



**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.46/15

Date to Members: 13/11/15

Member's Deadline: 19/11/15 (5.00pm)

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

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

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **by email within five working days of the publication of the schedule (by 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee**

**PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN
TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.**

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Environment of Community Services know 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 the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email MemberReferral@southglos.gov.uk providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

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

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

- Before referring an application always speak to the case officer or Area Planning 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**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.**
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

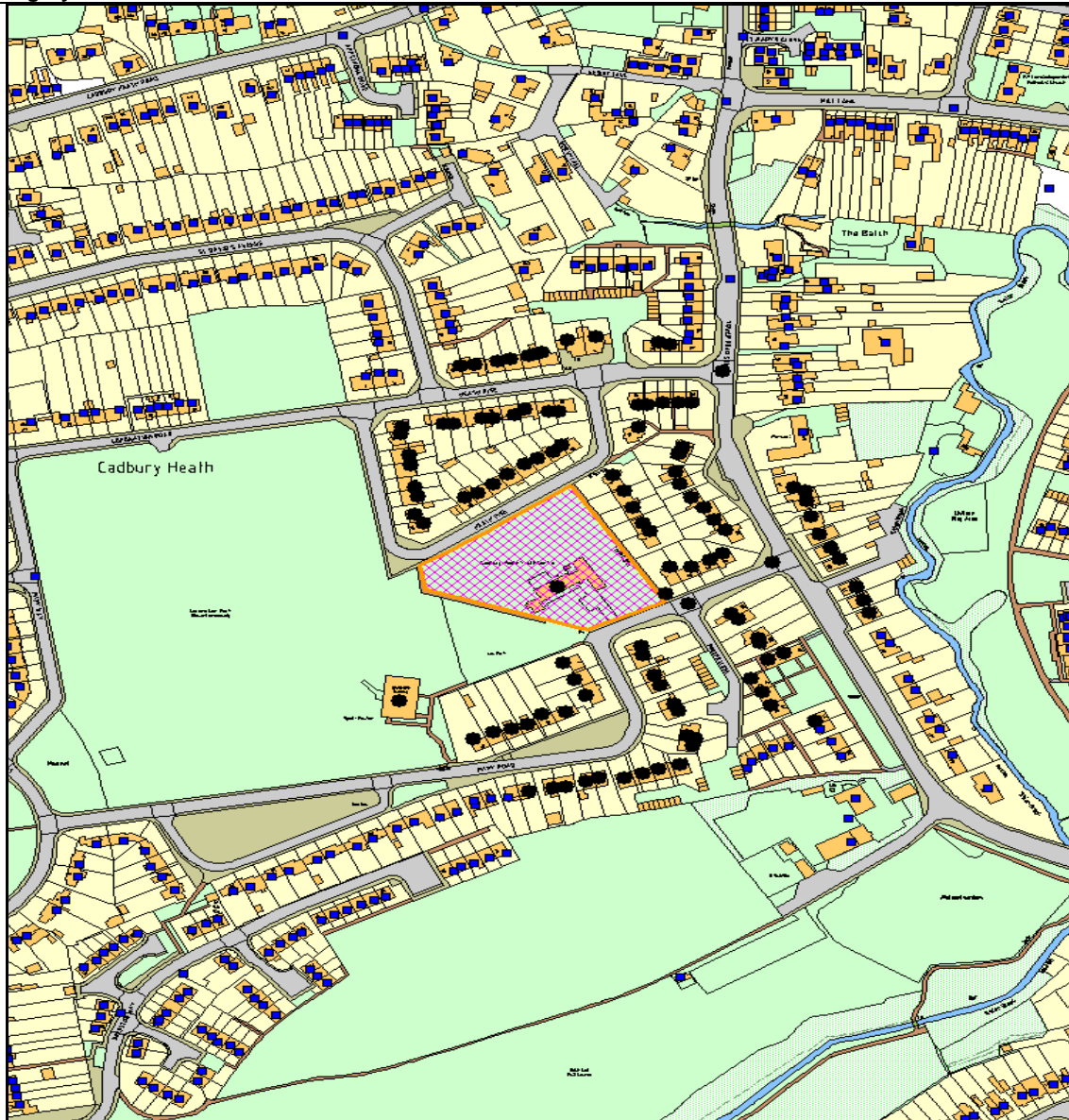
CIRCULATED SCHEDULE 13 November 2015

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/1260/F	Approve with Conditions	Cadbury Heath Youth Centre Park Road Warmley South Gloucestershire BS30 8EB	Parkwall	Oldland Parish Council
2	PK15/4422/CLP	Approve with Conditions	64 London Road Warmley South Gloucestershire BS30 5JL	Siston	Siston Parish Council
3	PT14/5028/O	Approve with Conditions	Northfield Park Charlton Hayes Hayes Way Northfield Charlton Hayes Filton South Gloucestershire BS34 5BZ	Patchway	Almondsbury Parish Council
4	PT15/0510/F	Approve with Conditions	Lockleaze Recreation Ground Stoke Gifford South Gloucestershire BS16 1FD	Frenchay And Stoke Park	Stoke Gifford Parish Council
5	PT15/1846/F	Approve with Conditions	Land At Greenacres Passage Road Aust South Gloucestershire BS35 4BD	Severn	Aust Parish Council
6	PT15/3336/F	Approve with Conditions	Land At Catbrain Lane Almondsbury South Gloucestershire	Patchway	Almondsbury Parish Council
7	PT15/3599/CLE	Approve	Corbetts Green Lane Cutts Heath Wotton Under Edge South Gloucestershire GL12 8QW	Ladden Brook	Tytherington Parish Council
8	PT15/3722/RVC	Approve with Conditions	Unit 4, Cheswick Village Long Down Avenue Stoke Gifford South Gloucestershire BS16 1GE	Frenchay And Stoke Park	Stoke Gifford Parish Council
9	PT15/3892/F	Approve with Conditions	Former Pig Barns Over Court Farm Over Lane Almondsbury South Gloucestershire BS32 4DF	Almondsbury	Almondsbury Parish Council
10	PT15/3893/LB	Approve with Conditions	Former Pig Barns Over Court Farm Over Lane Almondsbury South Gloucestershire BS32 4DF	Almondsbury	Almondsbury Parish Council
11	PT15/4286/CLP	Approve with Conditions	58 Sorrel Place Stoke Gifford South Gloucestershire BS34 8AR	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 46/15 – 13 NOVEMBER 2015

App No.:	PK15/1260/F	Applicant:	Cotswold Homes Ltd
Site:	Cadbury Heath Youth Centre Park Road Warmley Bristol South Gloucestershire BS30 8EB	Date Reg:	8th April 2015
Proposal:	Erection of 25no. dwellings to include flats and two and three storey houses with associated car parking, landscaping and vehicular access.	Parish:	Oldland Parish Council
Map Ref:	366819 172174	Ward:	Parkwall
Application Category:	Major	Target Date:	1st July 2015



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 100023410, 2008. **N.T.S.** **PK15/1260/F**

REASON FOR REFERRING THE APPLICATION TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule due to the receipt of the objections, which is contrary to officers' recommendation and because the equivalent of a Section 106 recommended.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of the Cadbury Heath Youth Centre and the erection of 25 no. dwellings to include flats and two and three storey houses with associated car parking, landscaping and vehicular access.
- 1.2 The site is approximately 0.5 ha and is located within a residential area of Cadbury Heath. There would be access to the site from Park Road and Heath Rise. Outline planning permission, PK13/2981/R3O, was granted for the erection of 25 no. dwellings (Outline) with access to be determined (all other matters reserved) in 2014. The proposal will comprise a mix of flats and dwellings. As the current proposal would create an additional vehicular access from Heath Rise, this full planning application has therefore been submitted.
- 1.3 The site is currently accessed from Park Road and the submitted site layout is to retain access of this road to serve the proposed residential development. There will be a new road of 5.5 metres wide with appropriate visibility splays. There will be pedestrian footpaths to both sides of the new access road.
- 1.4 During the course of the application, a number of revised proposal have been submitted to address officers' concerns regarding the materials and the location of boundary treatment and the highway access.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

Policy 1	Building a strong, competitive economy
Policy 6	Delivering a wide choice of high quality homes
Policy 7	Requiring good design
Policy 8	Promoting Healthy Communities
Policy 11	Conserving and Enhancing the Natural Environment

National Planning Practice Guidance

2.2 Development Plans

2.3 South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS3	Renewable and low carbon energy generation

CS4A	Presumption in favour of sustainable development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure & Cultural Activity
CS24	Open Space Standards
CS29	Communities of the East Fringe of Bristol Urban Area

2.4 South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L9	Species Protection
EP2	Flood Risk and Development
EP6	Contaminated Land
T7	Cycle Parking
T12	Transportation Development Control Policy
LC1	Provision for Built Sport, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2	Provision for Education Facilities (Site Allocations and Developer Contributions)
LC7	Allocated Sites for Formal and Informal Open Space

2.5 Supplementary Planning Guidance

South Gloucestershire Design Checklist 2007
 Affordable Housing and Extra Care housing SPD May 2014
 Residential Parking Standards Adopted December 2013
 The Street Lighting Policy 2008
 The Street Lighting Developer's Specification
 Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guidance (Adopted March 2015)
 Waste Collection: guidance for new developments, SPD Adopted on 28 January 2015

3. RELEVANT PLANNING HISTORY

3.1 PK13/2981/R30 Erection of 25 no. dwelling (Outline) with access to be determined. All other matters reserved. Deemed Consent 13.06.14 Unilateral Undertaking signed for the following matters:

- a) Provision of 9 dwellings for Affordable Housing within the development with a tenure split of 7 units for social rent and 2 units for shared ownership
- b) The payment of £99,808.27 as a contribution towards the cost of providing Public Open Space in the vicinity of the development with a further £89,856.19 towards maintenance for 15 years thereafter
- c) The provision of £6,438.60 as a contribution towards the library service
- d) A payment of £15,000 towards traffic management and road safety in the area

- e) A payment of £98,082 towards the provision of 9 additional primary places in the local area
- f) A monitoring fee of 4% equating to £12,367.40 to ensure the provision of the above contribution.

3.2 PK13/2558/R3F Demolition of existing community centre. Construction of a combined community and youth centre. Deemed Consent. 26.09.2013

3.3 PK00/2855/R3F Erection of single storey extension. Deemed Consent. 18.12.2000

4. **CONSULTATION RESPONSES**

4.1 Oldland Parish Council
No objection

4.2 Other Consultees [including internal consultees of the Council]

Wessex Water: The site will be served by separate systems of drainage constructed to current adoptable standards. There must be no surface water connections to the public foul sewer system. Surface water to be discharged in accordance with NPPF Guidelines and Building Regulations Hierarchy. Flow rates shall be agreed with Wessex Water where disposal to a public surface water sewer is proposed.

Coal Authority: Received further information. The Coal Authority therefore withdraws its original objection to the proposed development subject to the conditions suggested by the Authority.

Sustainable Transport: No objection.

Drainage Engineers: No objection subject to a number of conditions to seek details of sustainable drainage system and permeable hardstanding within the dwelling frontage

Environmental Protection: No objection subject to a condition seeking investigations in order to cover all aspects including the final risk assessment for carbon dioxide.

Public Rights of Way Officer: No objection subject to a safety assessment to consider the safety of path users during demolition and construction.

Community Spaces:

No further comments to the revised scheme. The proposed site layout appears to show a strip of land between the garden boundaries of plots 10-15 and the footpath between Park Road and Heath Rise. From the site layout plan it looks as if the strip of land will be inaccessible as it has boundaries on all side of a 1.8m high fence. It's not clear what is the proposed maintenance or ownership of this strip of land.

New Communities Team:

No objection subject to financial contribution towards the following requirements:

Offsite POS provision / enhancement contribution of £95,790.25

Offsite POS maintenance of £86,212.57

Library contributions and Community Meeting Spaces will be funded by CIL charge.

Housing Enabling:

Based on this scheme of 25 units, Enabling will seek a total of **9 affordable units**. Of the 9 affordable units, **7 shall be social rented and 2 intermediate**. There is no requirement to be secured as part of the 35% affordable housing.

Children and Young People: No comment.

Open Spaces Society: No response.

Police Community Safety: No response.

Ecology Officer: No objection subject to condition seeking an Ecological Enhancement Plan

Crime Prevention Advisor

Advised that gates to the side of the dwellings must be robust and need to be minimum 1.8m height, be lockable, and be located on or as near to the front of the building line as possible. Plots that would benefit from the gates being moved or additional gates are Plots 1, 2, 12 and 24.

Advised the parking area in front of the garage of Plot 14 is likely to be in the dark. It would be advantageous to either provide additional light in the area and / or ensure that the buildings have habitable rooms overlooking the area.

Highway Structure

If the application includes a structure that will support the highway or support the land above a highway, the applicant needs to submit details to the Highway Structures Team to seek a formal Technical Approval. The submitted details

need to be in accordance with DB2/12 of the Design Manual for Roads and Bridges, and no construction is to be carried out without the prior Technical Approval.

Urban Designer: No objection to the revised proposal.

Other Representations

4.3 Local Residents

One support letter and two objection letters have been received and their comments are summarised as follows:

Objection reasons from local residents:

- Too many dwellings proposed for this small area
- Increase in vehicular and foot traffic
- Many houses will lose the unobstructed view
- No reason why access should be granted from Heath Rise when there is an existing access for the youth club off Park Road
- How many will be social housing? They should not be sold for profit. Same with Tarzan Park, the land was given in good faith
- Any details of the covenant on this land? Surrounding properties came with covenant, don't these documents mean anything nowadays?

Support reasons from No. 1 Lear Close:

- I agree with the proposed development, I am currently on the Council's homechoice waiting list, and staying in my disabled mums bungalow opposite the site. I am hoping that the site will either be owned or run by Housing Association that would be on either local people on the list or those whom have family close to this site as mentioned.
- Any timeline available to get some ideas of when and if the plan will be taken forward.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework carries a presumption in favour of sustainable development and details a set of 12 principles that should underpin plan making and decision taking. These include the effective use of land, the promotion of mixed-use communities and seeking to ensure the fullest possible use of public transport, walking and cycling. Further, chapter 6 (Delivering a wide choice of high quality homes) talks of the need to 'boost significantly the supply of housing'. Accordingly the benefit from the additional housing units and their mix that this scheme proposed attracts considerable weight in support of the proposal.

Paragraph 14 of NPPF states that at the heart of the National Planning Policy Framework is a presumption favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision

taking. For decision making this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

5.2 Since the extant planning permission subject of this application was granted, significant material planning issues have arisen which should be given weight in the assessment and determination of this planning permission. The recent planning appeal decision (APP/P0119/1/14/2220291) approved the development of 106 dwellings in Charfield. The outcome of that appeal is such that it has been found that South Gloucestershire Council can no longer demonstrate that it has a five year supply of deliverable housing. Accordingly, in considering this application weight should be given to Paragraph 49 of the NPPF which sets out that;

- Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

5.3 On this basis, it is considered that the failure by South Gloucestershire Council to demonstrate a five-year supply of deliverable housing land means that policies CS5 and CS29 are now out of date. The assessment of this application therefore falls to the requirements of paragraph 14 of the National Planning Policy Framework and as such, the proposed development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal; which is the provision of new housing towards the five-year supply of deliverable housing land. This aspect is given significant weight in the determination of this proposal. The impacts of the development are considered below.

5.4 Policy CS25 of the adopted Core Strategy also encourages providing housing and associated local facilities which are integrated with existing communities. Policy CS1 of the Core Strategy seeks high quality standards in terms of design and Policy CS16 seeks to ensure housing development make efficient use of land to conserve 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.

5.5 The area of the site is 0.5 hectare and is surrounded by residential properties to the north, east and south and by a large car park to the west. The car park is currently used by the existing community centre and youth club, football and cricket teams that play at Coronation Park playing field.

The existing youth centre is not a statutory listed building nor a locally listed building. The site is not situated within a conservation area. Therefore there is no principle objection to the proposed demolition.

In addition, the site is not situated within the allocated site for formal and informal open space. Although the proposal would result in a loss of existing green space, there is a large playing and sport field adjacent to the application site. It is therefore considered that the proposal would not cause significant loss of public open space within the locality.

Policy CS5 of the adopted Core Strategy allows for residential development within existing urban areas. The policy indicates that new development is considered acceptable in principle subject to consideration of the environmental and transportation effects and impact upon residential amenity. Furthermore provision for education, leisure, recreation and community facilities should be adequate to meet the needs arising from the proposals and where this is not the case the developer shall be required to make up the shortfall. These issues are considered in detail below. There is a requirement that development makes efficient use of the land albeit specific density requirements have been removed. The principles of good site planning are also set out in Policy CS1 of the adopted Core Strategy.

Policy CS23 of the adopted Core Strategy seeks to protect the existing community infrastructure. It should be noted that planning permission was granted for the erection a new community centre, which has been recently erected, on the adjacent land to replace the former building and also provides facilities to replace the functions of the youth centre, which has been now ceased in use. As such, there is no principle objection to the removal of the youth centre.

An outline planning permission was granted for the erection of 25 no dwellings on this land with a single access to be determined, this full application has been submitted as there would be additional vehicular access to the site. As the outline permission has established the principle for a residential development on this particular land, therefore the proposal is acceptable in principle.

Subject to consideration of the criteria set out below the proposed development is considered acceptable is considered acceptable in principle.

5.6 Design Issues

Density

Policy CS1 of the adopted Core Strategy seeks to achieve good design in all new development. Emerging Policy PSP44 also expects all new residential units to have access to an area of private amenity space and where necessary, communal space. It is suggested that the minimum private amenity space standards for new residential units are:

1 bedroom flat 5 square metres

2+ bedroom flat 5 square metres plus private shared communal space

1 bedroom house 40 square metres

2 bedroom house 50 square metres
3 bedroom house 60 square metres
4+ bedroom house 70 square metres

Nevertheless, it should be noted that the emerging PSPs has not been adopted therefore officers can only give a limited weight to this policy. Officers acknowledge residents' concerns regarding the density of the development.

Regarding the density of the development, the proposal would result in an approximately 47 dwellings per hectare. Although the density would be higher than the surrounding development (which is approximately 35-38 dwellings per hectare), it is not considered that the proposal would result in an over-development given that the site is situated within an urban area.

In terms of the amount of development, the proposal would provide 25 no. residential units. Each units would have a private amenity space (or a shared amenity space for units at Plot 18-19). Whilst the proposed amenity space for some units would be below the suggested minimum requirement, approximately 13 units of these units would meet or exceed the requirement. In addition, majority of the units would set back from the site perimeter in order to allow an open character to be dominant feature of the proposal. As such, officers consider that the proposal would not result in a cramped form development.

Design and Appearance

The area is characterized by 1950-80's dwellings of varying styles and materials (predominantly render and buff brick). The site has been subdivided into two mains areas and the proposed layout presents to Heath Rise and Park Road frontage with a number of dwelling grounds around the access spur. The development comprises a mix of two storey mid-terraced, semi-detached and detached dwellings, which would be in keeping with the general character of the locality. Although the design of proposed dwellings would be different from those of the surrounding properties, it is considered that the proposal would have a positive contribution to street scene in particular the development would be adjacent to a newly built community centre.

Whilst the applicant suggests using a mix of render, buff and red brick, it is considered that it would be more appropriate to have a mix of render and buff brick to allow the development to be more in keeping with the appearance of the area and the surrounding buildings. Colours of windows are also specified. The reuse of the stone wall along the northern boundary is welcome. Subject to conditions to ensure that appropriate brick colours to be used and the windows to be recessed of minimum 70mm in order to give more depth and sense of quality, officers consider that the proposed development would make a positive contribution to the character and appearance of the locality. The Urban Designer has advised that the eastern boundary should be set back a metre and to give more space to the adjacent public rights of way. Nevertheless, the suggested 'set back' from the public footpath would cause future maintenance issues. In this instance, it is considered that it would not be necessary to insist on the 'set back'. The proposed hard-standing and the

shared drive would be finished with a mix of tarmac and block paving, it is considered that these materials are acceptable.

Regarding location of bin storage, the Waste SPD advises that the collection point should be at the front of the property and no more than 25 metres from the storage point. Whilst the bin storage are located in their rear gardens, officers consider that their locations are acceptable given that the distance between the storage point and collection points would be approximately 25 metres and the residents would be able to move the waste bins to the nearby public highway without going through the house.

5.7 Transportation

Regarding the access, the Highway Officer considers the new access from Heath Rise is acceptable and there are adequate visibility splays from this on to the public highway. There is also sufficient turning area on site and this ensures that vehicles can access and egress the site in forward gear.

The existing access via Park Road will be utilised for the proposal to serve 6 units and the new access via Heath Rise will serve the rest of the development. The Highway Officer has no objection to the utilisation of the existing access and the creation of the new access. Although the pattern and amount of traffic caused by the proposal would be different from those of the extant situation with an access serving youth club, it is considered that these accesses have been carefully designed and would not prejudice the public highway safety to the users of Park Road and Heath Rise.

The footway along plot 15 to 19 has been widened to 2 metres and this need to be secured by a planning condition. Furthermore, planning conditions are imposed to ensure the highway works associated with the new site access will be carried out to the Council's Standards and all parking facilities will be provided prior to the first occupation of the proposed development.

Saved Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 and the adopted Residential Parking Standards consider standards for both cycle and car parking respectively. Saved Policy T12 indicates that new development will be permitted provided that the new development makes adequate, safe and appropriate provision for the transportation demands that it will create, and minimises the adverse impact of motorised traffic. Policy CS1 of the adopted Core Strategy also requires that development enables people to gain access safely and conveniently having regard to the needs of all road users with reference to pedestrians, cyclists, children, and the disabled and older people.

The principle of a residential development on this site has been previously established as part of application no. PK13/2981/R30. As such, there is no 'in principle' highway objection to this development. Officers previously raised concerns regarding the road width off Park Road, inadequate spaces of vehicles manoeuvring into and out of parking space, lack of footway, and materials of the surface. The applicant submitted a revised plan to address all the above transportation concerns.

In terms of parking, the proposal would provide adequate car parking spaces for each dwelling on site, and the overall parking facilities including visitors' parking have met the Council's Residential Parking Standard SPD.

Subject to the above planning conditions, there is no highway objection to the proposal.

5.8 Landscaping

Policy CS9 of the adopted Core Strategy and saved Policy L1 of the adopted Local Plan seeks to protect and where possible enhance the quality of the landscape. A landscaping scheme is submitted with the proposal. Officers consider that the proposed tree planting shown on the drawing will make a positive contribution to the setting of the development and the amenity of the area, however, there are concerns regarding the proposed hornbeam on Heath Rise and whether this specimen would be appropriate in this location. Officers have no landscape objection to the proposal subject to a condition seeking a full detailed soft landscaping scheme.

5.9 Residential Amenity

Policies CS1 and CS5 of the adopted Core Strategy state that the residential amenity of existing occupiers is to be assessed when determining applications for new residential development. Amenity is assessed in terms of whether the development would appear oppressive or overbearing when viewed from that property and this also includes whether overlooking/loss of privacy would result. The residential amenity of future occupiers of the development is also a material consideration.

The nearest neighbouring property to the proposed development would be the bungalows along Lear Close, which lies along the eastern boundary of the site. No. 1 Lear Close would be approximately 10 metres from the side elevation of the proposed two-storey dwelling at Plot 15. Other bungalows along Lear Close are further away from the eastern boundary of the site. Whilst the proposed dwelling at No. 15 would be approximately 10 metres from No.1 Lear Close, the new building would not be immediately opposite the primary window of this neighbouring property, in addition, the new dwelling is slightly set forward to allow the neighbouring private garden would not be significantly adverse affected. Furthermore, there would not be any primary windows overlooking the No. 1 Lear Close, as such, there is no significant loss of privacy upon this neighbouring properties. A planning condition is also imposed to safeguard the privacy of the neighbouring occupiers.

Other new dwellings along the eastern boundary would remain a reasonable distance from the boundary and the bungalows along Lear Close. Whilst there would be some primary windows on the first floor on the new dwellings at Plots 10-14 and these windows would cause a degree of overlooking, it is considered that the impact would not be significantly detrimental to the living conditions of the neighbouring residents to warrant a refusal of this application. Other proposed dwellings would be facing Heath Rise or Park Road, or backing onto the car parking for the adjacent newly built Community Centre. As such it is considered that the proposal would not cause significant overlooking or overbearing impact upon the surrounding residents.

Officers acknowledge that the density of the proposed development is relatively high as such some of new dwellings would only have approximately 10 metres apart, however, the development has been carefully designed to ensure there would not be any significant overlooking impact. Further, it should be noted that the site is situated within an established urban residential area where such relationships are commonly found between dwellings. It is therefore considered that the proposal would provide a good quality living environment and there would not be any significant adverse impact in terms of overlooking.

Given that the site is situated within a residential area, it is considered that it would be necessary to impose a condition to restrict the construction hours of the proposal.

5.10 Drainage

Policy CS9 of the adopted Core Strategy seeks to ensure the protection of the environment from development proposals both to ensure that development is not adversely affected by the existing water environment and to ensure that new development does not have an adverse impact upon that environment by reason of surface water run-off or water discharge.

The Drainage Engineer has considered the proposal and officers raise no objection to the proposal subject to a condition requiring further details to secure Sustainable Urban Drainage details.

Subject to the above condition it is considered that the proposed development has adequately addressed drainage issues.

5.11 Ecology

Policy L9 of the adopted Local Plan seeks to ensure the preservation of nationally protected flora and fauna, species and habitats and to ensure that where necessary appropriate measures to safeguard these interests are taken. Paragraphs 109 to 125 of the NPPF are also relevant in this regard.

The site is approximately 0.53ha located to the north of Park Road, and largely surrounded by residential properties. The site itself is not subject to any nature conservation designations. There are four non-statutory sites within 1km, the nearest lying 290m south of the site (Brooklea Open Space). Neither this nor the other three sites are likely to be subject to any adverse impacts as a result of the development.

An Ecological Appraisal has been provided (All Ecology, dated March 2015). The site is dominated by amenity grassland (i.e. frequently cut). Young trees, a stone wall and a building are also present. The survey found little evidence for the site to be suitable for protected species; the buildings and trees had negligible potential to support roosting bats. The buildings could however support nesting birds, protected under the Wildlife & Countryside Act 1981 (as amended).

There are no ecological objections to development subject to a condition seeking a biodiversity enhancement plan.

5.12 Public Rights of Way

POL27 starts at Park Road and continues in a north westerly direction for approx. 80 metres, where it turns north for approx. 15m to connect with Heath Rise. The path is approx. 95m in length and has a tarmac surface worn down to base. It is lit with street lights and was probably built to adoption standards originally. The width is generally between 1.8 and 1.9m. Mid-way there is a pedestrian access point into the site via an 'A-frame' motor cycle inhibitor.

The PROW Officer suggests reducing the height of the boundary treatment to 1.2 metres. Your case officer considers that it would not be appropriate to reduce the boundary wall to the suggested height given that the wall needs to be a certain height in order to provide a reasonable privacy and noise barriers to the future occupiers. The applicant submitted a revised plan showing the height of the boundary wall to be reduced to 1.5 metres with trellis above, officers consider that the proposed height is acceptable.

The PROW Officer also asks if the developer would consider a minor improvement to the tarmac surface, which requires 20mm of surface course to make good. Given that this footpath is not necessary to serve the proposed development as there is another footpath around the site perimeter, your case officer considers that it would be unreasonable to request the developer to make good on the existing footpath or make a financial contribution towards the repair works. As such it would fail the rests for a planning obligation.

5.13 Environmental Protection Team

The site has no recorded past contamination, however the land is situated within in the vicinity of past coal mining activities. The applicant has proactively undertaken a ground investigation and a ground investigation report, which has been submitted with the application. The ground investigation identified some areas of contamination from lead and asbestos. Carbon dioxide has also been recorded at slightly elevated levels and additional monitoring is proposed to further assess this potential risk. The Officer considers that the approach to the site investigation, the methodology used, the conclusions and the proposed remediation methods are acceptable, though the final risk assessment for carbon dioxide is not yet complete. Therefore a planning condition is imposed to secure a full site investigation to cover all geo-environmental aspects to be carried out and a verification report to be submitted to the Local Planning Authority for a written approval.

5.14 Mining History

The application site falls within the defined Development High Risk Area. The Coal Authority has previously objected to this application. The applicant has submitted further information and confirmed that there is a requirement to carry out further site investigation works on the site. This will involve probe drilling to depths of up to 30m to check for voids or possible working and this work need to be carried out once the existing building shave been demolished so that there is unrestricted access. The Coal Authority concurs with these recommendations and withdrew the original objections subject to a planning condition to ensure that these site investigation works to be carried out prior to the commencement of development and to ensure that the medial works to be

carried out in the event that there is a need for remedial works to ensure the safety and stability of the proposed development.

5.15 Community Service Provision

Open Space provision

Core Strategy policy CS24 - Green Infrastructure, Sport and Recreation Standards; requires the provision of green infrastructure, outdoor space, sport and recreation facilities to be sought in accordance with the following principles:

1. New developments must comply with all the appropriate local standards of provision in terms of quantity, quality and accessibility;
2. Provision must be delivered on site, unless it is demonstrated that partial or full off-site provision or enhancement creates a more acceptable proposal; and
3. the functionality and usability of spaces and facilities must be suitable for their intended purposes.

Where existing provision, in terms of quantity, quality and accessibility would be inadequate to meet the needs of future residents, then new provision and/or enhancement must be made in accordance with the appropriate local standards. The local standards are set out in Core Strategy Appendix 5.

No on-site public open space has been proposed as part of this application and the development would result in the loss of existing informal recreational open space forming part of Cadbury Heath Youth Club. This is a new residential development and it is reasonable to expect the residents to access a range accessible open spaces which will support their health and social well-being.

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount proposed on site (sq.m.)	Shortfall in provision (sq.m.)	Contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal recreational open space	676.8	0	676.80	£16,311.69	£28,752.29
Natural and semi natural open space	873	0	873	£11,659.61	£19,342.10
Outdoor sports facilities	931.2	0	931.20	£44,632.60	£13,508.83
Provision for children and young people	138	0	138	£22,163.26	£23,304.83
Allotments	116.4	0	116.4	£1,023.09	£1,304.52

Contributions towards off-site enhancement are only sought when there is evidence of a local shortfall in either quantity and / or quality to meet the additional demand arising from the new development.

	Informal recreational open space	Natural & semi natural urban green space	Outdoor sports facilities	Provision for children & young people	Allotments
Average provision/enhancement cost per sq.m.	£24.1012	£13.3558	£47.9302	£160.6033	£8.7894
Average 15yrs maintenance cost per sq.m.	£42.4827	£22.1559	£14.5069	£168.8756	£11.2072

Provision/enhancements will be made as close to the development as is feasible and likely to serve the future residents of the proposed development.

The likely off site projects/locations for enhancement are

- Informal open space – improved access across Banjo Island Cadbury Heath
- Natural and Semi Natural open space – improved surfacing to the path along Siston Brook at Brooklea Amenity Space
- Outdoor sport – Improvements to Coronation Park
- Provision for Children and young people – Improvements to Coronation Park
- Allotments – Improvements to the new allotments provided on land at Warmley Golf Course
- Or such other facilities as may be appropriate.

Summary

Total contributions sought towards public open space required to serve the future residents of the proposed development:

Off site maintenance: £86,212.57

Off site provision / enhancement: £95,790.25

The officer can confirm that no S106 has been allocated previously for the informal open space and natural & semi natural open spaces. The financial contribution would be used on the following items:

- Informal open space – improvements to Banjo Island Cadbury Heath
- Natural and Semi-nature open space – improved surfacing to the path along Siston Brook at Brooklea Amenity Space
- Outdoor sport – improvements to Coronation Park
- Provision for Children and young people – improvements to Coronation Park

- Allotments – Improvements to the new allotments provided on land at Warmley Golf Course,
- Or such other facilities as may be appropriate.

Therefore your officer consider that the required contribution is acceptable subject to satisfactory completion of a S106 agreement.

5.16 Library Services

The population increase arising from this development will place additional pressure on local library services moving them further away from the standard for a modern library service. Extra demand will lead to increased use of library stock, accelerate deterioration of stock, the range of stock available to borrowers will be limited due to an increased proportion of the overall stock being out on loan waiting times for library users for a range of services within the library will increase. A reduction in availability of stock and other facilities will lead to reduced satisfaction and people not using the library.

In order to ameliorate this impact the Council has requested financial contributions towards expanding library services in the area to meet the needs of the new residents.

The New Communities Team originally advised that the required financial contribution would be £7,347.17. However, the Council adopted the Community Infrastructure Levy SPD in August 2015 and library contributions are one of the areas covered by the CIL charge, it is not possible for this to be a Section 106 term under the CIL Regulations.

5.17 Waste Management

Policy CS1 of the adopted Core Strategy and the adopted Waste Collection Supplementary Planning Document requires all new developments to demonstrate that adequate provision is made for the storage and collection of waste and recyclable materials. The layout of this development should allow:

- Householders to be able to bring their waste and recycling receptacles out to the edge of the adopted vehicular highway, primarily with the safety of pedestrians in mind;
- The waste contractor to be able to collect waste receptacles without taking their vehicles across private roads and shared driveways, primarily with the safety of both pedestrians and motorists in mind;
- All dwellings need to accommodate storage of both recycling and waste receptacles. Internal storage areas should be provided to allow resident to segregate their waste into refuse and recycling, allowing the temporary storage of waste and recycling before it can be transferred to external containers. For further details please refer to the “SGC Local Waste Strategy 2008-2014”, available on the Council’s website.

The submitted site layout plan shows the location and the provision of waste storage, it is considered that the proposed details are acceptable.

5.18 Street Lighting

All street lighting layouts and equipment specification on new developments will require approval from South Gloucestershire Council before they are accepted as part of an agreement to adopt a road as public highway.

On this basis, officers recommend the following planning condition to seek details of street lighting layout including specification and any external private lighting and to ensure that the detailed design will be according to ILE's guidance. Future maintenance considerations will need to comply with Construction, Design and Management Regulations 2007, and Lighting layouts will need to be designed in accordance with current British and European Standards.

5.19 Education Services

Policy CS6 of the adopted Core Strategy seeks financial contributions towards the provision of necessary infrastructure to support the development. Given that the Council has adopted the Supplement Planning Document for Community Infrastructure Levy to fund the educational provision, therefore it is not possible to secure the financial contribution via Section 106.

5.20 Affordable Housing Requirements

This application seeks full planning permission for the re-development of the vacant former Youth Centre at Park Road, with the erection of 25 new dwellings to include flats and two and three storey houses with associated car parking, landscaping and vehicular access.

However regard must be had for the following affordable housing requirements based on a scheme of 25 units. The following requirements are based upon Affordable Housing SPD and the Core Strategy

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF.

Based on this scheme of 25 units, Enabling will seek a total of 9 affordable units.

- A tenure split of 78% social rent, 6% affordable rent and 16% intermediate housing as identified by the West of England Strategic Housing Market Assessment (SHMA) 2009 and Addendum.

In this instance, it is required 9 affordable units, 7 shall be social rented and 2 intermediate

- The Council will seek a range of affordable unit types to meet housing need based upon the findings from the SHMA 2009 shown below:

Social Rent

Percentage	Type	Min Size m2
23%	1 bed 2 person flats	47
7%	2 bed 4 person flats	69
38%	2 bed 4 person 2 storey houses	77
22%	3 bed 5 person 2 storey houses	90
10%	4 bed 6 person 2 storey houses	112

Intermediate

Percentage	Type	Min Size m2
44%	1 bed 2 person flats	47
17%	2 bed 4 person flats	69
19%	2 bed 4 person 2 storey houses	77
19%	3 bed 5 person 2 storey houses	90

Social Rent

4 x 2 bed houses, plots 15,16,17,20

1 x 3 bed house plot 8

2 x 1 bed flats plots 18 and 19

Shared Ownership

2 x 3 bed houses, plots 9 and 10

- The Council will seek 5% of the affordable housing to meet the wheelchair accommodation standards as set out at Appendix 4 of the Council's Affordable Housing Supplementary Planning Document. Based on 9 affordable units there will not be a requirement for any wheelchair units.
- The affordable housing is to be delivered without any public subsidy.
- The Council to refer potential occupants to all first lettings and 75% of subsequent lettings
- Affordable housing should be distributed across the site in clusters of no more than 6 units, unless a specific pepper potting strategy is approved.
- Design and specification criteria: All units to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 will be signed, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Part 2 of Secured by Design, and compliance of RP design brief.

