layout has subsequently been amended to provide a sight line to the Scheduled Ancient Monument - Brandy Bottom to the east of the site.

Overall, the density of the scheme has been reduced and the layout has been revised to pay greater respect to the ecological and landscape constraints within the site. This has been achieved through the revision of the mix of dwellings and placement and orientation of those units and parking within existing block structures, but does not materially alter the street hierarchy, layout principles.

Further design amendments were achieved to ensure a reduction in the amount of tarmac by increasing the amount of block paving. Furthermore, window reveals (min 70mm) and additional windows have been added to side elevations of relevant plots.

Further design improvements comprise the addition of chimneys and revised fenestration; bin stores added to dwelling frontages; relocation of sub-station; realignment of principle, southern green-edge and northern-edge streets; relocation of the pedestrian connection to the north.

Designing Out Crime

Comments received have been taken into account in the following ways. Additional windows have been added to side elevations of relevant plots in order to increase passive surveillance of open areas. The equipped play area has been relocated to a central and highly visible location. A condition will require increased lighting to private drive areas. Further, public paths and dwelling doors relocated to provide overlooking of recreational paths.

Urban Design Conclusion

Following pre-application discussions, significant improvements to the layout of the scheme were made, and following submission of the application a number of further changes have been made. The scheme is now considered to fully comply with principles of the EGE masterplan and design codes as well as Policy CS1 of the Core Strategy and PSP1 of the PSP, and officers consider that the proposal would constitute a high quality of design.

Landscaping

In landscape terms, the existing site is considered to be attractive and well-appointed, due to the mature vegetation including veteran trees along all of its boundaries. However when the application was originally submitted, there was a landscape objection on a number of grounds. The proposal did not include a wide enough structural woodland belt along the Green Belt boundary; an important part of the landscape strategy for the wider Emersons Green development area, required to screen the development edge from the wider, elevated landscape of the Green Belt and cycle path, and provide long term structural woodland and wildlife habitat. Further, some of the development did not provide a suitable setting for the mature trees and hedgerows around the site boundary, which would have put their health at threat through the construction and post construction phase.

Open space created at the site entrance was significantly spoiled by the location of the sub-station at the entrance to the open space, blocking views to the space and the retained tree. Further, site levels issues would have led to direct conflict between the play area and the adjacent large oak.

Revised plans submitted in several iterations have resulted in the following landscape improvements:

- Paths moved away from trees in north east corner,
- Increased number of new trees,
- Landscape areas for flats,
- Increased landscaping along the PROW route,
- Reduction in development – 5 fewer dwellings,
- Increase depth of landscape buffer along western edge to 10m,
- Increase depth of southern buffer to between 20-30 metres, with addition of species rich grassland, woodland planting mix and native trees here.

As set out in the ES and its addendum, the retention of the majority of the existing boundary vegetation means that significant effects are limited to those on the landscape character within the application site itself. The proposed development would not result in any significant cumulative effects on landscape when considered in the context of the already permitted and under construction main EGE development.

It is considered that the revised scheme now takes sufficient account of the sensitive location of the site adjoining the Green Belt and Site of Nature Conservation Interest and the value the mature trees add to the site. It is considered that it complies with policy CS1's requirement for high quality design which is informed by, respects and enhances the character, distinctiveness and amenity of both the site and its context. The proposed scheme is now considered satisfactory in landscape terms, and in compliance with Policy PSP2 of the PSP, and CS2 of the Core Strategy.

Public Open Space

Since the application was originally submitted, the on-site POS provision has been amended to provide one large play area in a central, overlooked location. Furthermore, allotments have been added. With regard to the Town Council's query as to who will maintain the allotments, the applicant has advised that this will be a management company. It is noted however that the S 106 obligation regarding future management in perpetuity gives the option of the POS being adopted by the Council should the developer wish. The proposal now fully complies with the Council's POS standards as set out in Policy CS24 of the Core Strategy, apart from the provision for outdoor sport. On a site this size, it is accepted that on-site provision would not be practical, and to this end, the applicant has agreed to an off-site contribution together with a contribution towards its maintenance. Subject therefore to a Section 106 obligation to secure the following, the proposal is in accordance with Policy CS24:

- The applicant shall provide 690 sqm of equipped open space provision on site for children and young people. Trigger for completion and to be open to the public – 80th dwelling.

- The applicant shall provide 5,210 sqm of natural and semi- natural open space on the application site. Trigger for completion and to be open to the public – 100th dwelling occupation.
- The applicant shall provide 4,500 sqm on site for informal recreational open space. Trigger for completion and to be open to the public by the 100th dwelling occupation.
- The applicant shall provide 560 sqm of allotments on site laid out in accordance with the key on approved soft landscaping drawing (Golby & Luck 3 of 3), including top soil to be provided and open to the public prior to the occupation of the 80th dwelling occupation.
- The applicant shall make a contribution of £212,203 towards off site provision / enhancement of outdoor sports facilities, together with a contribution of £64,227 towards its future maintenance. Trigger – 80th dwelling occupation.

Transportation

Traffic Impact on surrounding network

The site is adjacent to the consented EGE development which has permission for up to 2950 dwellings including the Gateway site. The approved masterplan for the main application site (up to 2550 dwellings) is predicated on there being in the region of 2000 dwellings, and the likely number (albeit not all the reserved Matters parcels have consent yet) is in the region of 2100, hence, below the consented 2,500. Furthermore, the Transport Assessment for the EGE development has assessed the development site as a whole for 3,000 dwellings. Therefore, the ES purports that it is not necessary to assess vehicular effects or provide junction capacity assessments for the proposed 115 dwellings on the current application site as the effects have already been assessed by the original TA and subsequently mitigated for through the other Outline application S 106 obligations. The Highway Authority, SGC Transport Officers have accepted this argument. Critically, this means that the highways strategy, including junction improvements, has been developed for a higher quantum of the development than is expected to come forward (including for 115no. dwellings proposed for this site). In view of this therefore, the Transport officer is satisfied that existing highway network can adequately cater for the development traffic without resulting in adverse impact.

Travel Sustainability

In terms of location and facilities, the application site is located within easy walking distance to a range of services and facilities including the Emersons Green District Centre retail park which is located approximately 1000m from the site. Directly to the south of the development, the Avon Cycle route connects the site to the Cycle Route 16, which is the Bristol Ring path (between Filton and Keynsham). To the southwest of the site is the Bristol to Bath Railway path, a fully off-road shared use path between the two city centres. There are bus stops within 400m walking distance to this site.

In addition to these services and facilities, the consented EGE development and its masterplan includes the provision of two primary schools, a secondary school, a community hall, leisure uses, employment and two local centres. It is considered that close proximity of this site to existing infrastructure, facilities, as well as transport infrastructure upgrades such as the MMI (Park & Ride) and Metro-bus Interchange site makes the linked trips on foot, by cycle, by bus are

equally reasonable transport options to the wider area. It is concluded therefore, there are ample opportunities for future residents of this development to be able to travel by sustainable modes of transport and as such, the site is considered sustainable, subject to a travel plan condition in order to ensure that new residents are fully aware of all the non- car options.

Site access

There will be two vehicular accesses into the site; both taken from the already approved "Road 7" in area 26 of the EGE development. The northern access will be an east-west aligned road and the second access will run in a north-south direction from Road 7. Both new [vehicular] accesses would be constructed to the Council's adoptable standards.

The main pedestrian and cycle access will also be through the adjacent consented development and along the proposed access link roads. In addition to access along the primary routes, a pedestrian and cycle access will be provided between the development and the Avon Cycleway which borders the southern boundary of the site.

The Transport DC officer is satisfied that the proposed [vehicular and pedestrian/cycle] accesses are acceptable from highways' point of view.

Internal Site Layout

The internal street design for this development will be in accordance with the principles set out in the 'Manual for Streets' document. The [internal] roads would be constructed to the Council's adoptable standards and will be designed to maintain low vehicular speeds through the development. Dropped kerbing and tactile pavements will be provided where necessary. Plans submitted with this application includes a 'Swept path analysis' for the proposed development and shows that the new road system for this development will be adequate for all type of vehicular traffic with suitable turning area at the end of each cul-de-sac on site.

Parking

Parking will accord with SG Council parking requirement. However, the level of visitors' parking on site was originally lower than required for this development and as such the revised plans have included increased visitor parking.

Transport Conclusion

There is no highway objection subject to conditions regarding a travel plan and the provision of parking spaces.

Public Rights of Way

The Council's Public Right of Way Team has advised that proposed development will directly affect the recorded public footpath, reference LPU36, which crosses the site in a generally east south easterly direction. The footpath as a whole, starts at the stream adjacent to the Rosary Roundabout, crossing three fields (the application site being one) to its junction with the Dramway Path – Bristol and Bath Railway Path. The footpath has been mapped by the Ordnance Survey since the mid-1800's, and initially provided pedestrian access to the old Shortwood brick works and Parkfield Colliery.

In more recent years the path has served as a direct access from the densely populated Emersons Green area to the The Dramway Path, The Community Forest Path and the wider public path network. The railway path is now also known as the Yate Spur, which is a progressing capital scheme to create a multi-user path linking the Bristol & Bath Railway Path at Mangotsfield to the centre of Yate.

The duty to respect the public footpaths and their historic alignment is incumbent upon developers through Policy PSP 10; Circular 01/09 advises that adequate consideration of the rights of way is taken prior to a decision being made on the planning application, and that if a right of way is to be diverted, preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

The application is not in line with the PROW pre-application advice, as it involves the slight diversion of the route along estate roads. Members are advised though that the matter has been the subject of a great deal of discussion with the applicant, and consideration by officers. Originally it was suggested by the Planning Officer that the route could be diverted along the new recreational footpath corridor which is to run along the western boundary of the site. This would therefore be a green route – in line with PROW policy, and lead directly to the Dramway – the eventual destination of the original PROW. This however was felt by the PROW officer to be too much of a diversion from the original alignment and was not supported.

Eventually it was proposed that the PROW would be kept as close as possible to the original alignment, but this inevitably involves running along estate roads. It was not possible to make this a green corridor due to its location – effectively bisecting the rectangular site, and due to the other constraints on the site, namely the requirement for a recreational route along the length of the western boundary, the requirement for significant landscape and ecology buffers adjacent all of the site boundaries. All of these undeveloped areas meant that the provision of another undeveloped corridor, especially one cutting across the site, was not viable.

Officers can advised however, contrary to the consultation response by the PROW officer, that the proposed revised alignment of the PROW in fact is more in line with the view of the Brandy Bottom chimney that the original PROW alignment.

It is considered therefore that the development comprises a set of circumstances where the diversion of a PROW along estate roads is unavoidable, taking all matters into consideration, as discussed above. Revised plans have however been received which provide as much 'greening up' of the route as possible. In addition, the applicant has agreed to a S. 106 obligation to contribute £8,000 to mitigate for increased pressure on the rights of way network as a direct result of the development, both on the site and in proximity to the site. Despite an initial request of £25,000, the PROW officer subsequently agreed that £8,000 was more proportionate with the size of the development. It is likely that the contribution will be used for a new pedestrian bridge to Willowherb Road, path furniture, surface improvements and signage.

Residential amenity

Since the application was originally submitted, the scheme layout has been amended in relation to a relatively small number of plots that originally did not have satisfactory levels of residential amenity in terms of garden size, overbearing effect, and privacy. The revised plans now indicate that future residents will have a good level of residential amenity and be in accordance with Policy PSP43 which deals with private amenity space standards.

With regard to existing residents, as the application site is entirely bound by mature trees and hedges, there are no immediately adjacent existing or approved dwellings that would have their residential amenity significantly affected by the proposed development.

Affordable Housing

As is noted in the consultation section of this report, the proposed 48 affordable units are in accordance with the approved affordable housing phasing plan and comprise 29.6% of the parcel total, which is slightly more than the required 25% in the S.106 Agreement for the remainder of EGE. The units are spread though the site in small clusters. They are also of the correct size and mix of unit size. The Council's Enabling Officer has agreed that the 2% affordable rent would not be required because the provision of only two units of one tenure type would not be practical in terms of management.

