



**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. 34/18

Date to Members: 23/08/2018

Member's Deadline: 30/08/2018 (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.

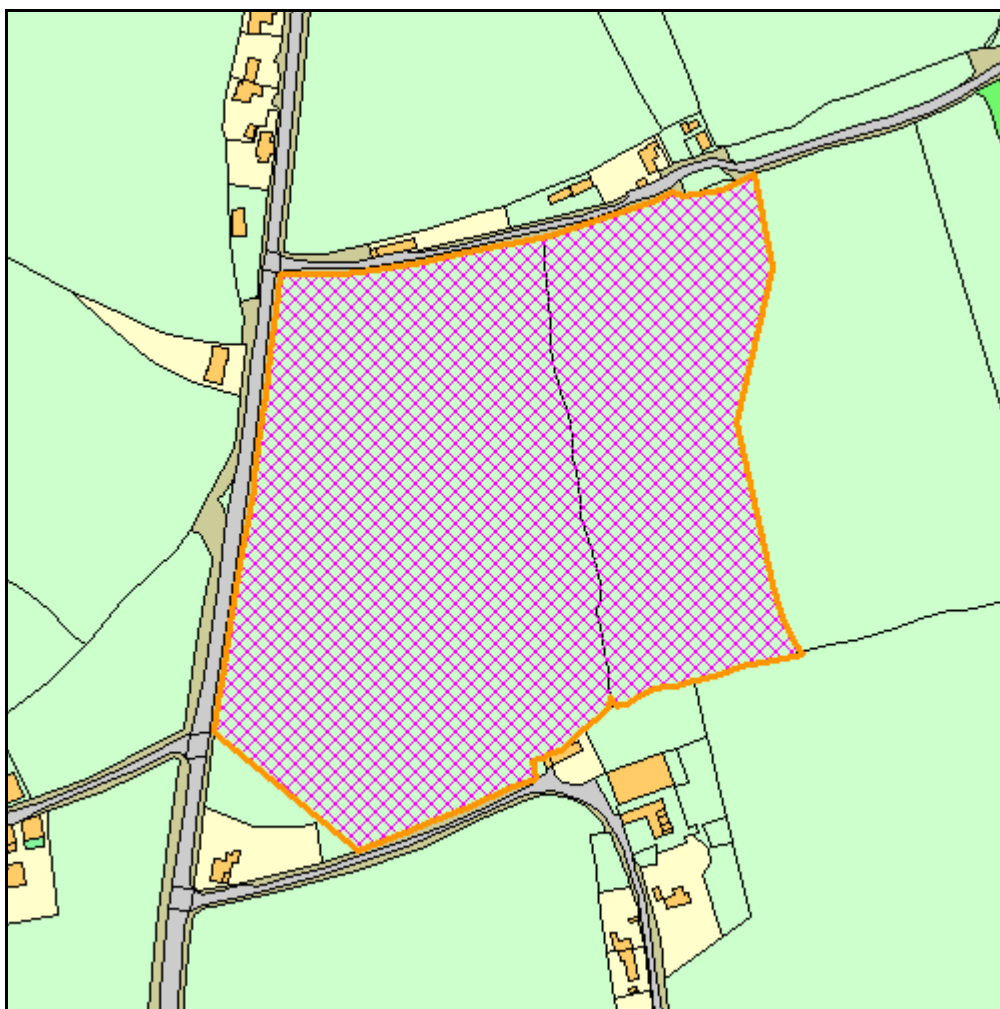
CIRCULATED SCHEDULE 23 August 2018

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/4552/O	Approve with Conditions	Land South Of Horwood Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8NY	Ladden Brook	Wickwar Parish Council
2	PK18/1604/O	Approve with Conditions	Land At 59 Court Farm Road Longwell Green South Gloucestershire BS30 9AD	Longwell Green	Hanham Abbots Parish Council
3	PK18/2705/F	Approve with Conditions	10 Victoria Street Staple Hill South Gloucestershire BS16 5JS	Staple Hill	None
4	PK18/2796/F	Approve with Conditions	10 Cowhorn Hill Oldland Common South Gloucestershire BS30 9QU	Oldland	Bitton Parish Council
5	PK18/2989/F	Approve with Conditions	245 New Cheltenham Road Kingswood South Gloucestershire BS15 4RJ	Kings Chase	None
6	PK18/3160/CLP	Refusal	83 Stanshawe Crescent Yate South Gloucestershire BS37 4EE	Yate Central	Yate Town
7	PK18/3227/F	Approve with Conditions	142 Bath Road Willsbridge South Gloucestershire BS30 6EF	Bitton	Bitton Parish Council
8	PT18/1459/F	Approved Subject to	Land South Of Merlin Road South Gloucestershire Cribbs Causeway BS10 7UD	Patchway	Almondsbury Parish Council
9	PT18/2480/F	Approve with Conditions	14 Crantock Drive Almondsbury South Gloucestershire BS32 4HG	Almondsbury	Almondsbury Parish Council
10	PT18/2747/O	Approve with Conditions	East View Bagstone Road Rangeworthy Wotton Under Edge South Gloucestershire GL12 8BD	Ladden Brook	Rangeworthy Parish Council
11	PT18/2785/O	Approve with Conditions	Land South Of The Lodge Bagstone Road Rangeworthy Wotton Under Edge South Gloucestershire GL12 8BD	Ladden Brook	Rangeworthy Parish Council
12	PT18/2880/F	Approve with Conditions	14 Charles Road Filton South Gloucestershire BS34 7ET	Filton	Filton Town Council
13	PT18/3056/F	Approve with Conditions	34 Bourne Close Winterbourne South Gloucestershire BS36 1PL	Winterbourne	Winterbourne Parish Council
14	PT18/3189/CLP	Approve with Conditions	5 The Nurseries Tytherington Wotton Under Edge South Gloucestershire GL12 8QP	Ladden Brook	Tytherington Parish Council

CIRCULATED SCHEDULE NO. 34/18 – 23 AUGUST 2018

App No.:	PK17/4552/O	Applicant:	Mr Gladman Developments
Site:	Land South Of Horwood Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8NY	Date Reg:	6th October 2017