- Delivery is preferred through a Housing Delivery Panel (HDP) RP. The HDP is set up to deliver affordable housing across the West of England to local development and management standards. The Council encourages the developer to work with a member of the HDP, and in the event of the developer choosing a Registered Provider from outside this panel then the same WoE standards will need to be adhered to.
- Phasing: Affordable housing to be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement, with a detailed assessment on a site by site basis. Where the development will proceed over more than one phase, the location, amount, type and tenure of the affordable housing in each phase will need to be set out in an Affordable Housing Masterplan and Schedule. This is to be submitted for approval by the Council before determination of the first residential Reserved Matters application.
- The Council will define affordability outputs in the S.106 agreement, without any further information regarding sales values the affordability standards are as follows:
 - social rents to be set at target rents
 - shared ownership: no more than 40% of the market value will be payable by the purchaser The annual rent on the equity retained by the RP should be no more than 1% of the unsold equity
- Social rented to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.
- Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

5.21 Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 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;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In this instance, it is considered that the planning obligations for public open space offsite maintenance, provision / enhancement and the provision of affordable housing units are required to provide a suite of measures to mitigate

the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

5.22 Permitted Development Rights

Officers have considered whether or not the permitted development rights should be removed from the proposed dwellings given the proximity of the neighbouring properties. Officers consider that the concerns regarding the visual amenity and residential amenity have already been addressed. Nevertheless, the proposed dwellings, in particular, plot 11-14 would be backing onto the frontage of the bungalows along Lear Close, any further extension at the rear of these new dwellings would potentially have an adverse impact upon the neighbouring properties. Therefore a planning condition is imposed to remove the permitted development rights (Class A and B) in order to safeguard the amenity of the adjacent properties.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise. The obligations set out below meet the Regulation 122 CIL tests (statutory) and without them the scheme would not be acceptable.

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

7. RECOMMENDATION

7.1 That 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 appropriate legal agreement to secure the following head of terms:

a) Provision of 9 dwellings for Affordable Housing within the development with a tenure split of 7 units for social rent and 2 units for intermediate, all requirements as set out in Paragraph 5.13 of the above Officer's report.

Reason – To accord with CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and the Affordable Housing and Extra Care Housing Supplementary Planning Document May 2014.

b) The payment of **£95,790.25** as a contribution towards the cost of the off-site enhancement on the following items in the vicinity of the development with a further **86,212.57** towards maintenance for 15 years thereafter.

- Informal open space – improved access across Banjo Island Cadbury Heath

- Natural and Semi Natural open space – improved surfacing to the path along Siston Brook at Brooklea Amenity Space
- Outdoor sport – Improvements to Coronation Park
- Provision for Children and young people – Improvements to Coronation Park
- Allotments – Improvements to the new allotments provided on land at Warmley Golf Course, or such other facilities as may be appropriate

Reason – To accord with Policy CS6 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy LC8 of the South Gloucestershire Local Plan (Adopted) 2006.

7.2 The reason for the above obligations is to provide a suite of measures to mitigate the impact of the development and to address the needs arising from the proposal.

7.3 In the event the decision is not issued within 6 months of a resolution the matter should be returned to the Circulated Schedule; or refused of the failure to secure the necessary Planning Obligations.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. Development shall be carried out in accordance with the following drawings and documents:

Site Location Plan, Drawing No. 529 SL, received on 20th March 2015

Proposed Site Layout, Drawing No. 529 01 P11, received on 30th October 2015

Proposed walls, fence _ railing, Drawing No. 529 07 P1

Proposed Single Garages, Drawing No. 529 08 P1

Proposed Bin _ Cycle Stores, Drawing No. 529 09 P1

Housing Association - Pro Floor Plans - A1 Type, Drawing No. 529 10 P3, received on 1 July 2015

Housing Association - Pro Elevations - A1 Type, Drawing No. 529 11 P3, received on 1 July 2015

Housing Association - Pro Floor Plans - A2 Type, Drawing No. 529 12 P2, received on 1 July 2015

Housing Association - Proposed Elevations - A2 Type Drawing No. 529 13 P3, received on 1 July 2015

Housing Association - Pro Floor Plans, - A3 Type, Drawing No. 529 14 P2, received on 1 July 2015

Housing Association - Proposed Elevations - A3 Type, Drawing No. 529 15 P2, received on 1 July 2015

Proposed Floor Plans - 3B _ 3B_ Type, Drawing No. 529 16 P2, received on 1 July 2015

Proposed Elevations - 3B Type, Drawing No. 529 17 P3, received on 1 July 2015

Proposed Floor Plans - B Type, Drawing No. 529 18 P2, received on 1 July 2015

Proposed Elevations - B Type, Drawing No. 529 19 P2, received on 1 July 2015

Proposed Floor Plans, C Type, Drawing No. 529 20 P3, received on 1 July 2015

Proposed Elevations - C Type, Drawing No. 529 21 P4, received 4 September 2015

Proposed Floor Plans - G Type, Drawing No. 529 22 P2, received on 1 July 2015

Proposed Elevations - G Type, Drawing No. 529 23 P3, received on 1 July 2015

Proposed Floor Plans - C_ Type (Plot 22), Drawing No. 529 26 P1,

Proposed Elevations - C_ Type (Plot 22), Drawing No. 529 27 P2, received 4 September 2015

Site Section through Plot 5 _ Plot 25, Drawing No. 529 28 P2, received 4 September 2015

Reason

In the interests of proper planning and to ensure that the development is carried out in accordance with the approved plans in order to comply with the policies in the adopted South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved policies of the adopted South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development a full details of a soft landscaping work shall be submitted to and approved by the Local Planning Authority. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme. The approved scheme shall be implemented in accordance with the approved plan with the agreed implementation programme.

Reasons:

a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.

b. In the interests of the character and visual amenity of the area to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of the development hereby permitted, surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details.

Reasons:

a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.

b. To ensure that a satisfactory means of drainage is provided, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. Notwithstanding the submitted Biodiversity Enhancement Plan, prior to the commencement of the development, a detailed Ecological Enhancement Plan in accordance with the recommendations indicated in Section 5 of the Ecological Appraisal (All Ecology, dated March 2015) shall be submitted to and approved in writing by the Local Planning Authority. All work shall be carried out in accordance with the approved plan.

Reasons:

a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.

b. To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the first occupation of the development hereby permitted, the footway along plot 15 to 19 fronting Park Road shall be widened to 2 metres.

Reasons:

a. This is a pre-commencement condition in order to avoid any unnecessary remedial work in the future.

b. In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the commencement of the development, details of the proposed highway works associated with the new site access shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the first occupation of the development.

Reasons:

a. This is a pre-commencement condition in order to avoid any remedial works in the future.

b. In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the first occupation of the dwellings hereby approved, 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 saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Council Residential Parking Standards adopted December 2013.

9. Prior to the commencement of the development hereby permitted, details of all street lighting layouts and equipment specification and any external private lighting shall be submitted to and approved in writing by the Local Planning Authority. The proposed lighting shall be designed in accordance with ILE's guidance. The works shall be carried out in accordance with the approved details.

Reasons:

- a. This is a pre-commencement condition in order to avoid any unnecessary works in the future.
- b. In the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).
10. Prior to the commencement of the development, a further site investigation shall be carried out to confirm whether or not the need for remedial works to treat the areas of shallow coal mine workings to ensure the safety and stability of the proposed development. The following items shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development:
- _ The submission of a scheme of intrusive site investigations for approval;
 - * The undertaking of that scheme of intrusive site investigations;
 - * The submission of a report of findings arising from the intrusive site investigations;
 - * The submission of a scheme of remedial works for approval; and
- and the remedial works shall be carried out in accordance with the approved details.

Reasons:

- a. This is a pre-commencement condition to avoid any unnecessary remedial works in the future.
- b. To avoid development on unstable land in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).
11. The hours of working on site during the period of construction shall be restricted to Monday - Friday 7.30am to 18.00pm, Saturday 8.00 am to 13.00pm; 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 Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

12. Prior to the commencement of the development hereby permitted, the following details shall be submitted to and approved in writing by the Local Planning Authority.
- A) Initial investigations to assess potential risk from ground gasses have been undertaken. Following completion of the monitoring program a report shall be submitted prior to commencement of the development setting out the findings and identifying what mitigation measures are proposed to address any unacceptable risks.

Thereafter the development shall proceed in accordance with any agreed mitigation measures.

B) Prior to occupation, where works have been required to mitigate identified contaminants (lead, asbestos, carbon dioxide) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

C) 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 to 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 ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

13. Prior to the commencement of the development hereby approved a site specific Construction Environmental Management Plan (CEMP) shall be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

For the avoidance of doubt, the CEMP shall address the following matters:

- (i) Procedures for maintaining good public relations including complaint management and public consultation
- (ii) Mitigation measures as defined in the British Standard BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance. Piling will not be undertaken and Best Practice alongside the application of BS 5228 shall be agreed with the LPA.
- (iv) The use of a Considerate Contractors or similar regime for the site induction of the workforce highlighting pollution prevention and awareness.
- (v) Measures to control the tracking of mud off-site from vehicles.
- (vi) Measures to control dust from the demolition and construction works approved.
- (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- (vii) Adequate provision for the delivery and storage of materials.
- (viii) Adequate provision for contractor parking.

Reasons;

a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.

b. In the interests of the residential amenity of neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

14. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development as specified in Part 1 (Classes A and B) shall be carried out on the proposed dwellings at Plot 11, 12, 13 and 14, or no windows/dormer windows or rooflights shall be constructed on the east side elevation of proposed dwelling at Plot 15, and no any minor operations as specified in Part 2 (Class A) for the all dwellings, other than such development or operations or those windows are indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reasons

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

15. Notwithstanding the submitted Site Layout Block Plan Drawing No. 529 02 P3 and Engineering Layout 4638-02, prior to the commencement of the development, an updated Site Layout Block Plan and an Engineering Layout in accordance with the Proposed Site Layout, Drawing No. 529 01 P11 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plans.

Reasons:

- a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.
- b. In the interests of proper planning and to ensure that the development is carried out in accordance with the approved plans in order to comply with the policies in the adopted South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved policies of the adopted South Gloucestershire Local Plan (Adopted) January 2006.

16. Notwithstanding the submitted External Finishes Rev A, prior to the construction of the dwellings, details/samples of the roofing and external facing materials proposed to be used 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.

17. Notwithstanding the submitted details, all window reveals shall be of a minimum 70mm and such reveal shall be maintained as such thereafter.

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.

CIRCULATED SCHEDULE NO. 46/15 – 13 NOVEMBER 2015

App No.:	PK15/4422/CLP	Applicant:	Mr And Mrs Stuart And Sian Fish
Site:	64 London Road Warmley Bristol South Gloucestershire BS30 5JL	Date Reg:	14th October 2015
Proposal:	Certificate of Lawfulness Proposed for the installation of a side dormer window	Parish:	Siston Parish Council
Map Ref:	367586 173267	Ward:	Siston
Application Category:		Target Date:	7th December 2015



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 100023410, 2008. N.T.S. PK15/4422/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a side dormer to form a loft conversion at 64 London Road in Warmley would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 After reviewing the property's planning history for the site, it is clear that the relevant householder permitted development rights are intact and are, therefore, exercisable.
- 1.4 The application site is 64 London Road, Warmley, Bristol, a two storey semi-detached dwelling with a cross gable roof, located within the designated settlement boundary of Warmley outside the Bristol/Bath Green Belt, but the site abuts it on the north eastern curtilage boundary. Additionally, the host dwelling is a locally listed building, but inclusion on the Local List does not change the property's permitted development rights.
- 1.5 For clarity, the proposed second floor plan and elevations show three rooflights that, currently, do not exist. The submitted details within the application form do not contain any information to suggest that these rooflights should be assessed under this application. Therefore, the rooflights shown on the proposed second floor plan and elevations are not considered to be part of this application for a certificate for proposed development.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B.

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|---|----------|------------|
| 3.1 | A267 | Approval | 01/12/1982 |
| | Display of two free standing sign boards. | | |

4. CONSULTATION RESPONSES

4.1 Siston Parish Council
No adverse comment

4.2 Councillor
No comments received

Other Representations

4.3 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Existing plans, location plan, section and elevations (01); Proposed plans, section and elevations (02) – all received on 12/10/2015.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the GPDO 2015.

6.3 The proposed development consists of a single story extension to the rear of property. This development would fall within Schedule 2, Part 1, Class B, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, provided it meets the criteria as detailed below:

B.1 Development is not permitted by Class B if –

(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (change of uses);

The use of the building as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule.

(b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

The proposed dormer would sit 0.125 metres below the ridge of the existing roofline and, therefore, does not exceed the height of the highest part of the roof.

(c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

The principal elevation of 64 London Road is the elevation that faces the London Road highway. However, the proposed dormer window extends from the side roof elevation which does not form a principal elevation and does not front a highway.

(d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-

(i) 40 cubic metres in the case of a terrace house, or

(ii) 50 cubic metres in any other case;

The house is semi-detached and the cubic content of the resulting roof space would not exceed 50 cubic metres. The cubic content of the proposed dormer window would be approximately 3.36 cubic metres.

(e) It would consist of or include-

(i) The construction or provision of a veranda, balcony or raised platform, or

The proposal does not include the construction of any of the above.

(ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;

The proposal does not include any alterations to the chimney, or the installation of a flue or soil and vent pipe.

(f) The dwellinghouse is on article 2(3) land.

The dwellinghouse is not on article 2(3) land.

Conditions

B.2 Development is permitted by Class B subject to the following conditions

-
- (a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.**

The proposed dormer will be constructed from materials similar in appearance to the materials used on the existing roof. The proposed elevations indicate the flat roof of the dormer will be constructed from fibreglass, the face and sides of the dormer will be finished with plain hanging tiles to match the existing roof tiles, and the window will be a white UPVc double glazed casement window to match the existing windows on the elevations of the original dwelling. The proposal, therefore, meets this condition.

- (b) The enlargement must be constructed so that –**
- i. **Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-**
- (aa) the eaves of the original roof are maintained or reinstated; and**

The proposed dormer would leave the original eaves of the dwellinghouse unaffected.

- (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measures along the roof slope from outside the edge of the eaves; and**

The edge of the proposed dormer closest to the eaves is set back by approximately 1.9 metres from the existing eaves.

- ii. **Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The proposed dormer does not extend beyond the outside face of any external wall of the original dwellinghouse.

- (c) Any window inserted on a wall or roof slope forming the side elevation of a dwellinghouse shall be-**

- (i) Obscure glazed; and**
- (ii) Non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

The dormer window is proposed for a roof slope forming a side elevation of the dwellinghouse and the proposed elevations indicate the windows will be clear glazed, opening and 0.85 metres off the floor. The proposal, therefore, does not meet this condition. However, the side dormer window will be overlooking the property's garden and not an adjoining property.

7. RECOMMENDATION

- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

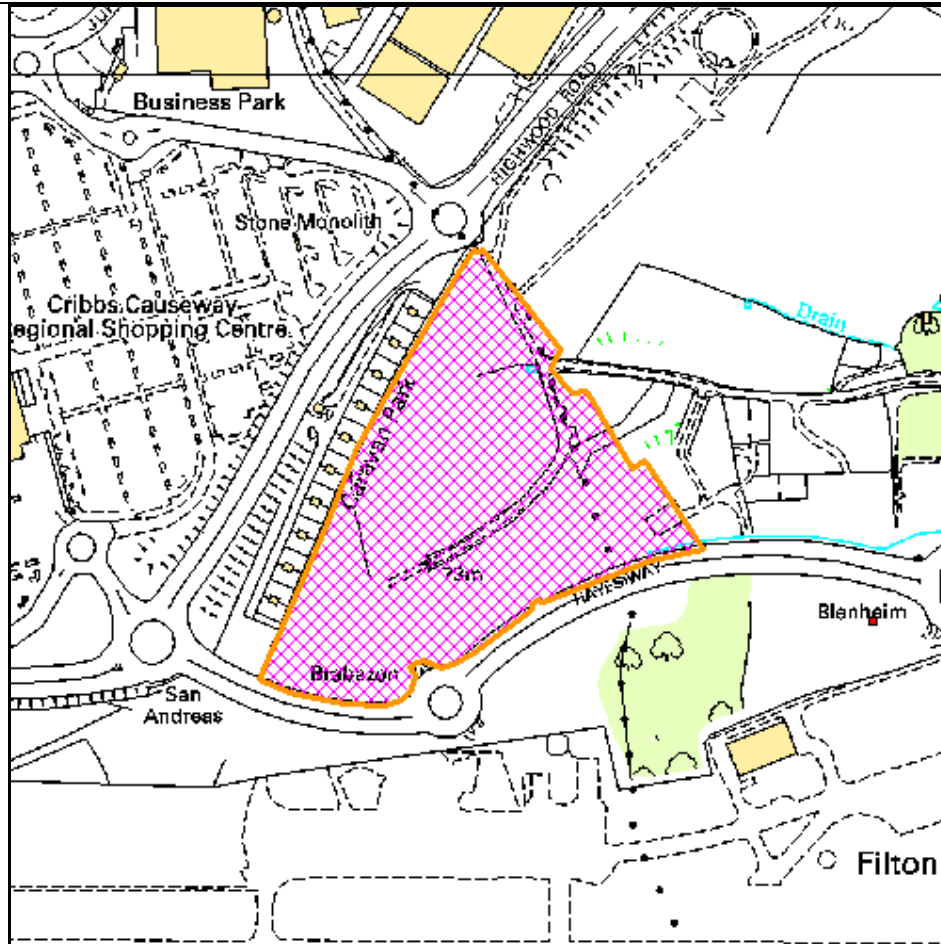
Contact Officer: Helen Braine
Tel. No. 01454 868388

CONDITIONS

1. Evidence has been provided to demonstrate that the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

CIRCULATED SCHEDULE NO. 46/15 – 13 NOVEMBER 2015

App No.:	PT14/5028/O	Applicant:	Arlington Business Parks GP Limited
Site:	Northfield Park Charlton Hayes Hayes Way Northfield Charlton Hayes Filton	Date Reg:	4th February 2015
Proposal:	Mixed use development on 6.24 hectares of land comprising up to 120 new dwellings (Use Class C3) up to 8000 sq m of office development (Use Class B1) and up to 400sqm of ancillary retail use (Use Classes A1, A2, A3, A4 and A5) together with supporting infrastructure and facilities, including new vehicular access, landscaping and services. Outline application including access with all other matters reserved.	Parish:	Almondsbury Parish Council
Map Ref:	359634 180539	Ward:	Patchway
Application Category:	Major	Target Date:	24th March 2015



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 100023410, 2008. N.T.S. PT14/5028/O

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been forwarded to the Council's Circulated Schedule of applications in accordance with the Council's scheme of delegation as a Section 106 legal agreement would be required.

1. THE PROPOSAL

- 1.1 The application site forms part of the Northfield (Charlton Hayes) development to the north of Filton Airfield and east of The Mall, Cribbs Causeway. The site forms a triangular area in the south western corner of the original Northfield site development site and is bounded by Hayes Way to the south, the Northfield residential development under construction to the east and a linear gypsy site to the west. The site comprises open grassed field with a number of trees/hedges within the site forming an arc. A mature hedge is located along the west boundary. The site has otherwise been cleared and accesses have been formed to the site from Highwood Road and Hayes Way.

The site is situated within the Bristol North fringe and within the urban area as defined in the adopted Core Strategy.

There are no public rights of way that cross the site. A grade II Listed hanger is located within Filton Airfield 172m to the south of the site.

- 1.2 The application proposes a mixed use development on 6.24 hectares of land comprising up to 120 new dwellings (Use Class C3) up to 8,000 sq m of office development (Use Class B1) and up to 400sqm of ancillary retail use (Use Classes A1, A2, A3, A4 and A5) together with supporting infrastructure and facilities, including new vehicular access, landscaping and services. This is an outline application including access with all other matters reserved for future consideration.
- 1.3 Although this site formed part of the Northfield outline application site (PT03/3143/O), this part of the site was designated for commercial/business use only in the original outline approved. Since this time the employment requirement has changed as part of the Core Strategy EiP in 2013, and an element of residential development was accepted as common ground. As such this application is submitted as a stand alone outline application for mixed use development including residential, commercial and business.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

- L1 Landscape Protection and Enhancement
L4 Forest of Avon
L7 Sites of National Nature Conservation Interest

- L8 Sites of Regional and Local Nature Conservation Interest
- L9 Species Protection
- L11 Archaeology
- EP2 Flood Risk and Development
- H1 Proposed Sites for Residential Development
- M1 Site 4 Major Mixed Use Development at Northfield
- T12 Transportation Development Control Policy for New Development
- LC12 Recreational Routes
- L16 Protecting the best agricultural land

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS2 Green Infrastructure
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions
- CS7 Strategic Transport Infrastructure
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS11 Distribution of Economic Development Land
- CS12 Safeguarded Employment Areas
- CS14 Town Centres and Retail
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS23 Community Infrastructure and Cultural Activity
- CS24 Green Infrastructure, Sport and Recreation Standards
- CS25 Communities of the North Fringe of Bristol Urban Area

2.3 Supplementary Planning Guidance

- Landscape Character Assessment SPD (Aug 2005)
- Development in the Green Belt SPD (May 2007)
- Residential Parking Standards SPD (Dec 2013)
- Affordable Housing and Extra Care Housing SPD (May 2014)

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/3143/O Major mixed-use development comprising 2,200 new dwellings, 66,000 sq m of employment floor space, 1,500 sq m of A1, A2, A3, A4 and A5 floor space, supporting infrastructure and facilities including; new vehicular and pedestrian accesses to Highwood Road, new link road, public open space, primary school, community building, hotel (C1) (Outline).
Outline approval 15.03.2008
- 3.2 PT14/038/SCR Screening opinion for PT14/5028/O Mixed-use development comprising 8,000sqm of office development (class B1), up to 120 residential units (class C3) and up to 650sqm ancillary retail (classes A1-A5).

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

No response received

Patchway Town Council

No response received

4.2 Other Consultees

4.21 Internal Consultees

Lead Local Flood Authority – The applicant has confirmed that the POS area in the middle of the site is not to be used for water attenuation and attenuation will instead be provided through underground cellular structures. No objection subject to SuDS condition.

Landscape Officer – The layout is generally well considered. Our suggestions to provide more planting have been taken and incorporated into the scheme. The badger zone has been preserved. The proposed LEAP is well connected to the LEAP in the wider Charlton Hayes site and the two are connected via a green infrastructure network. 13 allotments are proposed in the south east corner of the site which is an acceptable location. No objection. It is important that detailed planting plans, landscape and ecological management plan, details of boundary and surface treatments and construction details of all SuDS are included with all reserved matters. Conditions are recommended to ensure this is achieved.

Urban Design Officer – Originally objection raised as the application required further consideration in respect of use, amount, access, layout, appearance and sustainability. Amendments and clarifications have since been provided as requested. No objection.

Environmental Protection (Contamination) – The contaminated land risk assessments submitted are acceptable. No objection subject to conditions related to submission of verification report following the remediation works and requirement for further risk assessment if unexpected contamination is found during construction.

Environmental Protection (Noise) – The detailed design at reserved matters stage will need to provide adequate distances between residential and commercial buildings and residential buildings and road traffic to mitigate noise. Standard construction sites informative should be attached to the decision.

Tree Officer – No objection. The tree survey and tree retention and removal plans are satisfactory. Detail of the measures that will be employed to protect the retained trees throughout development will need to be submitted at the next stage. This will include the submission of an Arboricultural Impact Assessment, a Tree Protection plan and an Arboricultural Method Statement. To be secured by condition.

Archaeological Officer – No objection subject to condition requiring a programme of archaeological work involving monitoring of ALL groundworks including any geotechnical works or initial soil stripping

Highway Structures – No objection. Informative to be attached to the decision requiring technical approval for any changes to the structure that will support the highway or support the land above a highway.

Public Open Space – The application as amended proposes on site provision in excess of the minimum spatial requirement for public open space (in accordance with Policy CS24) for all categories of Public Open Space other than outdoor sports facilities where no on site provision is proposed. As such an off site financial contribution of £205,678.07 is required as mitigation for the additional impact the proposal would have on sports facilities locally towards off-site provision and/or enhancement and a further sum of £62,252.01 is required for the future maintenance of off site sports facilities. The applicant has agreed to the proposed sums, therefore no objection.

Ecological Officer - There are no ecological constraints to granting planning permission. Conditions should be attached relating to slowworm, badger, a Landscape & Ecological Management Plan; and the detailed design (Reserved Matters) of the northernmost end of the hedgerow/associated open space and footpath.

Transportation DC – The proposal would generate less vehicle movements than the original outline consented scheme for this specific phase of land. The wider transport network was designed to cater for the consented vehicle movements. The proposal is therefore considered to be acceptable. The means of access is of acceptable design. No objection, subject to securing a travel plan and ensuring that transport details are included within the master plan.

4.22 External Consultees

Environment Agency - As this site is in FZ1 suggest that SGC as Lead Local Flood Authority (LLFA) lead on this site. No objection subject to conditions related to SuDS and advisory highlighting the importance of careful consideration of all inflows.

Natural England – No objection

Highways England – No objection

Wessex Water – The site is accounted for in the overall drainage strategy for Charlton Hayes with Foul Water spurs available for connection and surface water to the existing LDA culvert to the East. No objection

4.23 Response from DPDS retail consultants requested by SGC

Response from consultant dated 21.07.2015 is summarised below:

- Original Charlton Hayes consent has a cap on retail to 1,500sq.m, controlled by condition.
- The site is adjacent to Patchway which is currently implemented a district centre and the former Filton Airfield which will provide a local centre in the future.
- A 1,600sq.m foodstore is planned for Patchway district centre.
- Filton town centre is located further to the south.

- Cribbs causeway provides a significant range of out of town retail including The Mall which is currently subject to an application for extension.
- The retail and employment considerations which lead to the formulation of policy M1 of the adopted 2006 LP are now out of date due to significant development proposals permitted since 2006 such as CPNN which materially change the retail and employment offering locally. As such Policy M1 is considered to be out of date.
- Policy RT5 of the 2006 LP is also out of date as it is now at odds with the NPPF.
- Although the retail proposal falls well below the 1000sq.m threshold for retail impact assessment, retail impact is still a material consideration.
- The retail impact however is unlikely to be significantly adverse.
- The proposal materially departs from the original 2003 outline consent which proposes an 'employment amenity hub' including an element of retail, as it would not generate the level of demand to support the scale of retail services stated.
- This application originally proposed a supermarket up to 350sq.m and other A Class units up to a maximum of 500sq.m. This would result in a development which would in effect be a small local centre. Any sequential test will need to consider the new Patchway district centre and the local centres in CPNN particularly the new local centre in the former airfield site. Since this has not been done, the sequential test is not passed.
- It is not clear if there is sufficient commercial demand for this small local centre and the convenience units which would be provided.

Since this letter, the Case Officer and retail consultant have met with the applicant's representatives (07.08.2015) and collectively agreed that a reduced retail offering of a maximum of 400sq.m with a maximum of 200sq.m

4.24 Letter from GVA Grimley (retail consultants) representing the applicant

Note provided from GVA in response to the meeting which took place between SGC Officers on 04.06.2015 and the applicant's representatives to discuss the retail proposal. This is prior to the 7th August meeting where all matters were agreed.

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

5.1.01 In establishing the principle of development, the starting point as primary legislation is Section 38 (6) of the 2004 Act which requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. This is further emphasised in Government

Guidance in par. 196 of the NPPF which states that the planning system is plan-led.

- 5.1.02 The adopted development plan comprises both the South Gloucestershire Local Plan (LP) (adopted 2006) and the Core Strategy (CS) (adopted 2013). However, of these the CS has policies that are recent, directly relevant to the site and have been found compliant with the NPPF advice with the exception of policies related to housing land supply (HLS) which is discussed in detail below,. The NPPF states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. It also states that the NPPF is a material consideration in planning decisions and that in determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
- 5.1.03 The application site was allocated for major mixed use development (Site 4) as part of the South Glos Local Plan 2006 under policy M1. Policy M1 which is saved as part of the CS adoption provides for up to 2,200 dwellings, 14Ha of Classes B1, B2 and B8 uses. Outline approval was subsequently given for a mixed use development PT03/3143/O (see par 3.1 above) now known as Charlton Hayes, which designated employment uses in the south west corner which incorporates this application site. The employment land within Charlton Hayes was safeguarded for employment purposes under the 2006 plan (setting aside 14Ha of land within the Policy M1 area for B Class uses).
- 5.1.04 The original intention was to carry over this area as safeguarded employment land to the CS. However, through the adoption process of the CS the greater need for additional residential land over new employment land was established. It was agreed through the statement of common ground for the EiP that the application site could provide a mix of employment and housing. The statement agrees to remove the land from the safeguarded employment policy area and redefine the land as interim safeguarded. The agreed statement of common ground presented at EiP reads as follows,

1.3. *The full text of the proposed change is:*

That 7 hectares of land at the west of Charlton Hayes currently identified as Safeguarded under Policy CS12 be re-designated as 'interim safeguarded' under Policy CS12 Table 2 with site 49 Patchway Industrial Estate and with the following supporting text.

9.14 a A seven hectare site at the west of Charlton Hayes which was formerly identified as safeguarded has been re-designated to be interim safeguarded in recognition of changing circumstances in the wider area, to help facilitate discussion of its future role, and, to enable all relevant parties to address a number of technical issues through the vehicle of a planning application. This is without prejudice to any particular end-use except that it is not intended that it should cater for any significant retail development but may include residential or mixed-uses. Proposals should generally be consistent with, and where appropriate contribute to, the development of the CS26 new

neighbourhood. The assumption, subject to the above, is of capacity for in excess of 100 dwellings in the period 2012/13 – 2016/17.

1.4 *The parties agree that this revised approach provides a framework in which to consider the future development of the site without unduly complicating delivery through inclusion within the proposed New Neighbourhood.*

5.1.05 The Inspector's response was (par.13-16 of Inspector's report),

An element of housing would help to stimulate development of the site and would contribute to the overall supply of housing in the early years of the Core Strategy.

5.1.06 He then considered the scale of residential development stating (pars 20-21 of Inspector's report),

While the site may have capacity to accommodate in the order of 260 dwellings, bearing in mind the aspiration for a mixed-use development, it would be reasonable to incorporate in excess of 100 dwellings with opportunities to meet further needs for employment and potentially community facilities.

5.1.07 As such the principle of residential development, originally established through the LP 2006, subsequently changed to employment use through the outline consent PT03/3143/O, is now re-established through the EiP process for the CS. This constitutes an element of residential (around 100 units) as part of a mixed use scheme within employment and potentially community uses.

5.1.1 Policy context

5.1.11 With the principle of development established subject to certain land use and density threshold parameters, the proposal should then be considered against the adopted policies of the Core Strategy as a whole. Although the following policies will have greater significance.

5.1.12 Policy CS25 provides a framework for consideration of development proposals within the Bristol North Fringe to provide housing and associated facilities, strategic transport infrastructure, new employment, high quality public realm, appropriate surface water management and drainage strategies. This would be achieved through accordance with key principles such as respecting the character and identity of existing settlements whilst promoting distinctiveness, promoting high quality landscaping, providing safe routes for non car users and improving legibility, urban structure and public realm.

5.1.13 Policy CS14 seeks to control retail development and protect town centres. The application proposes provision of up to 400sq.m retail floorspace in an out of centre location. As such the proposal must be assessed against CS25 to establish if the proposed retail offering would harm the vitality and viability of any town or other centre.

- 5.1.14 The following policies would normally have particular bearing on the determination of this application however these policies must currently be considered out of date as the Council cannot demonstrate a 5 year housing land supply at this time.
- 5.1.15 Policy CS5 of the adopted Core Strategy sets out the general strategy for development and indicates that most new development will take place within the communities of the North and East Fringes of Bristol urban area, of which Cribbs/Patchway will form a new neighbourhood area.
- 5.1.16 Policy CS15 indicates the distribution of housing for the next 14 years following adoption of the CS. The proposed 120 dwellings are not included within this figure being added at the EiP through the statement of common ground. It is however included within the Council's overall housing trajectory / 5 year supply in the Council's Annual Monitoring Report. The development is predicted to be implemented in full within the next 5 years (Residential Land Survey April 2014).
- 5.1.2 5 year Housing Land Supply
- 5.1.21 On 8th June 2015 planning permission for up to 106 dwellings at land south of Wotton Road, Charfield was approved at appeal APP/P0119/1/14/2220291. 2.
The appeal was allowed for reasons which include that the Council could not demonstrate a 5-year supply of deliverable housing land and therefore policies CS5 and CS34 can no longer be considered up-to-date.
- 5.1.22 The Charfield appeal inspector having undertaken scrutiny on the council's housing supply found that as at January 2015 there is not a five year supply. The Inspector instead has identified the supply figure at 4.63 years supply, thereby engaging paragraph 49 of the NPPF.
- 5.1.23 The outcome of the Charfield appeal is therefore a significant material consideration of some weight at this present time. However, in applying such weight, the Inspector has found the Council to underachieve its 5 year housing land supply only by around some 750 dwellings or 4 months supply.
- 5.1.24 In considering the appropriate housing requirement to use for the purposes of calculating the five year housing supply, the inspector, found for the council on all points and rejected the higher figures suggested by the Appellant. The Council can therefore continue to rely upon the figure of 28,355 dwellings contained in the Core Strategy in calculating the five year supply/being the overall housing requirement for South Gloucestershire.
- 5.1.25 The Core Strategy requirement and approach to addressing the shortfall was fully endorsed. However, Policies CS5, CS15 and CS34 are now out of date. Given paragraph 49 of the NPPF is now engaged, notwithstanding the fact that the starting point for any decision remains the adopted development plan, by virtue of S38(6) of the 2004 Planning and Compulsory Purchase Act as stated in the principle of development section above, the decision taker is now also required to consider guidance at paragraph 14 of the NPPF as part of any overall planning balance.

- 5.1.26 Until such time as the council is able to effectively and robustly demonstrate that it does have a 5 year housing land supply, the correct planning balance must be achieved when determining an application. This is particularly so when the site in question is compliant with the development plan (Local Plan/Core Strategy), or can be made so by appropriate mitigation. Whilst every application should continue to be determined on its merits, due regard is given to the need to maintain a 5 year supply of housing land. As indicated in par. 5.1.16 above, this site is included within the Council's current housing trajectory/5 year housing land supply.
- 5.1.27 The amount of residential development proposed at this location (up to 120 dwellings) accords with that envisaged in policies CS5 and CS15. Consequently, significant weight should be given in principle to the likely benefits of the delivery of this amount of residential development and the important part it is likely to play in delivering growth and contributing overall to the North Fringe as supported in policy CS25, and in the context of the Council's current position as being unable to demonstrate a 5 year housing land supply.

5.2 Retail Development

- 5.2.01 Ensuring the vitality of town centres is a core NPPF principle. LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre, and LPAs should require an impact assessment if the development is either over 2,500 sq.m or a locally set threshold. The CS sets this threshold at 1,000 sq.m, so the current application, at 400sq.m gross floorspace does not require an impact assessment. The test as defined in the NPPF is whether the proposal would have a significant adverse effect on any existing local centres.
- 5.2.02 The application as originally submitted proposed up to 650sq.m retail floorspace within the site. The site is located in an out of centre location and at this scale of retail proposal (and as a main town centre use) we would be require a sequential test to carried out. The applicant has subsequently reduced the retail proposal firstly to 500sq.m and finally to 400sq.m. The 400sq.m was agreed with a restriction of a maximum of 200sq.m floorspace for any single class A1 unit within the 400sq.m maximum floorspace. This would be secured by planning condition and is agreed in writing with the applicant. All other A Classes are unrestricted up to a maximum of 400sq.m.
- 5.2.1 **2003 Outline consent with 'employment amenity hub'**
- 5.2.11 The original outline approval for Charlton Hayes PT03/3143/O included an 'employment amenity hub' located within the phase of development related to this application. The amenity hub is described within the amended DAS for PT03/3143/O as a mixed use centre to serve the needs of people working in the site comprising up to 500m² of retail and leisure facilities, subject to viability.
- 5.2.12 The aim of the employment amenity hub was to provide facilities for the significant number of people that would be employed by businesses on the site.

The current proposal has reduced the employment floorspace significantly within the site and replaced a large area of the site with up to 120 dwellings. As such the current application is a material departure from the original outline consent and the justification for an employment hub no longer applies to this revised proposal. However, as the previous scheme can still be implemented albeit subject to reserved matters approval, some moderate weight can be afforded to the principle of a level of retail being provided within the site. The level and scale would need to be commensurate to the development now proposed. It is considered that 400sq.m total retail floorspace with maximum of 200sq.m floorspace for any individual Class A1 unit can be considered commensurate to a development of up to 8,000sq.m employment floorspace and up to 120 dwellings.

5.2.2 **Main town centre uses:**

- 5.2.21 All retail and office development are classified as 'main town centre uses' in the NPPF. The NPPF requires a sequential approach to be undertaken for site selection for main town centre uses, to support the viability and vitality of centres. The site is situated in an out of centre location for retail purposes. The development would be located within 500m of The Mall bus station (a public transport interchange) and the office development is therefore defined as edge of centre for office purposes. The application is not supported by a sequential test.