The tenure split of affordable housing has been amended to directly reflect the required proportions of social rented housing (73%), and shared ownership (22%). The mix of affordable units is unchanged, less the loss of one 3-bed and one 4- bed unit. The housing enabling officer previously raised concerns about the distribution of the affordable housing in respect of fact that - notwithstanding the maintenance and management arrangements – an RP would not be willing to take on a mixed-tenure block. All apartment buildings are now proposed as single tenure.

A further wheelchair unit is also now proposed to meet the 8% requirement set out in the Council's Strategic Housing Needs Assessment (SHMA) guidance. Further detail is provided in the amended Affordable Housing.

The applicant has confirmed that all affordable homes will be built to meet Part 2 of Secured by Design and comply with the RP Design Brief. The footprint of Block B has been increased so that 2 bed flats meet the minimum size of 70 sqm in line with the Nationally Described Space Standards.

The scheme is therefore acceptable in terms of affordable housing, subject to a S 106 obligation.

Drainage

Drainage and Flood Risk Management Team (Engineering Group - Street Care) has no objection in principle to this application subject to the following comments, and informatives.

The Flood Risk Assessment & Drainage Statement February 2017 and FRA and Drainage Statement Addendum dated 14.11.17 is in accordance with the agreed Emersons Green East Drainage Strategy & Flood Risk Statement and 296/PH5/101 Surface Water Drainage Strategy. It is recommended that a drainage 'compliance' condition be applied.

The Drainage Strategy for Planning shows the proposed culverting of existing ditches for road crossings in two places, and for footpath crossings in two places. An informative regarding Land Drainage Consent for such works will be required.

Ecology

The site consists of an agricultural field. It is not covered by any statutory or non-statutory nature conservation designations. However, the Rosary Site of Nature Conservation Interest (SNCI), designated primarily for its species-rich acid and neutral grassland, lies to the immediate west of the site. Additionally, the southern boundary of the site adjoins a cycle path along the former Bath - Bristol railway line which is designated as the Disused Railway, Shortwood Farm to Lyde Green Farm SNCI for its scrub flora and species-rich grassland interests.

When the application was originally submitted, the Council's Ecologist objected on several grounds. It was considered that there was insufficient information regarding bats and birds, both of which need further survey work in order to provide adequate environmental information. In addition, there were inadequate buffers to the SNCIs, loss of mature vegetation habitat and not enough retained semi improved grassland and newt habitat.

The revised scheme includes a new planning layout and amended soft landscape plans, together with an Addendum to the Environmental Statement, (Further Environmental Information (FEI) Report).

The Rosary SNCI

The site lies immediately adjacent to the Rosary SNCI. The revised plans show a buffer of species-rich grassland along the western boundary with the Rosary SNCI. This is generally 10m in width, reflecting the same depth of buffer to immediate south of Valewood Field SNCI and other designated sites within the Lyde Green masterplan (Outline consent PK04/1965/O).

Disused Railway, Shortwood Farm to Lyde Green Farm SNCI

The revised plans now show a single foot/cycle path emerging on to the former Bristol-Bath railway line (SNCI) and utilising an existing field gate. The previous layout included two paths and two access points, with the second requiring a removal of vegetation. This would constitute a loss of semi-natural habitat forming part of the Disused Railway, Shortwood Farm to Lyde Green Farm SNCI, contrary to both Policy CS9 of the Core Strategy and PSP19 of the PSP DPD. The single access avoids this transgression in policy and has, moreover, been coordinated with the development plot adjacent to it along the southern boundary with the cycle path.

Semi-natural Habitat

Whilst the original Phase 1 habitat survey (by Wessex Ecological Consultancy) forming part of the pre-application enquiry identified the field as being semi-improved, it nonetheless included areas where the sward was diverse and species-rich with a greater frequency of species associated with, and 'indicators' of, unimproved grassland – such as pignut, tormentil, lesser stitchwort and common and greater bird's foot trefoil.

The survey concluded that the field supported MG1a grassland, with a central area being a variant of this, and that it did not qualify as lowland hay meadow, a Habitat of Principal Importance for Biological Diversity under Section 41 of the Natural Environment & Rural Communities Act 2006. However, the South Gloucestershire Biodiversity Action Plan (BAP) aggregates all grassland types together under 'Old Meadows and Pastures' with the aim being to conserve the most diverse, species-rich swards affected by development.

Area A in the south-east corner of the site was identified as being the most species-rich. The original design included a semi-natural buffer of retained grassland alongside the Disused Railway SNCI. The buffer was 30m at its maximum width tapering down to a minimum of 10m. This has been widened to between 20-33m in the revised layout and it has been designed to incorporate and retain the most species-diverse area of grassland (A) identified within the extended Phase 1 survey.

This buffer has an additional function in providing terrestrial habitat for great crested newts (see below).

It is recommended that the management of the western and southern buffers as a mosaic of (species-rich) tussocky grassland and broadleaved woodland should form the basis of a Landscape and Ecological Management Plan (LEMP) to be secured by a condition.

The boundaries of the site are delineated by a series of field hedges. The hedgerow on the western boundary of the site forms part of the Rosary SNCI and qualifies as 'important' under the Hedgerow Regulations 2017.

The originally submitted application showed a meandering cycle way/public footpath running north-south through the grassland 'buffer' to the hedgerow and lit by street lighting. This has now been moved to the outer edge of the buffer, giving a continuous 10m-wide belt of species-rich grassland alongside the hedge, thereby avoiding a fragmentation of habitat and preventing light spill from affecting the western hedge and its associated trees.

The application also includes a Construction Management Plan (CEMP) to avoid pollution incidents and harm to retained ecological features. It is recommended that this should form the basis of a planning Condition.

Great Crest Newts

The application includes the results of a re-survey of all seven ponds located within 250m of the application site for great crested newts. Great crested newts were recorded as breeding within six of these ponds with a cumulative peak count of 19 representing the low end of a medium-sized meta-population.

Great crested newt is protected under the Wildlife & Countryside Act 1981 (as amended), the CROW Act 2000 and the Habitats Regulations 2017, which implements European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992'). As a European Protected Species (EPS), a licence under Regulations 53/56 of the Habitat Regulations 2017 is required for development to be lawful.

Previous judicial reviews (most notably Morge) have directed that, to fully engage with the Habitat Regulations, local authorities should subject planning applications to the same 'tests' under Regulations 53/56 as EPS licences albeit with a 'lighter touch'. Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.

The three 'tests' are:-

- *For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment;*
- *There is no satisfactory alternative to the work specification;*
- *The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.*

The first 'social or economic' test is taken to include development.

The FEI report indicates that some 100m² (0.01ha) of moderate GCN terrestrial habitat will be lost within 50m of the breeding ponds (the core zone referred to as 'immediate habitat'). A further 2.3ha of 'intermediate' GCN habitat (50-250m) – also of moderate quality habitat – will also be lost to the development. The report states that:

'The designed-in mitigation reflected in the layout of the revised scheme will provide high quality terrestrial habitat (including hibernacula). The revised scheme design does not include a pond in the south-east corner. This area which in the previous submission was to be given over to pond creation is now being retained as species-rich / tussocky grassland and scrub and tree planting, which will increase the amount of terrestrial habitat available locally for great crested newts.

Management of the grassland for newts is planned and further measures in respect of great crested newts are proposed. Great crested newts will need to be trapped and translocated to a safe area of the Application Site during construction. A European protected species mitigation licence will be required for this development'.

Accordingly, the report proposes to mitigate for a loss of some 2.31ha of moderate GCN terrestrial habitat with approximately 0.8ha of high quality habitat – a 10m wide belt of species-rich grassland along the western site boundary; and a 20-33m wide swathe of tussocky species-rich grassland, scrub

and woodland to augment the linear semi-natural habitat alongside the cycle path which newts will use to disperse. It should be noted that this assessment of the on-site habitat is 'moderate' in that grazing has ceased and the grassland more rank: until the recent application, the pasture would have been heavily grazed and distinctly sub-optimal for herpetofauna in general. The FEI notes that this figure of 0.8ha is an increase on the 0.64ha previously offered by the scheme. The design of the southern buffer also now excludes a pond – there are sufficient water bodies available within the vicinity of the site and it is the loss of terrestrial habitat which needs to be off-set. Moreover, the width of the grassland buffer along the southern site boundary now more or less concurs with the width of the adjacent corridor of semi-natural habitat created as part of the Great Crested Newt mitigation strategy for the main EGE Outline planning permission.

Given this, it is considered that the revised application as presented now satisfactorily meets the second and third 'tests' under Regulation 53 of the Habitat Regulations 2017 in that it assures that the 'favourable conservation status' of the great crested newt populations adjacent to the application site will be maintained.

Badgers

The ES does not include a survey for badgers. It notes that, whilst foraging signs were frequently recorded throughout the application site, with badger paths along the southern and eastern site boundaries, no actual setts were recorded on site during the previous walkover. As more than 12 months has elapsed since that initial walkover, the site will need to be re-surveyed for the presence of badgers immediately ahead of development. This should be secured by condition.

Bats

There are no buildings within the application site. The site was surveyed for foraging/commuting bats (bat activity). Transect surveys recorded a low number of calls from a 'minimum' of three bat species – common and soprano pipistrelles and noctule/Leisler's/serotine. A 'minimum' of seven species were recorded during the automated surveys, with common and soprano pipistrelles, Myotis sp., Plecotus sp., noctule/Leisler's/serotine as well as greater and lesser horseshoes being recorded. The greatest level of activity was along the south-western and northern boundary hedges with the two horseshoe species being recorded along the latter. Both greater and lesser horseshoe bats are nationally rare and Annex II species under the EU Habitats Directive.

These hedges are retained within the scheme and should be protected from adversely positioned street lighting which could affect their continued use as both foraging and commuting habitat. The revised Planning Layout shows that both have robust grassland 'buffers' which helps ensure that any residual light spill is kept away from the hedgerows.

The FEI noted that the original ES considered that five mature trees in the western and northern boundary hedges had features suitable for use by roosting bats, with three having high potential and a further two moderate.

A single Natterer's bat was recorded using one tree, although the aerial survey and ground-level reassessment found that none of the other trees were used by bats.

The proposed streetlighting should demonstrate that the external street lighting will not deter continued use of the site (hedgerows, trees) by bats, and this has been included in the lighting condition.

Slowworm

A reptile survey carried out in 2015 recorded a small population of slowworm associated with the south-eastern site boundary. Slowworm is protected against intentional or reckless killing or injury under the Wildlife & Countryside Act 1981 (as amended) and CROW Act 2000. It is also included on the South Gloucestershire Biodiversity Action Plan as a species for which the Council will require developers to take specific measures to conserve. As slowworms are present on site, a suitable mitigation strategy will be required to prevent development resulting in harm to animals and potential offences in law and this should form the basis of a condition.

Birds

Neither the FEI nor the ES included a specific bird survey. The hedges comprise the most valuable ecological resource on site for birds and are likely to be used by a variety of species typically associated with intensive farmland. A number of these – such as bullfinch, song thrush, dunnock and linnet – are included on the RSPB Lists of Conservation Concern and be listed as Species of Principal Importance for Biodiversity in England under Section 41 of the Natural Environment & Rural Communities (NERC) Act 2006 ('Priority Species').

These hedges are retained within the development. As with the above comments on bats, a Lighting Plan will be required to satisfactorily demonstrate that development will not compromise their continued use by birds as nesting habitat.

Hedgehog

No specific survey for hedgehog was carried out although the hedgerow system would provide suitable habitat. Hedgehog is a Priority Species nationally under Section 41 of the Natural Environment & Rural Communities (NERC) Act 2006. It is also included on the South Gloucestershire BAP as a species for which the Council will require developers to take specific measures to conserve. As hedgehog are potentially present on site, a suitable mitigation strategy will be required to prevent development resulting in harm to animals most notably during removal of lengths of hedge to facilitate road access. This should form the basis of a condition.

Ecology Conclusions

Having regard to the Addendum to the Environmental Statement (Further Environmental Information (FEI) Report dated January 2018 and the revised planning layout, it is considered that there are no ecological constraints to granting planning permission, subject to conditions in relation to revised

planning layout/soft landscape plans, LEMP, CEMP, great crested newt, reptiles (slowworm), hedgehog, badger and a revised Lighting Plan.

Environmental Health

Contamination

The Council's Environmental Protection Office (EPO) has advised that the submitted report provides an appropriate desk study, site investigation and risk assessment. The gas monitoring results however indicated that the highest record values occurred in the only monitoring visit undertaken during falling pressure. This exceeds typical quoted for assessing CH₄ and CO₂ for NHBC green category and Wilson and Card Characterisation 1. It is also noted that of the first 4 visits, 7 measurements exceed 5.0% CO₂ and the other 5 measurements are all 4.3% or above i.e. just within stated typical maximum concentrations of <5.0% CO₂. Therefore the EPO has recommended that a precautionary approach would be prudent and that the developer include Gas Mitigation measures required to NHBC classification Amber 1 or Wilson and Card Characteristic Situation 2 for proposed properties on the development within 250m of the landfill. It is considered therefore that a condition should be imposed to require that properties within 250m of the boundary with Shortwood Landfill Site should incorporate gas mitigation measures to NHBC classification Amber 1 or Wilson and Card Characteristic Situation 2. Prior to occupation of these properties a report shall be submitted to the LPA for approval verifying that the gas protection measures have been appropriately installed.

Noise

The application includes an acoustic report which has been considered by the EPO. The report provided details of ambient continuous noise measurements that were taken at 3 locations around the border of the proposed development. The measured noise measurements were compared with standards set within BS8233: 2014 Guidance on sound insulation and noise reduction for buildings. The Council's EPO is satisfied with the conclusion of the report that the measurements taken were within the upper limit for external noise levels, and that standard construction homes will provide sufficient attenuation to ensure an acceptable noise level for residential accommodation.

Air Quality

The air quality impacts associated with the construction and operation of the proposed residential development at Ibstock Land have been assessed and are included in the ES. Existing conditions within the study area show good air quality, with concentrations of all pollutants below the relevant air quality objectives. The construction works will give rise to a Medium to High Risk of dust impacts. It will therefore be necessary to apply a package of mitigation measures to minimise dust emissions. With these mitigation measures in place, the overall impacts during construction are stated to be 'not significant'. A condition is required to ensure that the implementation of the mitigation measures in the Construction Environment Management Plan (CEMP). The additional traffic generated by the Proposed Development will not significantly affect air quality at existing properties along the local road network. The cumulative impacts associated with road traffic generated by the Proposed Development and other local committed developments will also be not significant. Air quality conditions for new residents within the Proposed

Development have also been considered. Pollutant concentrations are predicted to be well below the air quality objectives at the Application Site, and air quality conditions for new residents will be acceptable.

Overall, the construction and operational air quality effects of the Proposed Development are judged to be 'not significant' and a CEMP condition as noted above should be added.

Energy

At officer's request, the applicant submitted a revised Energy Statement. This clarifies that an improvement over and above Build Regulations will be achieved through enhanced fabric specifications. Therefore, in order to ensure compliance with this element of Policy CS1(8) and Clause 1 of PSP6, a condition is to be applied which requires the development to be built to the fabric / energy efficiency measures set out in the Energy Statement and for evidence to be provided to the authority prior to the occupation of the dwellings to demonstrate that the building performance set out in the Energy Statement has been achieved.

The proposal commits to installing 133kwp of rooftop solar Photo Voltaics and indicative plots / locations are now included on the layout plan for the site. The Solar PV installation proposed is calculated to achieve a 20.25% carbon reduction through reduced energy demand, and therefore meets the requirement set out in PSP6. A condition is required to ensure the proposed solar PV systems are installed and operational prior to the occupation of the dwellings.

Subject to these conditions therefore, the application is in compliance with Policies CS1 and PSP6.

Ground Conditions and Historic Mining Issues

As noted in the Consultation section of this report, the Coal Authority originally requested additional further intrusive site investigation in order to rule out the risks posed by the possibility of historical unrecorded mine shafts and unrecorded coal mining activity that could influence the stability of the site. This advice had arisen due to the applicant's own geophysical survey (May 2017) recommending further intrusive investigation, due to the anomalous features that the originally submitted archaeology report considered to be possibly related to historical mining.

Following the Coal Authority response, the applicant's geotechnical engineer undertook a physical investigation in June 2017 of the features identified in the May geophysical survey. No evidence of any former mine workings were identified within the trenches, with natural strata proven at shallow depth across the base of the trenches. Hence whereas the original investigation report highlighted possible anomalies identified from the archaeological work, the geotechnical engineer's later letter report (June 2017) physically investigated those anomalies and found them to not be related to mining. Therefore the geotechnical engineer considered that risks from former mine shafts was negligible. As noted in the consultation section above, the Coal Authority has

accepted this professional opinion. It is not therefore necessary to include a condition requiring any further site investigations relating to this issue.

Archaeology

When the application was originally submitted there was an objection from the Council's archaeologist who was concerned that the Environmental Statement was inadequate with regard to the assessment of the setting of the Brandy Bottom Colliery Scheduled Ancient Monument, which lies to the south east of the site and comprises the remains of a 19th Century steam powered colliery.

The subsequent ES addendum concludes that the wider setting of the site is not considered to be a major contributor to the significance of Brandy Bottom Colliery and does not influence how the monument is understood, appreciated or experienced. The site has a tenuous functional link with the asset and the development proposals could therefore have a minor impact on the wider setting of the monument through the erosion of the wider landscape and the likely covering of the land depression generated from coal extraction activity. As the wider setting is considered a minor contributor to the significance of the asset, the minor impact is considered to have a negligible/minor negative adverse impact on the asset's significance. Officers have considered this additional information and concur with the conclusions.

The application also includes an archaeological desk-based assessment, geophysical survey and trial trench evaluation. The Council's archaeologist considers that whilst it is clear from the geophysics and trial trenching that archaeology is present on the site, it is not of such significance to warrant in situ preservation and as such there is no archaeological objection to the proposal. However, as archaeology has been identified there is a need to record and advance understanding of that archaeology through open excavation.

It is therefore recommended that a condition be imposed to require a programme of archaeological work for open excavation, post-excavation assessment and analysis, outreach and publication, to be submitted to and approved by the local planning authority. Subject to this condition, the application is satisfactory in archaeology terms.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

In accordance with Regulation 22 of the above legislation, when the application was originally submitted, the planning officer advised the applicant that there were two topic areas where the Council considered that further information and evidence was required in order to enable the ES to be properly considered:

The Council's ecologist considered that there was insufficient information regarding bats and birds, both of which needed further survey work in order to provide adequate environmental information. In addition, with regard to archaeology, visual inspection from the Scheduled Ancient Monument – Brandy Bottom Colliery, with visuals of how the dwellings would be seen from the SM.

In response to this, the applicant submitted a Further Environmental Information' (FEI) Report that has been prepared to form part of the Environmental Statement (ES) The FEI Report has two purposes:

- Firstly, it provides the additional information requested by officers under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011;
- Secondly, it provides an update to the ES in relation to a minor changes to the proposed development, in particular confirming whether the change would result in any revision to the assessment of effects which are set out in the ES.

Since the submission of the original ES, and the officer's response, the applicant amended the proposal from 120 dwellings to 115. Hence the parameter plans were updated accordingly. An updated Proposed Development Parameter Plan is set out in the FEI Report. Following the update to the project description the FEI report considered whether any of the assessments set out in the ES would be changed as a consequence of the revised proposals. The potential for any change to the assessments set out in ES Chapter 8 Ecology and Nature Conservation and ES Chapter 9 Heritage and Archaeology and considered alongside the provision of the information requested under Regulation 22 in Chapters 2 and 3 of the FEI. The potential for revisions to each of the other technical assessments is set out in Chapter 4 of the FEI. The revised proposals do not alter the conclusions set out in the ES in relation to these topics.

Officers have taken the ES into account in assessing the application, and where necessary have referred to proposed mitigation measures in the above officer report. The ES concludes that there are no additional environmental constraints which would preclude the proposed development. Officers can confirm that the environmental information has been considered by officers and has been found sound for the purposes of considering this application and has been used to formulate some of the proposed planning conditions.

Impact on Equalities

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

Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to this planning application, it is considered to have a slight beneficial impact due to the inclusion of wheelchair homes.

CIL Issues

The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015 and this development, if approved, would be liable to CIL charging.

Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations. Essentially the regulations (regulation 122) provide three statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development.

In the case of the planning obligations set out above, and as set out in the heads of terms below, it is considered that they are appropriate mitigation, necessary to make the development acceptable in planning terms, directly related to the development and in scale and kind to the development. As such, all planning obligations set out are considered to pass the CIL Regulation 122 tests.

6. CONCLUSION

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

7. RECOMMENDATION

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

1. Affordable Housing

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF. This application seeks full approval for 115 dwellings. Therefore 35% equates to 40 units to be delivered as affordable housing.

Tenure split of 73% Social Rent (29 units), and 27% Shared Ownership (11 units), as identified by the Wider Bristol Strategic Housing Market Assessment 2015. A range of affordable unit types to meet housing need based upon the findings from the Wider Bristol Strategic Housing Market Assessment 2015 as shown below.

- All 40 affordable homes must be built to meet the minimum size requirements:

Percentage	Type	Min Size m ²
15%	1 bed 2 person flats	50
15%	2 bed 4 person flats	70
28%	2 bed 4 person houses	79
34%	3 bed 5 person houses 2 storey	93
8%	4 bed 6 person houses 2 storey	106

Shared Ownership

Percentage	Type	Min Size m ²
8%	1 bed 2 person flats	50
16%	2 bed 4 person flats	70
35%	2 bed 4 person houses	79
41%	3 bed 5 person houses 2 storey	93
0%	4 bed 6 person houses 2 storey	106

- 8% of Affordable Homes to meet South Gloucestershire's wheelchair accommodation standard Wheelchair Specification. Based on a requirement of 40 affordable homes this will generate a requirement for 3 wheelchair units which are proposed as part of this application.
- Affordable housing is to be delivered without any public subsidy.
- Affordable housing should be distributed across the site in clusters of no more than 12 units.
- Affordable Homes to be built to the same high quality design standards and visually indistinguishable from the market units and in addition, Part M of the Building Regulations accessibility standards M4(2), Part 2 of Secured by Design, and compliance with the RP Design Brief
- The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.

- Delivery is preferred through the Council's list of Approved Registered Providers. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.
- Affordable Homes to be built out with the market housing on site in line with agreed triggers within the S.106 Agreement.
- Affordability outputs:

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

Service charges will be capped at £650 per annum (April 2016 base and linked to RPI) to ensure that all housing costs are affordable to future occupants.

Social rented to be retained as affordable housing in perpetuity. Right to acquire does not apply where no public subsidy is provided. Capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, with subsidy levels to increase by any capital appreciation.

2. Public Open Space

Prior to occupation of the 1st dwelling, the applicant shall secure the management and maintenance of the Public Open Space (POS) and Sustainable Drainage System (SuDS) in perpetuity, to adoptable standards, and in accordance with an appropriate management regime to be first approved in writing by the Council. The developer shall open the POS to the public and maintain the POS and SUDs in accordance with the maintenance regime until such time as the whole of the POS and SUDs areas are either transferred to the Council or transferred to a management entity, the details of which shall be first approved by the Council.

POS inspection fees if private management proposed £52.00 per 100sq.m.plus
£500 core service fee.

- The applicant shall provide 690 sqm of equipped open space provision on site for children and young people. Trigger for completion and to be open to the public– 80th dwelling.
- The applicant shall provide 5,210 sqm of natural and semi- natural open space on the application site. Trigger for completion and to be open to the public – 100th dwelling.
- The applicant shall provide 4,500 sqm on site for informal recreational open space. Trigger for completion and to be open to the public by the 100th dwelling.
- The applicant shall provide 560 sqm of allotments on site laid out in accordance with the key on the approved soft landscaping drawing (Golby & Luck 3 of 3), including top soil, to be provided and open to the public prior to the occupation of the 80th dwelling.
- The applicant shall make a contribution of £212,203 towards off site provision/enhancement of outdoor sports facilities, together with a contribution of £64,227 towards its future maintenance. Trigger – 80th dwelling.

3. Pubic Art

Contribution of £4,500 to public art, to be installed on the site by the developer.

4. Public Rights of Way

A contribution of £8,000 to mitigate for increased pressure on the public rights of way network as a direct result of the development, both on the site and in proximity to the site. Contribution to be used on items including a new pedestrian bridge to Willowherb Road, path furniture, surface improvements and signage.