Par.24 of the NPPF requires a sequential test to be carried out where the proposed main town centre use is not in an existing centre and not in accordance with an up to date development plan.

5.2.3 **Office development:**

- 5.2.31 In terms of the proposed office development, the original outline consent for Charlton Hayes (PT03/3143/O) remains extant at this time. The application approved up to 66,000sq.m of B Class employment floorspace). The application showed land use parameters which zoned the main employment areas to land south of Hayes Way north of Royal Mail and at the south western wedge of land which is now subject to this application to provide two thirds of the (66,000sq.m) employment floorspace within the Charlton Hayes development. Subject to reserved matters approval, office development in excess of the now proposed 8,000sq.m can be provided within the application site. This fallback position for the applicant is material and establishes the principle of employment (office) development on this site, in an out of centre location. Additionally, the subtext of Policy CS12 reads,

'Office development outside town centres may be appropriate as this reflects the existing pattern of development in South Gloucestershire and is in line with the local and sub-regional strategy.'

- 5.2.32 The development would be located within 500m of The Mall bus station (a public transport interchange) and the office development is therefore defined as edge of centre.

5.2.33 Considering all of these matters, with significant weight afforded to the fallback position and the CS policy sub text, a sequential test is not considered to be required for the proposed office development and the office development would not adversely affect the vitality and viability of any town or local centres.

5.2.4 **Retail uses:**

5.2.41 The NPPF is clear that any retail proposal would need to satisfy the sequential test for site selection if located outside a town/local centre. The application site is situated in an out of centre location. The nearest local centre is the emerging Patchway District Centre located 740m to the north east of the site.

5.2.42 The NPPF advises that a sequential test should be carried out for any retail development proposal located outside town/local centres, as main town centre uses should be located within town centres first.

5.2.43 However saved Policy M1 of the 2006 LP which allocated the Northfield land for mixed use development accepts in principle stating that the development will include *'a range of local facilities including local shopping...'*

5.2.44 As Policy M1 was adopted in 2006, prior to the closure of Filton Airfield, and prior to the consideration and acceptance of the Cribbs Patchway New Neighbourhood, any retail impact studies carried out related to Policy M1 will now be out of date. However, the impact of the proposed retail use at a maximum of 200sq.m floorspace for any individual Class A1 shop unit (with a maximum of 2 shops reasonably likely due to these restrictions), the likely impact in retail terms on any existing retail centre can be reasonably asserted as unlikely to be significant. Par.24 of the NPPF requires local planning authorities to demonstrate flexibility on issues such as format and scale. In this case the scale of retail development is considered to be in scale with the application development (i.e. 120 dwellings and 8,000sq.m office floorspace). The proposed retail development demand would be met by its immediate surrounding development. There is unlikely to be any significant impact beyond this. As such the proposed retail offering is considered to be acceptable without the submission of a sequential test

5.2.45 When considering the scale of any retail proposed within the third land site the statement of common ground for the CS EIP agreed the following,

This site is close to a regional shopping centre but there is no intention of providing for strategic or regional scale retail floor space as part of a mixed use scheme in this location.

5.2.46 It is considered that provision of Class A1 units of maximum floorspace of 200sq.m individual floor space to a maximum of 400sq.m overall is considered to be of modest and proportionate scale for this development of up to 120 dwellings and 8,000sq.m office floorspace, and significantly smaller than retail floorspace of strategic or regional scale. The proposal is considered to be accordant with the agreed matters within the Core Strategy statement of common ground.

5.2.47 The proposed main town centre uses within this development are considered to be acceptable and would have no significant impact on the vitality and viability of any existing retail centres.

5.3 Employment Development

5.3.01 The proposal would provide a reduced quantum of employment floorspace when compared to the original outline consent which showed the whole application site as employment land (with employment amenity hub. This application proposes up to 8,000sq.m office floor space with an additional 400sq.m of retail floorspace (any A Class business). As indicated in parts 5.1.04-07 above, the CS EiP statement of common ground establishes the principle of a mixed use scheme on this site including residential. The reduction in employment floorspace as presented to the EiP Inspector is,

'in recognition of changing circumstances in the wider area...'

5.3.02 There is clear evidence that demand for office floorspace in north Bristol has reduced significantly over the past 10 years. Additionally, there remain sites in north Bristol (predominantly South Gloucestershire) with unimplemented planning consents for office development totalling 2,000,000 sq.ft (185,800sq.m). The EiP Inspector advocated a reduced level of employment development on the site.

5.3.03 The site has therefore been removed from the safeguarded employment areas as defined in table 1 of policy CS12 of the CS and instead reclassified as interim safeguarded (table 2). Policy CS12 requires proposals for non B Class development on any safeguarded employment site to meet 4 specific criteria. However, sites within table 2 (interim safeguarded) have a less stringent test as follows,

Development proposals on sites identified in Table 2 will be assessed against the above criteria unless a more fundamental review of their long term future, to enable regeneration in line with Policies CS25, CS26, CS28 or CS30, is resolved through endorsed Concept Statements (as set out in the Council's SCI), masterplan SPD or the Policies, Sites and Places DPD.

5.3.04 No concept statement has been provided. However, this site is unique as an interim safeguarded employment site such that mixed use, a reduction in employment development and provision of residential development have already been advocated through the EiP statement of common ground which was endorsed by the EiP Inspector. Additionally, the site is allocated as housing/mixed use in the Policies, Sites and Places DPD, although this document is still at an early stage and as such carries only limited weight.

5.3.05 All of the matters above are considered to demonstrate that the proposal accords with Policy CS12. However, the proposal is also considered to accord with the 4 criteria in Policy CS12 in any event. These 4 criteria are considered individually below.

1. the proposal would not prejudice the regeneration and retention of B Use Classes elsewhere within the defined employment area

5.3.06 The defined employment area is employment land at Northfield. The proposal would exchange part of the interim safeguarded land for 120 dwellings in accord with the EiP statement of common ground as advocated by the EiP Inspector. All of the other employment land within Northfield is retained as per the original outline approval. The proposal accords with criteria 1.

2. it can be clearly demonstrated that it would contribute to a more sustainable pattern of development in the local area as a consequence of the appropriateness of the proposed use to the location

5.3.07 There is clear evidence that there is currently insufficient demand for the scale of office development originally approved and the reduced offering of 8,000sq.m is more accordant with current demand. As such instead of the third land site remaining undeveloped in the short and medium term, the site is developed quickly for residential purposes which will provide additional potential employees for to improve the demand for employment land whilst contributing positively to the Councils supply of housing land. This clearly demonstrates that the proposal would contribute to a more sustainable pattern of development in accordance with criteria 2.

3. the proposal would improve the number or range of jobs available in the local area

5.3.08 Through developing land that would otherwise be likely to remain undeveloped in the short/medium term and providing a level of employment development which would more realistically meet current demand, the proposal would improve the number and range of jobs in the local area.

4. No suitable alternative provision for the proposal has been made elsewhere in the Local Development Framework.

5.3.09 As indicated in par. 5.1.2 of this report, the Council's current position is that we are unable to demonstrate a 5 year housing land supply. This site has been accepted in principle as having the ability to provide mixed use development including residential development through the EiP process. As such currently, suitable alternative provision for the proposal elsewhere in the Local Development Framework cannot be clearly demonstrated.

5.3.10 Considering all of these matters, the reduction in employment land on this interim safeguarded employment site is considered to be acceptable in accordance with Policy CS12.

5.4 Urban Design and Visual Amenity

5.4.1 **Site & Context:**

5.4.11 The context comprises the Charlton Hayes development area to the east (inc Woodlands Phase II), Cribbs Causeway employment and retail areas to the

north and west and airfield / CPNN to the south. A Gypsy and traveller site runs along the western boundary. Hayes Way forms the southern boundary. A Nissan car sales room has also recently been granted planning permission across Hayes Way south of the site. The site thus comprises the transition between residential development area of Charlton Hayes and commercial areas to the west. The site slopes gently down from north to south. Some existing vegetation is present along the east & western boundaries and along an historic hedge line through the centre.

5.4.2 **Use & Amount:**

5.4.21 The scheme proposes some 120 dwellings to the north and eastern parts of the site with employment (B1) and ancillary retail (A1-A5) to the south-western half. The scheme originally proposed some 650msq of ancillary retail uses. The principle of 'retail' is agreed through the EiP Statement of Common Ground. The extant Charlton Hayes scheme provides for 'retail / mixed-uses' on parcels LC1-3, MU5/6, HT2 and MU1 & 2. Comparison floorspace is clearly not intended given the proximity to The Mall etc. 650msq is also a substantial retail unit, equivalent to a small supermarket. It would thus not seem appropriate to locate comparison space, a single supermarket or other uses which undermine the role and vitality of Patchway centre. However, A3-A5 uses considered to be appropriate. Page 18 of the D&A statement also refers to the potential for a small standalone retail unit, yet the master plan does not show this. Ancillary 'retail', is acceptable however as considered in the retail section of the report above. Such a ground floor use would be encouraged as providing a preferable urban design solution by providing an 'active' frontage to at least part of the scheme.

5.4.22 The quantum of retailing has been reduced to 400sqm with maximum 200sqm for any individual unit. This is more akin to an ancillary retail offering as a complementary use to the development of 120 dwellings and 8,00sq.m office floorspace. The use and amount proposed for the development is now considered to be acceptable.

5.4.3 **Layout:**

5.4.31 The masterplan broadly comprises a series of commercial blocks fronting onto Hayes Way and the spine road (with parking to rear) and residential perimeter blocks, that front open spaces. Open spaces are located so as to link existing vegetation where possible. An apartment block fronts the Charlton Hayes access road and Standing Stone roundabout to the north and a series of car barns and flats over garages (FOGs) make up the northern half of the western boundary. A foot/cycle way is proposed to link to Hayes Lane along the eastern boundary. Although layout is reserved for future consideration, these general principles are considered to be acceptable.

5.4.4 **Access:**

5.4.41 The submitted access plan shows a standard highway layout with acceptable width for footpaths either side. The D&A statement shows a number of foot/cycleways and cross sections.

5.4.42 The D&A statement also refers to shared surface highways. These would be better described as 'shared space' streets. The Main Access Road is a traditional highway design, 6m wide through commercial part and 5.5 wide through residential element with 125mm upstand kerbs and verge/trees to one side with 2m footpath and 3m foot/cycleway to the other.

5.4.43 All other streets are 'shared spaces' of 6.8m with occasional build outs for tree planting and street furniture to add visual interest. Visitor parking is to be planned into the street. Materials will be a combination of block and tarmac'.

Access / street typologies within the D&A revised statement have been simplified following negotiation with Officers and are now much clearer and acceptable.

5.4.5 **Scale:**

5.4.51 Scale should be expressed in terms of storeys and (in the case of the commercial element) maximum height, width & depth. The scale parameters have been refined to show predominantly 3 storey dwellings on the Hayes Way frontage predominantly 4 storeys on the Standing Stone Roundabout *landmark* building to reflect that agreed opposite (see Charlton Hayes Phase II design codes). This is considered to be an acceptable approach.

5.4.6 **Appearance:**

5.4.61 Appearance details are reserved for future consideration. However, appearance parameters must be provided within the DAS to lead any future reserved matters submissions. The original indication of be 'Georgian' pastiche was unacceptable. There is no basis for it in the local context. An amended plan was subsequently submitted showing the character areas with respective references to the Charlton Hayes Design Codes. This is a significant improvement in appearance terms

5.4.62 The applicant was advised to simply utilise the principles set out in the Charlton Hayes Phase II and III Design Codes, i.e. Hayes Way (Phase III) code to Hayes Way, Access Boulevard (Phase II) to the Standing Stone Road roundabout frontage and Neighbourhood Side Streets (Phase II & III). This has been achieved. There are two main character areas for the residential development, with the street frontages to Hayes Way, the 'green spine', and standing stone roundabout, named gateway residential north, being the primary street pattern being more urban and dense with town houses up to 3 storeys and flats up to 4 storeys possible whereas the remainder of the residential scheme would provide a secondary pattern comprising a more typical modern lower density and height layout. The office development provides a third distinct character area, the 'gateway commercial zone', using high quality contemporary architecture, strong street frontage

5.4.63 In landscape terms the proposed new street tree planting is welcomed and accords with Policy CS25(14).

5.4.7 **Energy Strategy & Sustainability:**

- 5.4.71 The revised D&A statement contains a clear commitment to CfSH level 4. This is welcome. Further commitment is also given to maximising the potential for use of solar PV technology with most of the dwellings having a south facing roof slope mostly at the backs of dwellings. Fruit trees are proposed through landscaping to provide opportunities for individual or community food production. Additionally, drying spaces and secure cycle storage are to be provided. The office buildings would incorporate solar PV technology in order to achieve a BREEAM very good rating.
- 5.4.72 It is accepted that the density falls below 50dph and the amount of commercial space is less than 10,000m², therefore CS4 is not applicable.

5.4.8 **Residential amenity:**

- 5.4.81 The residential layout although only indicative at this stage has been amended to demonstrate that 120 dwellings can be achieved within the site without detrimentally impacting on the residential amenity (loss of daylight, sunlight, loss of privacy, overbearing impact, overshadowing) of other dwellings within the proposed site or dwellings adjacent to the site. The actual impact will be assessed in full when the detailed layout and design of buildings is submitted at reserved matters stage.

5.5 Landscape

- 5.5.01 The application is in outline and landscape detail is reserved for future consideration. However, landscape parameters are defined within the application within the Design and Access Statement which outlines the landscape principles for the site at section 5. These include creating a clear identity for the site, with the development of a strong green infrastructure network, linking to the wider Charlton Hayes new neighbourhood, to deliver 'maximum natural benefit to the area'. The landscape design of the site is intended to create a 'strong green framework for both the commercial and residential development, and is dynamic and colourful throughout the seasons', and designed to require minimum maintenance, whilst providing maximum longevity.
- 5.5.02 The site lies adjacent to the Woodlands development within Charlton Hayes and was originally allocated as a commercial site within the Charlton Hayes masterplan. A LEAP is proposed within the adjacent Charlton Hayes housing development. There are no landscape designations on the site, however the site contains a number of good quality existing trees and a mature hedgerow, running through the centre of the site. A tree survey and a tree retention and removal plan have been submitted, indicating that the majority of trees and the existing hedgerow are being retained within the development.
- 5.5.03 The main PROW routes within the site are incorporated within the proposed green core and GI network through the site and link into the adjacent Charlton Hayes and Woodlands development sites, including the proposed cycle track, which will provide a link to A38 in the east and wider cycle network beyond.

5.5.04 The applicant has carried out a rigorous and thorough assessment of the site in accordance with best practice and the site analysis has been carefully carried out in order to inform the site layout. As stated above, the majority of existing trees and the existing hedgerow are retained within the layout; there are a number of poor grade trees and areas of scrub and Bramble which will be removed in accordance with the recommendations of the tree survey.

5.5.1 **Overall Layout:**

5.5.11 The development layout is shown as indicative only at this stage, with an Illustrative Masterplan submitted to illustrate the overall landscape principles for the site. With regard to green infrastructure; the development of a good GI network has been foremost in the site planning and design development. Key elements are identified within the landscape masterplan including;

- Green core running through the centre of the site, and an equipped play area
- Homezones/living streets within the higher density areas
- Existing hedgerows and trees; the best are retained within the layout, forming the basis for a strong GI network
- The landscape proposals include the continuation of the roadside tree planting established in earlier development phases along Hayes Way and consistent with the overall Charlton Hayes masterplan proposals. This is welcomed and is consistent with the requirements of CS25 (14)

5.5.12 The layout uses the site's topography and GI assets, resulting in a generally well considered scheme. The revised masterplan shows a number of additional trees added to rear gardens, which is welcomed.

5.5.2 **Ecology:**

5.5.21 Ecology is covered in detail in the ecology section of the report below. However, ecology and landscape can overlap and as such ecology opportunities in landscape terms are considered here.

5.5.22 A reservation 'badger zone' is allowed for, along the south eastern boundary and the proposal to seed all areas adjacent to the existing hedgerow with wildflower seed will help to increase biodiversity. Where possible, locally appropriate native planting should be proposed in public areas although this is best secured at reserved matters stage. The 'badger zone' is preserved along the south eastern boundary linking to the badger tunnel under Hayes Way adjacent to the allotments, shown on the revised masterplan.

5.5.3 **Public Open Space & Sports Provision:**

5.5.31 Public open space provision and off site financial contributions are covered in detail later in the report. The LEAP is still shown in the same location as the original masterplan; however having reviewed this further in the light of the proposals for the adjacent housing site, it links well to the LEAP within the northern portion of the green spine proposed within the Bovis site to the east. The two LEAP's are linked via the GI network connecting the two housing sites, so will provide an interesting wider area of play; a good variety of equipment is

proposed which is complementary to the other, rather than duplicating equipment.

5.5.32 A total of 13 allotments are now proposed along the south eastern boundary of the site. In landscape terms this is acceptable and provides a good community resource within the periphery of the site.

5.5.33 Overall, the proposal is considered to be acceptable in landscape terms.

5.6 Ecology

5.6.01 The site is not covered by any statutory or non-statutory nature conservation designations. The application includes an Ecological Assessment (EA) dated December 2014 by Ecology Solutions.

5.6.1 **Semi-natural Habitat**

5.6.11 The extended Phase 1 survey indicated that the majority of the site comprises ruderal vegetation including nettle, cow parsley, hogweed, dock and willowherb due to a lack of management.

5.6.12 The site also contains low and dense scrub with a track and ditch. Two hedges, H1 and H2, were recorded within the application site. H1 forms part of the western boundary of the site boundary, is unmanaged and of low species diversity. Hedge H2 traverses the centre of the site and has spread out to form adjacent banks of scrub through a lack of management.

5.6.13 The majority of the trees are immature or semi-mature with the exception of a mature oak to the east of the site

5.6.2 **Bats**

5.6.21 The EA indicated that there were no buildings present on site with potential for roosting bats.

5.6.22 The assessment did not include a bat activity survey of the site. It is therefore unclear what impact development and loss of the unmanaged scrub/vegetation would have on local bat populations.

5.6.23 Paragraph 4.2 of the EA considered that two trees - a mature oak and a semi-mature ash – had the highest potential for roosting bats. However, the assessment is somewhat vague as to the features of potential use and did not actually classify it (as high, moderate or low potential according to BCT guidelines on trees and bats). Moreover it is not entirely clear from the Phase 1 habitat map within the EA where the oak is located; whether it has been incorporated into the scheme; and finally whether if it was used as a roost whether flight paths would be impacted upon by the adjacent development and infrastructure.

5.6.24 Paragraph 4.3 also indicated that the mosaic of habitats across the site were likely to offer foraging habitat for bats although no bat activity survey was

included within the EA. On this basis no further assessment is required and the scheme is considered to be acceptable in terms of bats impact.

5.6.7 **Hedgehog**

5.6.71 No specific survey for hedgehog was carried out and paragraphs 4.9 and 4.10 ('Other Mammals') makes no reference to any field signs being noted in the course of the walkover. Notwithstanding this, however, the semi-natural vegetation on site would provide suitable habitat for the species.

5.6.72 Hedgehog is a Priority Species nationally under Section 41 of the NERC Act 2006. Any suitable habitat to be cleared from the site should therefore be subjected to a destructive search immediately ahead of the works in order to avoid killing or injuring animals.

5.6.73 Any hedgehogs found should be moved to a safe area of suitable habitat usually to a location on site to be agreed with the Council. This will be secured through planning condition.

5.6.8 **Birds**

5.6.81 No specific survey for nesting birds was carried out. Instead, this section of the EA consists of records noted during the walkover (at a sub-optimal time of the year for bird surveys); and a desktop analysis of records on or in the vicinity of the application site. The EA does however consider that the unmanaged scrub and vegetation across the site offers nesting and feeding habitat for a variety of species associated with urban habitats.

5.6.82 As noted within the section on hedgehog above, the Illustrative Masterplan seems to indicate that, with the exception of the two hedgerows and some trees, all of this semi-natural vegetation is to be removed. In addition, the tree retention & removal plan forming part of the Outline application seems to suggest that H2 - in the centre of the site – will be cut back and form part of the formal open space within the housing element of the scheme, further reducing its suitability for nesting birds. In the absence of any specific nesting bird survey, it is unclear what impact this loss of vegetation will have - if, for example, the site supports any species of bird listed under Section 41 of the NERC Act 2006 or on the South Gloucestershire Biodiversity Action Plan; or included on the Red, Amber or Green RSPB Lists of Birds of Conservation Concern. This is in contrast to the Outline planning permission for North Field where H2 was protected as semi-natural habitat and as a characterful remnant 'green lane' scheme. The hedge/green lane was moreover the last area of semi-natural habitat within an overwhelmingly formalised scheme making it even more critical that it is retained and managed sympathetically. As indicated in the scheme design section of the report below, this lane is to be retained and this will be secured through reserved matters and by condition.

5.6.9 **Badger**

5.6.91 Whilst no setts were noted during the site survey, the Ecological Assessment indicated that parts of the site could not be inspected, being overgrown with dense impenetrable scrub.

5.6.92 Given this, it is recommended that scrub clearance is carried out under the supervision of a qualified ecologist. If a sett is found, any development affecting it, or to be carried out in its vicinity, will be subject to the provisions of the Protection of Badgers Act 1992. This will be secured through planning condition.

5.6.10 **Slowworm**

5.6.101 The Ecological Assessment (paragraphs 4.19 and 4.20) noted that despite previously having been cleared, areas of habitat within the site were capable of supporting reptiles.

5.6.102 Slowworms are protected against intentional or reckless killing or injuring under the Wildlife and Countryside Act 1981 (as amended).

5.6.103 Slowworms have been recorded previously within the wider North Field (Charlton Hayes) Outline application site. Accordingly, any suitable vegetation should be removed following a precautionary method of clearance to avoid accidentally harming any reptiles present on site. This will be secured through planning condition.

5.6.11 **Great Crest Newt**

5.6.111 The lack of water bodies within or adjacent to the application site means that the site is unlikely to offer terrestrial habitat for great crested newt. The ditch's fluctuating water levels means that it is largely unsuitable for use by the species and accordingly the Ecological Assessment concluded that the species is unlikely to be present within the site.

5.6.12 **Invertebrates**

5.6.121 No specific invertebrate survey was carried out as part of the EA. Instead the assessment was carried out as a desktop analysis of the invertebrate records in the locality.

5.6.122 It is considered likely that the mixed ruderal vegetation provides food plants for a variety of species of insects - including some of those recorded within the vicinity of the site. Paragraph 4.25 of the EA also indicates that there was a cluster of 40 records of small blue butterfly 1.2km to the south-west of the application site. The small blue is rare across the West of England and a Priority Species nationally under Section 41 of the NERC Act 2006. Following further discussions with the applicant, this issue has now been addressed and no further action is required in relation to invertebrates.

5.6.13 **Scheme Design**

- 5.6.131 Previous comments noted that the masterplan for the Charlton Hayes Outline planning permission maintained a 'green lane' through the site consisting of a thick hedgerow and associated grassland to the south. Anthills had been previously noted within the grassland which are widely indicative of undisturbed ground and therefore a more diverse, species-rich sward.
- 5.6.132 A Landscape & Ecological Management Plan (LEMP) will need to be drawn up and agreed with the Council to be secured by planning condition to govern the management of the hedgerow and grassland.
- 5.6.133 The green lane (with a separate hedgerow) continued within the adjoining development to the east (see Section 3.0 Evaluation on page 11 of the Design and Access Statement for PT14/5028/O). Within the Outline masterplan the two hedges were separated by a cycle way/footpath and, to provide greater connectivity of semi-natural habitat, an area of wetlands was designed in between the two hedges at the northernmost extent of the hedge within the Northfield Park illustrative masterplan. This would be secured through planning condition.

5.6.14 **Conclusions**

- 5.6.141 There are no ecological constraints to granting planning permission.
- 5.6.142 Conditions are to be attached to the decision relating to slowworm, badger, a Landscape & Ecological Management Plan; and the detailed design (Reserved Matters) of the northernmost end of the hedgerow/associated open space and footpath. The development should also be implemented in accordance with the recommendations of the ecological assessment.

5.7 **Archaeology**

- 5.7.1 This land was subject to archaeological evaluation as part of the Northfield development. The results demonstrated that whilst Iron Age archaeology was present, it was of low potential and likely to be isolated features within the prehistoric agricultural landscape.
- 5.7.2 However, as archaeology has been found before and records also state that there was a former sleeping shelter from WWII on site, a programme of archaeological work will be required prior to commencement of development. This will involve monitoring of ALL groundworks including any geotechnical works or initial soil stripping. Due to the low potential for presence of archaeology this can be controlled by condition and will not be necessary prior to determination.

5.8 **Transportation and Highway Safety**

- 5.8.1 The NPPF provides a consideration in relation to transportation matters. Par.32 of the NPPF is most relevant to consideration of this application in transportation and public safety terms. Par.32 reads,

‘..... decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.’*

5.8.2 The test in determining whether this application is acceptable in transportation and public safety terms is now, in the NPPF as the most recent Policy, is whether impact of the development in transportation terms would be severe.

5.8.3 This site has an extant planning permission consisting of 26,938sqm of B1, which is considered the fall back position in the event that the current application is refused. This application seeks an alternative development profile of 120 residential units, 400sqm of A1 retail and 8000sqm of B1 office. Supporting this application the applicant has submitted a Transport Statement that compares the extant and proposed developments. Means of access is to be considered in detail at this stage.

5.8.4 Within the submitted Transport Statement the Trics database has been utilised to predict the traffic generation from the site in terms of overall traffic, morning and evening peak hours to provide a comparison of the two proposals.

5.8.5 Officers have also undertaken this same assessment and conclude that the traffic generation figures within the TS are appropriate and provide a reasonable estimation of the predicted traffic. The results of which have been summarised in the table below.

Land use	AM Peak 2-way	PM Peak 2-way	Daily Total 2-way
Extant B1 use based upon 26,938sqm	449	374	3426
Proposed use based upon 120 residential units (35% affordable), 650sqm of A1 and 8000sqm of B1	258	3257	2607
Net Difference	191	117	819

5.8.6 This table indicates that the traffic generation between the two scenarios is broadly similar, but with the mixed use development predicted to generate less vehicle movements both in the peak hours and the daily total. The transportation impact of this proposal is therefore considered to be neutral compared with the extant use.

5.8.7 As part of the HoTs on the extant planning application the applicant was required to submit a workplace Travel Plan, as part of this application draft

versions of both a residential and workplace Travel Plans have been submitted. The provision of travel plans for both the commercial and residential elements of this development is to be secured as part of the legal agreement with implementation prior to first occupation.

- 5.8.8 During the consultation process the applicant has submitted a draft masterplan that indicates how the development could be developed, together with the links to the wider developments adjacent to the site. Whilst the masterplan is not for determination with this application, a masterplan would be required as a condition for approval prior to submission of reserved matters. This is so that the context of how the site will be developed and the associated internal and external access principles can be established.
- 5.8.9 The proposed means of vehicular access to the site will be via Hayes Way which was designed to cater for the employment uses subject to the original outline approval. As indicated above, the employment scenario would generate more vehicle movements than this revised proposal. The means of access is considered to be of acceptable design to cater for all necessary modes of transport including emergency and service vehicles. The means of access is considered to be acceptable.
- 5.8.10 The proposal is considered to have a neutral impact upon the highway network when compared with the extant permission, and subject to securing travel plans and details as part of the masterplan then the proposal would result in no severe impact in terms of transportation and highway safety.

5.9 Flood Risk and Drainage

- 5.9.1 Policy CS9 required new development to be located away from areas of flood risk and reduce and manage the impact of flood risk through location, layout, design, choice of materials and the use of Sustainable Drainage Systems (SuDS).
- 5.9.2 The Environment Agency flood map indicates that the site is located within Flood Zone 1 (low risk).
- 5.9.3 The NPPF requires development sites exceeding 1 ha within Flood Zone 1 to be accompanied by a site specific FRA. A Flood Risk Assessment (FRA) has been submitted in support of the application.
- 5.9.4 The application is accompanied by a Drainage Strategy and Flood Risk Assessment dated December 2014. Following objection raised by the EA this was revised and the EA objection subsequently removed, subject to condition requiring a drainage strategy (SuDS) to be submitted and agreed in writing.
- 5.9.5 Concern was raised by LLFA Officers that the central area of POS could serve a dual purposes for surface water attenuation due to the suggested ground levels being lower than the surrounding land. However, the applicant has confirmed that the attenuation will be provided through a below ground cellular system and the POS area will not serve a specific attenuation purpose. On this

basis the LLFA raise no objection, but request a SuDS condition as requested by the EA.

5.10 Public Open Space (POS)

5.10.01 Policy CS24 states provision for green infrastructure, outdoor space, sport and recreation facilities will be sought for all new developments, to the appropriate local standards of provision in terms of quantity, quality and accessibility.

5.10.1 (i) Outdoor Sport

5.10.11 The applicant proposes no on site outdoor sports provision. Based on the predicted population increase that would result from the development (120 dwellings) which has been calculated to be 268.2 residents a requirement of 4,291.2sq.m outdoor sports space should be provided. This must be provided off site if not incorporated into the development. As such a financial contribution of £205,678.07 towards off site provision of sports open space will be required. In addition, there will be a requirement to contribute towards the future maintenance of the space which calculated against the spatial requirement would be £62,252.01. This sum could contribute towards the future maintenance and enhancement of Norman Scott Park. These areas are located within 20mins walking distance of the site. The contribution is considered to be directly related to the development, necessary and fairly and reasonably related in scale and kind, in accordance with the 3 tests within the CIL Regulation 122.

5.10.2 (ii) Informal Recreational Open Space

5.10.21 The applicant proposes provision of 3,084.3sq.m of informal recreational open space. The minimal spatial requirement to comply with policy CS24 of the Core Strategy is 3,321sq.m. The provision of informal recreational POS on site exceeds the policy requirement and as such is in accordance with Policy CS24.

5.10.22 The applicant indicates they wish the POS to be managed privately. Appropriate in-perpetuity arrangements will be secured in the Section 106 Agreement.

5.10.3 (ii) Provision for Children and Young People

5.10.31 The housing layout will provide an equipped area for Children and Young People within the informal recreational POS towards the east of the site where it is accessible to the new population of the site itself and adjacent residents in Charlton Hayes. This play area measures 720sq.m which meets the minimum spatial requirement to comply with Policy CS24.

5.10.32 The applicant indicates they wish the POS to be managed privately. Appropriate in-perpetuity arrangements will be secured in the Section 106 Agreement.

5.10.4 (iii) Natural and Semi-Natural Green Space

5.10.41 The proposals include 4,071sq.m of on site provision, including on site private maintenance. This meets the minimal spatial requirement to comply with policy CS24 of 4,023sq.m. This open space will be subject to suitable design at reserved matters stage. The amounts will be secured by the S106 agreement. This category of POS meets the minimum spatial requirement and complies with Policy CS24.

5.10.42 A thin length of land between the proposed office development and the gypsy and traveller site to the north has been removed from the POS calculation as it is considered not to meet the minimum quality standards for this type of POS as it has no public accessibility and would not contribute visually to the public realm. This has been factored into the above calculation.

5.10.5 (iv) Allotments

5.10.51 The minimal spatial requirement for allotment space to comply with policy CS24 of the Core Strategy is 536.4sq.m. The proposal would provide 654sq.m which is a full policy compliant allotment space within the site. This will be located towards the south of the site adjacent to the natural and semi natural area of POS. The location and size of allotment provision on site is considered to be acceptable in accordance with Policy CS24.

5.10.52 Given the above, it is considered that the proposed open space provision meets the policy requirements, the majority on-site other than outdoor sports, but with an appropriate contribution off-site for outdoor sports, and as such the proposals accord with Policies CS24 and CS25 of the adopted Core Strategy.

5.11 Community Infrastructure

5.11.1 **Community building:**

5.11.11 It is considered reasonable for people to have access to a community space within 800m of where they live, where they can take part in a range of social, cultural and recreational activities which help build and sustain cohesive communities. This accessibility standard is what is considered easy walking distance for most people and set out in more detail the South Gloucestershire Council Infrastructure Delivery Plan

5.11.12 The scale of the development is not of sufficient significance to require the provision of an on site community space to support the new community.

5.11.13 Following the implementation of the Community Infrastructure Levy (CIL), all off-site community space contributions will form part of the Council's adoption of its charging levy as part of the CIL tariff with the provision of community space facilities now required to be noted on the Council's Regulation 123 infrastructure list. CIL has replaced the need to secure pooled and off-site contributions to provide additional infrastructure. Therefore under this new system individual site specific calculations for off-site mitigation for this type of facility are no longer part of the consideration and determination of planning applications. The monitoring of additional demand though new developments and the necessary funding for community space facilities now fall to the service

department to coordinate in conjunction with Corporate Finance charged with overseeing the expenditure of CIL to meet the Council's infrastructure requirements.

5.11.2 **Library services:**

5.11.21 As with the community space facilities, the provision of library facilities to mitigate for increase demand from new development is identified on the Council's Regulation 123 list as infrastructure to be provided through CIL. Therefore again following the Council's formal adopting CIL on 1st August 2015, this contribution required to off-set the additional demand on library services forms part of the Community Infrastructure Levy for this development.

5.11.3 **Public Art:**

5.11.31 Policy CS1 of the adopted Core Strategy states that where the scale of development warrants it, public art should be embedded within the public realm. Public art should be viewed as an opportunity to enhance legibility, character, distinctiveness and civic pride. It should respond to the distinctive assets of the location and can form part of the landscape design, public realm and play opportunities.

5.11.32 A planning condition is therefore recommended to secure public art within the site, which requires the developer to submit a public art strategy for approval and the public art proposed within the strategy to be implemented in accordance with the approved strategy.

5.12 Planning Obligations

5.12.1 **Affordable Housing:**

5.12.11 The following matters have been agreed with the applicant and as such the proposal would provide an acceptable and policy compliant affordable housing offering:

5.12.12 The applicant has agreed to provide 35% affordable housing in line with CS18 (42 affordable homes based on a scheme of 120 dwellings)

5.12.13 The proposed tenure split of 80% social rent and 20% intermediate affordable housing in line with the West of England SHMA has been agreed (34 social rented and 8 intermediate affordable homes based on a scheme of 120 dwellings)

5.12.14 The applicant has agreed to clusters of no more than 12 affordable homes.

5.12.15 The affordable housing mix and unit sizes set out in the Affordable Housing Statement Revision 1 have been agreed and adequately reflect the Strategic Housing Market Assessment (see table).

Social Rent

Unit Type	Min size (sq m)	No. of Units	Percentage
2 bed 4 person flat	69	10	29%
2 bed 4 person houses	77	19	56%
3 bed 5 person houses	90	5	15%
Total		34	

Intermediate

Unit Type	Min size (sq m)	No. of Units	Percentage
2 bed 4 person flat	69	6	75%
2 bed 4 person houses	77	1	12.5%
3 bed 5 person houses	90	1	12.5%
Total		8	

5.12.16 5% of the affordable housing to meet wheelchair accommodation standards. The Council's has developed a wheelchair specification, see Wheelchair Specification

5.12.17 Affordable housing is to be delivered on site without any public subsidy.

5.12.18 Eligibility and occupancy: 100% of initial occupants and 75% of subsequent lettings to be nominated by the Council, following the Council's HomeChoice policy and using the Council's Choice Based Lettings System. For intermediate affordable housing (Shared Ownership) for nominations using Help to Buy Agent.

5.12.19 No more than 6 flats accessed by a common entrance,

5.12.110 Design and specification criteria: All units to be built in line with the same standards as the market units (if higher) and to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Part 2 of Secured by Design, and compliance of RP design brief.

5.12.111 Delivery is preferred through an RP approved by the Council, which is a member of HomesWest (HW). HW are set up to deliver affordable housing across the West of England to local development and management standards. The Council encourages the developer to work with a member of HW, and in the event of the developer choosing a Registered Provider from outside this panel then the same WoE standards will need to be adhered to. There must be appropriate arrangements in place for delivering the affordable housing provision to an RP.

5.12.112 Distribution and Phasing: an affordable housing contract should be entered into with an approved RP or RP in relation to the affordable housing provision prior to the commencement of construction of any permitted dwellings and the affordable housing should be built at the same time as the rest of the housing on site in line with appropriate triggers agreed with the Council, assessed on a

site by site basis. A minimum of 3 triggers are suggested as appropriate for a site of over 100 dwellings. Where the development will proceed over more than one phase, the location, amount, type and tenure of the affordable housing in each phase will need to be set out in an Affordable Housing Masterplan and Schedule. This is to be approved by the Council prior to determination of the first residential Reserved Matters application.

5.12.113 The Council will define affordability outputs in the S.106 agreement, without any further information regarding sales values the affordability standards are as follows:

- social rents to be target rents, set in accordance with the Direction on the Rent Standard 2014
- shared ownership: no more than 40% of the market value will be payable by the purchaser The annual rent on the equity retained by the RP should be no more than 1% of the unsold equity
service charges will be capped at an appropriate level to ensure that the affordable housing is affordable

5.12.114 Social rented accommodation to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.

5.12.115 Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

5.12.2 **Education:**

5.12.21 Policy CS6 requires new development proposals to deliver infrastructure, services and community facilities to improve the sustainability of communities including for the provision of education facilities.

5.12.22 The development is not sufficiently large scale to justify educational facilities to be provided on site. Following the implementation of the Community Infrastructure Levy (CIL), all off-site education contributions are drawn from the Council's adoption of its charging levy forming part of the CIL tariff with the provision of primary and secondary school places noted on the Council's Regulation 123 infrastructure list. On site provision for new schools is still be secured via S106 agreements for the larger, more strategic sites, but CIL has replaced the need to secure pooled and off-site contributions to provide additional infrastructure. Therefore under this new system individual site specific calculations for off-site mitigation are no longer part of the consideration and determination of planning applications. The monitoring of additional demand though new developments and the necessary funding for additional primary school places now falls to the service department to coordinate in conjunction with Corporate Finance charged with overseeing the expenditure of CIL to meet the Council's infrastructure requirements.

5.12.3 **Other contributions:**

5.12.31 The Council would normally expect a contribution towards waste and NHS services to be secured as mitigation for the impact of the new development as the site is not sufficiently large enough to justify these services being provided on site. As with the community space facilities, the provision of these facilities to mitigate for increase demand from new development is identified on the Council's Regulation 123 list as infrastructure to be provided through CIL. Therefore again following the formal adoption of CIL on 1st August 2015, this contribution required to off-set the additional demand on waste and NHS services now forms part of the Community Infrastructure Levy for this development.

5.13 Environmental Impacts

5.13.1 **Noise:**

5.13.11 Although the site faces onto Hayes Way a busy dual carriageway, this layout is no different to the adjacent Charlton Hayes development currently under construction. An ES was carried out as part of the consideration of the outline application for the development (PT03/3143/O) which included a full assessment of noise impact including from road traffic, although the Brabazon to San Andreas roundabout connection would not have been considered at that stage and noise impact assessment would have included noise from an active Filton Airfield including engine testing. Noise was considered further in the Northfield planning Inquiry in 2008. Considering the original ES and the Inspector's report from the 2008 Inquiry, no significant additional noise mitigation is required beyond the following,

- Double glazing for new dwellings fronting onto Hayes Way to meet acceptable internal noise levels. This can be achieved through building Regulations.
- Noise from road traffic and commercial/industrial activity to be minimised by building layout. This is to be considered at reserved matters stage, although the illustrative layout is considered to provide an adequate solution.
- Open amenity and external areas to be protected by the enclosed courtyard scheme. These matters are considered in full by the Open Space Officer in the POS section of the report.

5.13.2 **Contaminated Land:**

5.13.21 A contaminated land assessment was submitted as part of this application (Baynham Meikle Partnership, Filton – Third Land, Charlton Hayes, Bristol, Land Condition Statement, Project Ref 8218, December 2014). The EHO considered that additional information was required comprising a site specific investigation for potential contamination. Where information and data from previous ground investigations is relevant the information should be reviewed and assessed in line with current best practice and guidance in the context of the proposed end uses.

5.13.22 A number of reports and assessments were subsequently received of ground conditions supplied by from BAE Systems Environmental. The application area had been remediated to a standard suitable for a commercial end use but required re-assessment in terms of the new proposed mixed use that will include a more sensitive end use i.e. residential with gardens.

5.13.23 The ground investigation work carried out for the previous proposed commercial end use has now been supplemented with additional ground investigations and risk assessments in order to re-assess the original findings and conclusions in line with the new more sensitive end use.

5.13.24 Following final clarification with BAE consultants regarding the assessment criteria for lead, the approach to the ground investigation, the methodology used, conclusions and proposed remediation are accepted, subject to conditions as follows,

- Remediation works to be carried out in line with the agreed proposals in the BAE Remediation Strategy.
- Soils reused on site to be in accordance with a Materials Management Plan and only reused in areas of the development where they have been classified as suitable for use.
- If unexpected contamination is found after the development is begun, work shall immediately cease upon the part of the site affected. An additional investigation and risk assessment will then be undertaken.

5.13.3 Other Environmental Effects:

5.13.31 A construction and environmental management plan (CEMP) condition is recommended to ensure that the development is implemented using construction processes and procedures which limit the impact on local residents, including impacts such as air quality, odour, noise, vibration.

5.14 Other issues

5.14.1 **Broadband provision:**

5.14.11 Policy CS8 aims to ensure the provision of wireless internet access for new dwellings to facilitate homeworking in the interest of promoting sustainable patterns of development. The applicant has indicated that broadband will be provided as part of the development. A condition is therefore recommended, requiring details of the provision of internet connection infrastructure for future residents.

5.14.2 **Street Lighting:**

5.14.21 Details of street lighting will be required by condition for submission with any reserved matters, to ensure a consistent approach to street lighting across the development.

5.14.3 **Cemetery provision:**

5.14.31 Any contribution towards cemeteries will be sought through the CIL process and any cemetery project will need to be identified through the Council's Rag 123 List.

5.14.4 **Provision of way marking signage:**

5.14.41 This is a matter related to detailed design, the exact routes and positioning of accesses and roads. As such this matter will be picked up through consideration of the detailed master plan and reserved matters.

5.15 Community Infrastructure Levy Tariff

5.15.1 As indicated above, all off-site contributions for this development would be drawn from the Council's adoption of its charging levy forming part of the CIL tariff with the provision of primary and secondary school places noted on the Council's Regulation 123 infrastructure list. The exact sum that would be applicable for this development is as yet unknown as the proposal is currently in outline only. Only once the exact floorspace total for dwellings can be calculated following submission of subsequent reserved matters will the exact CIL tariff sum be known.

5.16 Community Infrastructure Levy Regulation 122

5.16.1 The NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Furthermore, planning obligations will be given weight where they meet all the following statutory tests:

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

5.16.2 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 in the heads of terms are considered to have passed 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/refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy

(Adopted) December 2013 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:

Public Open Space:-

1. Outdoor sports - Provision/enhancement = £205,678.07 - Maintenance = £62,252.01

Affordable Housing:-

2. The applicant has agreed to provide 35% affordable housing in line with CS18 (42 affordable homes based on a scheme of 120 dwellings).
3. The proposed tenure split of 80% social rent and 20% intermediate affordable housing in line with the West of England SHMA has been agreed (34 social rented and 8 intermediate affordable homes based on a scheme of 120 dwellings)
4. There shall be no clusters of more than 12 affordable homes.
5. The affordable housing mix and unit sizes set out in the Affordable Housing Statement Revision 1 have been agreed and adequately reflect the Strategic Housing Market Assessment (see table).

Social Rent

Unit Type	Min size (sq m)	No. of Units	Percentage
2 bed 4 person flat	69	10	29%
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Intermediate

Unit Type	Min size (sq m)	No. of Units	Percentage
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3 bed 5 person houses	90	1	12.5%
Total		8	

6. 5% of the affordable housing to meet wheelchair accommodation standards. The Council's has developed a wheelchair specification, see Wheelchair Specification
7. Affordable housing is to be delivered on site without any public subsidy.
8. Eligibility and occupancy: 100% of initial occupants and 75% of subsequent lettings to be nominated by the Council, following the Council's HomeChoice policy and using the Council's Choice Based Lettings System. For intermediate affordable housing (Shared Ownership) for nominations using Help to Buy Agent.
9. No more than 6 flats accessed by a common entrance.
10. Design and specification criteria: All units to be built in line with the same standards as the market units (if higher) and to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Part 2 of Secured by Design, and compliance of RP design brief.
11. Delivery is preferred through an RP approved by the Council, which is a member of HomesWest (HW). HW are set up to deliver affordable housing across the West of England to local development and management standards. The Council encourages the developer to work with a member of HW, and in the event of the developer choosing a Registered Provider from outside this panel then the same WoE standards will need to be adhered to. There must be appropriate arrangements in place for delivering the affordable housing provision to an RP.
12. Distribution and Phasing: an affordable housing contract should be entered into with an approved RP or RP in relation to the affordable housing provision prior to the commencement of construction of any permitted dwellings and the affordable housing should be built at the same time as the rest of the housing on site in line with appropriate triggers agreed with the Council, assessed on a site by site basis. A minimum of 3 triggers are suggested as appropriate for a site of over 100 dwellings. Where the development will proceed over more than one phase, the location, amount, type and tenure of the affordable housing in each phase will need to be set out in an Affordable Housing Masterplan and Schedule. This is to be approved by the Council prior to determination of the first residential Reserved Matters application.
13. The Council will define affordability outputs in the S.106 agreement, without any further information regarding sales values the affordability standards are as follows:
 - social rents to be target rents, set in accordance with the Direction on the Rent Standard 2014
 - shared ownership: no more than 40% of the market value will be payable by the purchaser The annual rent on the equity retained by the RP should be no more than 1% of the unsold equity
 - service charges will be capped at an appropriate level to ensure that the affordable housing is affordable

14. Social rented accommodation to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.
15. Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

Highway works:

16. Provision of a Travel Plans which shall include:
 - Determination of targets to reduce the single occupancy vehicle mode share year on year over the next 10 years with an independent monitoring process that shall include annual surveys and Automatic Traffic Counters.
 - Appointment of a Travel Plan Co-ordinator.
 - Promotion of sustainable travel.
 - Identification of resourced methodologies to reduce the impact of the development together with additional methodologies in the event that agreed targets are not met.
 - Monitoring fees of £500 per year for the life of the Travel Plan.
- 7.2 Subsequent to any reserved matters approval a CIL tariff sum shall be sought which has been calculated on the basis of the final dwelling numbers determined by all reserved matters up to 120 dwellings accounting for all affordable housing exemptions at £55 per m2 for development within the North Fringe, up to 400m2 retail floorspace at £160 per m2 and up to 8,000m2 office floorspace at £30 per m2 for retail and office development within a prime location.

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 12 months of the date of the Committee resolution 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.

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

1. Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") for the land shown edged red on the approved Location Plan shall be obtained from the Local Planning Authority in writing before any development is commenced within each phased development parcel as defined by condition 13.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved. All reserved matters shall be begun before the expiry of 2 years from the date of the decision to which the reserved matters development relates.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority 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).

4. All hard and soft landscape works for the land within each dwelling or business plot shall be carried out in accordance with the details to be approved as reserved matters connected to this decision. All landscaping applicable to each relevant plot shall be completed within the next planting season following the plot occupation.

Reason

To ensure the satisfactory appearance of the development in the interests of visual amenity and to accord with saved Policies H1, L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1, CS2, CS9, CS24, CS25 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

5. Sample panels of stonework and brickwork, demonstrating the colour, texture and pointing and any external material detailing such as quoins, eil or head details are to be erected on site and approved in writing by the Local Planning Authority before the development of any building to which the stonework/brickwork relates is commenced. The approved sample panel shall be kept on site for reference until the building to which the stonework/brickwork relates is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure a satisfactory standard of external appearance and to accord with saved Policy H1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

6. Applications for the approval of the reserved matters shall be in accordance with the parameters described in the design and access statement hereby approved.

Reason

To protect the character and appearance of the area and the residential amenity of the occupiers and in the interest of highway safety to accord with saved Policies H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1, CS2, CS9, CS24, CS25 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

7. The particulars submitted as part of condition 1 for the relevant reserved matters shall include the following:
- Details of 'Safer Routes to School' serving off-site education facilities;
 - Details of walking and cycling routes and how these link with the wider external network.

The details so approved shall be implemented prior to the first occupation of the first residential dwelling of the reserved matters consent.

Reason

To encourage means of transport other than the private car and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 and with policies CS8 and CS25 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) .

8. All applications for approval of reserved matters within each geographical phase submitted as reserved matters shall include an Energy Statement.

Reason

To achieve improved energy conservation, and protect environmental resources in accordance with Policy CS26 of the adopted Core Strategy.

9. Development shall not begin until drainage design for each plot or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason 1

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

Reason 2

To prevent the increased risk of flooding and to improve water quality

Note: the total outflow from the development must not exceed the 71.1l/s stated in the Baynham Meikle Partnership FRA dated December 2014.

Reason 3

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 accord with policies CS9 and CS25 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) .

10. No dwelling shall be occupied until a detailed waste management and recycling strategy has been first submitted to and approved in writing by the Local Planning Authority. The waste management and recycling strategy shall include measures to control the use, sorting, storage and collection of waste material and recycling from residential and commercial uses on site, including on site composting. The development shall thereafter be implemented in accordance with the approved details.

Reason

To ensure appropriate waste management, recycling and composting measures take place on site and in accordance with Policies CS1 and CS25 of the Core Strategy.

11. No development shall take place in any of the geographical phases identified in the Phasing plan to be approved (condition 13) until there has been submitted to and approved in writing by the Local Planning Authority a detailed master plan for the geographical phase in question. The detailed master plan for the geographical phase in question shall be so approved before the submission of applications for the approval of the reserved matters within that geographical phase. Any subsequent application to revisions to the approved detailed master plan for a particular geographical phase shall also be submitted to and approved in writing by the Local Planning Authority.

Each of the Detailed Master Plans shall include a two-dimensional layout drawing that shows (not exclusively):

the arrangement of street and buildings down to plot level, preferably at a scale of 1:1000

the arrangement for block interiors

the arrangements for car parking

density and mix

building heights/massing

the format of the public realm including all routes and spaces

the context within which existing landscape features are to be retained

the context or proposed structure planting

environmental performance and

ground levels

Reason

To ensure that high standards of urban design and comprehensively planned development to accord with policies CS1 and CS26 of The South Gloucestershire Local Plan: Core Strategy (December 2013).

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Design Code for each geographical phase. The Design Code shall be so approved before the submission of applications for the

approval of the reserved matters for that phase. Any subsequent applications for revisions to the approved Design Code shall also be submitted and approved in writing by the Local Planning Authority. The Design Code shall include detailed codings for:

- Street types and materials including bridleways
- Block types and principles
- Treatment of public realm (including open space, play and areas, grow areas of hard landscaping)
- Architectural and sustainable construction principles
- Areas of car parking
- Details of code testing prior to finalization
- Proposals for monitoring and review of each phase
- Details of waste and community composting areas

Reason

To ensure that high standards of urban design and comprehensively planned development to accord with policies CS1 and CS26 of The South Gloucestershire Local Plan: Core Strategy (December 2013)

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Phasing Plan for the site in its entirety. The Phasing plan shall be so approved before the submission of applications for the approval of reserved matters. Any subsequent applications to revisions to the approved Phasing plan shall be submitted and approved in writing by the Local Planning Authority.

Thereafter applications for the approval of reserved matters shall be in accordance with the approved phasing plan.

The phasing plan should establish the geographical phases for each Detailed Masterplan (required under condition 6).

Reason

To ensure that high standards of urban design and comprehensively planned development, and to ensure the development proceeds in a coordinated manner to accord with policies CS1 and CS26 of The South Gloucestershire Local Plan: Core Strategy (December 2013)

14. The hours of working on site during the period of construction shall be restricted to 8am-6pm Mondays to Fridays; and 8am-1.00pm on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any exceptional "working" outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with policies CS8 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) .

15. No development shall take place on land to which the reserved matter relates until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of individual plot ownership, areas of amenity space and of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006; and to accord with policies CS1 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) .

16. The particulars submitted as part of condition 1 for the relevant reserved matters shall include details in respect of the provision of internet connection infrastructure to serve the future residents of the development, including a timetable for implementation. The development shall be implemented in accordance with the agreed timetable.

Reason

To ensure an appropriate standard of internet connection is provided in the interests of the amenity of future residents and accord with Policy CS26 of the adopted Core Strategy

17. Prior to the submission of any reserved matters applications (excluding applications relating to infrastructure works and commercial/business development) a site wide affordable housing plan and an accompanying schedule shall be submitted to and approved in writing by the local planning authority showing the distribution of affordable dwelling number across the site in the residential land parcels shown in the approved phasing plan submitted pursuant to condition 8 above For each development parcel, the plan and the accompanying schedule shall show:
 - a)the number of affordable dwellings to be provided;
 - b)the mix of dwellings (in terms of the number of bedrooms and the proportion of houses and flats, broken down between social rented affordable housing units and intermediate units in that parcel.)

The subsequent reserved matters applications that show the proposed layout of the development shall show the proposed locations of the affordable dwellings. Development shall thereafter be carried out in accordance with the site wide affordable housing plan, accompanying schedule and reserved matters approvals, unless otherwise agreed in writing by the local planning authority

Reason

To ensure that the distribution of affordable houses assist the creation of an inclusive mixed community in accordance with Policy CS18 of the adopted Core Strategy

18. The particulars submitted as part of condition 1 for the relevant reserved matters shall include details of a refuse collection strategy including routing details, bin stores and refuse collection points. The details so approved shall be implemented prior to the first occupation of the relevant reserved matters and maintained as such thereafter.

Reason

To ensure there is appropriate refuse storage and in accordance with Policy CS1 of the adopted Core Strategy

19. No development shall commence until a Landscape and Ecological Management Plan has been first submitted to and approved in writing by the Local Planning Authority. The Plan shall accord with the approved Masterplan and include details of the existing habitat to be safeguarded (trees and hedges); and any new habitat to be created (to provide greater connectivity of semi-natural habitat, the plan shall include an area of wetlands as shown designed in between the two hedges at the northernmost extent of the hedge within the Northfield Park illustrative masterplan). The approved plan shall also include the management regime for said habitats; and a programme of monitoring of all works for a period of 5 years from their implementation. The development shall be carried out in accordance with the approved ecological and landscape management plan.

Reason 1

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

Reason 2

To protect and enhance the ecological interests of the site in accordance with saved policy L9 of the South Gloucestershire Local Plan adopted (January 2006) and with policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) .

20. All reserved matters submissions shall include detailed a plan including the following details - planting plan showing all new planting, existing planting to be retained and planting to be removed, details of existing and proposed boundary and surface treatments and construction details of all Sustainable Drainage Systems.

Reason

To protect the character and appearance of the area to accord with saved Policy L1 and H1, M1 of the South Gloucestershire Local Plan (Adopted) January 2006; and to accord with policies CS1 and CS25 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) .

21. No dwelling unit shall be occupied until a strategy for the provision of public art has been first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved strategy.

Reason

To contribute to the objectives of the South Gloucestershire Cultural, Heritage and Arts Strategies, through the provision of additional, extended or enhanced facilities and access to/or facilitation of art and cultural activities for the new residents in accordance with Policy CS23 South Gloucestershire Local Plan: Core Strategy (adopted December 2013).

22. All reserved matters shall include details of all finish slab levels in relation to ground level for every building within the site edged red on the approved Site location Plan.

The development shall be implemented in strict accordance with the approved slab levels.

Reason

To ensure protection of the local area in the interest of protecting the character, distinctiveness and amenity of the surrounding area in accordance with policies CS1 and CS9, CS25 and CS26 of the adopted Core Strategy Dec 2013.

23. Prior to the first residential occupation of the development, detailed plans shall be submitted to, and approved by the Local Planning Authority, to demonstrate which areas of landscaping and tree planting, both formal and informal shall be retained as part of the private management company, or transferred to the Local Planning Authority for adoption.

Reason

To ensure the preservation of a cohesive development in the interests of visual amenity and to accord with saved Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1, CS2, CS9, CS20, CS24, CS25 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

24. No dwelling unit shall be occupied until details in respect to the proposed street lighting have been first submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in full accordance with the approved details.

Reason

To ensure the preservation of visual amenity, highway safety and residential amenity and to accord with saved Policies L1,T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1, CS2, CS9, CS20, CS24, CS25 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

25. No development shall commence until a mitigation strategy for hedgehogs has been first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved strategy.

Reason 1

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

Reason 2

To ensure the development is carried out in an appropriate manner and to protect local nature conservation and geological interests and to accord with saved Policy L1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

26. No development shall commence until a mitigation strategy for badgers has been first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved strategy.

Reason 1

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

Reason 2

To ensure the development is carried out in an appropriate manner and to protect local nature conservation and geological interests and to accord with saved Policy L1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

27. No development shall commence until a mitigation strategy for reptiles including slow worms has been first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved strategy.

Reason 1

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

Reason 2

To ensure the development is carried out in an appropriate manner and to protect local nature conservation and geological interests and to accord with saved Policy L1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

28. The development shall be implemented in accordance with the recommendations of the Ecological Assessment (EA) dated December 2014 by Ecology Solutions.

Reason

To ensure the development is carried out in an appropriate manner and to protect local nature conservation and geological interests and to accord with saved Policy L1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

29. No development shall take place until a site specific Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
- 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 1300 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Measures to control the migration of mud from the site by vehicles during construction

- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works. Piling will not be undertaken
- Procedures for emergency deviation of the agreed working hours.
- Identify a 'Considerate Contractors' or similar regime for the site induction of the workforce highlighting pollution prevention and awareness.
- Control measures for dust and other air-borne pollutants; the best practice measures identified in the approved Air Quality Note submitted (dated March 2015, Report No. J1798/2/F1) and air quality assessment by Air Quality Consultants Ltd (dated 12 November 2013) to be incorporated into a dust management plan in order to minimise the impacts of construction dust.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of the development;
- the control and removal of spoil and wastes;
- Adequate provision for the delivery and storage of materials.
- Adequate provision for contractor parking
- A lorry routing schedule
- the method of demolition of nos 5 and 6 Catbrain Hill and any proposed restoration of the demolition site.

The development shall be implemented in accordance with the approved CEMP

Reason

To ensure the protection of the future residents in terms of air quality, highway safety and environmental impacts and to accord with policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) .

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

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.

31. The development shall be implemented in accordance with the recommendations of the approved BAE Systems Environmental: Contaminated Land Risk Assessment, 1st, 2nd and 3rd Land, Filton Northfields, Report Ref X0312-R3-1 May 2015 and BAE Systems Environmental: Remediation Strategy, 1st, 2nd and 3rd Land, Filton Northfields, Report Ref X0312-R4-1 May 2015.

Reason

In the interest of public safety as a potential result of land contamination and to accord with policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) .

32. No building shall be occupied within the relevant phase of development as defined by condition 13 until a report verifying that all necessary remediation works recommended in the approved assessments referred to in condition 31 have been completed satisfactorily has been first submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of public safety as a potential result of land contamination and to accord with policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) .

33. If unexpected contamination is found on any part of the site after the development has commenced, 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 shall be undertaken and where necessary an additional remediation scheme prepared. The findings and report shall 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

In the interest of public safety as a potential result of land contamination and to accord with policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) .

34. No more than 400sq.m total gross floorspace, shall be provided within the site edged red on the approved site location plan, within Use any A Class Use (Classes A1, A2, A3, A4, A5) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

To protect the vitality and viability of local centres and to accord with Policies CS14 and CS25 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

35. No individual business unit within the site edged red on the approved site location plan, within Use Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification) shall exceed 200sq.m total gross floorspace.

Reason

To protect the vitality and viability of local centres and to accord with Policies CS14 and CS25 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

36. The development hereby approved shall be carried out in strict accordance with the following plans/drawings
- 1137-103 Public Open Space Proposals Area measurements received 19.10.2015
 - 18869_TLA1/2 Topographical Survey received 24.08.2015
 - 8218/121 Rev A Proposed Levels and Drainage Strategy received 24.08.2015
 - PL-04 Rev B Parameter Plan - Proposed Land Uses received 02.07.2016
 - PL-05 Rev C Parameters Plan - Height Parameters received 02.07.2015
 - PL-08 Rev A Illustrative Housing Mix received 01.05.2015
 - 141449/AT/A01 Rev E Refuse Accessibility received 01.05.2015
 - PL-07 Rev A Illustrative Masterplan received 01.05.2015
 - PL-03 Rev A Proposed Access Plan received 01.05.2015
 - PL-01 Location Plan received 23.12.2014
 - 1123-101 Rev C Tree retention and removal received 23.12.2015
 - PL-02 Existing Site Plan received 23.12.2014

Reason

In the interest of clarity and in order to define the planning permission

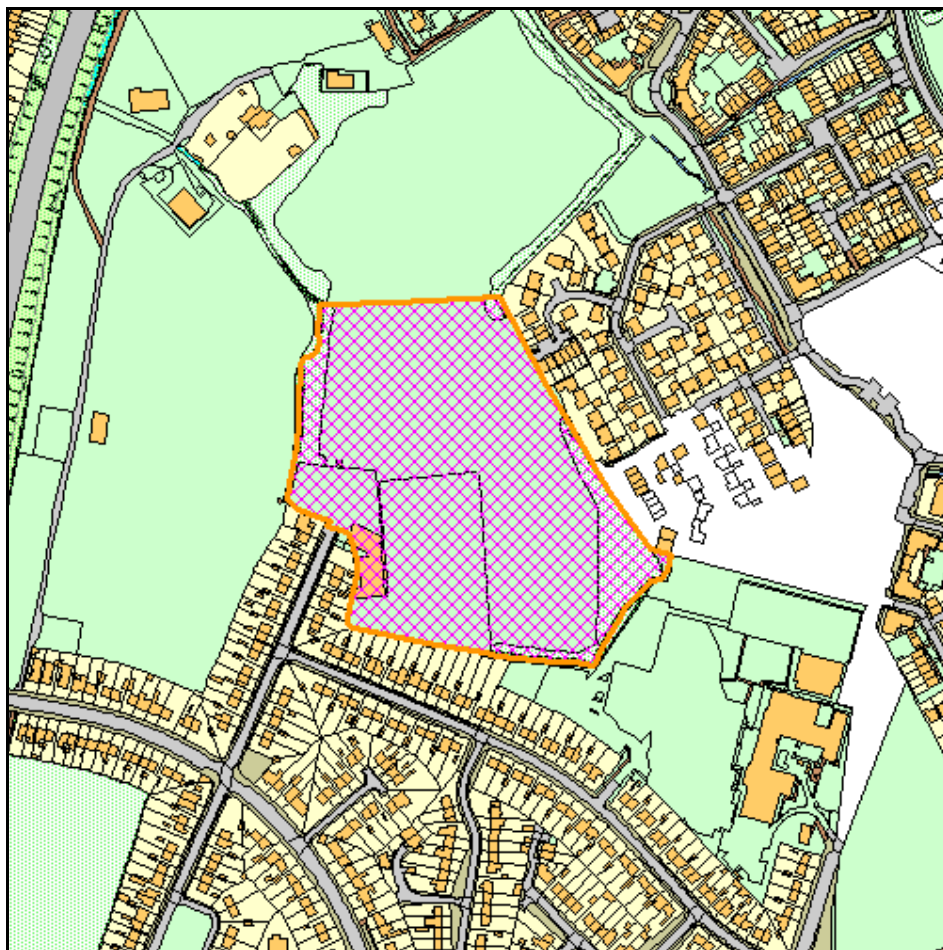
37. Each reserved matters submission shall include detailed plans showing the provision of car and cycle parking facilities in accordance with the standards set out in policy T7 for all development; and policy T8 for commercial development and in accordance with the Residential Parking Standards SPD (Adopted) for residential development or future parking standard adopted by the Local Planning Authority which supersedes these policies. The development shall proceed in accordance with the agreed scheme with the parking facilities provided prior to the first occupation of the associated buildings 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 policies CS8 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013); and the adopted Residential Parking standard SPD.

CIRCULATED SCHEDULE NO. 46/15 – 13 NOVEMBER 2015

App No.:	PT15/0510/F	Applicant:	Redrow Homes With Lockleaze Recreation Ground Charity
Site:	Lockleaze Recreation Ground Stoke Gifford South Gloucestershire BS16 1FD	Date Reg:	13th February 2015
Proposal:	Demolition of existing Rugby Clubhouse buildings (The Dings, subject to separate relocation application PT15/0493/F) and erection of 152no dwellings, with open space, sustainable urban drainage, vehicular and pedestrian access, landscaping, infrastructure and engineering works.	Parish:	Stoke Gifford Parish Council
Map Ref:	361019 177780	Ward:	Frenchay And Stoke Park
Application Category:	Major	Target Date:	14th May 2015



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PT15/0510/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the circulated schedule because consultation responses have been received from members of the public which are contrary to the officer's recommendation. The application was previously circulated to Members on 7th August 2015 with a recommendation for refusal; however, the decision of the Development Control (WEST) Committee on 24th Sep 2015 to approve application PT15/0493/F for a replacement community sports facility, has altered the recommendation of the proposal due to the linked nature of the applications.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of existing rugby clubhouse buildings and the erection of 152no. dwellings, with open space, sustainable urban drainage, vehicular and pedestrian access, landscaping, infrastructure and engineering works.
- 1.2 The application site comprises approximately 4.8 hectares of recreational land to the north of Landseer Avenue from which the access is currently gained. The site is located in the North Fringe of the Bristol Urban Area within the defined settlement boundary. Land immediately to the south and west falls under the administrative boundary of Bristol City Council. A public right of way extends along the western boundary of the site.
- 1.3 The site is located north of Landseer Avenue and the community of Lockleaze. Residential back gardens abut the southern boundary; phase 7 properties within the Cheswick Village residential development abut the eastern boundary; the site of the former Lockleaze Secondary School, which has been demolished, abuts the southeastern boundary; land to the north of the site is the Bonnington Walk (BW) playing fields, and to the west is the Bristol Combination Ground (BCG) playing fields. Planning permission has been granted under application PT14/2849/F for the development of the BW and BCG playing fields for the erection of 95 dwellings, the provision of a sports centre, all weather pitches, grass pitches multi-use games area and associated works. Beyond the boundaries of the site there is a car park serving the MOD to the north, and railway line to the west.
- 1.4 The application site is bounded by mature hedging to the east, south and west boundaries with adjoining small pockets of scrubby land. It comprises a hardstanding parking area with parking provision for 92 vehicles; a club house building, the base of which was formally a Nissen hut, which includes male and female changing facilities, changing facilities for male games officials, sports hall and communal bathing facilities including plunge bath; 4no. grass rugby pitches, none of which comply with the RFU recommended guidelines in terms of size or orientation; lighting columns; advertisement boards and fencing. The access off Landseer Avenue is secured by metal gates.
- 1.5 The application site is owned by Lockleaze Recreational Ground Charity (LRGC), and has been home to the Dings Crusaders RFC and Dings Crusaders Community Sports Club since 1949. Supporting information has been submitted which sets out that the existing clubhouse and gym facilities are beyond repair, and the playing pitches are undersized, without drainage,

inappropriately orientated and sloping. The LRG is seeking to relocate to an alternative site, and has submitted a separate planning application (PT15/0493/F) in conjunction with the current application for a modern community sports facility in Frenchay funded by the sale of its land for the proposed housing development. This application was approved on 24th Sep 2015 by the Development Control (WEST) Committee.

- 1.6 A screening opinion has been carried out under application PT13/046/SCR. It was the Local Planning Authority's decision that an EIA is not required.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance
The Community Infrastructure Levy Regulation 2010

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

L1 Landscape Protection and Enhancement
L9 Species Protection
L11 Archaeology
L13 Listed Buildings
EP2 Flood Risk and Development
T7 Cycle Parking
T12 Transportation Development Control Policy for New Development
LC1 Provision for Built Sports, Leisure and Community Facilities
LC9 Protection of Open Space and Playing Fields
LC12 Recreational Routes

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS2 Green Infrastructure
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS7 Strategic Transport Infrastructure
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS23 Community Infrastructure and Cultural Activity
CS24 Green Infrastructure, Sport and Recreation Standards
CS25 Communities of the North Fringe of Bristol Urban Area

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Waste SPD (adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT14/2849/F, Demolition of existing changing rooms and clubhouse and proposed development of 95no. dwellings, provision of sports centre, all weather pitches, grass pitches, multi-use games area, car parking, new informal and formal public open space, car parking and other ancillary development - site falls within South Gloucestershire and Bristol City Council areas. (Major application) The development to be considered by South Gloucestershire Council comprises 95 dwellings multi games arena, formal and informal open space and car parking, approval, 31/07/15.

This application relates to playing fields directly to the north of the application site.

4. **CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council
Objection – recommend that a report from the police is included for secure by design advice. General traffic and congestion concerns.
- 4.2 External Consultees

Bristol City Council

Objection with regards to the proposed routing of construction traffic. It is Bristol City Council's view that no construction traffic associated with the residential development should utilise the existing publically maintained Bristol City Council adopted highway. The route to the Bonnington Walk access is convoluted when approaching from the west (A38 Gloucester Road, Filton Avenue, Melton Avenue and Bonnington Walk) and not considered appropriate for construction traffic; additionally, a route from this direction utilises the existing Network Rail bridge/structure. Furthermore, it would not be possible for a separate Local Authority to control the implementation of a Construction Traffic Management Plan detailing road cleansing on a neighbouring authority's adopted road network.

Wessex Water

The developer has been working with Wessex Water over a period of time to review waste services required to serve this new development. Appraisal has recommended a point of connection to the public foul sewer network to the north of the site with an increase in planned downstream storage to mitigate the impact of the increase in development flows. To ensure appropriate agreement of strategy please consider the use of the following planning condition should the application be approved:

The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker.

The developer has proposed to discharge attenuated surface water flows from the site to the existing public surface water sewer in Landseer Avenue. Subject to confirmation of pipe sizes the initial length of surface water sewer may require upsizing from 225mm diameter to 300mm diameter, details to be agreed.

Network Rail

No objection in principle subject to standard advice.

Avon Fire and Rescue

Avon Fire & Rescue Service will have additional Hydrant requirements associated with this application. The costs will need to be borne by developers through developer contributions. Avon Fire & Rescue Service has calculated the cost of installation and five years maintenance of a Fire Hydrant to be £1,500 per hydrant.

Environment Agency

No objection in principle subject to the following conditions:

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Highways Agency

No objections to the application.

Sports England

Sport England and the RFU supports the proposal in principle.

4.3 Internal Consultees

Lighting Engineer

Judging from the submitted lighting plan (PT14/2849/F), it looks like there would be significant obtrusive light caused by the proposed floodlighting, however there was not enough information provided to assess whether the impact is within the acceptable levels. It is not 100% clear from the drawing whether the black isolux lines refer to vertical or horizontal illumination levels. Light intensity calculations would also be required (including the likely affected properties within the surrounding proposed developments), showing compliance with the attached ILP Guidance.

Please also note that there was no information provided with regards to the external lighting proposal for the new housing development (PT15/0510/F)

Highway Structures Officer

The Highway Structures team has no comment

Public Rights of Way Officer

I am happy to withdraw the objection to the development

Conservation Officer

No objection

Drainage Officer

No objection in principle subject to additional information in terms of the design of the swale; details of who will be responsible for maintenance; a detailed development layout showing surface water and SUDS proposals.

Urban Design Officer

No objection subject to conditions.

Affordable Housing Officer

The revised plans have addressed a number of issues that were previously raised. I.e. clustering, house type mix.

Landscape Officer

The development will result in a significant and permanent change to the character of the site from open grass pitches to built development. This results in a loss of the existing strategic break of open land between the established residential area of Lockleaze and the new development at Cheswick Village.

Most of the current boundary vegetation is removed or significantly cut back, opening up views between existing houses and the new development. The structural element of the vegetation would be lost and all of the height which currently contributes to the local landscape would be removed, whilst retained vegetation would be significantly cut back and reduced in height. Development is proposed in close proximity to site boundaries, preventing vegetation of any scale. No replacement planting is shown along the boundary to plots 113/118; there is a discrepancy between the tree retention drawings and the landscape proposals in relation to G2 and G4.

Tree Officer

No objection provided the development is carried out in accordance with the submitted arboricultural details.

Ecological Officer

The application needs to confirm that the scheme design (illustrative masterplan) is in accordance with the recommendations of the Ecological Assessment by including grass buffers and a management strip alongside the boundary hedgerows. A condition should be attached relating to a Landscape and Ecological Management Plan.

Transportation DC Officer

No objections subject to condition.

Public Health Officer

Although the creation of a state of the art sports facility is to be generally welcomed as an opportunity for participants to improve their health, I have concerns for the negative impact on the community of Lockleaze, especially young people, who are losing local sports facility.

Further consultation of young people using the Dings RFC and further exploration of alternative means of access to the site should be carried out.

Environmental Health Officer

No objections with regards to air quality subject to a condition in respect of a Construction Environmental Management Plan (CEMP). No objections in respect of contaminated land or noise.

Archaeological Officer

I recommend an archaeological condition for trial trenching and the creation of a mitigation strategy. The mitigation strategy shall then be applied in full unless the Council agrees to any variation. I would suggest the following condition:

'Prior to the commencement of any groundworks, including any exempt infrastructure works, geotechnical works or remediation works, a programme of archaeological investigation and a detailed mitigation strategy, including a timetable for the implementation of the mitigation strategy, must be submitted and approved by the local planning authority. Thereafter the approved programme and mitigation measures identified shall be implemented in all respects.'