- 7.2 The reason for the above obligations is to ensure that the enhancements needed to off-set the impact of the redevelopment are secured both to the natural and built environment, and to provide a suit of measures to mitigate the impacts of the development on the existing community and to ensure the future community is sustainable.
- 7.3 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.4 Following the Council introducing the CIL tariff that Head of Corporate Finance is authorised to levy the CIL charge.
- 7.5 Should the agreement not be completed within 6 months of the date of this Circulated Schedule report that delegated authority be given to the Director of Planning, Transport and Strategic Environment to refuse the application if an extension of time to complete the agreement is not sought.

Background Papers PK17/1112/F

Contact Officer: **Helen Ainsley**

Tel. No. **01454863643**

CONDITIONS

1. The development hereby permitted shall begin before the expiration of three years from the date of this decision.

Reason

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

2. Prior to the commencement of the development hereby approved, protective fencing in accordance with Drawing BHBD19956-03E (ACD Environmental) shall be erected around the root protection area of existing trees and hedgerows to be retained adjacent and within the site. Such fencing shown on this drawing shall be erected prior to the use of any machines on the site and prior to any clearance on site, and retained as such throughout the construction period and until the completion of the development hereby approved. Thereafter, the trees and hedges shall be retained.

Reason

To protect the character and appearance of the area and in accordance with Policy PSP2 of the adopted South Gloucestershire PSP, and CS2 of the adopted South Gloucestershire Core Strategy. Prior to commencement is required in order to protect the trees and hedges.

3. All planting, seeding or turfing comprised in the landscaping details, hereby approved shall be carried out no later than the first planting and seeding season following the substantive completion of the development hereby approved, and any trees or plants (retained or planted) which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting seasons with others of a size and species as shall reasonably be specified by the Local Planning Authority.

Reason

To prevent losses damage and to achieve the earliest possible establishment of the landscape and its retention, and protect the character and appearance of the area, and in accordance with Policy PSP2 of the adopted South Gloucestershire PSP, and CS2 of the adopted South Gloucestershire Core Strategy.

4. Street lighting to the Council's adoptable standards and which prevents light spill over great crested newt habitat and/or bat commuting/foraging habitat (European Protected Species habitat shall be provided prior to the first occupation of the relevant dwellings hereby approved.

Reason

In the interests of the provision of a satisfactory lighting scheme, and to prevent harm to protected species, and in accordance with Policy PSP1 and PSP19 of the adopted South Gloucestershire PSP, and Policies CS9 and CS1 of the adopted South Gloucestershire Core Strategy.

5. Sample panels of all proposed brickwork and stonework types shall be erected on site, and samples of render colours shall be submitted to the Local Planning Authority and all approved in writing by the Local Planning Authority prior to construction above slab level of any of the dwellings hereby approved. The approved sample panel shall be kept on site for reference until the brickwork is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure a good quality of external appearance and to accord with Policy PSP1 of the adopted South Gloucestershire PSP, and CS1 of the adopted South Gloucestershire Core Strategy.

6. The development shall conform in all aspects with the approved plans and documents shown on the application as listed in the schedule of drawings in the list attached to this decision notice, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

Reason

For the avoidance of doubt and to ensure that the scheme is implemented in full accordance with the plans submitted and assessed.

7. The development hereby approved shall accord with the mitigation strategy for great crested newts forming part of the Further Ecological Information (FEI) Report by Pegasus dated January 2018 as an Addendum to the Environmental Statement (ES) dated March 2017. All works are to be carried out in strict accordance with said strategy.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan.

8. Prior to the commencement of the development hereby approved, a method statement to avoid harm to reptiles (slow-worm) shall be submitted to, and approved in writing by the Council. All works are to be carried out in accordance with said statement.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan. Pre- commencement is required in order to prevent harm to the protected species during the construction period.

9. Prior to the commencement of the development hereby approved, a mitigation strategy to avoid harm to hedgehog shall be submitted to and approved in writing by the Local Planning Authority. All works are to be carried out in accordance with said strategy.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan. Pre-commencement is required to avoid harm to hedgehogs during construction.

10. Prior to the first occupation of the development hereby approved, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan should accord with the approved plans and mitigation strategies and include details of the existing habitat to be safeguarded (hedges, grassland); any new habitat to be created (species-rich grassland, scrub); and its management. It should also include a programme of monitoring of all works for a period of 5 years. All works are to be carried out in accordance with said plan.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan.

11. The development hereby approved shall be carried out in accordance with the Environmental Management Systems and Construction Management Plan dated January 2017, to ensure that all retained and new semi-natural habitat (including new great crested newt habitat) are safeguarded from development, including pollution incidents; furthermore to prevent other forms of environmental pollution.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan.

12. Prior to the commencement of development (including clearance of vegetation), the site shall be re-surveyed for badgers and a report detailing the results of the re-survey and any mitigation strategy provided to the Local Planning Authority and approved in writing. The report shall provide details of all works subject to the licensing provisions of the Protection of Badgers Act 1992. All works are to be carried out in accordance with said report.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan. Pre- commencement is required in order to ensure that no harm to any badgers arises during construction and because 12 months will have elapsed since the previous badger survey on the site.

13. The surface water drainage infrastructure scheme hereby approved shall be constructed in compliance with the submitted drainage plans:

- 438-075 - Drainage Strategy for Planning,
- 438-505 - Impermeable Areas Plan,
- 438-510 - Flood Exceedance Plan,
- 438 Network 1.mdx Micro Drainage calculations dated 14/11/2017 09:58.

Any amendments or changes to the approved drainage design must be submitted to and approved in writing by the LPA and shall comply with the submitted Flood Risk Assessment & Drainage Statement February 2017 and FRA and Drainage Statement Addendum dated 14.11.17 which is in accordance with the agreed Emersons Green East Drainage Strategy & Flood Risk Statement and 296/PH5/101 Surface Water Drainage Strategy.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and to ensure that a satisfactory means of drainage is provided, and to accord with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy and Policies Sites and Places Policy PSP20.

14. Prior to the commencement of any groundworks, including any 'exempt infrastructure' (if this is defined in the S106), geotechnical or remediation works, a programme of archaeological work for open excavation, post-excavation assessment and analysis, outreach and publication, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved programme of work, including all post-excavation assessment, analysis and publication required shall be implemented in all respects.

Reason

In the interests of archaeological investigation or recording, and to accord with Policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy. Pre commencement is required so that any archaeology is not damaged during groundworks.

15. Driveways in which the external car parking area is provided between two side elevations of dwellings shall be provided with external lighting to illuminate this area and external lighting to BS5489:2013 shall be provided for the private driveways/communal car parking areas.

Reason

In the interests of personal safety and crime prevention and in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

16. Prior to the occupation of the first dwelling, a travel plan with the aim of providing residents with information regarding reducing the need to travel by car, encouraging healthy commuting and work/non work related journeys shall be submitted to the LPA for their written approval. Such details as approved shall be implemented in phase with the development.

Reason

In the interests of sustainable development and in accordance with Policy CS26 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

17. The bin storage shown on the drawings hereby approved shall be provided before the buildings are first occupied, and thereafter retained for that purpose.

Reason

To ensure appropriate bin storage for the proposed dwellings and to accord with Policy CS1 of the adopted Core Strategy.

18. Properties within 250m of the boundary with Shortwood Landfill Site should incorporate gas mitigation measures to NHBC classification Amber 1 or Wilson and Card Characteristic Situation 2. Prior to occupation of these properties a report verifying that the gas protection measures have been appropriately installed shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent pollution and to protect the residential amenity of future occupants, and in accordance with and Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy.

19. The development thereby approved shall be built to the fabric / energy efficiency measures set out in the revised Energy Statement (Carbon Reduction from Renewables by Environmental Economics, Version 2, 10/11/17) and evidence shall be first provided to the Local Planning Authority prior to the occupation of any of the dwellings to demonstrate that the building performance set out in the Energy Statement has been achieved.

Reason

To achieve improved energy conservation and protect environmental resources, in accordance Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy and Policy PSP6 of the adopted Policy Sites and Places Plan.

20. The proposed solar PV systems shall be installed and operational prior to the occupation of the dwellings which will have them installed as per the submitted scheme which commits to installing 133kwp of rooftop solar PV (para 3.1 of the Energy Statement) to achieve a 20.25% carbon reduction through reduced energy demand, on the indicative plots shown on the planning layout plan hereby approved.

Reason

To achieve improved energy conservation and protect environmental resources, in accordance Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy and Policy PSP6 of the adopted Policy Sites and Places Plan.

21. Prior to the commencement of the development hereby approved, a scheme for prevention of pollution during the construction phase should be submitted to and approved in writing by the Local Planning Authority and include details of the following:

1. Site security.
 2. Fuel oil storage, bunding, delivery and use.
 3. How both minor and major spillage will be dealt with.
 4. Containment of silt/soil contaminated run-off.
 5. Disposal of contaminated drainage, including water pumped from excavations.
 6. Site induction for workforce highlighting pollution prevention and awareness.
- Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase.

Development shall be carried out in accordance with the agreed details.

Reason

To prevent pollution and in accordance with and Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy. Prior to commencement is needed as the condition relates to the construction period.

22. The play area hereby approved shall be implemented fully in accordance with the play equipment schedule shown on drawing number GL0629 04C (Golby and Luck). Any changes to the play equipment products to be implemented shall be of the same as or greater than those approved in terms of quality, play value and number of people catered for, and shall have been first approved in writing by the Local Planning Authority.

Reason

In order to ensure that the local residents have access to a good quality play area, and in accordance with Policy CS24 of the adopted South Gloucestershire Local Plan: Core Strategy.

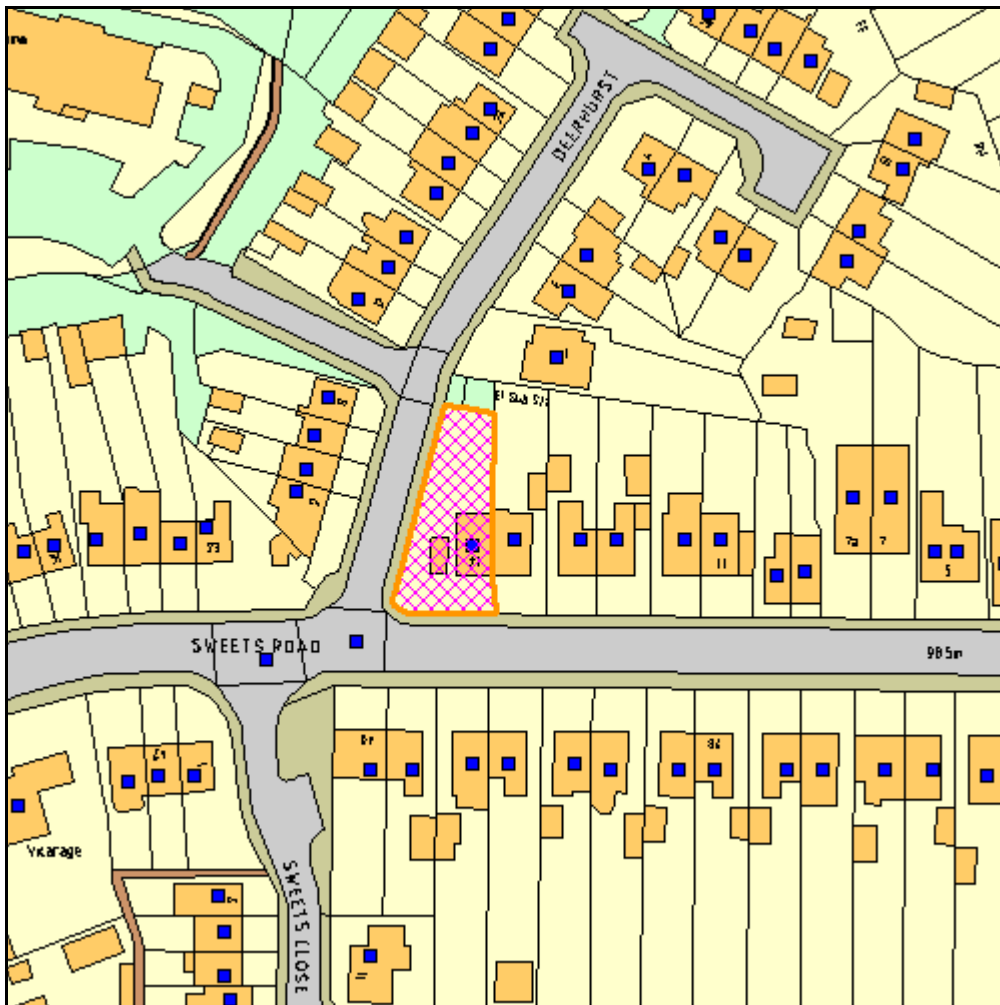
23. All Affordable Dwellings as shown on the Planning Layout Drawing hereby approved, with the exception of flats and FOGS above ground floor level and Wheelchair units shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2).