Other Representations

4.4 Local Residents

65 letters of objection have been received from neighbouring occupiers. The following is a summary of the reasons given for objecting:

- Density of housing is too high, should reflect the neighbouring Wallscourt Park;
- Concerns of a potential link road to Romney Avenue and Lockleaze School;
- Lack of pedestrian pavement along Horse Leaze Road is a safety issue;
- Increase in traffic along Horse Leaze Road, Long Wood Road, Cow Barton and Hermitage Wood Road Junction 3;
- A traffic management plan is required to prevent accidents from increase in traffic flow;
- Traffic flow associated with the development and construction will be detrimental to the highway safety of children using the walkway to the upcoming new playground;
- Existing parking problems in Lawn Close will be exacerbated through the loss of two parking spaces, the original proposal along Horse Leaze and Cow Barton is the best way forward;
- Impact on residents with disabilities on 'spur' of Horse Leaze Road;
- Significant increase in traffic;

- Concerns about the impact of children walking and cycling to Wallscourt Primary School;
- Alternative access arrangements should be considered;
- Access proposed under PT14/2849/F should be used for proposal;
- The existing Dings access could also be utilised as this is an established entrance;
- Proposed route unfair on existing residents who have endured years of dirty, noise and dangerous construction traffic;
- Why does the green land have to be built on, once it is built on we will never get it back, other sites should be considered first;
- There is inadequate green space in Cheswick Village where residents can walk their dogs or children can play safely;
- Access to be used is wholly inappropriate;
- The development represents a surprise given the way Cheswick Village was marketed to give a separate village feel;
- The offset junction at Horse Leaze Road/Long Wood Road/ Hermitage Wood Road/ Cow Barton is already hazardous due to existing traffic levels. Improvements to this junction required;
- Horse Leaze Road was designed as a surface shared by pedestrians and vehicles;
- The existing access should be used for construction traffic;
- Transport assessment does not take into account upcoming changes to traffic demand such as the opening of shops and retirement home, potential stadium at UWE;
- Concern over loss of play field;
- Land ownership issues;
- Should be assurances that any road damage caused by construction traffic will be repaired by the builders;
- Lack of visitor parking in the area would cause conflicts with proposed access;
- Loss of trees/vegetation;
- Overlooking issues;
- Tree planting will block sunlight;
- What will happen if my fence is damaged in any way?
- Who will be responsible for the maintenance of the tree?
- Impact from car headlights.

6 Letters have been received from members of the public which neither object or support the application. The following is a summary of the points made:

- Hedges should not be removed from the site boundaries;
- Object to the cutting through hedge via Long Down Avenue through to RFC fields;
- The LPA should consider this application and the application at Bonnington Walk together because they will be one entity when completed;
- Hedgerows and trees should be maintained or restored in a timely manner to encourage re-population of birds, insects and small mammals;

- More trees and boundary planting is requested;
- The proposals should be amended to ensure there is no potential for a direct vehicular link to Lockleaze;
- Significant safety concerns along Horse Leaze/Cow Barton;
- All construction traffic must be routed straight through from Long Down Avenue for both the Bristol Combination Site and Dings Crusaders RFC site to reduce disruption to existing occupiers;
- Block paving will be damaged by construction traffic;
- Noise from construction traffic will impact on residents;

16 letters of support have been received from members of the public. The following is a summary of the reasons given in support of the proposal:

- The access should not be via Long Down Avenue through Ashley Down Old Boys RFC fields;
- Whilst the issue of site traffic management needs to be addressed for adjoin new residents, they are temporary and not insurmountable obstacles;
- Dings RFC need to raise funds by disposing of its current land and relocating. This will provide modern recreational facilities for the local community and help the Rugby Club to maintain its playing standards;
- Existing facilities are not fit for purpose;
- New facilities will attract many more young players to the sport;
- Will give adult players the facilities they need;

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The National Planning Policy Framework (NPPF) advises at paragraphs 11 and 12 that planning decisions should be made in accordance with an up to date development plan and that planning decisions that accord with an up to date development plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Five Year Land Supply

In a recent planning appeal the inspector found that the Council does not have a five year housing supply; the inspector instead identified that the Council has 4.63 years supply of housing. Paragraph 49 of the NPPF is therefore, engaged. Paragraph 49 states that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites”.

Further guidance at paragraph 14 of the NPPF sets out that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Policies CS5, CS15 and CS34, which set out where the majority of new development will take place, are therefore, now out of date; however, the other adopted Development Plan policies are still considered to be up-to-date and attract the full weight of the adopted development plan. Accordingly, the existing lack of a five year supply of land for housing is a material consideration which must be given weight when considering the overall planning balance of the proposed development.

Location of Development

The site is located in the North Fringe of the Bristol Urban Area and within the defined Stoke Gifford settlement boundary. The site is located within an existing urban area where existing infrastructure is in place or planned. The application site is therefore, considered to be in a sustainable location.

Notwithstanding this, when considering whether the development proposed is sustainable, a material consideration is the fact that the proposal will result in the loss of open space in the form of 4no. rugby pitches.

Loss of Pitches

The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

5.2 At the local level, policy CS23 of the Core Strategy requires the retention of Green Infrastructure and community infrastructure, unless the loss can be justified by meeting the following criteria:

- *The use has ceased and there is no longer a demand; or*
- *The facility is no longer fit for purpose; and*
- *Suitable alternative provision is available within easy walking distance to the required standard.*

Core Strategy policy CS24 sets out minimum provision and accessibility standards for a range of open space (green infrastructure), sport and recreation facilities, and is therefore, a material consideration. It states that the provision

of green infrastructure, outdoor space, sport and recreation facilities should be sought in accordance with the following principles:

- *New developments must comply with all the appropriate local standards of provision in terms of quantity, quality and accessibility;*
- *Provision must be delivered on site, unless it is demonstrated that partial or full off-site provision or enhancement creates a more acceptable proposal; and*
- *The functionality and usability of spaces and facilities must be suitable for their intended purposes.*

Where existing provision, in terms of quantity, quality and accessibility would be inadequate to meet the needs of future residents, then new provision and/or enhancement must be made in accordance with the appropriate local standards. The local standards are set out in Core Strategy Appendix 5.

Policies CS6 and CS18 of the Core Strategy set out the contributions that are required to support sustainable development and are also a material consideration.

- 5.3 Policy LC9 of the South Gloucestershire Local Plan (adopted) January 2006 is a saved policy, which directly relates to the protection of open space and playing fields. It states that:

Proposals for development of existing or proposed formal or informal open space, or of land last used for playing fields, will only be permitted if:-

- *the development would not result in, or add to, a deficiency of public open space, or the loss of space performing a significant recreational function, or the loss of space likely to meet projected recreational demand in the plan period; or*
- *the proposal includes provision of a replacement facility of at least the equivalent benefit to existing users, at an alternative site which is accessible by public transport, on foot and by bicycle; or*
- *an overriding community need, other than for housing, employment or shopping facilities, which cannot be met on any other site is demonstrated; or*
- *a limited development would result in enhanced outdoor sports and recreation facilities at the site; and*
- *in all the above circumstances the development would not have unacceptable environmental effects and would not prejudice residential amenity.*

- 5.4 Although more prescriptive than guidance contained in the NPPF, policy LC9 of the 2006 Local Plan is considered to be broadly consistent with the aims of the NPPF and therefore holds material weight.
- 5.5 Given the advice set out in national and local planning policy, when considering whether the loss of play pitches is acceptable, the proposal must meet at least one of the following criteria:
- *the pitches are surplus to requirements;*
 - *the loss of pitches will be mitigated by appropriate alternative provision in an acceptable location that is easily accessible by walking and cycling;*
 - *the proposal is for an alternative sports/recreation or community facility which cannot be located anywhere else.*

The proposal, for residential development, clearly fails the third criteria; therefore, this point requires no further consideration.

5.6 *Are the pitches surplus to requirements?*

The South Gloucestershire Council Open Space Audit 2010 provides a comprehensive assessment of the quantity, quality and accessibility of open space, outdoor sport and recreational facilities, and informs the green infrastructure, sport and recreation standards set out under policy CS24 of the 2013 Local Plan. The standard for outdoor sports provision specified in policy CS24 is 1.6ha per 1,000 population.

The Council's standards are informed by the South Gloucestershire Open Space Audit 2010, which involved an extensive assessment of local needs. As part of the assessment, the Council undertook a series of consultation exercises to robustly understand people's perception of existing provision and their needs and requirements. The main consultation methods were surveys, consultation events, workshops, and targeted events with children and young people. In forming the accessibility standards, the assessment involved understanding community views on how far people are willing to travel to reach each type of open space, sport and recreation facility, and to use this information to identify areas of the district that are deficient in provision through the application of accessibility standards. The resulting accessibility standards contained in policy CS24 were accepted by the inspector during the examination of the Core Strategy and therefore, hold material weight.

The planning permission at Bonnington Walk (PT14/2849/F) on fields directly to the north of the application site is a material consideration. The development of this neighbouring field for housing would result in the loss of 3no. pitches; however, it is pertinent to note that the development at Bonnington Walk will provide 2no. 3G pitches in the same location as the pitches that would be lost. All weather pitches can be used more intensively than grass pitches, and are counted as double against grass pitches when POS requirements are being

calculated. Accordingly, the loss of 3 no. grass pitches at Bonnington Walk was accepted as the replacement all weather pitches, in an appropriate location, would provide acceptable mitigation.

The Council's Public Open Space (POS) Officer has confirmed that there is an existing deficit of open space in the local area and the replacement provision at Bonnington Walk, would not acceptably mitigate a further loss of 4no. pitches that would result from the proposed development. The loss of 4no. sports pitches, without appropriate mitigation, would result in an increase in the deficit of open space compounded by an increase in population resulting from the new residential development. The existing sports provision is therefore, not surplus to requirements.

Will the replacement facilities provide acceptable mitigation?

It is proposed to relocate to an alternative site at Frenchay Park, Frenchay to provide the following replacement facilities to mitigate the proposed development:

- an all weather full size rugby pitch;
- a full size grass rugby pitch;
- a grass training pitch;
- 3no. grass junior pitches;
- a clubhouse building (including community sports hall, changing rooms, spectator seating, function/meeting rooms and club shop);

A planning application (PT15/0493/F) has been submitted for the development in parallel to the proposal application. The applicant has highlighted that the existing facilities at the club are deficient for a number of reasons, which are summarised as follows:

- The existing site does not have the capacity to increase the number of pitches and hence playing capacity;
- The facilities do not meet RFU standards, which is poor for a club in National League Division 2, i.e. within the top 75 clubs in England;
- The existing site does not have the capacity to increase the size of the undersized pitches;
- The pitches are undrained, which results in poor playing conditions;
- The pitches are sloping in excess of RFU maximum pitch gradients;
- The ancillary facilities are inadequate and not fit for purpose.

The Council's Public Open Space (POS) Officer has stated that the needs for outdoor sports facilities arising from the residential development is a minimum of 5,462.40 square metres. If both applications are granted permission, there would be a considerable increase in the total playing fields area and the actual facilities area, with an increase in useable pitch area of c. 17,171square metres, which is of a sufficient amount to provide for the residents of the new development.

Although the facilities are located further from the site, weight is given to the scale and quality of play facilities proposed in comparison to the existing provision. Accessibility standards recognise that people would be willing to travel further to access larger scale facilities and synthetic pitches. In addition, the fact that the Council's POS Officer, Sports England, and the RFU have raised no objections to the proposal holds weight. The Council's Public Health Officer has however, raised concerns regarding the potential impact of the relocation of the Dings RFC on the Lockleaze Community, which requires further consideration.

A context plan submitted identifies the location of the homes of its members, which are split into five categories of Director; Social Senior; Playing Senior; Junior; and Other Membership. The plan shows that a significant concentration of members, and in particular junior members, live in Lockleaze, and the neighbouring communities of Horfield, and Filton within 1km (approx.) of the application site. Although the plan demonstrates that some members live in the wider catchment area of the North Fringe of Bristol, they are sporadic and primarily relate to senior players and senior social members who most likely have access to a private car. Accordingly, it will be junior members that will be most affected by the proposed development. The applicant has however, provided further details setting out that the club has fully engaged with existing junior members of the team and parents regarding the proposed relocation and has provided opportunities for open discussion with the Clubs Management to address any concerns regarding the proposed relocation. It is noted that new rugby facilities have already been approved at BW and BCG playing fields, and weight is given to the fact that they would serve the immediate Lockleaze community. Officers therefore, consider that the replacement facilities would provide acceptable mitigation.

Will planning permission be granted for the replacement facilities?

The issue regarding acceptable mitigation ultimately depends on whether a separate planning application submitted for replacement sport provision (application no. PT15/0493/F) is granted planning permission. The proposed replacement facilities are located in Frenchay on approximately 10.6 hectares of land within a sensitive location adjacent to the M32 motorway, in the open Green Belt and on Best and Most Versatile (BMV) agricultural land. After careful consideration, notwithstanding the applicant's case submitted in support of the application, officers considered that the replacement facilities would have an unacceptable impact in terms of the Green Belt, Best and Most Versatile Agricultural Land, and the Character of the Landscape. However, the Development Control (WEST) Committee subsequently approved application PT15/0493/F on 24th September 2015.

On this basis, provided that the replacement facilities are provided in a timely manner, it is considered that they will provide acceptable mitigation for the loss of existing pitches and the increase in population associated with the proposed residential development. Accordingly, there is no objection in the context of policies CS23 and CS24 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013, and policy LC9 of the South Gloucestershire Local Plan (adopted) January 2006.

Matters of detail will now be discussed under the following headings.

Urban Design

Context Analysis

The DAS includes a brief description of the site and its context. The developer has looked at the more traditional Victorian development in Horfield, as well as the developments to the south in Lockleaze and the newly built Cheswick Village to the east to inform the approach to development.

The DAS design justification suggests the proposed layout and architectural design generally follows the principles approved in the Cheswick Village master plan and design codes. Officers agree this is the case, albeit the proposal concentrates largely on providing the more traditional dwelling types rather than the more contemporary elements. Given that the site is accessed through the more traditional part of the Cheswick site, this provides continuity of design to create a distinct character area. Accordingly, there are no objections to the proposed design approach.

Connectivity and Permeability

Vehicular access is proposed off Cow Barton in phase 7 of Cheswick Village, which incorporates pavements on both sides of the road. The proposal also indicates that vehicular links to residential development approved to the north (PT14/2849/F) will be provided. This will create the necessary linkage for improved connection and permeability through both sites and to connect back into the Cheswick Village development.

The existing access from Landseer Avenue is to be stopped up, which is considered acceptable to avoid the area becoming a rat run. A pedestrian/foot link is to be provided between Landseer Avenue and the application site. This access is not well resolved on the plans submitted; and further details are required to ensure an acceptable design. This matter can be dealt with by an appropriately worded condition.

Concerns were raised that the PROW route to be diverted (LSG/29/10) would become an urban path and would not provide an acceptable degree of amenity for users of the footpath. Amended plans have been received which have linked previously separate areas of POS to provide a greener setting for the PROW and improve the quality of the public realm, which is a significant improvement over the original plans submitted.

Layout and Public Realm

The density of the proposal is 38 dwellings per hectare, which is considered to be acceptably in-keeping with the surroundings and make efficient use of the land. The proposed site layout is of a traditional estate character similar to that being developed at Cheswick Village.

Officers consider that a more defined arrival point would aid legibility within the development; therefore, the layout has been amended to provide a more formal square adjacent to the eastern entrance. The location of dwellings better terminates views from roads that connect to the square and provide more

enclosure to the space. Officers consider that this area could be further improved by tweaking the location of the house units facing the main entrance to completely 'stop' the view. In addition, the proposed planters within the square would be likely to be vulnerable to damage from vehicles; therefore, a detailed plan is required of this area prior to commencement; and a condition is attached on this basis.

It was not accepted that areas of the scheme originally labelled as homezones would provide pedestrian priority within the overall layout, and acceptably slow traffic speeds to create safe shared space for users other than movement and access. The revised plans revert to a more traditional street arrangement to address this issue. Where there are rows of parking facing each other on opposite sides of the street, careful consideration is required to the use of materials and design to avoid large areas of tarmac. This matter can be dealt with by an appropriately worded condition. The road layout has been amended adjacent to the northern park area to form a cul-de-sac, as opposed to a through route, which will better serve to slow the speeds of vehicles around this area.

Revised plans have been submitted which provide dual frontages to prominent corner plots to address the streetscene. Whilst it is noted that there are instances where elevations comprise blank walls or bathrooms/hall windows, especially where they face parking areas, the majority of elevations that face the public realm contain windows, which and will provide an acceptable level of surveillance to the streetscene. The secondary elevations of plots 24, 14, 119, 28, 49 and 60 would however, be more prominent from the public realm due to the siting and orientation of the dwellings; therefore, a condition is attached for more windows to be included in these elevations in the interests of the quality of the public realm.

Other changes to the layout have improved the termination of views from the listed building Stanley Farmhouse to the north by moving the location of plot no.28; and improved the access arrangement by amending the layout of units 115-118.

Appearance

The house types follow a 1930's style interpretation of the arts and crafts movement, which reflects the Cheswick Village design approach. Officers have expressed concerns regarding the wavy edged timber proposed on the gables of some properties, as this is not a material that is durable or reflect local distinctiveness. The applicant has not acceded to the officers request to remove the detail; however, given that the Local Planning Authority has already accepted the detail in the neighbouring Cheswick Village development, it is considered that a condition to restrict its use would not be sustainable if tested at appeal. A condition is required for all materials of the houses and for the public realm to ensure consistency with the development to the north at Bonnington Walk and Cheswick Village.

Renewable Energy

The orientation of buildings is mainly north/south or east/west. There are therefore opportunities for passive solar gain and for the use of solar and

photovoltaic energy generation. Although the developer is not proposing any solar PV, given that the current Building Regulations minimum requirement will be attained, there will be an option for future residents to generate renewable energy given the orientation and design of the dwellings.

Waste and Recycling

The majority of plots have waste storage areas within the associated rear gardens, screened from views from the public realm, and collection points to the front of the dwellings. Although rear/side access paths are proposed to enable bin collection for terrace properties as opposed to front bin stores, it is considered that the proposed design would be acceptably convenient for future occupiers.

The bin storage location for plots 20 and 21 to the front of the dwellings is not acceptable and should be moved to the rear garden. A number of bin muster points are proposed which would allow for easier collection by refuse vehicles and would consequently have less of an effect on the amenities of occupiers on collection day. Although concerns have been raised regarding the potential for bins to be left permanently on the bin muster points, it is considered that residents would be more likely to collect their bins from the muster points so they can be used conveniently and to ensure that they do not get lost.

Heritage

The grade II listed Stanley Farmhouse is located approximately 250 metres to the north of the application site. Although the proposed residential development of “The Dings” playing fields would have a significant urbanising effect on the landscape and result in further encroachment of the remnants of what was once far greater open landscape setting to Stanley Farmhouse, there would be sufficient separation distance between the new development and the designated heritage assets to ensure that their setting, and their significance, would not be adversely harmed.

The residential development aspect of application PT14/2849/F is also a relevant material consideration when assessing the visual impact of the proposed development on the setting of the designated heritage assets, as this will see the Bonnington Walk playing fields that are located between the application site and the listed buildings further to the north developed for housing. Consequently if the residential development of application PT14/2849/F is implemented, there would be little or no inter-visibility between the listed farmhouse and the application site.

Stoke Park lies approximately 400 metres to the east of the application site but is separated by Phase 7 of the Wallscourt Farm/Cheswick Village development. With substantial built form separating visually and physically the application site from Stoke Park, it is not considered that the proposed development would have a significant adverse impact in terms of loss or enclosure of views out or into Stoke Park.

Landscaping

The site lies on the elevated ridge top which stretches northwards from Muller Road to Filton with views across north Bristol. The land falls gently from a high

point in the south east corner of the site. Substantial tree groups and hedges to the north and south boundaries enclose the site and provide screening between the adjoining houses and the site. The western boundary is formed by a mature hedgerow with associated drainage ditch. The public footpath along the edge of the site next to this hedge is obstructed at the southern edge by fencing. An area of scrub and rough grassland occupies the south eastern edge of the site.

The Council's Landscape Officer has objected to the proposed development on the basis that it would result in a significant and permanent change to the character of the site from open pitches to built development, and result in the loss of the existing strategic break of open land between the established residential area of Lockleaze and the new development at Cheswick Village.

Policy L5 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy) does not allow development within existing urban areas which will adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality. However, although the majority of the site is open, the boundaries of the site comprise metal palisade fencing, metal gates, and dense vegetation, which visually contain the site. Further enclosure is provided by residential development at Landseer Avenue and Hogarth Walk to the south, Cow Barton to the east and office development to the north. Weight is also given to the fact that residential development has been granted at Bonnington Walk immediately to the north of the site, which will provide further screening and enclosure of the site from the north. Although Council records identify that public right of way LSG29 crosses the site adjacent to the western boundary, the route is currently blocked by fencing and has been for a long time without enforcement action being taken. Accordingly, the site is primarily only visible from glimpses from the existing access, and between existing built form.

An Appraisal of Landscape and Visual Effects submitted in support of the proposal affirms the limited visibility of the site from the surrounding area and indicates that the proposed development would have only limited effect on visual amenity.

Accordingly, whilst the proposal will have a significant effect on the existing character of the site, and result in a loss of space which forms a visual break between the residential areas of Lockleaze and Cheswick Village, the site is not readily accessible by members of the public and is relatively well screened from views from the surrounding area by existing built form and vegetation. Therefore, it is not considered that the proposal will have a significant adverse effect on the character, amenity or distinctiveness of the locality.

The Landscape Officer has also objected on the basis that most of the current boundary vegetation is to be removed or significantly cut back. The Tree and Hedgerow Survey submitted identifies that the proposals will require the removal/partial removal of two large groups of trees (G2 and G4). G2 comprises a group of trees, which are low in quality but serve to screen views to residential properties and beyond. G4 comprises well established, woody species of trees of moderate quality with no sign of recent management.

Vegetation to be retained comprises an unmanaged hedge (G8) on the western boundary which is graded as moderate quality; an Oak tree in the southwestern corner of the site of moderate quality; a low quality mixed elder and cypress hedge (H5) on the southern boundary to be reduced in height and trimmed back to form a more compact hedge; and a tree group (G3) of low quality hawthorn and elm adjacent to the southwestern boundary.

The applicant has not agreed to officer's requests to amend the scheme to retain more of the existing vegetation; however, the vegetation to be removed has been assessed as low to moderate quality, and the Tree and Hedgerow Survey submitted identifies that the impacts from the removal of vegetation is minor and insignificant. In addition, much of the vegetation at the site is unmanaged and the proposal would provide an opportunity for the vegetation to be improved and managed, as well as for suitable replacement planting to be undertaken. Therefore, whilst the concerns of the Council's Landscape Officer are noted, provided that measures contained in the Tree and Hedgerow Survey are carried to ensure that vegetation to be retained is adequately protected and managed and for acceptable replacement planting to be undertaken, on balance, it is considered that the positive contribution the proposal would bring to the Council's 5 year land supply holds greater weight.

Ecology

The site consists of several rugby and training pitches with associated buildings (clubhouse, community hall) and parking off Landseer Avenue in Lockleaze. The application site is not covered by any statutory or non-statutory nature conservation designations. The application includes an ecological assessment dated 26th January 2015 by Tyler Grange.

Semi-natural Habitat

The majority of the site consists of closely mown species-poor amenity grassland of low nature conservation interest. The site also includes one permanent building constructed of brick with a corrugated iron roof (clubhouse) situated within a car park with a number of associated temporary structures for storage.

Encroaching scrubs surrounds the pitches with tall ruderal vegetation on the south/south-west; and a strip of unmanaged rough grassland along the eastern boundary of the site. Species-poor hedgerows form the eastern, western and southern boundaries of the site with a group of trees - an immature horse chestnut with an understorey of hazel and hawthorn - located in the north-eastern corner.

Whilst the hedges would not qualify as species-rich under Section 41 of the Natural Environment & Rural Communities (NERC) Act 2006 and are not likely to be considered to be 'important' under the Hedgerow Regulations 1997, the assessment nonetheless recognises that they have an intrinsic local value for biodiversity. Paragraph 4.10 of Section 4 of the ecological assessment states:-

'Hedgerows have been retained where possible with grass buffers of 2m to 3m width retained along hedgerow bases where available. Where possible it is beneficial to design the development so that frontages or roads / pathways face

onto hedgerows rather than new residential gardens, given they can be subject to disturbance from dumping of garden waste. Where this is not possible, gated and fenced maintenance buffers should be retained along hedgerows to allow management'.

The illustrative Masterplan within the Design & Access Statement (DAS) suggests that most of the hedges appear to be in public open space and/or have this maintenance buffer; and officers are satisfied that this is reflected in the layout plan submitted. Where rear garden boundaries abut retained hedges, hit and miss timber fencing is proposed to provide a protective buffer to the vegetation. Accordingly, it is considered that the proposed design accords with the approach outlined in Section 4.10 of the ecological assessment. The management of the hedges should be included within a Landscape and Ecological Management Plan (LEMP) for the scheme drawn up under an appropriately worded planning Condition.

Protected/Notable Species

Bats

The building (clubhouse) has negligible potential to provide roosting opportunities for bats given its materials and a lack of appropriate crevices or loft space.

Similarly, the grounds were considered to offer little by way of foraging habitat given the types of habitat and lighting present.

Great crested newts

The majority of the site is distinctly sub-optimal for amphibians such as great crested newts and no amphibians were recorded during a survey of the areas of rough grassland on site.

Reptiles

No reptiles (slowworm, grass snake) were recorded during a survey of the areas of rough grassland on site.

Birds

No specific survey for breeding birds was carried out. However, whilst the assessment noted that the trees, scrub and hedgerows were likely to offer some potential nesting/foraging habitat, the assemblage was likely to be commonplace and typical of urban settings given the low diversity of the habitats present.

Badgers

No setts or signs of the presence of badgers were recorded.

Ecology Conclusions

The application includes grass buffers to hedgerows and fenced buffers where rear gardens back onto retained hedges; therefore, it is considered that the proposal is in accordance with the recommendations of the Ecological Report. A Condition is attached relating to a Landscape and Ecological Management Plan.

5.7 Residential Amenity

When considering residential amenity it is necessary to consider whether the proposal will provide an acceptable standard of amenity for future occupiers of the proposed dwellings; and to consider the effect on existing neighbouring occupiers.

Future Occupiers

The layout plan submitted demonstrates that a back to back separation distance of some 20 metres will be provided where rear elevations directly face each other; this will ensure that adequate levels of privacy will be afforded to future occupiers. Where back to back distances are less than 20 metres, such as plots 16-13, 18-20, 150-152 the oblique angle of the rear elevations of the properties, or absence of fenestration in the rear elevation, will ensure that an adequate level of privacy would be provided.

There would be some overlooking and loss of light to plots 32, 33 and 34 due to the cranked layout of the terrace. However, the rooms of the properties that would be affected would also enjoy views over POS from additional windows. There would be overlooking into the garden of plot 116 by the neighbouring first floor apartment; however, it is not considered that this would have a significant adverse effect on the living conditions of future occupiers; and the design of the proposed development has been amended in other areas, such as improving the relationship between plots 131 and 123 to have less of an overbearing effect on future occupiers.

Impact from Railway Line

A railway line extends to the west of the application site at a distance of approximately 210 metres from the western boundary. Given the level of separation, it is not considered that the residential amenity of future occupiers will be significantly adversely affected in terms of noise. This view is supported by a Noise Impact Assessment submitted, prepared by Resource and Environmental Consultants Ltd, which states that daytime and night-time noise levels from rail traffic will not exceed target noise levels.

Impact from Approved Sports Facilities

Planning permission has been granted for the construction of 3G rugby and football pitches on existing grass fields immediately to the west of the application site. Although the permission has not been implemented, consideration is required as to potential effect on occupiers. Ball stops are proposed at the eastern ends of the pitches, which will be 8 metres and 4 metres in height. Given the level of separation between the proposed dwellings and the western boundary (approximately 24 metres at the closest point), and the design of the approved fencing, generally light weight with a high degree of through-visibility, it is not considered that there will be a significant adverse effect on the residential amenity of future occupiers through loss of natural light or outlook.

The Noise Impact Assessment includes an assessment of the impact of noise from rugby training pitches on the proposed development. The report states that a change in ambient noise levels in identified garden areas closest to the western boundary with a direct line of sight exceeded target noise levels such

that a 1.1 metre high acoustic fence will be required to mitigate noise from the adjacent rugby use. The Council's Environmental Health Officer subsequently has raised no objections in terms of noise. Amendments have been made to the proposed design such that dwellings have been moved further away from the western boundary, and the only rear garden area that has a direct line of site to the boundary shared with the neighbouring sports site is no.49. A 1.8 metre high brick wall is proposed on the garden boundary of plot no. 49, which will provide greater level of noise attenuation than the 1.1 metre high acoustic fence stipulated in the noise report. It will also afford the residential occupiers a greater level of privacy and also contribute to a higher quality public realm. Accordingly, there are no objections to the proposed 1.8 metre high brick wall over a 1.1 metre high acoustic fence.

Floodlights

The Lighting Engineer raised concerns regarding the potential for obtrusive light caused by the proposed floodlighting associated with the development at Bonnington Walk. However, amendments have been made to the layout of the development to increase the level of separation between the dwellings and the western boundary to a minimum of 25 metres (approx.). Accordingly, given the increased level of separation it is not considered that the adjacent sports use will have a significant adverse effect on the residential amenity of future occupiers. Weight is given to the fact that floodlighting in the neighbouring sports development is required to be positioned and orientated in a way to reduce spill and nuisance to neighbouring properties.

Impact on Existing Properties

Impact on Properties to the West

The existing dwellings to the west are orientated such that their rear elevations face towards the proposed development, albeit at an oblique angle, with rear gardens adjoining the boundary of the application site. There is a separation distance of approximately 15 metres between the rear elevation of the proposed development at the closest point (plot 82), and the rear elevation of the existing dwellings. It is noted that it will result in a relatively close relationship; however, given the oblique angle of the existing and proposed dwellings, it is not considered that any significant adverse privacy issues will be introduced. The location of the existing dwellings west of the application site, combined with the level of separation, is such that there will also not be a significant adverse effect in terms of loss of natural light. When considering the effect on the existing properties to the west, significant weight is given to the fact that these properties already share a close relationship with the existing clubhouse building, which abuts the rear boundary of the properties. It is considered that the proposal will lessen the impact of built form on the amenity of occupiers.

Impact on Properties to the South

A combination of factors such as orientation and separation distance are such that occupiers of properties to the south of the application site would not be significantly adversely affected by the proposed development. Existing properties are sited such that they splay away from the application boundary and are approximately 26 metres from the proposed development at the closest point. Plots 90 and 91 of the proposed development are three storeys in height;

however, given the level of separation to existing properties to the south (over 35 metres), the location of the existing dwellings directly south, and the oblique relationship between the rear elevation of the existing dwellings and the proposed dwellings, it is not considered that any significant adverse issues would be introduced in terms of loss of natural light or privacy.

Impact on Properties to the East (Phase 7 Cheswick Village)

Proposed dwellings to the east of the parcel are all located side-on to the eastern boundary. Dwellings to the northeast (plots 21 and 22) are located closer to existing properties, and there would be a greater impact on neighbouring occupiers in terms of outlook and natural light, especially from the side elevation of plot 21 which directly faces the rear elevation of an existing semi-detached property. However, the impact would be lessened by the separation distance (approximately 12 metres at the closest point); the location of the proposed development west of the existing dwellings, which will reduce impacts in terms of loss of natural light; the fact that the proposed dwellings are stepped back from the shared boundary, and the fact that no first floor windows are located in the side elevations of plots 21 and 22.

Plot 110, proposed in the southeast corner of the parcel, is located approximately 7 metres from an existing semi-detached bungalow. Although there would likely be some impact on occupiers through loss of natural light, the impact would be lessened due to the oblique relationship of the properties. It is also noted that windows in the front of the existing property face northwest and will therefore, already receive very little light regardless of the effect of plot 110 due to the proximity of existing boundary fencing and vegetation. Weight is also given to the fact that no windows would face towards the neighbouring property such that the privacy of occupiers would not be significantly adversely affected.

Elsewhere proposed dwellings are located at a sufficient distance from existing residential properties to ensure that existing occupiers would not be significantly adversely affected.

Overall, it is not considered that the proposal would have a significant adverse effect on neighbouring occupiers through loss of natural light, outlook or privacy.

Trees

The most significant tree within the site is a category B Oak tree growing in the southwestern corner. This tree is to be retained in the development and a Tree Protection Plan proposes appropriate measures to ensure the tree is adequately protected through the course of the development. The Council's Tree Officer has raised no objections to the proposal provided the development is carried out in accordance with the arboricultural report submitted. This will be ensured by a suitably worded condition.

Drainage

The site is located in Flood Zone 1, which is an area where there is a low risk of flooding. The proposal; therefore, passes the Sequential Test in the NPPF, which aims to steer new development into areas with the lowest probability of flooding. Following consultation with Wessex Water, it is proposed that the

proposed surface water drainage from the site will be designed to outfall to an existing public sewer in Landseer Avenue. In addition, an attenuation pond is proposed to cater for any storm event from the 30 year and up to and including the 1 in 100 year plus 30% climate change allowance. The Council's Drainage Engineer, Wessex Water and the Environment Agency have raised no objections in principle to the proposed development. A detailed development layout showing surface water and SUDS proposals is required, and a condition is attached on this basis.

Archaeology

Based on the archaeological desk-based assessment submitted, the Council's Archaeological Officer is satisfied that there are unlikely to be remains of national significance at the site that would preclude development. However, the Archaeological Officer has requested a programme of trial trenching given that archaeological deposits are likely to occur on site as they have shown up on geophysics. A mitigation strategy which may involve further excavation and/or a watching brief is also required. A condition is attached with regards to this.

Public Rights of Way

At present the Public Right of Way (PROW) LSG29 that extends adjacent to the western boundary within the site is not useable because it has long been obstructed at Landseer Avenue by fencing. An alternative access has been created by the public further east and no action has been taken to re-open the definitive line.

The Council's Public Right of Way Officer initially objected to the proposed development as it would require the route to be diverted onto pavements on estate roads and would not provide a good standard of amenity. A revised layout plan has been submitted, which incorporates the PROW within POS adjacent to the stream corridor to provide a green route. The PROW Officer has raised no objections in principle but has stated that it will be necessary for the PROW to be formally diverted at the north of the parcel to link acceptably to the residential development approved to the north and it is preferable if a single footpath diversion application were submitted to deal with both sites. Given that this issue is outside of the scope of this application, an informative note is attached to address this issue.

Environmental Protection

Air Quality

The air quality assessment undertaken in respect of this application by REC Ltd considers the relevant pollutants; nitrogen dioxide (NO₂) and fine particulate matter (PM₁₀). The potential impacts on local air quality during the construction and operational phases of the development are adequately considered.

For the operational phase, the significance of the impacts on annual mean NO₂ and PM₁₀ concentrations is predicted to be negligible at the discrete receptor locations assessed. There are exceedances of the annual mean NO₂ objective predicted within non-sensitive areas of the local highway network (i.e. where there are no relevant receptors located), however, this is the case both without and with the development and the development is not predicted to substantially

increase the area of exceedance. The overall significance of the operational phase was determined as negligible.

During the construction phase, measures to mitigate the risk of dust emissions will be required to reduce impacts on nearby sensitive receptors. Officers consider that the best practice measures identified in the air quality assessment in Table 24 should be incorporated into a Construction Environmental Management Plan (CEMP) and a condition is attached accordingly.

In summary, there is no basis to object to the proposal in respect of air quality subject to a condition in respect of dust mitigation measures.

Contaminated Land

The following ground investigation report has been submitted in respect of this application:

Hydrock Report: Lockleaze Recreation Ground, Landseer Ave, Lockleaze: Desk Study and Ground Investigation Report for Redrow, February 2015. Report Ref R/13456/001.

The approach to the investigation and the conclusions and recommendations made are accepted. The report identifies no significant contamination.

Paragraph 2.4 of the report recommends a Preliminary Risk Assessment for Unexploded Ordnance (UXO). An informative note is considered appropriate to bring this to the attention of the applicant.

Transportation

Currently the site is occupied by 4 rugby pitches, a club house and parking for approximately 100 cars, all accessed via Landseer Avenue which is within the Bristol City Council (BCC) administrative boundary.

Vehicular access for the proposed 152no. properties would be through the existing Cheswick Village development and not via Landseer Avenue, as this could potentially lead to rat-running through the development which would not be permitted.