Reason

To ensure inclusive design access for all in accordance with Policy PSP37 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan.

CIRCULATED SCHEDULE NO. 07/19 – 15 FEBRUARY 2019

App No.:	PK18/4988/F	Applicant:	Mr Christopher Read
Site:	21 Sweets Road Kingswood Bristol South Gloucestershire BS15 1XJ	Date Reg:	5th December 2018
Proposal:	Erection of 1 No. detached dwelling and associated works.	Parish:	None
Map Ref:	365307 174964	Ward:	Kings Chase
Application Category:	Minor	Target Date:	28th January 2019



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 100023410, 2008. **N.T.S.** **PK18/4988/F**

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

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This report is circulated as a result of the comments of four households which are in conflict with the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single detached house. The proposed site is a corner site adjacent to a pair of semi –detached houses on the corner of Sweets Road and Deerhurst.
- 1.2 In terms of constraints, the site is defined for the purposes of the local development plan as being in the urban area. It is also located within a coal referral area.
- 1.3 alterations to the site plan have been made during the course of the application which have altered the proposed parking situation such that one parking space is shown on the frontage using the existing access and another is shown to use the rear garden. These alterations have been subject to re-consultation.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2018

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS29	Communities of the East Fringe of Bristol Urban area

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water & Watercourse Management
PSP22	Unstable Land
PSP38	Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
CIL and S106 SPD (Adopted) 2015
Waste Collection SPD (Adopted) 2015 (updated 2017)

3. **RELEVANT PLANNING HISTORY**

None

4. **CONSULTATION RESPONSES**

- 4.1 Unparished area – No Parish Council
No observations

4.2 Other Consultees

Sustainable Transport
No objection

Lead Local Flood Authority
No objection

Coal Authority

No objection subject to a condition

- conditions requiring prior to development taking place further investigations are undertaken on the site, reporting of the findings and recommendations and if mine workings are present appropriate mitigation works undertaken

Highway Structures
No comment

Other Representations

4.3 Local Residents

Objections from 4 neighbours have been received in respect of the following matters

- Reduction of parking space in Deerhurst (*road – as a result of a dropped curb*) is unacceptable especially given the proposed yellow lines on the same corner.
- Will make parking more difficult for Deerhurst Nursing home, scout premises and playgroup. Poor parking could affect access for large vehicles for these sites.
- Driveway will be pulling straight out onto the corner of Deerhurst.
- Deerhurst is a very busy road
- Overpowering by being so close to the road

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Policy PSP38 finds development within existing residential curtilages, including new houses, which respect the site and surrounding area, would not prejudice the amenities of neighbours, would not prejudice highway safety or provision of parking and would not prejudice the provision of private amenity space or trees acceptable in highly built up areas. The criteria considered in the policy are considered below.

5.2 Design and Visual Amenity

The existing property is one of a pair of two storey houses with hipped roof, tall windows and a bay window feature alongside a projecting porch. The proposal is a respectful copy of the proportions, detailing and materials of the original house but with a different roof finish to the porch and a hipped roof. The form of the house is therefore acceptable and the proposed materials which are indicated on the elevations include rough cast render, Breckland Brown Redland 50 tiles and Breckland Brown plain tiles to the porch and bay window will also have an acceptable appearance. The submitted details are considered acceptable and, as the plans can be conditioned, need no further clarification. During the course of the application the applicant agreed and has shown the retention of more of the natural stone wall which skirts the junction and as such reduced the amount of proposed additional high level fencing.

5.3 Given the above the scheme is considered to accord with design policy.

5.4 Residential Amenity

The degree of separation between the houses on the far sides of the surrounding roads and at the bottom of the proposed gardens is sufficient to prevent harm by reason of physical impact or loss of privacy to neighbouring occupiers. There would be no adverse impacts on the amenity of the host house either given the respectful form proposed. Secondary windows between the proposed house and the host house are not considered to compromise the development such that a refusal would be justified.

Both the proposed and existing house are provided with ample private residential garden space to meet the criterial in PSP43 and a suitable cycle storage location is shown with access to both rear gardens.

5.5 Transport

This planning application seeks to erect a new three bedroom dwelling within the curtilage of 21 Sweets Road, Kingswood, in an urban area, therefore, the Councils Highway Officer is of the opinion that this development fully complies with the requirements of Policy PSP11 of the adopted South Gloucestershire Local Plan: Polices, Sites and Places document in terms of juxtaposition to necessary facilities and access by all travel modes. Likewise, the Councils minimum domestic car parking requirements set out in the Residential Parking Standards SPD adopted in December 2013 relate the number of off-street parking spaces required to the number of bedrooms present in any property. This dwelling will have 3 bedrooms and so it is necessary to provide at least 2

spaces. These are provided via the existing access to the house and at the rear of the garden: the rear garden parking space being provided because it is considered safer than widening the access on the Sweets Road, although the widening of the existing access was not objected to by the highways officer this rear parking space is considered to be a safer solution to the provision of two parking spaces for the new house. Additionally the existing dwelling possesses no more than 4 bedrooms and there remains sufficient space for two vehicles associated with that property to park off-street as well. Consequently, sufficient parking spaces are provided in line with policy.

This property is located on the corner of the junction between Deerhurst and Sweets Road but as this is a predominantly residential area, where vehicle speeds are likely to be low, it is not considered to be a material highways issue. As a result, this proposal raises no significant highway or transportation issues.

Information is however recommended to be attached to the decision notice to remind the applicant of the need for any works on the public highway, including installation of dropped kerbs, to be fully approved by this Council before, during and after construction

5.6 Drainage

Mains sewerage and SUDS drainage are proposed which is acceptable.

5.7 Coal mining legacy

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. Should site investigations confirm the need for remedial works and/or mitigation measures to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development. As such a condition is attached to require such investigations and to ensure that any necessary actions are carried out.

5.8 Trees and landscape

The site has a couple of small trees within its boundary which are not significant to the locality and will be removed. Notably the applicant intends to remove the conifers from the corner of the site which will improve visibility from the existing access of the site. Whilst there is space within the gardens remaining to plant new species this is not considered essential and a matter requiring direct action through a condition.

5.9 Impact on Equalities

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

- 5.10 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.11 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.
- 5.12 Planning conclusion
The proposal for an additional dwelling is considered acceptable in terms of impact on the character of the area, residential amenity and transport matters and can be recommended for approval.

6. CONCLUSION

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

7. RECOMMENDATION

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

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

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

2. Coal Mining legacy
Prior to the commencement of construction a scheme of intrusive site investigations (including timescales) shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the intrusive site investigations shall be carried out as approved and a written report of the findings arising from the intrusive site investigation shall be submitted to the Local Planning Authority.

If necessary (depending on those findings) a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in full accordance with the remedial works so approved which must be completed prior to the first occupation of the building.

Reason

This is a pre-commencement condition to ensure an appropriate level of investigation is carried out prior to building commencing as the area is at high risk of historic coal mining having taken place in the vicinity. Thereafter it ensures that appropriate mitigation works will be undertaken to ensure that the development hereby approved is safe from Coal Mining hazards and features in order to protect the public, the environment and any future occupiers of the site. This is to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013 and paragraphs 178 and 179 of the National Planning Policy Framework.

3. 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. This shall include the parking provision shown for the host dwelling.

Reason 1

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 CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

Reason 2

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

4. The development shall be pursued exactly in accordance with the following plans:

NRD/2017/CPR 100 Rev B received 15/1/2019

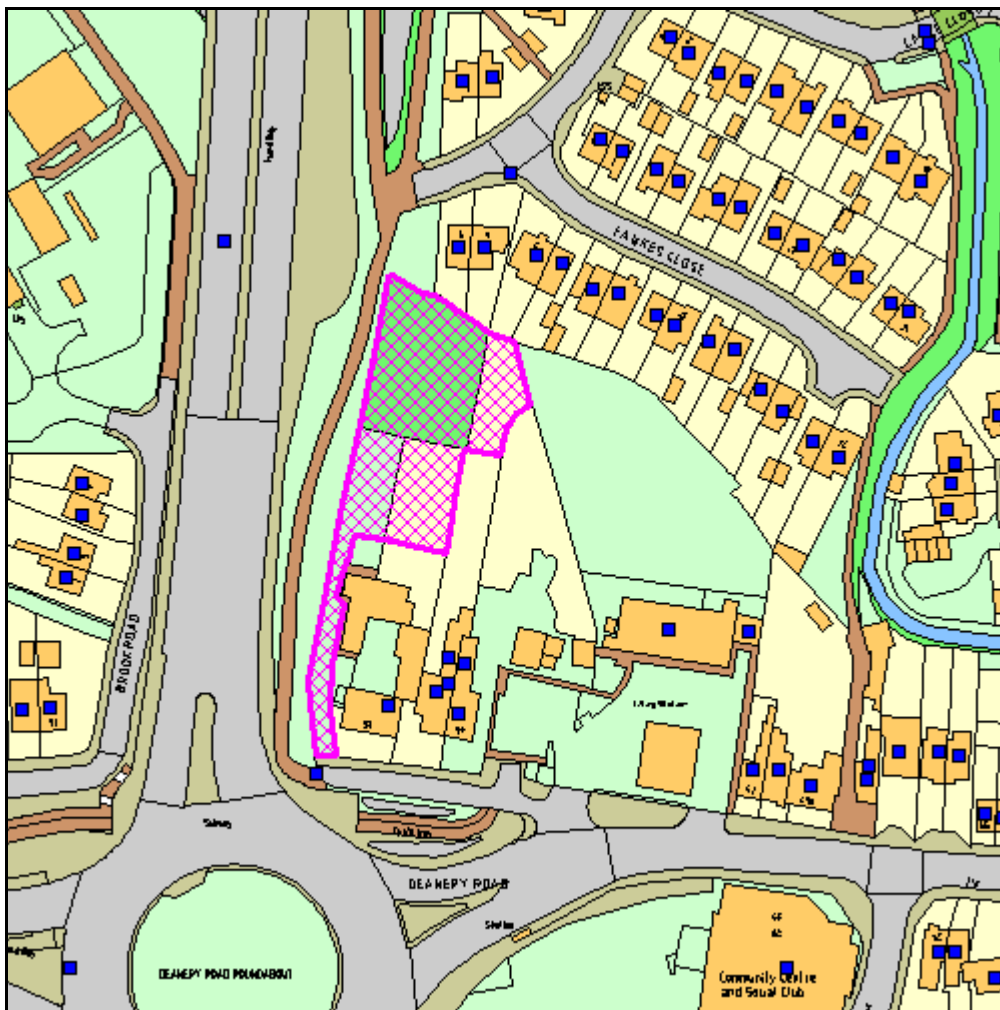
NRD/2018/CPR 200 received 30/10/2019

Reason

For the avoidance of doubt and to prevent the need for remedial action.