The proposal, once completed, would therefore represent a reduction of vehicle movements within the Bristol City Council (BCC) administrative area. Concerns have been raised locally in relation to construction traffic, and the routes that would be used for the demolition of the existing clubhouse; and it is noted that BCC have objected to the possibility of the Landseer Avenue being used during the demolition and construction phases. Notwithstanding this, consideration has to be given to the authorised access onto Landseer Avenue that currently exists and the fact that, if the development is permitted, there would not be any vehicles utilising this access point, which in transportation terms would be a net benefit to local residents. Discussions have taken place between BCC and SGC Transportation Officers and the applicant's transportation consultant with regards to the potential for the access at Landseer Avenue to be used by construction staff to enter and exit the site compound only. BCC have stated that the use of the access by staff cars and vans, but not construction traffic,

would be acceptable. Given the nature of vehicles that will be using the access, the fact that there would result in a net reduction of vehicular traffic in Landseer Avenue, and subject to a condition to control hours of working during construction, it is not considered that there will be a significant adverse effect in terms of residential amenity or highway safety.

Following concerns raised during the consultation process, it is proposed that all construction traffic enter the site through the Combination Club land, utilising the new access formed to serve the approved residential development (PT14/2849/F), off Long Down Avenue. This is considered to be more acceptable as it will result in less disruption to existing residents within Cheswick Village. Accordingly, the Highway Authority has raised no objections to the proposal subject to a Construction Traffic Management Plan (CTMP) to be submitted by way of an appropriately worded condition to ensure that details such as wheel washing, compound location, contractor parking, phasing of development, access and egress proposals, vehicle routing, delivery hours (to restrict deliveries during network peaks); details to restrict movement through the development in the event Landseer is utilised; and route signage are agreed with the Local Planning Authority to lessen the impact on the amenities of the area.

The proposed layout indicates that, when completed, vehicular access would be taken from two points; the recently permitted Bonnington Walk and via Horse Leaze Road. Officers are of the opinion that both would be suitable to serve the additional development from a capacity and safety perspective. Swept path plans have been submitted which demonstrate that refuse vehicles 11.3 metres in length will be able to acceptably manoeuvre within the site. In terms of parking, the proposed provision is in accordance with the Council's Residential Parking Standards SPD (adopted) and is therefore, acceptable and will not result in any significant adverse on-street parking/congestion issues. A condition is attached to ensure parking is provided prior to the occupation of the dwellings. Concerns have been raised on the basis that the increase in traffic as a result of the proposed development would adversely affect highway safety around Cheswick Village. However, it is considered that traffic generated by the proposed development could be safely accommodated by the existing road infrastructure in Cheswick Village. The applicant has also submitted a Residential Travel Plan, which sets out measures for promoting sustainable modes of travel other than private car, as well as a scheme of monitoring and review with the aim of reducing the amount of vehicular traffic that is generated by the proposal. The site is located within an urban area where there are a mixture of street lit shared surfaces and traditional carriageways with separate footways, which will provide opportunities for walking to local schools and local facilities. There are also traffic-free cycle/pedestrian routes which provide access towards Filton Abbey Wood railway station and industrial/retail parks to the north. Concerns raised regarding the replication of an existing square at the entrance are noted. However, the misaligned design of the square is intention as a traffic calming measure. The design is intended to create a level of uncertainty for drivers when approaching causing them to slow down. The Highway Authority has raised no objections to the design of the square on the basis of highway safety.

A condition is attached to ensure that the access to Landseer Avenue is restricted for vehicular traffic in accordance with the layout plan prior to the first occupation of any dwelling on the proposed development.

In conclusion subject to appropriately worded conditions there is no transportation objection with regards to vehicular parking, congestion, or highway safety.

Open Spaces/Play Provision

Outdoor Sports Facilities

As stated above under “the principle of development”, the proposed replacement provision will provide acceptable mitigation for the loss of the existing sports pitches. Given that application PT15/0493/F for the replacement sports facilities has been approved by the Development Control (WEST) Committee on 24th September 2015 there is no objection in the context of policies CS23 and CS24 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013, and policy LC9 of the South Gloucestershire Local Plan (adopted) January 2006.

Provision for Children and Young People

The policy compliant requirement is 820.50sqm. The amount of provision has been increased to 633sqm but is still less than the minimum policy requirement. The Council’s POS Officer has stated that provision for children and young people must be provided on site so that children have opportunities for play within walking distance from their homes, and an off-site contribution is not an acceptable solution. The shortfall could however, be remedied by providing a play/trim trail through the “Formal Public Open Space”. This matter can be addressed by a suitably worded condition.

The proposed LEAP has been enlarged and rearranged and now includes facilities for younger children, and has been amended to be a dog free zone. Although the separation to residential properties to the north is less than the recommended distance, the need for adequate play facilities is considered to justify a reduction in the buffer zone in this instance and it is not considered that residential amenities would be adversely affected.

Informal Recreational Open Space, Natural and Semi-Natural Open Space and Attenuation Basin

The minimum policy requirement is for 5,215.5sqm of Natural and Semi-Natural (NSN) Open Space and 4,047.3sqm of Informal Recreational (IR) Open Space. The POS audit identifies a sufficient existing quantity of NSN and a shortfall of IR open space.

The Green Infrastructure Plan submitted identifies 1,613sqm of Formal Public Open Space and 1,820sqm of Informal Public Open Space. These categories do not align with the CS24 categories. The attenuation basin will only hold water above the 1 in 30 year storm event so this will provide POS for informal recreational activity, albeit not for the less able bodied. A shortfall of IR open space would remain (614.3sqm, but given the location of the site in the urban area, a solution for providing off-site IR open space is likely to be difficult.

The attenuation basin now has embankments ranging from 1:6 on the east side to 1:2 on the west side and only receives a flow of water above the 1 in 30 year event. It is proposed to be planted with a mix of grass and scrub and officers consider that the amount of planting at the northern end would restrict views through the open space and should be reduced. A condition is attached to deal with this issue.

Allotments

The policy requirement provision of allotments is 695sqm; no allotments are shown on the plans submitted; therefore, the proposal is considered deficient with regards to this. The applicant has stated that they cannot provide allotment space on the site as it would reduce the developable area.

When considering the shortfall in POS provision with regards to allotments and informal recreation, significant weight is given to the fact that the proposal would result in a significant increase in the amount and quality of outdoor sports POS in the local area. Officers consider that this compensates to a degree for the shortfall. Moreover, the proposal will make a significant positive contribution to the Council's 5 year land supply, and officers consider that this holds greater weight in this instance.

An obligation within a legal agreement is necessary to ensure that the POS is delivered and remains publically accessible; and for the in-perpetuity management arrangements for the operation, management and maintenance of all public open spaces and surface water infrastructure.

Affordable Housing

The revised plans submitted have addressed a number of concerns that were previously raised by housing enabling e.g. lack of wheelchair accommodation, clustering, affordable house types, size etc. The affordable Housing Officer has questioned the layout of the garden areas in relation to wheelchair plots 36-41 as the walkway between the two gardens is narrow and the fencing could be overbearing. However, the revised plans demonstrate 0.9 metre high picket fencing along the boundaries, which would have less of an overbearing effect on users of the walkway between the plots. Accordingly, there is no objection on this basis.

Subject to securing all noted obligations through a S106 agreement, there are no objections to the proposed scheme.

Education

The Council adopted a CIL on 1st August 2015 and the Regulation 123 list, which identifies which infrastructure projects that are intended to be funded by CIL to mitigate impacts of development, includes primary and secondary schools. Accordingly, the funding to mitigate the impact of the proposed development on local primary and secondary schools would be secured via CIL rather than S106 agreement.

Library Contribution

The Council adopted a CIL on 1st August 2015 and the Regulation 123 list, which identifies which infrastructure projects that are intended to be funded by CIL to mitigate impacts of development, includes libraries. Accordingly, the funding to mitigate the impact of the proposed development on library services would be secured via CIL rather than S106 agreement.

Community Infrastructure Levy Regulation 122

The NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning Obligations should only be sought where they meet all of the following tests:

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 in the heads of terms listed below, it is considered that they are reasonable, directly related to the development, and necessary to make the development acceptable. As such, all planning obligations set out in the heads of terms are considered to have passed the CIL Regulation 122 tests.

Further Matters

The comment from Avon Fire and Rescue regarding the potential need for additional fire hydrants is noted. An informative note is attached to bring this to the attention of the developer.

Other issues raised in the objections to the scheme received from local residents that have not been addressed in the main section of the report, are discussed below:

Concerns that tree planting will block sunlight are noted; however, existing vegetation would either be reduced in height as part of its management or removed. The Local Planning Authority will be able to control any replacement planting to ensure that it is suitable for a residential area.

Noise issues from construction traffic raised can be reduced by controlling the hours of working and hours of deliveries to the site during construction. A condition is attached with regards to this.

There is no direct link to the former Lockleaze School or Romney Avenue as part of the scheme.

Land ownership issues and potential damage to properties are separate legal matters which are outside the scope of this application.

Although the concerns raised regarding the effect on the hedge and parking are noted, the access proposed for construction traffic off Long Down Avenue, has already been approved under application PT15/0493/F.

The proposal will provide children's play provision and informal recreational land for amenity purposes. The site at present, whilst counted as POS, is not available for informal recreational purposes such as dog walking and play. It's existing use as formal outdoor sports provision conflicts with such uses; therefore, it is secured by gates and palisade fencing. Moreover, there is no existing direct link to the existing pitches from Cheswick Village.

The cumulative effect of the proposed development and the development at Bonnington Walk has been taken into consideration in the assessment of the proposal.

It is not considered that the living conditions of existing residential occupiers will be significantly adversely impacted by car headlights.

Revenue generated by CIL will mitigate against the impact of the development on existing facilities.

A condition is attached for clarification on open space/tree adoption.

Five Year Land Supply/Planning Balance

The presumption in favour of sustainable development at paragraph 14 of the NPPF means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

In terms of the benefits, the scheme would assist the Local Planning Authority in meeting the housing needs for the area, as well as much needed affordable housing in a sustainable location that is accessible by non-car modes of travel. There would be the creation of jobs and wealth in the construction sector, through Council Tax receipts and the new homes bonus. The proposal would also enable the provision of significantly better and larger outdoor sports facilities, which would benefit the local area. There would also be some ecological benefit through the management of existing boundary vegetation.

Whilst it is recognised that there is likely to be disturbance to residential occupiers during the construction phase, this can be controlled and lessened through appropriately worded conditions. In addition, whilst the proposal will result in the loss of open space separating Lockleaze and Cheswick Village and some boundary vegetation, it is not considered that this would have an adverse impact in terms of the visual amenity of the landscape.

Accordingly, it is not considered that the proposal would bring any adverse impacts that significantly and demonstrably outweigh the benefits. Accordingly, officers consider that there is considerable weight in favour of granting planning consent in respect of 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 (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 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 2990 (as amended) to secure the following:

Affordable Housing

- 1 35% of dwellings to be delivered as affordable housing, defined the NPPF.
- 2 Tenure split of 78% social rented, 6% affordable rent and 16% shared ownership. Based on this tenure split the following is required and has been accepted by the applicant:

42 Social Rent
3 Affordable rent
8 Shared Ownership
- 3 A range of affordable unit types based upon the findings from the SHMA shown below:

Social Rent

Percentage	Type	Min Size m2
24%	1 bed flats	47
7%	2 bed flats	69
41%	2 bed houses	77
18%	3 bed houses	90
11%	4 bed houses	112

Affordable Rent

Percentage	Type	Min Size m2
0%	1 bed flats	47
18%	2 bed flats	69
35%	2 bed houses	77
47%	3 bed houses	90
0%	4 bed houses	112

Intermediate

Percentage	Type	Min Size m2
44%	1 bed flats	47
17%	2 bed flats	69
19%	2 bed houses	77
19%	3 bed houses	90
1%	4 bed houses	112

- 4 5% of the affordable housing to meet wheelchair accommodation standards as set out in the Affordable Housing SPD.
- 5 The affordable housing is to be delivered without any public subsidy.
- 6 The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.
- 7 Affordable housing to be distributed across the site in clusters of no more than 12 units.
- 8 All units to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 will be signed, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Part 2 of Secured by Design, and compliance of RP design brief.
- 9 Delivery is preferred through a Housing Delivery Panel (HDP) RP. The HDP is set up to deliver affordable housing across the West of England to local development and management standards. The Council encourages the developer to work with a member of the HDP, and in the event of the developer choosing a Registered Provider from outside this panel then the same WoE standards will need to be adhered to.
- 10 Phasing: Affordable housing to be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement, with a detailed assessment on a site by site basis. Where the development will proceed over more than one phase, the location, amount, type and tenure of the affordable housing in each phase will need to be set out in an Affordable Housing Masterplan and Schedule. This is to be submitted for approval by the Council before determination of the first residential Reserved Matters application.
- 11 Affordability:
 - social rents to be set at target rents
 - shared ownership: no more than 40% of the market value will be payable by the purchaser The annual rent on the equity retained by the RP should be no more than 1% of the unsold equity

- affordable rents to include service charges in line with NPPF definition and set at up to 80% local median market rents; in addition the applicant should demonstrate they have taken local affordability and deliverability into account including the consideration of welfare reform changes and local market information
 - service charges will be capped at an appropriate level to ensure that the affordable housing is affordable
- 12 Social rented and affordable rented accommodation to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.
- 13 Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

Public Open Space:

- 14 Provisions to ensure the in-perpetuity arrangements for the operation, management and maintenance of all public open spaces and surface water infrastructure that will not be adopted by a statutory undertaker. An inspection fee will be charged to ensure compliance with the approved plans prior to the transfer to any private management company.

Phasing of Development

- 15 Phasing of occupations to coincide with the provision of facilities approved under application PT15/0493/F. The provision of pitches to a playable standard prior to the 10th occupation, provision of clubhouse prior to the 25th occupation.
- 7.2 That the head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the S106 agreement not be completed within 6 months of the date of resolution then the application be refused or returned to the Committee for further consideration on this basis.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. Prior to the commencement of the development, with the exception of demolition, site preparation and ground works, a foul water drainage strategy shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the details shall include appropriate arrangements for the agreed points of connection required to serve the proposed development; and a timetable of the implementation of the drainage scheme. The development shall be carried out in accordance with the agreed details.

Reason 1

This is a pre-commencement condition to avoid any unnecessary remedial action in the future

Reason 2

To ensure an acceptable means of drainage is provided and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

3. Prior to the commencement of the development a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details. For the avoidance of doubt, the details shall include:
 - A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes.
 - A manhole schedule
 - Micro Drainage files of the surface water system.
 - Model runs to demonstrate that the critical storm duration is being used.
 - Confirmation of the agreed discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated.
 - Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event. If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with Table 5 of the Technical Guidance to the NPPF.
 - Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
 - Permeable paving provision to be detailed.

Reason 1

This is a pre-commencement condition to avoid any unnecessary remedial action in the future

Reason 2

To ensure an acceptable means of drainage is provided and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. Prior to the commencement of any groundworks, including any exempt infrastructure works, geotechnical works or remediation works, a programme of archaeological investigation and a detailed mitigation strategy, including a timetable for the implementation of the mitigation strategy, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason 1

This is a pre-commencement condition to avoid any harm to any archaeological remains.

Reason 2

In the interest of archaeological investigation or recording and to ensure the adequate protection of archaeological remains, and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

5. Notwithstanding the details submitted, prior to the commencement of the development, with the exception of demolition, site preparation, and ground works, a revised landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape plan shall demonstrate a trim trail through formal POS; a reduction in planting to the northern end of the attenuation basin; appropriate replacement hedgerow planting and times of planting. Development shall be carried out in accordance with the agreed details.

Reason 1

In the interests of the character and visual amenity of the area and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan (adopted) December 2013; and policy L1 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

Reason 2

To ensure sufficient children's play provision to meet the needs generated by the development and to accord with policy CS24 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

Reason 3

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

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

Reason

In the interests of the character and visual amenity of the area and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan (adopted) December 2013; and policy L1 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

7. Notwithstanding the details submitted, prior to the commencement of the development, with the exception of demolition, site preparation, and ground works, revised detailed plans of the following items at a minimum scale of 1:50 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.
 - The public realm design for the entrance square;
 - The junction of the southern pedestrian/cycleway linking to Landseer Avenue.

Reason 1

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

Reason 2

To ensure an adequate standard of design is achieved to this area of the public realm in the interests of the character and visual amenity of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

8. Notwithstanding the details submitted, prior to the commencement of the development, with the exception of demolition, site preparation, and ground works, revised plans demonstrating additional windows to plots 24 (north elevation), 14 (north elevation), 119 (northwest elevation), 28 (south elevation), 49 (east elevation) and 60 (southwest elevation) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason 1

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

Reason 2

To ensure an adequate standard of external appearance and to increase the level of natural surveillance to the public realm and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

9. Notwithstanding the details submitted, prior to the commencement of the development, with the exception of demolition, site preparation, and ground works, revised details at a minimum scale of 1:100 of the following items shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.
 - Path/parking/front garden layout for areas in front of units 125-133, units 145-151, units 93-96, units 43-47, units 52-57 and units 80-85;

- Design and landscaping details for the rear parking court behind units 31-42.

Reason 1

In the interests of the character and visual amenity of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

Reason 2

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

10. Prior to the commencement of the development, with the exception of demolition, site preparation, and ground works, samples of the roof and all external facing materials and all hard surfaces shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason 1

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

Reason 2

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

11. Notwithstanding the details submitted, prior to the commencement of the development, with the exception of demolition, site preparation, and ground works, any required amendments to the proposed bin storage plan shall be submitted to and agreed in writing by the Local Planning Authority. Bin storage shall be provided in accordance with the agreed details before the relevant buildings are first occupied, and thereafter retained for that purpose.

Reason 1

In the interests of the character and visual amenity of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

Reason 2

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

12. Prior to the commencement of the development, with the exception of demolition, site preparation, and ground works, a plan to a minimum scale of 1:500 showing proposed areas for open space and highway adoption shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason 1

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

Reason 2

In the interests of the character and visual amenity of the area and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy L1 of the South Gloucestershire Local Plan (adopted) January 2006.

13. Prior to the commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the plan shall accord with the provisions for hedgerows and their management described in Section 4 of the Ecological Assessment dated 26th January 2015 by Tyler Grange and forming part of the application. It shall also include the management regime for said habitats, and a programme of monitoring of the works for a period of 5 years. Development shall be carried out in accordance with the agreed details.

Reason 1

In the interests of the character and visual amenity of the area, and the wildlife and ecological interests of the site and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy L9 of the South Gloucestershire Local Plan (adopted) January 2006.

Reason 2

This is a pre-commencement condition in the interests of the ecology and the visual amenity of the site.

14. Prior to the commencement of the development, a site specific Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority.

The CEMP shall address the following matters:

- (i) Measures to reduce the impacts of dust emissions on neighbouring properties incorporating best practice measures contained in "Table 24" of the approved Air Quality Assessment by REC dated 27th January 2015.
- (ii) Procedures for maintaining good public relations including complaint management and public consultation;
- (iii) Means of reducing the effect of noise, vibration, and site lighting on residential neighbours;
- (iv) The use of a 'Considerate Contractors' or similar regime for the site induction of the workforce highlighting pollution prevention and awareness;
- (v) Measures to control the tracking of mud off-site from vehicles;
- (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.

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

Reason 1

This is a pre-commencement condition to avoid any adverse impacts in terms of residential amenity and the environment from the development.

Reason 2

To reduce the impacts of the construction of the development on the environment and amenities of the area and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

15. The hours of working on site during the period of construction shall be restricted to the following times:

Monday - Friday.....7:30am - 6:00pm

Saturday.....8:00am - 1:00pm

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 the site.

Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan (adopted) December 2013.

16. The development shall be carried out in accordance with the Arboricultural Survey by Pegasus Planning dated 29th June 2015.

Reason

To safeguard the health and visual amenity of trees in the interests of the character and visual amenity of the area and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

17. Prior to the commencement of the development hereby approved, with the exception of demolition, site preparation and ground works, details of street lighting 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 1

To ensure that the lighting scheme does not adversely impact on the landscaping scheme, and in accordance with policy L1 of the South Gloucestershire Local Plan (adopted) 2006 (saved policy) and Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

Reason 2

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

19. Prior to the commencement of the development, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall comprise the following details:

- Details of wheel washing;
- Compound location

- Contractor parking;
- Phasing of development;
- Access and egress proposals; vehicle routing; delivery hours (to restrict deliveries during network peaks);
- Details to restrict movement through the development in the event Landseer Avenue is utilised;
- Route signage.

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

Reason 1

In the interests of highway safety and the amenities of the area and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

Reason 2

This is a pre-commencement condition to avoid any transportation and residential amenity impacts from the development.

21. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided for the plot to which it relates before the corresponding dwelling is first occupied, and thereafter retained for that purpose.

Reason

In the interests of the amenities of the area and highway safety and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006; and Policy CS8 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

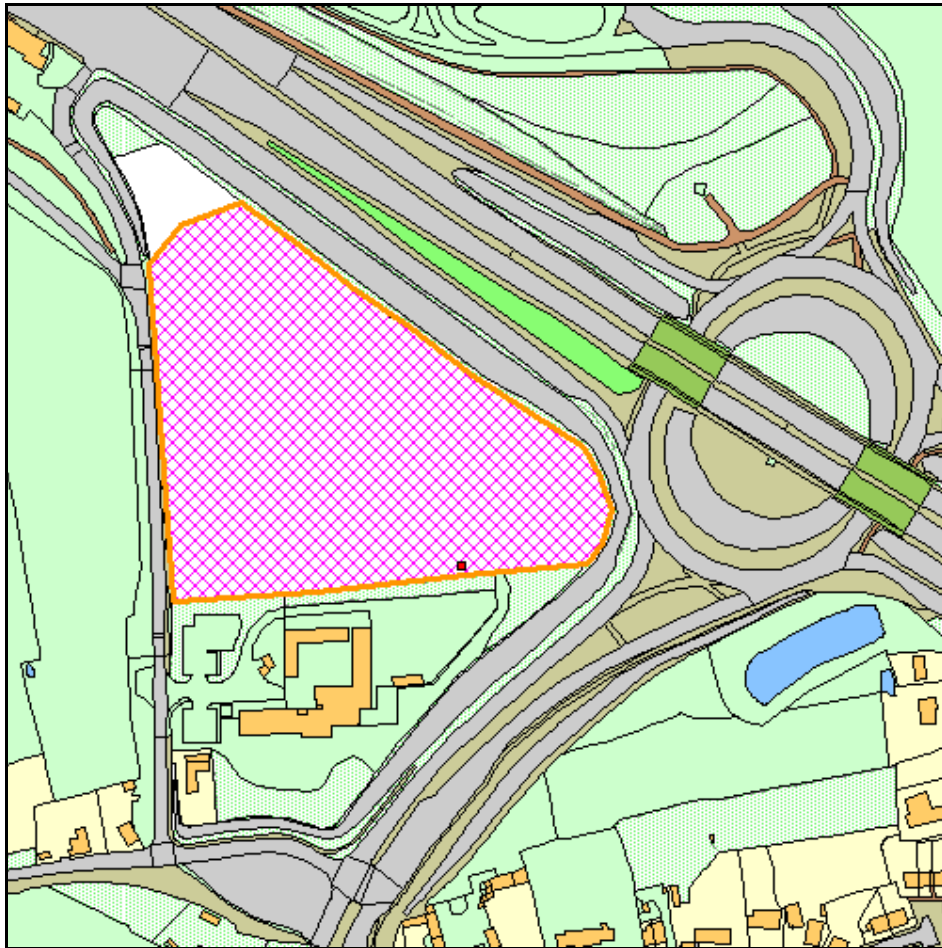
22. The existing access off Landseer Avenue shall be restricted from use by vehicular traffic in accordance with the plan "site layout" no.14029.101 rev J prior to the first occupation of any part of the development hereby approved. The access shall remain restricted at all times thereafter.

Reason

To prevent rat running through the development in the interests of the amenities of residential occupiers and highway safety and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

CIRCULATED SCHEDULE NO. 46/15 – 13 NOVEMBER 2015

App No.:	PT15/1846/F	Applicant:	Mr M. McDonagh
Site:	Land At Greenacres Passage Road Aust Bristol South Gloucestershire BS35 4BD	Date Reg:	15th May 2015
Proposal:	Erection of stable block with associated works and change of use of land to equestrian use. (Amendment to previously approved scheme PT13/1310/F).	Parish:	Aust Parish Council
Map Ref:	357182 189263	Ward:	Severn
Application Category:	Minor	Target Date:	30th June 2015



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PT15/1846/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of the Parish Council objection.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a stable building that would provide 4 stables and tack room and for change of use of the associated land (outlined in red) to equestrian use.
- 1.2 The application site relates to agricultural land situated in Aust, to the west of the A403/M48 roundabout.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (March 2012)
National Planning Policy Framework (Technical Guidance)

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L4	Forest of Avon
L8	Sites of Regional and Local Conservation Nature Interest
L9	Species Protection
E10	Horse Related Development
T12	Transportation Development Control Policy for New Development
EP2	Flood Risk and Development

South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS5	Location of Development
CS9	Managing the environment and heritage
CS34	Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)
Landscape Character Assessment Area
South Gloucestershire Biodiversity Action Plan

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/1301/F Change of use of agricultural land to land for the keeping of horses and erection of stable block and associated works. Approved 21st August 2014.
- 3.2 PT08/3032/F Remediation of land through removal of previously tipped mixed waste, importation of clays, subsoils and topsoils and restoration to agricultural land. Approved 20.01.2009.

- 3.3 PT03/0643/F Use of land for residential gypsy caravan site. Refused and appeal withdrawn.

4. CONSULTATION RESPONSES

4.1 Aust Parish Council

Objection for the following reasons:

There is a long and difficult planning history for this site involving an uncompleted consent for the tipping of inert landfill, which included conditions about the removal of hard standing and other fixed items, and the completion of restoration to contours specified in the consent and application. The applicant has failed for many years to complete the restoration.

The applicant has a consent granted two years ago to construct stables and to use the site for grazing horses. That consent had a number of conditions including the requirement to complete the restoration and contouring before the consent is implemented. Neither of those conditions has been complied with. The Parish understands that the only differences between the works authorised by the 2013 consent and this application, are a small increase in the size of the building and the removal of the conditions about contouring and removal of the hard standing.

Aust Council's view is that it is essential that the restoration and contouring should be completed in accordance with the approved plans before the 2013 consent is implemented, and no relaxation of those conditions should be allowed. Accordingly, the application should be refused.

4.2 Other Consultees

Highways England

Highways England raise no objection but recommends two conditions regarding the submission of fencing details to prevent horses from straying onto the Strategic network. Highways England also raises a private matter of use of their access road to reach the site. An informative is requested in this regard.

Lead Local Flood Officer

No objection

Highway structures

No objection

Highways Officer (South Gloucestershire Council)

No objection

Ecologist

no objection subject to conditions regarding the agreed remediation.

Other Representations

- 4.3 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. This site is located in the open countryside and Green Belt, but close to Aust. The presumption in favour of development stands to be tested further in relation to the policies of the local plan and Core Strategy.

- 5.2 Planning policy E10 advises that proposals for horse related development will be permitted outside of the defined settlement boundaries and urban areas provided that:

- It would not have an unacceptable environmental effect, and;
- It would be acceptable having regard to issues of residential amenity; and
- The proposal would be acceptable having regard to issues of highway safety; and
- Safe and convenient access to bridleways and riding ways is available to users; and
- There are no existing suitable buildings that could be converted; and
- The design of the buildings, size of the site and the number of horses to be accommodated has proper regard to horse welfare.

Before considering the specific merits of the case Green Belt needs to be considered.

Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The application seeks to formally change the use of the land to equestrian use. The Gelding judgement of March 2014 noted that change of use of land in Green Belt to an equestrian use is not listed as one of the other appropriate uses. As such the agent has provided a range of very special circumstances as follows:

- Permission was granted previously (on 21/8/2014)
- this is an application for a small stable block and tack room on an existing field already consented for equine use.

Overall officers take the view, in respect of the very special circumstances, that the consent granted only 15 months ago is not commenced. It remains capable of being commenced in accordance with the conditions and this would facilitate lawful use of the land. As such it would not be reasonable to withhold planning permission, despite the Gelding judgment given the material consideration of the recent planning consent and the lack of significant and demonstrable harm since that consent. Moreover the consent issued 21/8/2014 previously required the completion of the restoration of the site prior to equine use (development) commencing and this remains a relevant consideration. As such the openness and visual amenity of the Green Belt would be improved as a result of the works to the remains of the unauthorised travellers site and unfinished mitigation works set out in PT08/3032/F. Use of the remediated land for grazing horses would also not detract from the openness of the Green Belt.

Paragraph 89 refers to buildings not uses but that the use of the land for equine use is similar to the grazing of other animals and would preserve the openness only if it did not bring about inappropriate buildings which cause harm to the green belt.

Paragraph 89 of the NPPF advises that a planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are the provision of appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. As such stabling is appropriate development provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Having established that the use of the land is acceptable in the Green Belt consideration needs to be given to the scale of the buildings proposed and whether these would preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this regard the stables and barn are modest buildings to support a small scale leisure use, appropriate to the scale of the land holding and to the use proposed. The proposed buildings are tucked in close to the hedging indicated and as proposed in the remediation scheme following PT08/3032/F. As such, subject to the stables being erected on the current ground level the stables would not impact on the openness of the Green Belt. Neither would their existence conflict with the purposes of the Green Belt.

The presumption in favour of development stands to be tested further in relation to the policies of the local plan.

5.3 Design/ Visual Amenity

The application seeks full planning permission for the change of use of 2.9 hectares of agricultural land to use for the keeping of horses and for the erection of an L shaped stable building. The building proposed is of a similar scale to that approved in PT13/1310/F. This would accommodate 4 horses. It would measure 15.5m by 10m and would have a ridge height of 4.2m. The building would be constructed in timber boarding cladding and black corrugated steel roofing which is appropriate for such an building.

5.4 The design of the stable is considered broadly acceptable and would stand close to the boundary with Bridge Access Road. This boundary is likely to change with the full implementation of the PT08/3032/F scheme when the boundary will be planted with hedging rather than the rough foliage over the embanked ground. In due course there would be limited view of the building to users of the lane which is also a LC12 recreational use. In any case the stables and use of land would not affect users of the LC12 public recreational route. For these reasons, there is no objection to the design of the building on visual amenity grounds although in the event that planning permission is granted, it is suggested that a condition is attached in respect of the profiling (levels) of the restored land to create a level base for the stable without raising it above the road/existing level.

5.5 Ecology

The site is in the process of being remade after an unauthorised use but is essentially a field having an agricultural land use – not covered by any statutory or non-statutory designation although it adjoins the foreshore of the Severn Estuary (a SSSI, SPA and Ramsar site). With a view to the bio-diversity of the land and the wildlife it supports it was considered necessary to request a management plan for the site to include details of the maintenance of the hedgerows around the site and for the management of the grass land. It is important to preserve and enhance the new hedge around the site which will come forward under PT08/3032/F and to enhance biodiversity more generally in the area in accordance with paragraph 118 of the NPPF and the South Gloucestershire BAP. This supports further the remediation plan which needs to be carried out as a result of PT08/3032/F.

5.6 Residential Amenity

There are no immediate residential neighbours. However the neighbouring site, the Severn River Crossing Depot has experienced difficulties, seemingly, due to flooding from the unfinished land remediation works (PT08/3032/F). This current application proposes that the land remediation is finished and this will include the drainage solutions incorporated in the PT08/3032/F scheme. With this in place the existing concerns should be resolved and, moreover, the stable should cause no harm to the commercial depot next door.

5.7 Highway Safety

The site is bounded by the A403/M48 and as such there is concern that horses may escape onto the Major Road network. A fencing scheme is necessary to ensure that this does not happen and is subject of a condition recommended by Highways England. In respect of other considerations there is no transportation objection to the proposal subject to conditions restricting any commercial use of the development and that the number of horses on-site is appropriately restrained. As such there are no highway or access concerns.

5.8 Horse Welfare

Guidelines laid down by the British Horse Society advise that a stable building should be large enough for a horse to comfortably stand up in and turn around. Therefore, depending on the size of the horse, a stable should measure

between 3 x 3.7 and 3.7m x 3.7m. In this instance, each stable would meet these standards. There is no objection to the proposal on this basis.

5.9 Further, the British Horse Society recommends that at least 0.4- 0.6Ha of grazing land should be available for each horse with additional exercising areas of 0.25Ha per horse. In this instance, the applicant owns only sufficient land in this 2.9Ha parcel. to meet the minimum hecterage recommended (4 x 0.4Ha = 1.6Ha plus one Ha for exercise). As such it is appropriate to restrict the number of horses to four.

5.10 Drainage and flood risk

The site is located in Flood Zone One on elevated land, not at risk of flooding from sea or local watercourses.

5.11 Other maters

Access is via a private road owned by Highways England. They have requested that an informative is added to the decision notice such that the applicant needs to agree the terms of use with Highways England and Severn River Crossing plc.

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 (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the conditions listed 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. No additional waste materials, hardcore or topsoil shall be imported to, or tipped on the site unless in accordance with a scheme agreed in writing by the Local Planning Authority.

Reason

It is understood that all of the material approved in PT08/3032/F is already on site and further tipping or importing of soil would require further planning permission.

3. Prior to the commencement of development hereby permitted, the remediation scheme permitted by planning permission PT08/3032/F, with the exception of the flat area required for the Stable block and yard, further details of which are requested in condition 9 below, shall be completed in accordance with the approved plans and conditions of PT08/3032/F.

Reason

This is a precommencement condition because consent is only granted on the basis that the site is fully restored to a grassed field as otherwise the remediation works approved in application PT08/3032/F cannot be completed as required by that consent and there would be insufficient grassland to graze and exercise the horses contrary to policy E10 of the South Gloucestershire Local Plan and policies CS1, CS9 and CS34 of the Core Strategy (Adopted December 2013).

4. Prior to the commencement of the development hereby approved details of boundary fencing in addition to the proposed wall, to include the specification, location and implementation of said fencing, to ensure the horses kept on site cannot stray on to the highway shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety. In order to protect the adjacent M48 from straying horses which would cause serious harm to the safety and freeflowing capabilities of the major road network and to accord with policy T12 and E10 of the South Gloucestershire Local Plan and policies CS1 of the Core Strategy (Adopted December 2013).

5. Reason

The land shall not be used for the keeping of horses until such time as the boundary fencing and gates are complete in accordance with condition four. The fencing and gates shall thereafter be maintained as agreed.

Reason

In order to protect the adjacent M48 from straying horses which would cause serious harm to the safety and freeflowing capabilities of the major road network and to accord with policy T12 and E10 of the South Gloucestershire Local Plan and policies CS1 of the Core Strategy (Adopted December 2013).

6. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason

To protect the character and appearance of the area, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The number of horses kept on the site edged in red shall not exceed four.

Reason

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles (with the exception of no more than two one horse traps) be kept on the land other than for the loading and unloading of horses.

Reason

To protect the character and appearance of the area, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

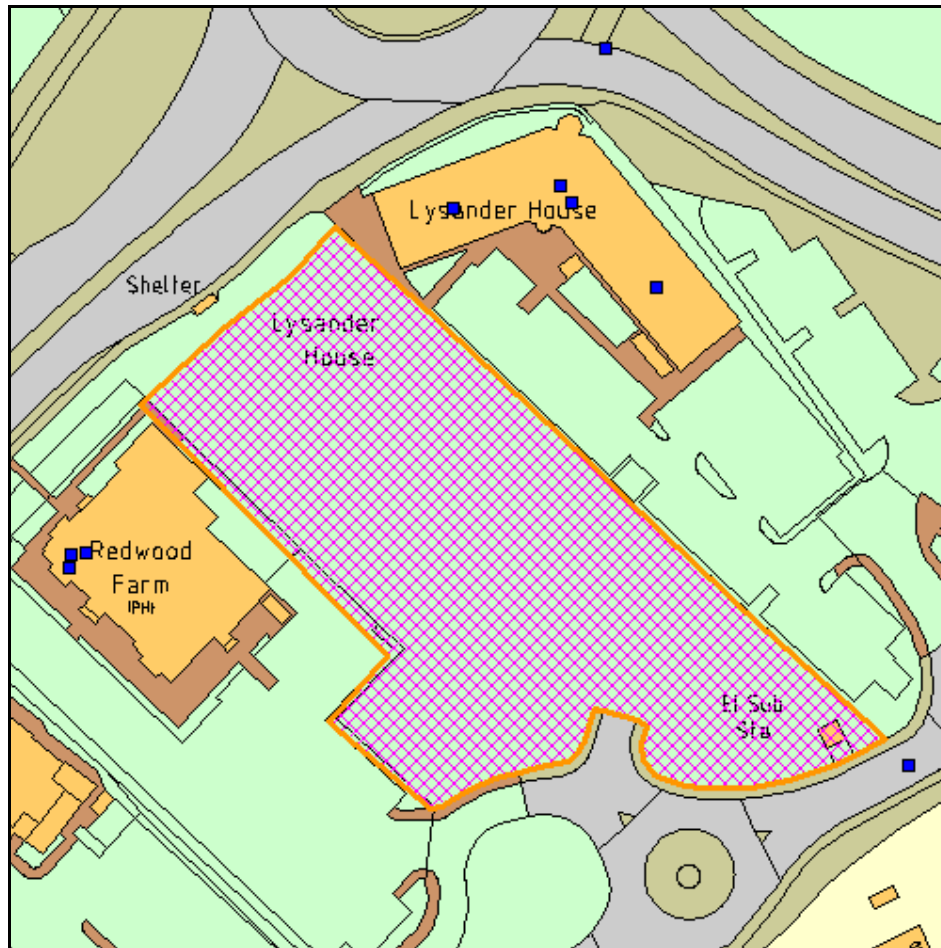
9. Prior to the commencement of the development hereby permitted, details shall be submitted of a modest reprofiling of the remediation scheme referred to in condition three in order to facilitate the retention of a level piece of ground at the point of the stables. The details shall include any hard surfacing (including location and material) shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

To protect the character and appearance of the area, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013). This is a precommencement condition because levels need to be agreed before the building is erected.