CIRCULATED SCHEDULE NO. 07/19 – 15 FEBRUARY 2019

App No.:	PK18/6115/F	Applicant:	Choice Ltd
Site:	Warmley Court 33 Deanery Road Kingswood South Gloucestershire BS15 9JB	Date Reg:	17th December 2018
Proposal:	Erection of a building to form 12no bed care home (Use Class C2) with parking and associated works.	Parish:	None
Map Ref:	366625 173603	Ward:	Siston
Application Category:	Minor	Target Date:	11th February 2019



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 100023410, 2008. **N.T.S.** **PK18/6115/F**

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

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of the comments of Siston Parish Council which are in conflict with the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a vacant plot of land located to the rear of Lansdowne House, which lies in Warmley, adjacent to the A4174 Bristol Ring Road with access from Deanery Road. The site is otherwise immediately surrounded by domestic gardens to the north and east and a C2 care facility to the south.
- 1.3 Lansdowne House is a Grade II Listed Building which was converted to a Nursing Home in 1995. This required the demolition of outbuildings and the construction of a large single-storey extension. The construction of the ring road was carried out between 1986 and 1994. This required the re-alignment of the boundary to Lansdowne House and the stopping up of Deanery Road at the property. Lansdowne House was originally a farm house with a large amount of land; the Nursing Home does not require such a large external area.
- 1.4 It is proposed to erect a single storey building similar to the previous application but with 12 bedrooms for adults with special needs, two of which being one bedroom apartments.
- 1.5 The previous scheme was for a six one bedroom care apartments and four nurse based single rooms, 2 staff sleep over facilities and a family sleep over room. The proposal also shows two communal lounges. Vehicular access would be from the end of Deanery Road and to the western side of Lansdowne House. Seven parking spaces are also proposed.
- 1.6 The proposal is to be finished in red brick, Oatmeal through colour render and timber cladding as shown in the Design and access statement. The roof is proposed to be finished in grey concrete tiles.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework July 2018
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning Practice Guidance March 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013

CS1	Design
CS5	Location of Development
CS9	Managing the Environment and Heritage

CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS20	Extra Care Housing

South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted Nov 2017

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP16	Parking Standards
PSP21	Environmental pollution and impacts
PSP43	Private Amenity Space Standards

Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23rd August 2007
 South Gloucestershire Council Residential Parking Standards (Adopted) 2013.
 Trees on Development Sites SPD Adopted Nov. 2005
 Affordable Housing SPD 2014

3. **RELEVANT PLANNING HISTORY**

- 3.1 K7937 - Change of use from residential (C3) to Nursing Home (C2) and erection of single-storey rear extension.
Approved 14 July 1995
- 3.2 P86/4157 - Demolition and setting back of boundary wall for the construction of the Avon Ring Road Stage II.
No objection 14 April 1986
- 3.3 P94/4049 - Demolition of part of existing stone garden wall and construction of new boundary wall.
No objection 18 March 1994
- 3.4 P95/4249 - Works to elevations, doors and windows, and internal alterations. Demolition of single-storey outbuilding to rear of dwelling.
Listed Building Consent 14 July 1995
- 3.5 PK13/4742/F Erection of 2no. dwellings with associated works Approved 14.05.2014 [this uses the land closest to the existing buildings and were two storey
- 3.6 PK14/2752/F Erection of two storey building to provide 7no. care apartments (C2 use class) approved
- 3.7 PK16/6136/F Erection of a single storey building to provide 10no. bed care facility (Class C2) with associated works. Approved 09.01.2017

4. **CONSULTATION RESPONSES**

- 4.1 Parish comments
Unparished site therefore no comment received

Siston Parish Council (Adjoining Parish)

Siston Parish Council object for the following reasons:

Councillors have no objections to the development proposed but still have serious concerns at the highway safety issues arising as a result of the queuing-back of traffic waiting to access the filling station caused mainly by the two lanes converging into one at the filling station entrance. Members would recommend further assessments be made into the increasing congestion and highway safety issues at this major roundabout junction before any increased use of this substandard access is approved.

4.2 Other Consultees (including internal consultees of the Council)

Environmental Protection

The specifications for the proposed building provided in the submitted acoustic report dated 24th February 2015, shall be implemented to achieve the required noise mitigation from the ring road.

Construction sites informatives suggested

Possible land contamination of the site requires investigation - condition required ...

Sustainable Transport

No objection.

Conservation Officer

Some concern about levels as the plan is difficult to read and sections are elevations. Seeks more information on scale and is not supporting the scheme.

Highway Drainage

No objection – an informative is suggested

Archaeology

This application is situated within the settlement of Deanery Road, which may have Medieval origins. It is also situated within an area of likely historic mining activity. Watching brief required.

Highway Structures

If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner

Community infrastructure officer

No comment due to care home

Other Representations

4.3 Local Residents

No responses

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The applicant seeks planning permission for the erection of a care home. The site is located within the urban area where the principle of such development is acceptable and the following main policies would be relevant to the determination of this application.

It is considered that the Local Plan policies as stated below are broadly in compliance with the NPPF. It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings.

The South Gloucestershire Local Plan Core Strategy was adopted in Dec. 2013 and the policies therein are part of the development plan. Policy CS20 and the Affordable Housing and Extra Care SPD recognise the need for and seek to assist in meeting the genuine need for extra care housing. This application provides 12 bedspaces of sheltered C2 (residential institution) and is considered to be a public benefit due to the service it would provide for its residents. Policy CS17 advises that housing developments need to contribute to the provision of homes that are suitable for the needs of older people, people with disabilities and those with special needs in a way which integrates these people with the wider community.

Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*

- 5.2 Policy PSP38 permits development within existing residential curtilages, including extensions to existing dwellings and new dwellings subject to criteria that are discussed below. Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.

5.3 Density

The NPPF seeks to make efficient use of land in the Urban Area for housing. The previous application PK16/6136/F covered an almost identical footprint and was for similar ground floor development of 10 C2 care apartments and additional staff/family bedrooms. As such the principle of using the land for development is already established. Having regard to the site constraints, in particular the neighbours and close proximity to the listed building, and character of the locality, officers consider that the proposed building is sufficiently large, so as to provide efficient use of the site.

- 5.4 Scale, Design and impact on the setting of the Listed building
Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 only permits new development where good standards of site planning and design are achieved. Criterion 1 of Policy CS1 requires that siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. CS9 considers the impact specifically on heritage, landscaping and other environmental matters such as noise.
- 5.5 The application site lies to the rear of the Grade II listed Lansdowne House in an area that historically served as its garden and orchard prior to the construction of the A4174 in the late 1990s which cut the site virtually in half. The main listed building, a 19th century detached 2 storey dwelling with rendered walls, slate roof and coped verges now occupies a location overlooking a large roundabout, with the ring road approximately 15m from its western gable. The building has been previously extended and altered during its use as a care/nursing home and internally, the building has been heavily altered under previous consents. To the rear are single storey additions, some modern, others being old outbuildings, that have also been heavily altered to provide additional rooms; these are however considered to be curtilage listed. They form a u-shaped courtyard to the rear of the listed building and are separated from the access drive by metal railings.
- 5.6 To the rear of these outbuildings lies the application site which has already gained planning permission for two detached houses, six C2 care flats or 10 care bedrooms and ancillary nursing bedrooms, the later still a valid planning consent. At present, the area is divided into a parking area and a grassed area, only a small proportion of which is currently defined as a garden area. The area is essentially an open space divided by a fence to the rear of the listed building which provides a sense of its former, open setting, one that has been significantly undermined by the encroachment of the ring road. From the wider area, the single-storey outbuildings are seen as low, ancillary additions to the rear of the listed building. The main block remains the dominant feature, occupying a prominent position in the streetscene. Aside from the single-storey outbuildings, the land to the rear remains undeveloped and is perceived from within and from outside the site as part of the original gardens of the listed building. The contribution this land makes to the listed building is the fact that it remains undeveloped and thus preserves the last vestiges of the open gardens and orchards that up until the early 1990s still surrounded the listed building. However planning permission was granted in May 2014 for two, two storey houses which has set a precedent for development at the site, within reason, and a further ground level buildings have also been permitted across the wider garden area. The materials proposed are considered acceptable in this location subject the use of slates respecting the original roof of the main listed building rather than concrete grey tiles.
- 5.7 There is considered to be a less than significant harm to the listed building as the listed building itself is unaffected by physical works. Para 196 of the NPPF2018 states that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal, including where

appropriate, securing its optimum viable use. The impact or harm to be considered is therefore the effect on setting of the building. The proposal to erect care apartments and bedrooms follows a similar theme to a previous application but remains at ground floor only. This also reflects the current use of the main building and its outbuildings, although there is no physical link to the existing operation, save its current access. Overall whilst the proposal is one single mass of built form in the old garden of Lansdowne House its form would have less impact on the remaining care home than the previous house schemes for the site, whilst providing a public benefit in that the proposal offers a service to people with special needs. As such the harm to the setting of the listed building caused by developing in its garden is balanced against the consented development and the public benefit derived. Consequently, the proposed care facility is acceptable in principle subject to a materials condition to secure slates to the roof rather than concrete tiles.

5.8 Transportation Issues

This application seeks permission for a Care Facility, specifically for patients who require full time care with a long period of recuperation. The current proposal is for a 12 bed care unit which is two more than the consented scheme in 2017.

Access to the site will be provided via an existing route from Deanery Road. The section of Deanery Road serving the site has access off the access to an Esso filling station and Tesco Express convenience store. There is a right-turn ghost island access for westbound traffic on the A420. The site is within close proximity to a bus stop located a short walking distance on Deanery Road. There is also a pedestrian/cycle path which runs along the eastern boundary of the site, providing links to Kingswood.

In terms of parking, a plan submitted with the application shows 9no. Car parking spaces and this is considered adequate for this development. The plan also shows 6 cycle parking spaces.

It is noted that Siston Parish Council do not object to the facility but are concerns about the existing junction arrangement and about the potential increase traffic using the junction with Deanery Road. In this context, officers make the following comments.

Based on the assessment of traffic generation, it is considered that the proposal for a 12no. bed care unit will be likely to generate around two vehicular trips in the morning and afternoon peaks hours on the adjoining highway network and about 28 daily trips. In terms of net impact, the proposed development is just two more bed units than was consented in 2016, when the South Gloucestershire Council did not object. Level of traffic to be generated by this development is not considered significant particularly when the previous permission for 10 bed care home is taken into account.

The applicant has been asked and provided additional information regarding waste management and this has satisfied the highways officer that there is no objection in that regard.

In view of the above mentioned matters there is no highway objection to this application subject to a condition requiring that the car and cycle parking are implemented prior to occupation of the building.

5.9 Landscape Issues

Officers must have regard to the impact of the proposal on open space, and the impact on the landscape in general in accordance with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013. Policy PSP2 requires those attributes and features of the landscape which make a significant contribution to the character of the landscape or distinctiveness of the locality, to be conserved and enhanced. There is little tree cover of note in the garden as it has been left to be overgrown however there is potential to maintain a large willow within the boundary of 35 Deanery Road and a further couple of trees close to the boundary of the site, together with potential for enhancement planting close to Fawkes Close. As such a condition is recommended to secure a landscaping scheme.

5.10 The application site forms part of the former garden of Lansdowne House. Due to the presence of the existing buildings to the south, the high wall to the west and belts of high vegetation to the south and east the plot is not generally visible from the public domain and as such makes only a minor contribution to the character, amenity and distinctiveness of the wider locality. The principle contribution that the open space makes is to the setting of the Listed Building and this has been discussed above. On balance therefore the scheme is considered to be acceptable in landscape terms.

5.11 Impact on Residential Amenity

The site lies within the urban area and is residential in character. Officers must consider whether the proposal would, in accordance with Policy PSP8, have any adverse impact on residential amenity in terms of, overbearing impact or loss of privacy from overlooking or inter-visibility between habitable room windows; and whether adequate amenity space would be provided to serve the care accommodation proposed.

5.12 In terms of residential amenity space provision; the plot is surplus to the requirements of the existing Care Home and sufficient communal garden is provided to serve the use. Communal facilities are considered acceptable for the C2 care use proposed. Furthermore the site lies in a sustainable location, close to the centres of Warmley and Kingswood.

5.13 The proposal being ground floor only is not considered to materially affect neighbouring dwellings as it would not have any significant overbearing impact or significant loss of privacy. It is also almost identical to the previous scheme in terms of footprint.

5.14 With regard to the living conditions of the care apartments' inhabitants the applicant has provided a noise survey given the sites location close to the ring road. The Environmental Health Officer raised no concern about air quality at the site but has recommended a condition to secure the suggestions in the report.

5.15 Environmental Issues

Matters of noise, contamination and disturbance must be considered in relation to the NPPF and Policies CS9.

5.16 The site lies adjacent to the Avon Ring Road which is a source of noise. This has been considered in paragraph 5.15 above. Furthermore there is some anecdotal evidence that the site may be contaminated and that old shallow mine workings lie beneath it.

5.17 Only the site access is located in the coal notification area but as The Coal Authority have previously recommended that Coal Authorities Standing Advice is attached to a decision at this site, this has been added to the recommendation.

5.18 As regards possible contamination, the Council has no record of the site being contaminated but as a result of anecdotal evidence the EHO considers it justified to impose a further condition to secure site investigations and mitigation measures should any contamination be found. Further whilst there may be some disturbance during the construction phase, this would be on a short term basis only and the hours of working on site can be controlled by a condition.

5.19 Subject to the aforementioned conditions, there are no objections on Environmental Health grounds.

5.20 Drainage Issues

Use of SUDS is acceptable at this site and the drainage team have given advice in a recommended informative about drainage matters. Given that building regulations will secure the building's drainage and a suds scheme is shown there is no further need for a condition to agree details under the Planning Act.

5.21 Archaeology

This proposal covers a significantly larger portion of the site than the previous schemes in an area which may have Medieval origins. As such a watching brief is considered necessary.

5.22 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission is granted subject to the conditions set out below.

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

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

2. The development shall be pursued exactly in accordance with the following plans and particulars as submitted for consideration in this application.

Location plan received 17 Dec 2018

Topographical plan 2832-PA-109 received 12 Dec 2018

Proposed site plan GA01 received 17 Dec 2018

Proposed Block Plan BLOCK received 17 Dec 2018

Proposed elevations GA04 received 12 Dec 2018

Proposed sections GA05 received 12 Dec 2018

Proposed roof plan GA03 received 12 Dec 2018

Proposed floor plan GA02 received 12 Dec 2018

Email advising refuse method received 3/1/2019

Vehicle tracking VEH001

Vehicle tracking VEH002 both received 3/1/2019

Planning noise survey and assessment dated 24/2/2015, received 3/1/2019

Acoustic notes 001

Acoustic notes 002 both received 3/1/2019

Reason

For the avoidance of doubt.

3. The access, car parking, cycle parking and manoeuvring areas shall be implemented in full accordance with the approved details shown on the Proposed Site Plan Drawing No. CCG/DEAN/2018/GA01, prior to the first occupation of the building and retained for that purpose.

Reason 1

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 CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

Reason 2

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

4. Prior to the relevant part of the works and notwithstanding the proposed concrete tiles proposed, representative samples of roofing slates, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.

Reason

To preserve the setting of the nearby Listed Building in accordance with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

5. The hours of working on site during the period of construction shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, 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 protect the residential amenity of the neighbouring occupiers and to accord with Policies CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013

6. Potential for Contamination
 - A) Desk Study - Anecdotal evidence suggests previous uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably competent person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

- B) Intrusive Investigation - Where potential contaminants are identified under (A), prior to the commencement of development an investigation shall be carried out by a suitably competent person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures. (Note (A) and (B) may be combined if appropriate).
- C) Verification Strategy - Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
- D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

Having regard to possible contamination of the land and in the interests of future occupiers in accordance with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted Nov 2017. This is a pre-commencement condition as mitigation works may need to be carried out prior to the commencement of building at the site.

7. Prior to the commencement of development 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.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013. This is a pre-commencement condition as later implementation would negate the purpose of the condition.

8. The scheme shall be carried out in accordance with the Planning Noise Survey and Assessment 24/2/2015 received by the council on 3/1/2019 with accompanying acoustic notes 001 and 002.

Reason

To minimise disturbance to future occupiers of the development hereby approved in accordance with Policy L9 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and the provisions of the NPPF.

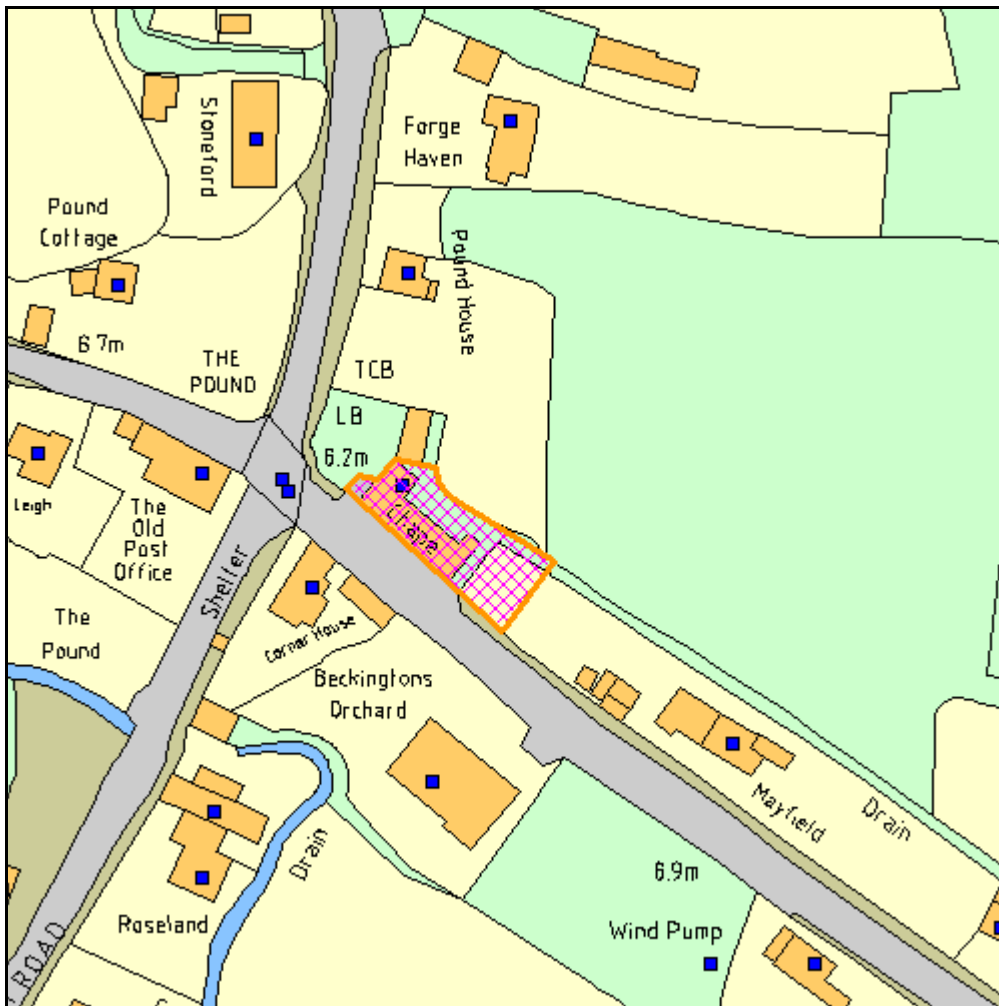
9. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition as later implementation would result in the loss of potential finds and recording opportunities.

CIRCULATED SCHEDULE NO. 07/19 – 15 FEBRUARY 2019

App No.:	PT18/1632/F	Applicant:	Mr D Hill
Site:	The Chapel Chapel Road Oldbury On Severn Bristol South Gloucestershire BS35 1PL	Date Reg:	25th April 2018
Proposal:	Erection of single storey extensions to facilitate change of use of former chapel (Class D1) to 1no. residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	360978 192535	Ward:	Severn
Application Category:	Minor	Target Date:	19th June 2018



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N.T.S. PT18/1632/F

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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule for determination to take into account comments received during the public consultation which are contrary to the officer's recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of single storey extensions to facilitate the change of use of the building *from* a chapel (Class D1) *to* a residential dwelling (Class C3) as defined by the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site is The Chapel along Chapel Road in Oldbury on Severn. It is a former locally listed Methodist chapel comprising two halls and separate kitchen and bathroom within extensions at either end of the building. Existing entrances to the building are via the northwest and southeast elevations and an area of amenity space is located to the southeast along with off-street parking.
- 1.3 In terms of other constraints, the site is located within flood zones 2 and 3 and lies within an area of archaeological interest.
- 1.4 Amendments have been made during the course of the application.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2018

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS23	Community Infrastructure and Cultural Activity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity

PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets
PSP20	Flood Risk
PSP39	Residential Conversions
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) 2007
 Local List SPD (Adopted) 2008
 Residential Parking Standards SPD (Adopted) 2013
 CIL and S106 SPD (Adopted) 2015
 Waste Collection SPD (Adopted) Updated 2017

3. **RELEVANT PLANNING HISTORY**

- 3.1 P97/1658
 Erection of extension to form lobby and toilet. Construction of patio and replacement external door together with reroofing of existing lean-to extension.
 Approval
 16.06.1997

4. **CONSULTATION RESPONSES**

- 4.1 Oldbury-on-Severn Parish Council
 No objection
- culvert may be compromised by building work
 - disingenuous claim that improvements to flood defences as part of the new nuclear build will reduce or prevent flood risk
 - dispute claim that Oldbury is relatively well served by public transport

4.2 Other Consultees

Lead Local Flood Authority

No objection

- Flood Risk Assessment (FRA) acceptable
- Consideration required regarding the introduction of new families into flood zone 3

Sustainable Transport

No objection

Highway Structures

No objection

- Standard informative recommended

Environment Agency

No comment

Lower Severn Drainage Board

No comment

Conservation Officer

No objection

- Rooflights to the rear should be “conservation” rooflights

Archaeology Officer

No objection

Ecology Officer

No objection

Planning Enforcement

No comment

Other Representations

4.3 Local Residents

8 local residents have commented on the scheme; these are summarized below:

2 objections

- Inappropriate change of use
- At risk of flooding
- Negative effect of construction work on residential amenity
- Retrospective parking arrangement
- Insufficient parking provision
- Harm to pedestrian and highway safety
- Planning application form incorrectly filled in
- Harm to local biodiversity

1 neutral

- No harm to area character and appearance
- Submitted drawings indicate a kerb-line/verge to south of property which does not exist
- Harm to highway safety

5 support

- Long term conservation
- Provide additional family housing
- Respects host building and would not harm the character and appearance of the area

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of conversion of the chapel returning it to beneficial use is supported by policy CS23 of the South Gloucestershire Core Strategy 2013.

The building presents a poor appearance, being empty and vacant, and is on the Council's list of buildings of local importance. It is the detailed design of the scheme in terms of the internal layout and features that are the main concerning issues.

5.2 Flood risk

The site lies within flood zone 3 and is therefore vulnerable to flooding. However, in this case because the proposal involves a change of use of a building, there is not a requirement to undertake a sequential or exception test.

5.3 Nevertheless, changing from a non-residential use to a residential use does increase the vulnerability classification (set out in Table 2 of the Planning Practice Guidance (PPG)) of the development from 'less' to 'more' and as such there could be a greater risk to occupants in the event of a flood.

5.4 The NPPF requires that when determining applications, in the light of the a site specific flood risk assessment, amongst other things, it is necessary to demonstrate the development is appropriately flood resistant and resilient; sustainable drainage systems are incorporated; any residual risk can be safely managed; and a safe access and escape route is included and where appropriate, as part of an agreed emergency plan. Ultimately, the local planning authority need to be satisfied that the proposed development would be safe and not lead to increased flood risk elsewhere.

5.5 In this case, neither the Council nor Environment Agency object to the scheme on flood risk grounds and the submitted flood risk assessment is considered acceptable.

5.6 It is therefore concluded that the development would be acceptable in relation to flood risk and therefore would comply with the NPPF, the PPG and policy PSP20 in these respects.

5.7 Character and appearance

The former chapel is situated in the centre of Oldbury on Severn in a predominantly residential area. The curtilage is fairly small with amenity space to the side and rear. It is surrounded by dwellings. The building has a rectangular form with two small single storey projections at each end.

5.8 As noted above, the building is a non-designated heritage asset. Paragraph 197 of the NPPF requires the decision maker to have regard to the desirability of preserving the building or any features of interest which it possesses. The most relevant planning policy is policy PSP17 of the South Gloucestershire Policies, Sites and Places Plan 2017.