CIRCULATED SCHEDULE NO. 46/15 – 13 NOVEMBER 2015

App No.:	PT15/3336/F	Applicant:	The Orders Of Saint John Care Trust
Site:	Land At Catbrain Lane Almondsbury South Gloucestershire BS10 7TQ	Date Reg:	5th August 2015
Proposal:	Erection of 72no. bed dementia Care Home (Use Class C2) with parking, landscaping and associated works.	Parish:	Almondsbury Parish Council
Map Ref:	357564 180576	Ward:	Patchway
Application Category:	Major	Target Date:	2nd November 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appeared on the Circulated Schedule dated 6th November 2015. The report has been re-circulated in order to clarify the assessment of the application in the context of the South Gloucestershire Five Year Housing Land supply.

1. THE PROPOSAL

- 1.1 The site consists of an empty plot of land situated between the Redwood Farm Pub and Restaurant and Lysander House Offices. The site is located immediately to the Southeast of Cribbs Causeway. Access to the site is from Catbrian Lane, off the small roundabout also providing access to the Premier Inn Hotel and New Charlton Way.
- 1.2 The proposed development would provide a 72 bed C2 residential care home with specialist care facilities for people suffering with dementia. The development would include 28 parking spaces (including four spaces for disable drivers) and 12 cycle parking spaces. The development would generate a requirement for 40 full time staff and 30 part time staff. Given the nature of the proposal, staff would be present at the site over a 24 hour period, and not necessarily present at the site at the same time.
- 1.3 The proposed building is arranged in two linked blocks of two and three storey respectively with the three storey element located in the Northwest half of the site.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Planning Practice Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS23 Community Infrastructure and Cultural Activity
- CS25 Communities of the North Fringe of Bristol
- CS26 Cribbs/Patchway New Neighbourhood

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

- L1 Landscape Protection and Enhancement
- EP4 Noise Sensitive Development
- E3 Employment Development within the Urban Area
- T8 Parking Standards

T12 Transportation for New Development

- 2.3 Supplementary Planning Guidance
Cribbs/Patchway New Neighbourhood Development Framework SPD (March 2014)
Design Checklist SPD (August 2007)
Waste Collection Guidance for New Development SPD (January 2015)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT07/3188/F Erection of 7 no. 2 and 3 storey office buildings with car parking, cycle storage, bin storage and associated works. Construction of new pedestrian access.

Approved 8th August 2008

This development has not been implemented and the consent is now expired

4. **CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council
Object raising concern about additional traffic, pollution for residents, a lack of pedestrian access to the site and parking issues for visitors and staff.

- 4.2 Urban Design Officer (Major Sites Team)
No Objection in principle.

- 4.3 Highway Authority
No Objection in principle. The development provides sufficient off street parking and turning facilities to accommodate staff and visitors and necessary servicing of the site. The Highway Authority is satisfied that the site is accessible on foot, but that dropped kerbs should be provided across the junction to the site. Cycle parking will require some adjustment. These issues can be address by way of planning condition.

It is also noted that the site history shows that the site has previously benefitted from planning permission for an office development. The Highway Authority acknowledge this and set out that the use now proposed would generate less vehicular movements and previous consents.

- 4.4 Landscape Architect
No Objection in principle subject to the provision of further planting specification and schedule for the agreement of the Local Planning Authority; and confirmation of the exact position of the acoustic fence and associated screen planting. This information can be secured by way of planning condition.

- 4.5 Archaeologist
No Objection in principle subject to a condition securing the requirement of an archaeological desk-based assessment and the creation of a mitigation strategy for further archaeological fieldwork if required.

4.6 Ecologist
No Objection in principle subject to the imposition of a condition requiring a destructive survey and mitigation method statement in respect of the potential for reptiles to be present on the site.

4.7 Environmental Protection Officer
No Objection in principle.

Noise. The proposed acoustic fencing is sufficient to protect against noise in the external areas of the site.

Air Quality. The impact of the proposed development would be negligible in air quality terms. Spp The construction phase of the development should proceed in accordance with the best practice dust management measures as identified in the submitted Air Quality Report.

4.8 Arts and Development
Suggests that for major new development a contribution for public art may be required that is relevant and specific to the development and/or locality and commensurate with its size and/or importance.

4.9 Crime Prevention Officer (Avon and Somerset Police Constabulary)
No Objection

4.10 Wales and West Utilities
No Objection in principle. The company has equipment located in the locality and require that the developer makes contact with them regarding the development during its construction phase.

An informative to this effect can be added to the Decision Notice should the proposal be approved.

Other Representations

4.11 Local Residents
No comments have been received

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the construction of a 72 bed residential care home (C2) specialising in dementia care. The site is located within the North Fringe Urban Area, and in particular is within the Cribbs/Patchway New Neighbourhood as allocated under Policy CS26 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

5.2 Principle of Development
Policy CS5 of the South Gloucestershire Local Plan, Core Strategy encourages new development to take place within the Urban Areas. In particular, the policy identifies that most new development will take place within the East and North Fringes of Bristol. The site is located within the new neighbourhood at Cribbs/Patchway (CPNN Policy CS26 of the South Gloucestershire Local Plan,

Core Strategy) which is also an area specifically identified in Policy CS5 as being appropriate for new development.

- 5.3 Paragraph 14 of the National Planning Policy Framework (NPPF) makes a general presumption in favour of sustainable development. In particular (in respect of decision making) Paragraph 14 of the NPPF makes it clear that where development plans are absent, silent or relevant policies are out of date, the Local Planning Authority should grant planning permission unless;
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or,
 - specific policies in the NPPF indicate development should be restricted.
- 5.4 It is noted that the recent planning appeal decision (APP/P0119/1/14/2220291) approved the development of 106 dwellings in Charfield. The outcome of that appeal is such that it has been found that South Gloucestershire Council can no longer demonstrate that it has a five year supply of deliverable housing land. Accordingly, in considering this application weight should be given to Paragraph 49 of the NPPF which sets out that;
- Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 5.5 In respect of the delivery of residential development, the effect of the Charfield Appeal is such that Policy CS5 and CS15 are out of date. It is noted that Paragraph 037 of the Planning Practice Guidance suggests that housing provided for older people, including residential institutions in use class C2 should count towards a Local Planning Authority housing requirement. However, in the case of South Gloucestershire the Planning Inspector at the Examination in Public for the South Gloucestershire Local Plan, Core Strategy did not take into consideration the needs of C2 residential uses within the housing supply. Essentially, C2 uses are not included in the South Gloucestershire housing requirements and as such this housing sector does not contribute to the delivery of Policy CS15 of the South Gloucestershire Core Strategy. On this basis, for the purpose of C2 type residential uses, Policy CS5 remains up to date.
- 5.6 Policy CS5 of the South Gloucestershire Local Plan, Core Strategy is relevant to this application and allows for new residential development including C2 Residential Care Homes within the existing urban area; provided it is in accordance with Policy CS26. Essentially, for the reasons set out below, it is considered that irrespective of outcome of the Charfield Appeal, officers would be recommending approval of the development proposed under this planning application.

5.7 Cribbs/Patchway New Neighbourhood

The site is within an area marked under policy CS12 of the South Gloucestershire Local Plan, Core Strategy as being an 'Interim Safeguarded Area' for economic development. Nonetheless, the site is also within the Cribbs/Patchway New Neighbourhood (CPNN) allocation under policy CS26 of the South Gloucestershire Local Plan, Core Strategy. In relation to 'interim safeguarded' sites, Policy CS12 indicates that any future use would be controlled either through the CPNN SPD or concept statement process. This particular site is not identified in the CPNN as an area for economic development; which is generally focussed to the East of the CPNN allocation.

5.8 Given that the site is not identified for employment associated with the CPNN and given that there is little prospect of the site coming forward for economic development over an interim period, officers are satisfied that the development of the site for C2 residential care would not undermine the scope of Policy CS12 (interim safeguarding). Officers are also satisfied that the development of the site for C2 residential care would not conflict with the aims or employment objectives of policy CS26 in bringing forward employment/economic development in the CPNN. Officers conclude that the proposed development would broadly accord with the objectives of Policy CS26 to diversify uses in this area.

5.9 Design, Layout and Local Character

The site is currently an empty plot, devoid of any landscape features and located amongst relatively recent office, hotel, leisure and housing development. The area is dominated by the Hotel (to the Southwest of the site) and the dual carriageway (Cribbs Causeway) passing to the Northwest of the site. The general character of the area is sub-urban in nature.

5.10 *Layout and Appearance of the Building*

The development would provide for C2 residential care. The care is in relation to people suffering from dementia and is a very specialist type of accommodation. The design of the building is such that it responds to the specialist needs and functional requirements of this type of care; whilst also responding to the relatively constrained characteristics of the site.

5.11 The building is arranged in two distinct sections linked centrally at ground and first floor level. The Southwest section of the building contains two floors whilst the Northeast section contains three floors. The building is generally comprised of specific 'households' of either 8 or 16 beds and the applicant sets out that this represents effective management of care. Each 'household' has access to the central 'street' which provides special environments to stimulate memories and recreational activities including a shop, cinema and a hairdressers. The restaurant and communal spaces are also access from the central space.

5.12 The layout of the building also responds to the relatively narrow proportion of the site and its location between Catbrain Lane and Cribbs Causeway. The shape the building responds to the requirement to minimise internal noise levels and provide adequate outdoor specialist amenity space for the residents under care, and general parking and servicing facilities. Nonetheless, officers are satisfied that the materials to be used in the construction of the building are

of good quality. The orientation of the building would facilitate a good building performance in sustainability terms. The private external spaces are generally acceptable and would provide specialist activities that the applicant sets out are very relevant for this type of residential care.

- 5.13 In general terms, the site is considered to be well connected via public transport networks being close to main arterial public transport routes. It is also close to services and general housing. The comments made by the Parish Council are noted in respect of pedestrian access are noted. However, in respect of the general servicing of the site by staff, pedestrian access to nearby transport nodes and housing are readily available.
- 5.14 The proposed development is expected to achieve 'Life Time Homes', 'Building for Life' and 'secure by Design' standards as well as specific design standards for elderly persons (HAPPI) and disabled requirements (SELHP) and Dementia Services Development Centre Design Guide, gold standard.
- 5.15 *Landscape Impact*
The proposed development would provide specific private gardens and outdoor recreational facilities in favour of care and therapy of the residents of the development. Officers are satisfied that the appearance of the garden areas is acceptable in landscape terms. Further planting and landscaping would be provided in the car parking areas associated with the development and areas that would be generally visible from the public realm. Officers are satisfied that the proposed approach is acceptable in principle.
- 5.16 In general terms, the aims of South Gloucestershire are to provide positive environmental improvements to the main routes towards Bristol within South Gloucestershire. Clearly, Cribbs Causeway is a major route. In this instance it is desirable to introduce high quality development in this locality where it addresses a frontage with the movement corridor. The appearance of this site from Cribbs Causeway is key in addressing this objective. Officers are satisfied that the appearance of the building from the surrounding area including Cribbs Causeway is acceptable. However, in order to address noise levels for the external circulation space associated with the development, there is a requirement to provide an acoustic fence at the back edge of the highway land (some three to five metres from the main highway and approximately 1 metre lower). In order to ensure that the introduction of the fence does not appear unsightly, appropriate landscaping should be introduced to mitigate its impact. The layout of the site is such that it is proposed to introduce substantial tree planting along the frontage of the site with Cribbs Causeway. Officers consider that this would make a positive contribution to the character of the movement corridor in principle.
- 5.17 Notwithstanding the above, there remains some concern over the proposed plant specimens particularly in the area of the site against the Cribbs Causeway movement corridor. On this basis, any approval of this development would be subject to a condition requiring a specific planting schedule for agreement prior to the occupation of the development.

- 5.18 Having regards to the above, officers are satisfied that the proposed development represents high quality design consistent with Policy CS1 of the South Gloucestershire Local Plan. Subject to the above condition, the development is acceptable in design terms and would act to enhance the general character of the site and the surrounding locality.
- 5.19 Residential Amenity
The development is sited a substantial distance from the nearest residential property such that the development would not result in a material impact in terms of the privacy and residential amenity of the dwellings associated with New Charlton Way and Catbrain Lane. It is noted that the adjacent public house includes residential flat accommodation. However, the proposed development would not overlook primary windows associated with the adjacent residential accommodation in the flats and is considered to be acceptable in that regard.
- 5.20 As set out above, the design of the care home is such that it would meet specific standards for care of elderly people suffering from dementia in particular Dementia Services Development Centre Design Guide, gold standard. The Landscape Officer has provided comments in respect of the standard of the layout of external areas in relation to the needs and management of the residents. Whilst these comments are noted, this issue is one which the operator of the site is responsible for. Given that the applicant has indicated that specific standards care are expected to be achieved as part of the development, the layout of the gardens is considered acceptable. On this basis, it is considered that the development is acceptable in respect of the amenity of its future occupants.
- 5.21 Ecological Considerations
It is generally acknowledged that the site is of limited ecological value. However, there is potential for reptiles to be present on the site. Accordingly the applicant has provided a Reptile Mitigation Strategy which sets out the process for surveying the site prior to the commencement of the development and, in the event that reptiles are discovered, provides the method for translocation. This is considered acceptable and can be secured by condition in the event that this application is approved.
- 5.22 Archaeological Considerations
The site is located within an area with potential for archaeological remains to be present. Whilst there is no objection to the proposed development in this regard, it is necessary to provide a survey of the site for potential archaeology and for necessary watching brief during the construction of the development. This can be specifically controlled by way of condition in the event that this application is approved.
- 5.23 Public Art
The proposed development is classed as a major development and is residential in nature. As such consideration for a contribution for public art related to the development should be considered.

- 5.24 Policy CS23 sets out that major residential development and schemes that will attract a large number of users will be required to demonstrate the method for contributing towards the South Gloucestershire Cultural, Heritage and Arts Strategy through the provision of additional, extended or enhanced or enhanced facilities and access to/or facilitation of art and cultural activities for the new residents.
- 5.25 It is acknowledged that the development would provide 72 bed spaces for dementia care and this will also involve associated staff and visitors. The nature of the use of the development is very different from open market housing. Indeed, the development would not attract large numbers of users and the operation of the development would be private with very limited public interface. The nature of the residents is such that very specialist care will be required. Cultural activities relevant to the specific needs of the residents is to be provided by the provider of the care the residents receive (the operator of the site). External areas and internal areas will be provided with specific activities in this regard and it is considered that the introduction of art onto the development is appropriately for the operator of the development to implement. Any art/activities associated with the development are not likely to benefit the general public given the nature of the development.
- 5.26 On this basis, officers consider that a requirement for a contribution towards public art as part of this development would be contrary to the provisions of CIL Regulations 2010, and such a contribution is not appropriate.
- 5.27 Highway Safety and Amenity
Officers are satisfied that the development will provide adequate parking to serve staff and visitors to the development and adequate turning for large service vehicles and general servicing of the development on a day to day basis. Officers are also satisfied that the surrounding highway network adequately caters for the development, and that the site is accessible on foot and public transport. A condition securing this layout and parking can be applied in the event that this application is approved.
- 5.28 Comments made by the Highway Authority in respect of cycle parking and dropped kerbing at the access to the site are noted. In this instance, officers have secured revisions to the layout of cycle parking such that the facilities would be fully workable and accessible to staff and visitors to the site. A dropped kerb is already present at the access of the site and this has been installed some time ago as part of other development. On this basis, there are no requirements for conditions to secure these measures should this application be approved.
- 5.29 The development proposal includes a travel plan. Officers are satisfied that the travel plan will achieve positive sustainable methods for travelling to the site and on this basis is acceptable. In the event that this application is approved, a suitably worded condition securing the implementation of the travel plan can be imposed.

5.30 Concluding Analysis

In this instance, officers are satisfied that, subject to the conditions set out in the main body of this report that the development is acceptable in all respects. The development therefore complies with Policy CS5 of the South Gloucestershire Local Plan, Core Strategy. Accordingly, in accordance with paragraph 14 of the National Planning Policy Framework, the planning application should be approved.

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 (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That Planning Permission is approved subject to the following conditions;

Contact Officer: Simon Penketh

Tel. No. 01454 863433

CONDITIONS

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

Reason

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

2. The on-site parking facilities (for all vehicles, including cycles); and the on-site manoeuvring and turning facilities shown on the drawing M9059 APL003 C (as received by the Local Planning Authority on 4th November 2015) 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.

3. The development shall be operated in accordance with the requirements and recommendations of the Travel Plan prepared by I-Transport as received by the Local Planning Authority on 3rd August 2015.

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.

4. Notwithstanding the submitted details, prior to the first occupation of development, a scheme of landscaping showing the proposed planting shall be submitted to the Local Planning Authority for approval in writing. For the avoidance of doubt the details shall include a full planting schedule and planting specification. The agreed planting shall be implemented no later than the first available planting season following the first occupation of the development hereby approved. Any planting which dies, becomes diseased or is otherwise removed in the first five years following its implementation shall be replaced on a like for like basis in the same or next available planting season. Thereafter the 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) December 2013 and the National Planning Policy Framework.

5. Notwithstanding the submitted details, prior to the first occupation of the development hereby approved, details demonstrating the exact position, height and necessary screen planting related to the acoustic protection fence along the Northwest boundary of the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the acoustic fence shall be implemented in accordance with the agreed details and shall be retained as such.

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) December 2013 and the National Planning Policy Framework.

6. The development hereby approved shall be implemented in accordance with the recommendations and mitigation strategy as set out in the Reptile Mitigation Strategy by B J Collins as received by the Local Planning Authority on 2nd November 2015.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of potential ecology (reptiles) which may be present on the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

7. Prior to the commencement the development, including any exempt infrastructure works, geotechnical works or remediation works, the results of an archaeological desk-based assessment and a detailed mitigation strategy, including a timetable for the implementation of the mitigation strategy, must be submitted to and approved by

the local planning authority. Thereafter the approved programme and mitigation measures identified shall be implemented in all respects.

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. These measures and information are required prior to the commencement of the development as any works carried out without further investigation will result in the loss of potential archaeology present and opportunity for appropriate recording.

8. The development hereby approved shall be implemented in accordance with the recommendations set out in section 6.1 of the submitted Air Quality Assessment as received by the Local Planning Authority on 26th October 2015

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with the provisions of the National Planning Policy Framework.

9. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 on Monday to Friday inclusive and 07:30 to 13:00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with the provisions of the National Planning Policy Framework.

10. The development hereby approved shall be implemented strictly in accordance with the following plans;

M9059 APL001
M9059 APL002 Revision A
M9059 APL005 Revision A
M9059 APL006 Revision A
M9059 APL007 Revision A
M9059 APL008 Revision A
M9059 APL009 Revision A
M9059 APL010 Revision A
M9059 APL011 Revision A
M9059 APL012 Revision A
M9059 APL013 Revision A
M9059 APL017 Revision A

as received by the Local Planning Authority on 3rd August 2015.

M9059 APL003 Revision C (excluding soft landscaping and planting)

as received by the Local Planning Authority on 4th November 2015

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 46/15 – 13 NOVEMBER 2015

App No.:	PT15/3599/CLE	Applicant:	Mrs Margaret Berkely
Site:	Corbetts Green Lane Cutts Heath Wotton Under Edge South Gloucestershire GL12 8QW	Date Reg:	19th August 2015
Proposal:	Certificate of lawfulness for existing use of building as dwellinghouse	Parish:	Tytherington Parish Council
Map Ref:	366720 189561	Ward:	Ladden Brook
Application Category:		Target Date:	9th October 2015



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100023410, 2008. **N.T.S.** **PT15/3599/CLE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawful Existing Use or Development (CLEUD) and therefore under the Council's current scheme of delegation must appear on the Circulated Schedule.

1. THE PROPOSAL

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of an outbuilding at 'Corbetts', Green Lane, Cutts Heath, Wotton-Under-Edge, South Gloucestershire.
- 1.2 The application relates to a single-storey, former office/garage building lying within the curtilage of 'Corbetts', which is a substantial residential dwelling lying to the south of Green Lane. The building lies to the south (rear) of the main house and is also referred to as 'Corbetts'.
- 1.3 The applicant submits that the building has in fact been occupied as a separate 3-bedroom residential dwelling, in breach of planning control, for a continuous period in excess of 4 years. In order to regularise the breach of planning control, the applicant seeks a Certificate of Lawful Existing Use for the building as a separate dwelling. The submitted red edge plan also shows the curtilage associated with the dwelling.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990: Section 191
Town and Country Planning (Development Management Procedure) (England) Order 2015
Town and Country Planning (Use Classes) Order 1987 (as amended).
The Planning Practice Guidance March 2014
- 2.2 Development Plans
The application is for a Certificate of Lawfulness for the existing use of an outbuilding as a separately occupied and independent unit of residential accommodation. The application therefore seeks to demonstrate that the building has been used as a separately occupied dwelling for a period in excess of four years prior to the date of submission (i.e. since 14th August 2011).

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/2198/F - Conversion of existing garage to form ancillary living accommodation.
Withdrawn 4 October 2006

The above application was withdrawn following advice from the then case officer, that too much work had been carried out to the building to be considered a conversion.

- 3.2 PT07/0262/CLP - Application for Certificate of Lawfulness for proposed use of outbuilding as a garage and incidental residential accommodation.
Refused 9 March 2007 *because the building was, by reason of size, self-containment and location, not considered to be incidental to the main dwelling.*

The above two applications clearly relate to the same building the subject of this current application.

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION

The applicant has submitted the following as evidence in support of the application:

1. Statutory Declaration of Aidan Joseph Berkely of Corbetts, Green Lane, Milbury Heath signed 12th August 2015.

Mr Berkely states that he lives in the dwelling, shown on the red edged plan, with his wife Gemma.

Mr Berkely's mother Margaret Berkely is the registered proprietor of the land and lives in the main house to the north of the building. Relevant copies of the Land Registry are appended to the statement.

The dwelling consists of 3 bedrooms, kitchen, utility room, lounge, a bathroom, a gym room, a small patio and garden area. Three photographs purporting to show the dwelling are appended to the statement.

Mr Berkely states that the building was originally an office constructed over 25 years ago. Around 2006 the roof was blown off by heavy winds. Mr Berkely and his wife Gemma replaced the roof around 6 months to a year later in August 2007. A.P. Carpentry carried out this work and receipts are provided. Windows were also replaced in 2007. The windows were bought from Sandison Windows Limited; receipts are supplied.

In early 2011 Mr & Mrs Aidan Berkely started fitting out the inside of the building to enable occupation as a dwelling. Numerous receipts for work done or commissioned and for items purchased are provided.

Also provided are numerous bills relating to Sky TV, Tincknell Fuels oil supplies and British Gas.

Mr & Mrs Aidan Berkely moved into the dwelling in July 2011 when the internal re-fit was complete. Mr & Mrs Berkely have lived in the building continuously since then to the present. The dwelling is their sole residence.

2. Statutory Declaration of Gemma Kay Berkely of Corbetts, Green Lane, Milbury Heath signed 12th August 2015

Mrs Berkely states that she is married to Aidan Joseph Berkely and has first hand knowledge of the land since she first visited it in 1999.

Mrs Berkely has lived with her husband Aidan in the dwelling continuously since July 2011 during which time the dwelling has been their sole residence.

Mrs Berkely confirms that the contents of Aidan Berkely's statutory declaration are true.

5. SUMMARY OF CONTRARY EVIDENCE

5.1 There is no contrary evidence at all. The issue raised by PROW is a separate matter that would not constitute evidence in this case.

6. OTHER CONSULTATIONS

6.1 Local Councillor
No response

6.2 Thornbury Town Council
No response

6.3 Tytherington Parish Council
No response

6.4 Open Spaces Society
No response

6.5 PROW
There is no legal right of access over the bridleway.

6.6 Transportation Officer
No comment

Other Representations

6.7 Local Residents
No responses

7. ASSESSMENT

7.1 S191(1) of the Town and Country Planning Act 1990 (TCPA) provides that a person may make an application to ascertain whether:

2.1.1 Any existing use of buildings or other land is lawful.

2.1.2 Any operations which have been carried out in, on over or under land are lawful.

2.1.3 Any failure to comply with any condition or other limitation subject to which planning permission was granted is lawful.

7.2 As there was no planning permission for the use of the building as a separate dwelling the relevant question is 2.1.1 as set out above. S191(2) TCPA sets out the grounds on which the use to be considered would be deemed lawful,

including that no enforcement action could be taken either because the operation did not involve development or require planning permission or because the time for taking enforcement action had expired.

7.3 The time limits for taking enforcement action are set out in s171B TCPA. The period for change of use of a building to use as a dwelling house is 4 years (s171B(2)). There is an exception to this, set out in s171BA-BC. This applies where the breach of planning control has been concealed such that the LPA could not have been aware of the breach and taken enforcement action within the prescribed period. In such cases the LPA has six months, beginning on the date when it had sufficient evidence to apply to the Magistrates' Court for a planning enforcement order enabling it to take enforcement action against the breach.

7.4 Dealing with the latter point, there are no enforcement notices relating to this property.

7.5 The issues to be considered in this case are therefore:

a. Were the works to the building to render it a self-contained separate unit of accommodation completed 4 years or more before 14th August 2015 i.e. receipt of the application?

b. Has the building been occupied continuously as a separate dwelling house since that time to the present?

c. Was there any attempt to conceal any aspect of the use in this case such that the LPA could apply for a planning enforcement notice?

7.6 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is "on the balance of probability". Advice contained in Planning Practice Guidance states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. "beyond reasonable doubt." Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous. The planning merits of the development are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant's version of events less than probable, should be taken into account.

7.7 Hierarchy of Evidence

The evidence submitted comprises two affidavits or statutory declarations. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination,

especially if able to link historic events to some personal event that he/she would be likely to recall.

2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.8 When were the works to convert the building to a separate dwelling completed?

7.9 Officers can confirm that the photographs appended to Mr Berkely's Statutory Declaration are of the building in its current state as a dwelling. The photographs are however not dated and therefore are afforded less weight as evidence.

7.10 Mr Berkely states that the building was an office that was erected over 25 years ago. A study of the Council's Aerial photographs have confirmed that in 1991 the building was present on the site.

7.11 Mr Berkely states that the building's roof was blown off around 2006. The Council's aerial photograph of 7 June 2005 shows the building in tact but the aerial photograph of 5 June 2006 shows the roof missing, thus corroborating Mr Berkely's version of events.

7.12 Mr Berkely states that the roof was replaced in August 2007. The Council's Aerial Photograph taken 1 June 2009 shows the roof replaced. The roof appears to contain sky-lights which would support occupation as a dwelling.

7.13 Officers have studied the relevant planning history as listed at section 3 above. The earlier application PT06/2198/F clearly relates to the building which is shown on the plans as a garage with office/store. The later application PT07/0262/CLP submitted in Jan 2007 again clearly relates to the same building which is again shown on the plans as a garage with office/store, used in conjunction with the industrial activities to the rear of the main site. The application indicates an intention to use the building as residential accommodation ancillary to the main house i.e. 'Corbetts'. The application form confirms that the roof was blown off the building in Jan. 2006. The application form also indicated an intention to replace the roof and to carry out internal and external alterations.

7.14 Officers are therefore satisfied that the building was in-situ at the time the applicant states that he and his wife began to refurbish it for residential accommodation i.e. early 2007, although the re-fit was not apparently completed until early 2011.

- 7.15 Mr Berkely has submitted a series of invoices and bills which seek to confirm that the works described above were carried out to the building. Whilst the invoices and bills cover the relevant 4 year period and beyond, it is difficult to categorically link them to the works carried out to this specific building. The difficulty is that the main dwelling is also called 'Corbetts'. Furthermore the invoices and bills are addressed to a variety of people e.g. Mrs H Berkely, Mr M Berkely, Mrs M Berkely, Mrs Gemma Berkely, A.P. Carpentry and Mr Aidan Berkely's company Bristol and Avon Waste Management. Many of the receipts for items bought do not even contain a name or reference to who bought the item. This evidence is therefore neither precise or unambiguous.
- 7.16 Furthermore the ownership of the land as shown on the submitted Land Registry document does not demonstrate a change of use and is therefore also afforded little weight.
- 7.17 From an internal enquiry of the Council Tax records it transpires that the building is not separately registered for Council Tax purposes. This does not necessarily mean however that the building has not been occupied as a private residence for the requisite 4 year period.
- 7.18 On the ground, the area of curtilage associated with the building is as shown on the plan attached to the statutory declaration (see Appendix AB1). From the Council's archives, an aerial photograph of the site, taken in 2009 clearly shows the building with its separate access although the associated curtilage is somewhat masked by adjacent trees.
- 7.19 Given that there is no evidence to the contrary and that the planning history and aerial photographs concur with Mr and Mrs Berkely's version of events, as given in sworn statements, it is likely on the balance of probability that the works to convert the building to a dwelling house were completed in the first half of 2011 as stated.
- 7.20 Period of occupation.
Both Aidan and Gemma Berkely state that they have lived continuously in the building since July 2011. Mr Berkely has submitted numerous bills relating to Sky TV, British Gas and Tincknell Fuels oil suppliers. Whilst these bills cover the requisite 4 year period and beyond, and are made out to Mrs Gemma Berkely at 'Corbetts' their value as evidence is again reduced because the main house has the same name. It would however seem unlikely that anybody would occupy the building as a separate dwelling if it did not have a kitchen and utilities that make it suitable for separate occupation. Again given that there is no evidence to the contrary and that the various bills and invoices are appended to a sworn statement, officers are satisfied that on the balance of probability the building has been occupied continuously as a separate dwelling for the requisite 4 year period.
- 7.21 Was there Deliberate Concealment?
Although the site is reasonably concealed from view by the main dwelling, there is nothing to suggest that there was any attempt to deliberately conceal the use of the building as a separate dwelling, even if it is not separately registered for

Council Tax. The planning history clearly indicates the intention to occupy the building for residential accommodation as far back as 2006.

8. CONCLUSION

- 8.1 The submitted evidence covers the relevant 4-year period prior to receipt of the application and beyond.
- 8.2 Although the submitted evidence is not conclusive, it is in the form of sworn Statutory Declarations, which carries significant weight. There is no contradictory evidence from third parties or from the Council's own aerial photographs to make the applicant's version of events less than probable. Furthermore there is sufficient evidence to suggest that the building has been used as a separate dwelling for more than 4 years prior to the receipt of this application and has been continuously occupied as a residential dwelling during that time and to the present.
- 8.3 In the absence of any contrary evidence, it is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim.

9. RECOMMENDATION

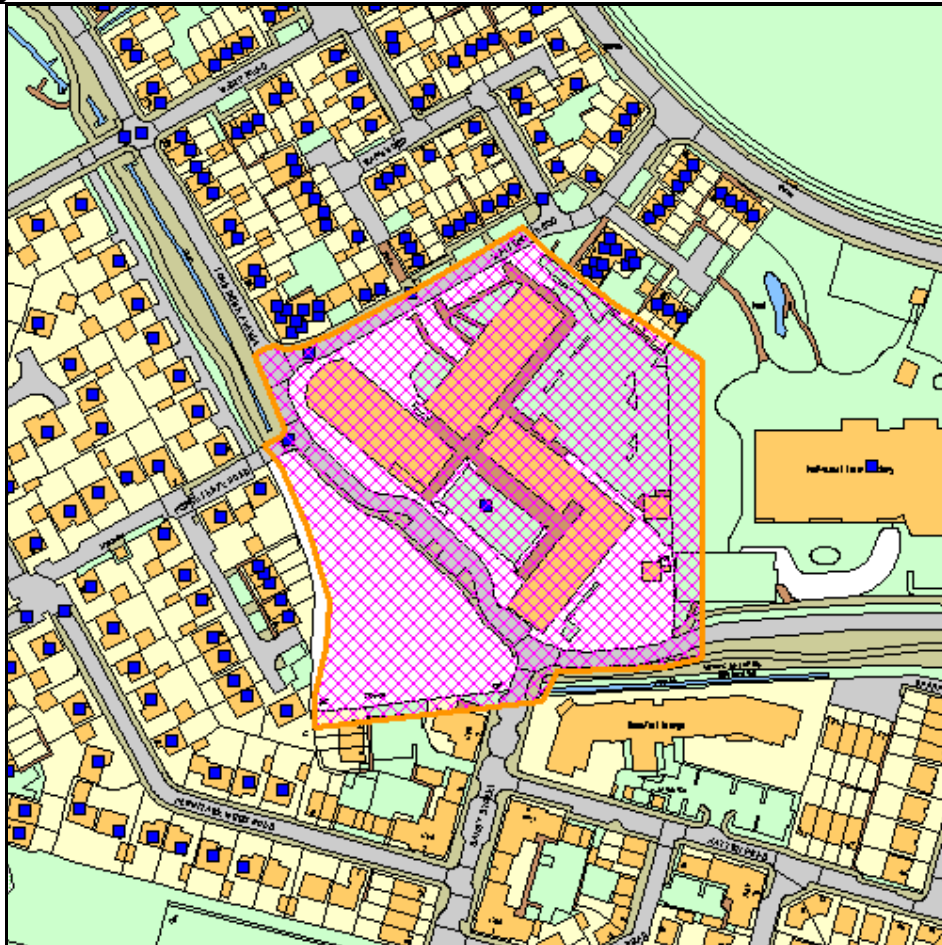
- 9.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of the building for residential (C3) purposes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) for the following reason:

Sufficient information has been submitted to demonstrate that, on the balance of probability, the building shown enclosed in red on the submitted plan has been present and occupied as a separate residential dwelling house (Use Class C3) for a continuous period of 4 years or more immediately prior to the submission of the application.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 46/15 – 13 NOVEMBER

App No.:	PT15/3722/RVC	Applicant:	The Southern Co-operative Ltd
Site:	Unit 4, Cheswick Village Long Down Avenue Stoke Gifford South Gloucestershire BS16 1GE	Date Reg:	27th August 2015
Proposal:	Variation of condition 6 attached to planning permission PT12/0684/RM in order to permit unit 4 (the convenience store) to open to customers for an additional hour between 06:00 and 23:00 seven days a week instead of 07:00 and 23.00.	Parish:	Stoke Gifford Parish Council
Map Ref:	361229 178063	Ward:	Frenchay And Stoke Park
Application Category:	Major	Target Date:	25th November 2015



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 100023410, 2008. N.T.S. PT15/3722/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because objections have been received contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks consent to vary condition six attached to application PT12/0684/RM. The condition as attached originally read as follows:

The hours of opening of the units hereby approved shall accord with the Proposed Opening Hours schedule as received on 21st August 2012. The units numbers set out within the schedule shall accord with the units numbers identified on the Proposed Lower Ground Floor Plan (drg no.P04 Rev.I) and Proposed Ground Floor Plan (drg no.P05 Rev.J), as both received by South Gloucestershire Council on 14 June 2012. There also shall be no outdoor music played at any time.

Reason

To protect the amenity enjoyed by those living in the locality and to accord with Policies EP1 & RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 1.2 This application seeks consent to all one of the units (unit 4) to open one hour earlier than specified in the conditioned schedule. The current condition allows unit 4 to open for trade at 7am, this application seeks consent for unit 4 to be open for trade at 6am. The resultant proposed condition would read as follows:

With the exception of Unit 4 which may open for trade from 6am, the hours of opening of the units hereby approved shall accord with the Proposed Opening Hours schedule as received on 21st August 2012. The units numbers set out within the schedule shall accord with the units numbers identified on the Proposed Lower Ground Floor Plan (drg no.P04 Rev.I) and Proposed Ground Floor Plan (drg no.P05 Rev.J), as both received by South Gloucestershire Council on 14 June 2012 in relation to application PT12/0684/RM. There also shall be no outdoor music played at any time.