5.9 The proposal involves internal reconfiguration and the erection of single storey extensions to the rear of the building to create a kitchen, study and fourth bedroom. There would be no changes to the front elevation, but the whole scale of alteration to the rear has been the focus of the Council's main concern throughout the application process. However, following extensive negotiations involving design rationalisation and improvement, the extensions are now

- considered to respect the host and therefore would no harm would be caused to the character and appearance of the area.
- 5.10 The Conservation Officer considers the proposed rooflights should be “conservation” ones i.e. low profile/set flush with the existing roof covering and feature a central structural glazing bar. Officers consider that this is fair comment given the building’s local listing and that an acceptable solution is by way of condition so as to address the concern raised.
- 5.11 The proposal is therefore acceptable in terms of its design, securing its viability and overall long term conservation.
- 5.12 Residential amenity
It is not considered that there would be a prejudicial impact on residential amenity, even during construction given the scale of the proposal, and future occupiers would have more than satisfactory living conditions. There is no amenity objection.
- 5.13 Transport and highway safety
The site is located in relatively isolated location which will likely make the property car-dependent. Nevertheless, it is not anticipated that more than approximately 7 vehicular movements per 24-hour day will be generated. As such, the site’s traffic impact cannot be considered ‘severe’ and so an objection on this basis could not be sustained.
- 5.14 Turning to the issue of parking, a new access to the east of the chapel is proposed to allow vehicles to park off-street in tandem. This is not an ideal arrangement but does not cause sufficient concern to warrant an objection either. Moreover, the level of parking proposed meets the requirements of policy PSP16.
- 5.15 It is therefore concluded that the proposal does not raise any material highways or transportation concerns.
- 5.16 Impact on equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.17 With regards to the above this planning application is considered to have a neutral impact on equality.

5.18 Other Matters

Potential harm to ecology: the proposal has been considered by the Council's Ecology Officer who raises no objection to the proposal.

Submitted application form filled in incorrectly: Officers consider that there is sufficient evidence before them to determine the application adequately.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

2. Prior to the commencement of the relevant part of the development full details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

(a) rooflights.

Reason

In the interests of visual amenity and the character of the area, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework 2018.

3. Development shall proceed in accordance with the following plans:

Received 06.04.2018:

Existing East & West Elevations

Existing Floor Plan

Existing Rear Elevation

Proposed & Existing Front Elevation

Topographic Survey (17-097-1)

Received 18.04.2018:

Location Plan

Received 20.12.2018:

Proposed East & West Elevations

Proposed Ground Floor Plan

Proposed Rear Elevation

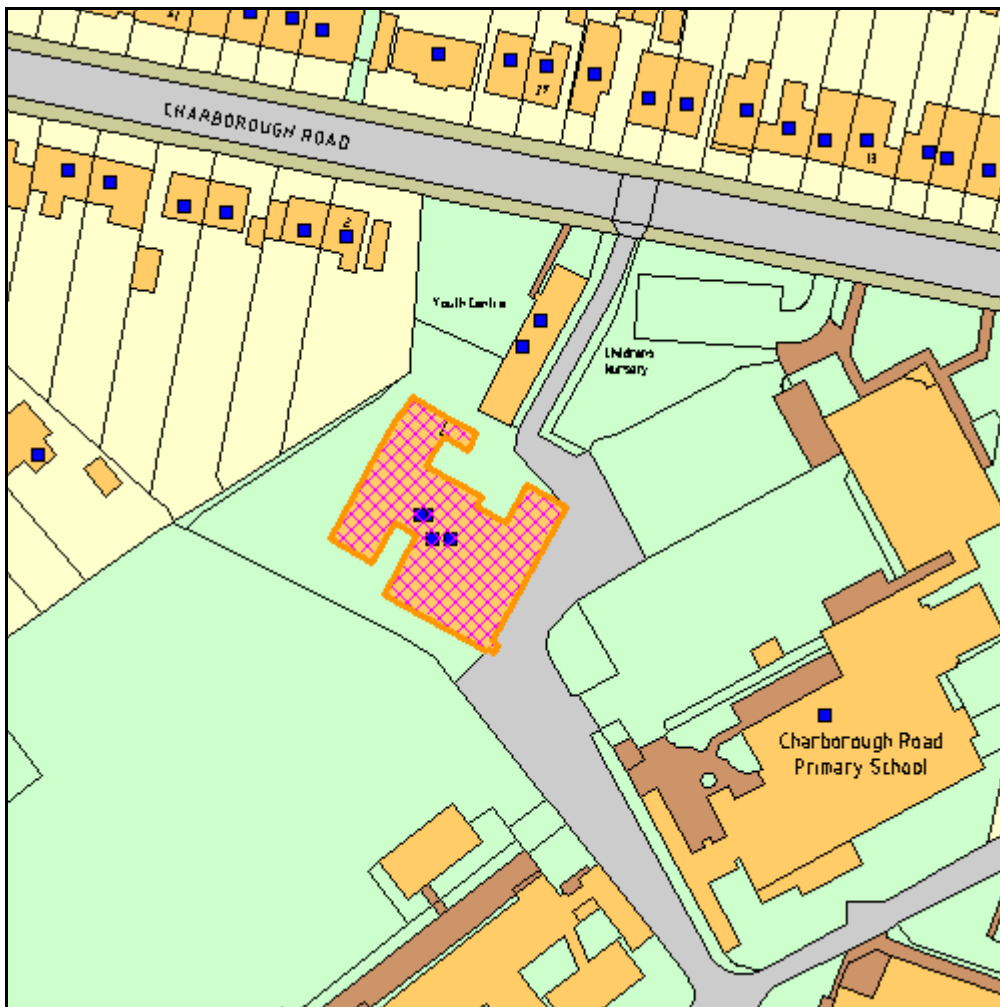
Proposed Roof Plan

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 07/19 – 15 FEBRUARY 2019

App No.:	PT18/6718/PND	Applicant:	South Gloucestershire Council
Site:	Charborough Road Centre Charborough Road Filton Bristol South Gloucestershire BS34 7RA	Date Reg:	16th January 2019
Proposal:	Prior notification of the intention to demolish the former school, training centre and offices.	Parish:	Filton Town Council
Map Ref:	359877 178678	Ward:	Filton
Application Category:	Prior Notification of Demolition	Target Date:	10th February 2019



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 100023410, 2008. **N.T.S.** **PT18/6718/PND**

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

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule as the applicant is South Gloucestershire Council.

1. THE PROPOSAL

- 1.1 The applicant seeks to gain the prior approval of the local planning authority for the demolition of a building. In this instance the building is the former school, training centre and offices at Charborough Road Centre, Charborough Road, Filton.
- 1.2 The building is currently empty and the site is to be cleared to make way for new development in the future.
- 1.3 During the course of the application, an amended Demolition Method Statement was submitted to address concerns raised by the ecology officer.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. Town and Country Planning (General Permitted Development) (England) Order 2015 - Schedule 2; Part 11; Class B
 - ii. Town and Country Planning (Demolition - Description of Buildings) Direction 2014
 - iii. Assets of Community Value (England) Regulations 2012
 - iv. National Planning Policy Framework, March 2012
 - v. National Planning Practice Guidance
- 2.2 Development Plan

This application is for prior approval for the demolition of a building. The policies that comprise the local development plan are not relevant to the consideration of this application.

3. RELEVANT PLANNING HISTORY

- 3.1 There is no recent or relevant planning history at the site.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council

No comment received.

- 4.2 Other Consultees

Ecologist
Objection.

The building inspection identified eight buildings of varying construction and condition. Potential roost features were identified in all buildings but Building 5. Building 1 was assessed as offering low potential for roosting bats, and buildings 2-4 and 6-8 were assessed as offering moderate potential.

The emergence/re-entry surveys observed one common pipistrelle enter Building 4 during the first dawn survey beneath the barge board on the southern aspect of the building. No other emergences/re-entries were observed and the activity in the area was relatively low.

As a bat roost was recorded during the surveys, a bat licence will be required. The day roosts of common pipistrelles are considered to be of low conservation importance, and therefore the report recommends carrying out the work under a low impact licence. However, the three 'tests' still must be satisfied prior to any licence application.

In Britain, all bats are protected under the Wildlife & Countryside Act 1981 (as amended by the CROW Act 2000) and the EC Habitats Directive 1992, implemented in Britain by the Habitat Regulations 2010. Furthermore, some bats are priority species nationally, being listed on the UK Biodiversity Action Plan and under Section 41 of the NERC Act 2006 as a species of principal importance for biological diversity in Britain; as well as being included on South Gloucestershire's own Biodiversity Action Plan.

As European Protected Species (EPS), a licence under Regulation 53/56 of the 2010 Habitat Regulations is required for development to be lawful.

Judicial reviews have directed that surveys for bats cannot be left to planning Conditions; and that where bats are present, planning authorities should be applying the same 'tests' to which licence applications are subject to under Regulation 53/56 of the Habitat Regulations 2010.

Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.

The three 'tests' are:-

- For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment;
- There is no satisfactory alternative to the work specification;
- The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

The first 'test' is satisfied in that development is regarded as being of 'overriding public interest of an 'economic nature'.

Due to the low conservation status of the roost, a replacement bat box recommended by the report is suitable for satisfying the third test and ensuring the demolition won't be detrimental to the favourable conservation status of

common pipistrelles. However, there is no reference to bats or their protection during demolition in the Demolition Method Statement. Mitigation measures required by Natural England to grant the bat licence should be included within the Demolition Method Statement.

Regarding the second test, the buildings are proposed for demolition to open the site up to future development. From the results of the survey, the area does not appear to be of significant importance to bats and therefore a redevelopment that would include various ecological enhancements as outlined in national and local policy would benefit the species within the area. Therefore, the second test is considered to be satisfied.

There is an ecological objection to this prior notification. The Demolition Method Statement must include mitigation measures for bats at the level required by Natural England to grant a licence.

Revised comments 7/2/2019:

Objection removed following revised Demolition Method Statement.

Ward Councillors

No comment received.

Principal Building Control Surveyor

No comment received.

Other Representations

4.3 Local Residents

No comment received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The Town and Country Planning (General Permitted Development) (England) Order 2015 - Part 11; Class B – allows for the demolition of buildings as a deemed consent. It should be noted that this permitted development right is only evoked when the level of demolition amounts to development. This is defined in the Town and Country Planning (Demolition - Description of Buildings) Direction 2014. Outside of a conservation area, buildings with a volume lower than 50 cubic metres are not considered to fall within the definition of development and therefore planning permission, deemed or otherwise, is not required for their demolition.

5.2 The applicant is however, required to apply to the Local Planning Authority for a determination as to whether prior approval will be required regarding the method of demolition and any proposed restoration of the site. This is not a planning application, and therefore has a limited scope. The principle of the demolition itself is granted by Parliament via the General Permitted Development Order subject to the conditions set out under this Part (Part 11); there is no provision for the Local Planning Authority to add further conditions.

The consideration of this process is therefore limited to the more procedural details of how the demolition will occur and any proposed restoration which the Government have indicated should be a “light touch” procedure. As part of this procedure the applicant is required to provide a written description of the proposed demolitions and to give notice of the works. The proposed works will comprise:

- demolition of the existing buildings on site
- the breaking up of floor slabs
- the excavation of the basement level
- removal of materials to licensed waste facility
- removal of tarmac and hardstanding to provide clean, clear site
- all vertical drops will be graded off to follow the adjacent levels

5.3 It is considered that the applicant has complied with the requirements of the aforementioned class.

5.4 Assessment

The main purpose of the notification is to give the Local Planning Authority the opportunity to control and regulate the details of demolition in order to minimise the impact of the development on the amenities of the area. The main assessment of this application is whether the demolition would have a significant impact on the site.

5.5 Most of the site is hardstanding which is to be broken up, so there aren't any natural features which will be affected by the demolition. The site is bordered by the primary school to the east and residential housing to the north and west, however the Demolition Method Statement details how noise and dust will be minimised. The primary school uses a different access and the site will be kept secure, so there will be very low risk of harm to the public. The hardstanding is to be broken up and the site completely cleared, which is acceptable.

5.6 Regarding ecology, a bat roost was found within the building, and although a bat survey was submitted to include mitigation methods, the Demolition Method Statement did not refer to the bat roost. This has now been amended with the mitigation measures included within the revised Demolition Method Statement received on 7th January 2019, and a copy of the required Natural England licence will be submitted to the Council's Ecologist for their records. On this basis, the Ecology officer has no objection to the development.

6. RECOMMENDATION

6.1 It is recommended that a decision notice be issued confirming that prior approval is necessary, but that there is **NO OBJECTION** to the prior approval.

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735