Reason

To protect the amenity enjoyed by those living in the locality and to accord with Policies EP1 & RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 1.3 Unit 4 subject of this application is completed and is already open for trade.

2. POLICY CONTEXT

- 2.1 National Planning Guidance
National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)

- L1 Landscape Protection and Enhancement
- H1 Proposed sites for new residential development (site no.12).
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control Policy for New Development
- EP2 Flood Risk and Development
- EP4 Noise Sensitive development

South Gloucestershire Local Plan Core Strategy (Adopted)

- CS1 High Quality Design
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions
- CS7 Strategic Transport Infrastructure
- CS8 Improving Accessibility
- CS9 Environmental Resources and Built Heritage
- CS25 Communities of the North Fringe of Bristol Urban Area
- CS27 East of Harry Stoke New Neighbourhood

Supplementary Planning Guidance

South Gloucestershire Design Checklist – Adopted

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/0684/RM Provision of local neighbourhood centre to comprise of 2,425 square metres of retail floorspace (Class A1/A2/A3/A4/A5), 633 square metres of D1 floorspace (including 262 sq metres nursery); 363 square metre gymnasium (Class D2); 137 residential units (C3); with car parking, landscaping and infrastructure works. (Approval of reserved matters to be read in conjunction with planning permission PT04/0684/O).
Approved August 2012
- 3.2 PT04/0684/O Residential development at a density of 50 units per hectare overall across the site together with supporting infrastructure and ancillary facilities.
Approved 04th November 2005. This planning permission also agreed the details of the access from Coldharbour Lane. A Master Plan, required of a section 106 legal agreement, has also been approved.
- 3.3 PT06/1893/F Extension and alteration to access road (from MoD roundabout).
Approved.
- 3.4 PT07/1107/F Alterations to existing access road (from Coldharbour Lane)
Approved.
- 3.5 PT07/1432/RM Access road for construction vehicles.

- Approved.
- 3.6 PT07/1886/F Alterations to access and junction (onto Coldharbour Lane).
Approved.
- 3.7 PT07/2424/R3F Formation of public transport bus link. Approved 11 October 2007.
- 3.8 PT07/1715/RM Erection of 100No. dwellings (Phase 1).
Approved 15 November 2007.
- 3.9 PT07/3519/RM Erection of 225No. dwellings (Phase 2).
Approved 16 May 2008.
- 3.10 PT08/3093/F Construction of Access Road to link Phases 4,5 and 6 and Primary School Site.
Approved 06 February 2009.
- 3.11 PT08/3118/RM Erection of 77 Dwellings (Phase 4).
Approved 03/11/09
- 3.12 PT09/5504/RM Erection of 121 dwellings (Phase 2B).
Approved 20/01/10
- 3.13 PT09/5336/RM Erection of 194 dwellings (Phase 3).
Approved 26/02/10
- 3.14 PT11/1684/RVC Variation of condition 9 attached to PT04/0684/O to allow the submitted reserved matters applications to achieve a minimum density of 40 dwellings per hectare across the site.
Approved 20th July 2011.
- 3.15 PT11/2698/RM Erection of 97 dwellings (Phase 7).
Approved 06/03/12

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No objection
- 4.2 Archaeology Officer
No objection
- 4.3 Avon and Somerset Constabulary
No Objection
- 4.4 Transportation Development Control
No Objection
- 4.5 Ecology Officer

No Objection

4.6 Environmental Protection Officer
No Objection

4.7 Economic Development Officer
No Objection

4.8 Urban Design Officer
No Objection

Other Representations

4.9 Local Residents

Three letters of objection have been received from local residents. A summary of the points of concern raised is as follows:

- Deliveries are already causing disturbance for neighbours
- An earlier opening time would require earlier deliveries
- It is not necessary for a small local convenience store
- Most other co-ops in the area do not open until 7am
- The extra hour is not needed
- The gym mentioned in the supporting statement is not open

4.10 A letter has also been received from Jack Lopresti MP, requesting that the thoughts of the neighbours are taken into account when a decision is made on the application.

5. ANALYSIS OF PROPOSAL

5.1 The scope of a variation of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the conditions, and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.

5.2 In assessing this application it is necessary to assess whether the relevant condition, or any variations satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests – that conditions should be:

- i. Necessary to make the development acceptable
- ii. Directly related to the development
- iii. Fairly and reasonably related in scale and kind

5.3 Being mindful of the reason for attaching the condition in the first place, when assessing this application your officer will consider whether the omission of the doors from the condition would undermine the objective of Policy CS1 of the

South Gloucestershire Local Plan (Adopted) to take account of security and crime prevention.

5.4 Analysis of Proposal

The original application related to the erection of a neighbourhood centre including 137 residential units - the development is now substantially complete. This application relates only to unit 4 of the approved development – this unit is currently open for trade and is occupied by co-op stores. The granted consent allows unit 4 to open at 7pm and close at 11pm. This application seeks consent to allow the unit to open at 6am.

5.5 In considering this application, you officer is mindful of the obligation as set out in the NPPF for local planning authorities to positively and proactively encourage sustainable economic growth. The modest increase in opening hours would allow the retail unit to trade from one hour longer daily therefore contributing positively towards the government's objective of achieving sustainable economic growth.

5.6 Deliveries may already take place to the unit from 6am. Given this, it is not considered that any additional noise or disturbance from customers is likely to be in excess of that which could reasonably be expected from delivery vehicles. Furthermore, it is noted that unit 2 of the approved scheme (to incorporate a gym) is able to open from 6am daily. Given the relatively close relationship between unit 4 and unit 2, it is difficult to argue why unit 2 may open at 6am but unit 4 may not.

5.7 Your officer is mindful of the concerns of the neighbours and the neighbours explain that they are currently disturbed by delivery vehicles and they are concerned that an earlier opening time would necessitate earlier deliveries. It is important to stress that this application is not considering any change to the agreed delivery hours. This would need to be subject to a new application and the merits of that application considered. Delivery hours are not for consideration as part of this application.

5.8 Being mindful of the fact that this is a neighbourhood centre location and that other activities are permitted at nearby locations from 6am, the proposed increase in opening hours is deemed to be entirely acceptable.

5.9 Other Relevant Conditions

In terms of all other conditions that were attached to application PT12/0684/RM, most are no longer relevant as the development has been completed. Only the relevant conditions will be carried forward.

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 **APPROVE** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies) and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is **APPROVED** subject to the conditions below:

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

1. With the exception of Unit 4 which may open for trade from 6am, the hours of opening of the units hereby approved shall accord with the Proposed Opening Hours schedule as received on 21st August 2012 in relation to application PT12/0684/RM. The units numbers set out within the schedule shall accord with the units numbers identified on the Proposed Lower Ground Floor Plan (drg no.P04 Rev.I) and Proposed Ground Floor Plan (drg no.P05 Rev.J), as both received by South Gloucestershire Council on 14 June 2012 in relation to application PT12/0684/RM. There also shall be no outdoor music played at any time.

Reason

To protect the amenity enjoyed by those living in the locality and to accord with the requirements of Policy RT1 of the South Gloucestershire Local Plan (Adopted) and the NPPF.

2. Notwithstanding the uses noted on the approved floor plans, for their first commercial use the uses of the units hereby approved shall accord with uses set out in the approved schedule of opening and delivery hours as received on 21st August 2012 submitted with application PT12.0684/RM.

Reason

In the interests of ensuring an appropriate mix of uses and to protect the amenity enjoyed by those living in the locality to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the requirements of the NPPF.

3. No extraction systems associated with the commercial uses hereby approved shall be installed without the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of residents living in the locality and the visual amenity of the area, and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) and the NPPF.

4. The development must be carried out in accordance with the approved lighting scheme received by the Council on 1st October 2014 submitted in relation to application PT12/0684/RM.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) and the requirements of the NPPF.

5. Prior to the commencement of the relevant part of the development, details of the design of the bus shelters to be located either side of Long Down Avenue to serve the local centre are to be submitted to the local planning authority for written approval.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) and the requirements of the NPPF.

6. The development shall be completed and occupied in accordance with the approved Travel Plan received by the Council on 1st October 2014 in relation to application PT12/0684/RM

CIRCULATED SCHEDULE NO. 46/15 – 13 NOVEMBER 2015

App No.:	PT15/3892/F	Applicant:	Hydock Group Ltd
Site:	Former Pig Barns Over Court Farm Over Lane Almondsbury South Gloucestershire BS32 4DF	Date Reg:	11th September 2015
Proposal:	Change of use of agricultural barn to offices (Class B1a) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Almondsbury Parish Council
Map Ref:	358655 182444	Ward:	Almondsbury
Application Category:	Minor	Target Date:	3rd November 2015



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 100023410, 2008. N.T.S. PT15/3892/F

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application appears on the circulated schedule as approval of the application represents a departure from Green Belt policy.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the conversion of a former pig barn to a small office development. The existing building is considered to be unlawful but this will be discussed in full detail in the main body of the report.
- 1.2 The site consists of a small office development in the open countryside off Over Lane, Almondsbury. Office development occupies a number of other larger barn conversions surrounding the site. The barn is curtilage listed as it falls within the curtilage of Over Court Farmhouse which is Grade II listed – the associated listed building application also appears on this Circulated Schedule.
- 1.3 The site is within the designated Green Belt and outside of any village development boundary. A previous similar application was refused in 2007 as detailed in the history section of this report.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance
- 2.2 South Gloucestershire Local Plan Core Strategy (Adopted)
CS1 High quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS34 Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)
L13 Conservation Areas
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control
E6 Employment development in the Countryside
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)
South Gloucestershire Green Belt SPD (Adopted)
- 2.4 Letter to Chief Planning Officers – Green belt protection and intentional unauthorised development. August 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PT15/3893/LB Internal and external alterations to facilitate conversion of Pig Barns to offices.
Associated listed building application – as yet undetermined.
- 3.2 PT07/1607/LB Change of use of agricultural barn to offices (Class B1).
Refused September 2007
- 3.3 PT07/1605/F Change of use of agricultural barn to offices (Class B1).
Refused September 2007
This previous application was refused for three reasons – one relating to the fact that the changes already taken place were detrimental to the character of the building and other listed structures; one that the application is tantamount to the construction of a new building in the open countryside; and a further reason relating to inappropriate development in the Green belt. The refusal also mentions the need to contact the enforcement team in relation to the unauthorised works.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No objection
- 4.2 Sustainable Transport
No objection subject to the attachment of a condition
- 4.3 Economic Development Officer
Supports the proposal
- 4.4 Ecology Officer
No objection subject to the attachment of a condition
- 4.5 Conservation Officer
No objection subject to the conditions attached to the Listed building approval
- 4.6 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for Change of use of agricultural barn to offices (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Before the principle of development can be discussed, it is first necessary to understand the history to the site.

- 5.2 At the time of the assessment of the historical application PT07/1605/F, it was decided that the building that stood on site in 2007 was actually a new building due to the amount of work that had been undertaken to it – this position is not disputed by the current applicant. Because the building is curtilage listed, it is immune from the enforcement time limits as set out at section 171B of the Town and Country Planning Act 1990. The building as it stands is therefore unauthorised and cannot be made authorised through the granting of a certificate of lawfulness. In determining this application therefore your officer will be assessing the application as the erection of a new build for business purposes in the Green belt and outside of the defined settlement boundary.
- 5.3 Green Belt
Although consent has been granted to convert the surrounding buildings and land for commercial purposes, the site subject of this application remains in an agricultural use. This was established through the 2007 applications and no further permission has been granted affecting this building since 2007. The site does not therefore fall within the definition of previously developed land as set out in the NPPF.
- 5.4 The NPPF is explicitly clear in stating the types of development that may be considered acceptable in the Green Belt. As explained in section 5.2 above, this application is being assessed as the erection of a new building for commercial purposes in the Green Belt and this is not one of the limited types of development that may be considered appropriate development.
- 5.5 Para 87 of the NPPF states that '*...inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. The onus is firmly with the applicant to demonstrate the very special circumstances. The Green Belt SPD clarifies that '*Circumstances that are accepted as being very special are very rare, but will usually involve a specific judgement being made that no other option is available in light of the unique circumstances and individual case.*'
- 5.6 Assessment of Very Special circumstances
The main very special circumstances put forward by the applicant are as follows:
- That the applicant could resolve the unauthorised works by restoring the building to its original state pre 2007 and then apply to restore and convert the building
 - The restoration of the building to its original state would negatively impact on the setting of the farmhouse
 - The proposal will enhance the listed building
 - That no enforcement action has been taken over the last 8 years
 - The positive economic benefits.

- 5.7 In considering the very special circumstances argument put forward, your officer agrees that the situation is certainly unique. The current situation is that an unlawful building stands which, in its current form does not respect or enhance the setting of the listed building. The authorised use of the land on which the building stands is agricultural but there is no other associated agricultural land. Before the current unauthorised building was constructed pre 2007, a similar building stood on the site. It is therefore the case that a building of some form has stood on the site continuously since around the start of the nineteenth century. Especially given that the site is encompassed on all sides by other commercial development, it is difficult to argue that the building has a detrimental impact on the openness of the green belt.
- 5.8 In terms of conservation and impact on the setting of the listed building, retention of the building in its current form would not be supported. However (as detailed in application PT15/3893/LB also on this circulated schedule) a scheme of significant improvement has been agreed with the applicant and a condition is attached to the listed building consent to ensure that the physical improvement works are all completed by the end of 2016. Once the building has been altered and improved to the standard detailed in the listed building consent, the building would then contribute positively to the character and setting of the listed building and its retention would actively be encouraged by the conservation officer. Your officer is satisfied that the positive alterations to the existing building can only realistically be facilitate by its use as office space. The applicant is not expected to restore the building to the improved condition and retain it in its agricultural use due to the lack of any attached agricultural land. Your officer is of the opinion that, due to the surrounding land uses and the lack of space available, agricultural use is no longer a viable option for a building on this site.
- 5.9 Your officer has also been mindful of the alternative options for the application site should this permission be refused. Although it is the case that the government is concerned by intentional unauthorised development in the Green Belt, it is also the case that no enforcement action has been taken against the building in the last years. If the application is approved there will be a positive benefit to the setting of the listed building. If the application is refused it is likely that the existing unauthorised structure will remain as it stands or, enforcement action could be taken and the building could be returned to its previous dilapidated condition. Neither of these options are favourable compared to the benefits of approving the application.
- 5.10 By means of conclusion, your officer agrees that very special circumstances exist sufficient to outweigh the policy presumption against such development. Your officer is satisfied that the circumstances of this case are unique and individual to the case. In reaching this conclusion significant weight has been given to the positive contribution the approval would facilitate on the setting of the listed building and the very minimal impact on the openness of the green belt. Significant weight has also been given to the fact that retention,

improvement and conversion of the building would not be contrary to any of the purposes of the green belt or the aims of including land within it. Very special circumstances have been demonstrated to satisfy your officer that harm to the green belt, by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

5.11 Design and layout

The application includes many physical improvement works to the existing structure. The external dimensions of the building will not change but the materials and detailing will be greatly improved to encourage successful integration with the nearby listed building. The conservation officer supports the design approach taken, as does your planning officer. Conditions will be attached to the listed building approval to ensure that materials and detailing samples are agreed, along with a condition to ensure timely completion of the improvement works. No further conditions are deemed necessary to this full planning approval. The development proposed would as a result integrate well with the existing barn conversions on the site.

5.12 Ecology

The two disused barns are located within an area of hardstanding, with additional converted barns adjacent. Beyond the site are habitats such as pasture and agricultural fields, with native hedgerows and waterbodies. A Bat Roost Activity Survey Report (Keystone, dated August 2015) has been submitted, with findings as follows:-

Bats – the barns were found to have low potential to support roosting bats. No signs of bats being present was found during the building inspection or during a single dusk survey carried out in July 2015. Three species of bats were noted to be commuting through the area. The proposed works were considered to remove a small number of potential roost opportunities for crevice-dwelling bats – the impact of this loss in the context of the nature of the crevices and the roosting opportunities offered by the surrounding habitat was considered negligible.

In light of the above, there are no objections on ecological grounds to planning permission being granted, provided that a condition is attached to ensure that the works are carried out in accordance with the Ecological report submitted.

5.13 Residential Amenity

Given the location of the development in the open countryside surrounded by other commercial activity the development will not give rise to any residential amenity implications.

5.14 Transportation

The submitted Site Access Appraisal indicates that the visibility available from the access to the south is slightly less than it should be - 47.5m instead of 51.4m. The fact that this is an existing access and the increase in maximum pm peak vehicle movements is from 46 to 58 is a consideration along with the single accident in 2014 involving a vehicle turning out of the access.

5.15 During the course of the application additional transportation information was submitted to the councils highway officer to clearly demonstrate that the existing access is capable of accommodating the extra vehicle movements associated with the proposed conversion. Furthermore, there is sufficient parking on site to accommodate the demand generated by the proposal. Subject to the attachment of conditions to ensure the provision of vehicle and cycle parking spaces, there is no transportation objection to the proposal.

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 (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report. Very special circumstances have been demonstrated to satisfy that harm to the green belt, by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

7. RECOMMENDATION

7.1 That the application be approved subject to the following conditions:

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. Development must proceed exactly in accordance with the avoidance/mitigation proposals detailed in Sections 5.4 to 5.6 of the Bat Roost Activity Survey Report by Keystone Ecology, dated August 2015.

Reason

In the interests of protecting the ecological value of the site and complying with the requirements of Policy L9 of the South Gloucestershire Local Plan (Adopted) CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) and the NPPF.

3. The development shall not be occupied until 5 car parking spaces within the general parking areas shown in appendix E of the Technical Note issue 2 have been made available for use.

Reason

In the interest of highway safety and to accord with Local Plan Policies T8 and T12 of the South Gloucestershire Local Plan, Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) and the NPPF.

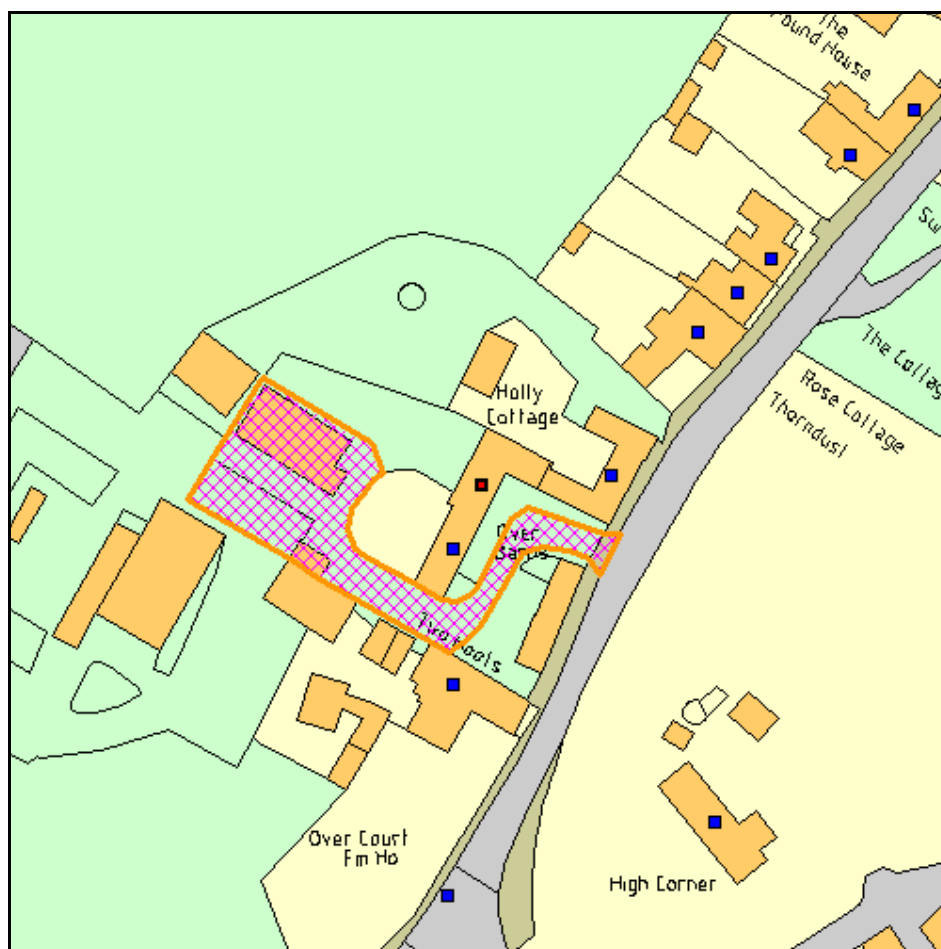
4. The development shall not be occupied until 5 covered and secure cycle parking spaces have been provided.

Reason

To promote sustainable transport choices and accord with Policy T7 of the South Gloucestershire Local Plan, Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) and the NPPF.

CIRCULATED SCHEDULE NO. 46/15 – 13 NOVEMBER 2015

App No.:	PT15/3893/LB	Applicant:	Hydock Group Ltd
Site:	Former Pig Barns Over Court Farm Over Lane Almondsbury South Gloucestershire BS32 4DF	Date Reg:	11th September 2015
Proposal:	Internal and external alterations to facilitate conversion of Pig Barns to offices.	Parish:	Almondsbury Parish Council
Map Ref:	358655 182444	Ward:	Almondsbury
Application Category:	Minor	Target Date:	3rd November 2015



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REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule by the officer in the interests of completeness as the application needs to be determined in conjunction with the related full planning application reference PT15/3892/F

1. THE PROPOSAL

1.1 This application seeks listed building consent for alterations to an existing building. The existing building is unauthorised and the alterations are requested to regularise the existing unacceptable situation and also to facilitate conversion of the building.

1.2 It is important to note that this application considered the proposed works to the building only – it does not seek to establish the use of the building as this is instead discussed through the full planning application PT15/3892/F. Furthermore, the granting of listed building consent does not make the existing building authorised.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012 & Historic Environment Planning Practice Guide.

Planning (Listed Buildings and Conservation Areas) Act 1990

3. RELEVANT PLANNING HISTORY

3.1 PT15/3892/F Change of use of agricultural barn to offices (Class B1a) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Associated full planning application – as yet undetermined.

3.2 PT07/1607/LB Change of use of agricultural barn to offices (Class B1).
Refused September 2007

3.3 PT07/1605/F Change of use of agricultural barn to offices (Class B1).
Refused September 2007

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council
No response received

4.2 Conservation Officer
No objections subject to the attachment of a series of conditions.

4.3 Local Residents
None Received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The only issue to consider in this application is the impact on the significance and historic architecture of the listed building. Section 16(2) of the Planning (Listed building and conservation area) act 1990 states that when determining a listed building application the local planning authority shall have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses.

5.2 Assessment

The application relates to a detached building that stands within the listed curtilage of Over Court Farm. The original building that stood on the site has been largely demolished and a new outbuilding has been erected on the same footprint but without the benefit of the necessary listed building or planning consents. The applicant's contends that the original outbuilding was restored rather than being a new building but your officers do not agree that this is the case. The existing building is therefore entirely unauthorised.

5.3 Judging from the previous reports of the building's condition and the photos showing the state of the external walls and roof structure, it was a building that was on the verge of collapse prior to its 'restoration'. The walls to the building were collapsing outwards and were being held up by temporary timber and breeze block buttresses; the roof timbers had rotted out at the bases and were no longer connected to the wall in numerous places, being supported by timber props; the dividing spine wall had lost a face of stonework and was clearly very damp, presumably as a result of the failed valley gutter; concrete had been used to stabilise wall tops but had the effect of rotting out the ends of the embedded rafters; and there were areas of blockwork and concrete shattering throughout the building. It was in parlous condition, and judging by the photos, any restoration or conversion would have necessitated a substantial amount of dismantling and rebuilding.

5.4 Looking at the historic OS maps, the side of the building closest to the farmhouse dated to at least the mid 19th century, with the shorter range at the back having been added late 19th/early 20th century. It formed part of the historic group of farm-buildings associated with Over Court Farmhouse and would have provided basic storage/animal shelter in an area closest to the fields. It was a building that would have been generally in keeping with its surroundings and the former agrarian character of the site but which had fallen into a state of serious disrepair.

5.5 The works that were completed without the benefit of listed building consent have been extensive and whilst they have endeavoured to respect the original form of the building, it has been deemed a new structure, reusing and incorporating materials from the original. There is, therefore, the issue of the building effectively being a new-build in the green-belt.

- 5.6 In terms of the completed works, certain aspects such as the use of materials and the detailing of the roof fall short of what should have been a 'repair' and what we would today have expected to see as part of any conversion. The clay tiles used on the roof are modern, machine made interlocking pantiles with a very rounded, uniform appearance that does not reflect the traditional character and qualities of the hand-made versions, and the roof has been 'beefed' up in terms of its depth, leading to a deep eaves which appears too heavy for a simple outbuilding. Internally, the spine wall has been rebuilt as piers of stone faced blockwork, with the stone face alternating front to back which reinforces the perception that the building has been heavily altered. The original floor covering of brick setts has also been removed. One slight positive is that the roof structure has, however, been mostly retained and repaired (albeit cleaned) and the gables have been repaired (possibly rebuilt in areas) using the original materials. The building, despite its flaws, still makes a contribution to the agricultural character and setting of the site and the issues over the roof build-up, eaves and tile covering could be overcome with further work.
- 5.7 The proposal to convert the building to offices would retain it as part of the courtyard setting of the main listed building and would see it used as open plan offices and meeting room along with a small kitchen & WCs. The proposal is to introduce part glazed openings to each and every bay on the southwest elevation, and introduce a slightly revised screen on the north east elevation with the last 3 bays given a more solid treatment of vertical cladding. The roof tiles would be changed to second hand double roman tiles to match the other converted farm buildings in the site and conservation rooflights introduced on the valley side of the rear range to light the corridor.
- 5.8 The design has been revised following pre-application consultations and it is now in a form that the conservation officer considers sympathetic to the character of the building and the setting of the listed farmhouse. Each bay is divided into two glazed panels, with every 4th panel being a timber clad panel with secret ventilation panel. Large scale details of this will need to be secured via condition. The roof tiles are being replaced with traditional clay pantiles and the insulation is being redesigned so as to reduce the bulkiness at the eaves of the building. This is acceptable in principle, but a condition ensuring the retention of the existing stone tiles is necessary. Details such as the venting requirements for the boiler room/WCs and kitchen are not covered but will be condition for subsequent approval.
- 5.9 To conclude, the proposal is considered acceptable in principle subject to the improvements to the roof covering and construction, along with other enhancements to mitigate the effect of the initial conversion being completed in accordance with the submitted drawings. As the building in its current form is unacceptable, a condition will be attached to secure that the physical works are completed within a set time frame. Through negotiation with the applicants, it has been agreed that all physical improvement works will be completed by 31st December 2016.

6. CONCLUSION

- 6.1 The decision to grant listed building consent has been taken having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and government advice contained in the National Planning Policy Framework and Historic Environment Planning Practice Guide.

7. RECOMMENDATION

- 7.1 That the application be approved subject to conditions on the conditions below.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

1. All physical improvement works to the fabric of the existing building must be fully completed by 31st December 2016.

Reason

To ensure that the existing unauthorised and unacceptable building is fully restored to a suitable condition in a timely manner in accordance with the requirements of Policy L13 of the South Gloucestershire Local Plan (Adopted), Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) and the requirements of the NPPF.

2. A sample panel of pointing, demonstrating the colour, texture and finish shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the pointing is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure that the existing unauthorised and unacceptable building is fully restored to a suitable condition in accordance with the requirements of Policy L13 of the South Gloucestershire Local Plan (Adopted), Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) the requirements of the NPPF and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Samples of the roofing and external facing materials (including cladding) proposed to be used shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the existing unauthorised and unacceptable building is fully restored to a suitable condition in accordance with the requirements of Policy L13 of the South Gloucestershire Local Plan (Adopted), Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) the requirements of the NPPF

and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. For the avoidance of doubt, the stone eaves course on the southwest elevation shall be retained and incorporated into the new roof covering and construction.

Reason

To ensure that the existing unauthorised and unacceptable building is fully restored to a suitable condition in accordance with the requirements of Policy L13 of the South Gloucestershire Local Plan (Adopted), Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) the requirements of the NPPF and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. The replacement of the unauthorised roof tiles, the lime plastering of the internal spine wall and the repointing of the natural stone walls with lime mortar shall be completed to the satisfaction of the local planning authority prior to first use of the building, in accordance with the approved samples and in accordance with the approved drawings.

Reason

To ensure that the existing unauthorised and unacceptable building is fully restored to a suitable condition in accordance with the requirements of Policy L13 of the South Gloucestershire Local Plan (Adopted), Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) the requirements of the NPPF and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Specifications for the proposed lime pointing mortar and lime plaster, and method statements for their use (including removal of cement mortars) shall be submitted to and approved in writing by the local planning authority before the relevant parts of the work are commenced. All work must be carried out exactly in accordance with the details agreed.

Reason

To ensure that the existing unauthorised and unacceptable building is fully restored to a suitable condition in accordance with the requirements of Policy L13 of the South Gloucestershire Local Plan (Adopted), Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) the requirements of the NPPF and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. For the avoidance of doubt, the cills to the external glazed screens shall be in oak, not reconstituted stone

Reason

To ensure that the existing unauthorised and unacceptable building is fully restored to a suitable condition in accordance with the requirements of Policy L13 of the South Gloucestershire Local Plan (Adopted), Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) the requirements of the NPPF

and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. The detailed design including materials and finishes of the following items shall be approved in writing by the local planning authority before the relevant parts of the work are commenced:
 - a. all new internal and external doors including frames, architraves and door furniture & fittings
 - b. all new windows, glazed screens and wall panels (including cill and head details)
 - c. all new vents and flues
 - d. Internal partitions
 - e. Internal floor coverings

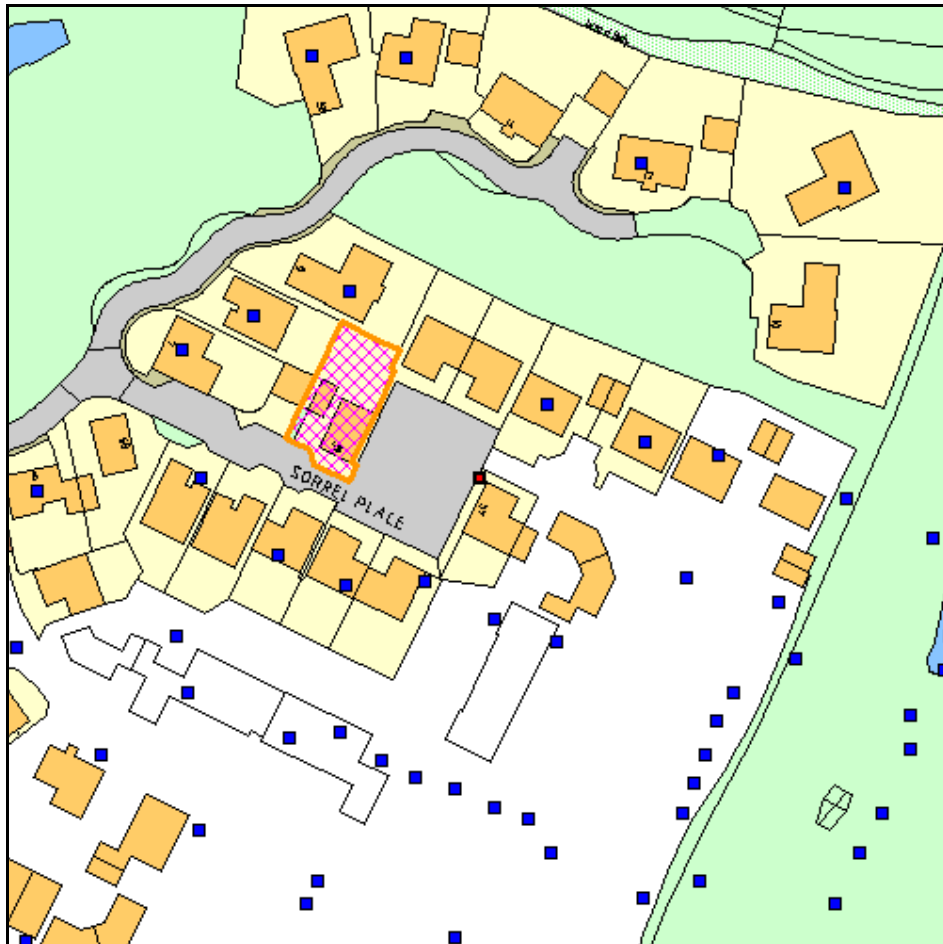
The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall thereafter be implemented strictly in accordance with the agreed details

Reason

To ensure that the existing unauthorised and unacceptable building is fully restored to a suitable condition in accordance with the requirements of Policy L13 of the South Gloucestershire Local Plan (Adopted), Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) the requirements of the NPPF and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

CIRCULATED SCHEDULE NO. 46/15 – 13 November 2015

App No.:	PT15/4286/CLP	Applicant:	Mr And Mrs Robinson
Site:	58 Sorrel Place Stoke Gifford South Gloucestershire BS34 8AR	Date Reg:	6th October 2015
Proposal:	Application for a certificate of lawfulness for the proposed erection of conservatory to side elevation.	Parish:	Winterbourne Parish Council
Map Ref:	362726 179093	Ward:	Winterbourne
Application Category:		Target Date:	26th November 2015



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 100023410, 2008. N.T.S. PT15/4286/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed side conservatory at 58 Sorrel Place in Stoke Gifford would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 After reviewing the property's planning history for the site, it is clear that the relevant householder permitted development rights are intact and are, therefore, exercisable.
- 1.4 The application is for a proposed side conservatory which will extend 4 metres beyond the side elevation of the existing dwelling, with a width of 3.25 metres and a maximum height of 3.5 metres (2.5 metres from ground level to eaves height; however, the ground level to eaves height is dimensioned at 2.66 metres on the proposed drawing because the agent has included the conservatory guttering).
- 1.5 Following a site visit, a request was made to the agent to amend the proposed drawing to show the gradient of the existing site. It was evident at the site visit that the ground sloped noticeably down away from the dwelling, but this was not shown in the proposed drawing. A revised proposed drawing was submitted by e-mail to the Case Officer on 23/10/2015.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/1302/RM Approve with Conditions 19/09/2012
Erection of 166 dwellings (Use Class C3), with parking, landscaping and associated works. (Approval of reserved matters to be read in conjunction with outline planning permission PT06/1001/O).

- 3.2 PT06/1001/O Approve with Conditions 19/12/2007
Residential development on 39.57 hectares of land (Outline) with infrastructure, public open space and ancillary facilities. Means of access to be determined, all other matters reserved.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No Objection

- 4.2 Archaeological Officer
The application affects an area of Stoke Gifford which was the subject of archaeological evaluation prior to the development taking place. No further archaeological work is required.

- 4.3 Councillor Martin Manning
One letter with general comments received summarised below:
- Applicant has informed the Councillor that he has checked with the builder that the property's permitted development rights were intact.
 - A similar structure has been built nearby.

Other Representations

- 4.4 Local Residents
No Comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Block Plan; Site Plan; Existing Ground Floor Plan and Elevations (Sheet 1 of 2)
– all received on 01/10/2015. Revised Proposed Ground Floor Plan and Elevations (Sheet 2 of 2) – received on 23/10/2015.

6. ANALYSIS OF PROPOSAL

- 6.1 Principle of Development
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.
- 6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO 2015.

6.3 The proposed development consists of a conservatory to the side of property. This development would fall within Schedule 2, Part 1, Class A, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

A.1 Development is not permitted by Class A if –

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under classes M, N, P or Q of Part 3.

- (b) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**

The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**

The height of the side conservatory would not exceed the height of the highest part of the roof of the existing dwellinghouse.

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

The height of the eaves of the side conservatory would not exceed the height of the eaves of the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**

- (i) forms the principal elevation of the original dwellinghouse;
or
(ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The conservatory does not extend beyond a wall which fronts a highway or the principal elevation of the original dwelling house.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached**

- dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

The proposal does not extend beyond the rear wall of the original dwellinghouse.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

Not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
 - (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The conservatory would be single storey.

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The conservatory would be within 2 metres of the boundary. However, the eaves would not exceed 3 metres in height.

- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**
 - (i) exceed 4 metres in height,**
 - (ii) have more than a single storey, or**
 - (iii) have a width greater than half the width of the original dwellinghouse.**

The proposal extends beyond the side elevation of the original dwellinghouse, is single storey, has a maximum height of 3.5 metres, and does not have a width greater than half the width of the original dwellinghouse.

- (k) It would consist of or include—**
 - (i) the construction or provision of a veranda, balcony or raised platform,**

- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse.

The development would not include any of the above.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

The application site does not fall on article 2(3) land.

A.3 Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The proposal is for a side conservatory.

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

Not applicable.

- (c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not applicable.

7. RECOMMENDATION

- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Helen Braine
Tel. No. 01454 868388

CONDITIONS

1. Evidence has been provided to demonstrate that the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.