Proposal:	Erection of up to 90 residential dwellings with public open space, landscaping, sustainable drainage system and vehicular access from Sodbury Road (Outline) with access to be determined. All other matters reserved.	Parish:	Wickwar Parish Council
Map Ref:	372449 187229	Ward:	Ladden Brook
Application Category:	Major	Target Date:	3rd January 2018



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PK17/4552/O

UPDATE REPORT RELATING TO PK17/4552/O LAND SOUTH OF HORWOOD LANE WICKWAR

1.0 INTRODUCTION

- 1.1 Members will recall that this application was heard by the Development Control (East) Committee on 3rd May 2018.
- 1.2 The application (PK17/4552/O) sought outline consent for the erection of up to 90 dwellings with the access to be determined. All other matters were reserved for future consideration (layout, scale, appearance and landscaping). The site access was shown from Sodbury Road.
- 1.3 The submitted details showed an illustrative layout and landscaping, informal open space and surface water attenuation. The site comprised 5.83 ha of which 2.57 ha (approximately 44%) would comprise built form and the remainder 3.26ha would be of Green Infrastructure, largely on the eastern side of the site comprising green space. The indicative plan showed an equipped play area, planting, hedgerows, (all existing trees are to be retained and hedgerows are to be largely retained apart from at the access), wetland area and allotments. The application site lies immediately to the east of the Sodbury Road and is outside of the settlement boundary of Wickwar (which runs along Poplar Lane to the north).
- 1.4 To the immediate north of the site between Horwood Lane and Poplar Lane outline consent for the erection of up to 80 dwellings was given in May 2017 and the Reserved Matters given consent in June 2018 (PK17/5966/RM). The applicant at the outline stage is the same organisation/company for both sites (Gladman Developments Ltd) however this site to the north is now in the ownership of the developer (Bellway Homes Ltd South West) who intend to implement the development.
- 1.5 The resolution on the 3rd May 2018 made by the Development Control (East) Committee was to grant permission subject to a S106 agreement for affordable housing, home to school transport for secondary school pupils, improvements to Public Rights of Way and Infrastructure, Highways works and Infrastructure and On-site and Off-site Open space provision and sports facilities and 22 Planning Conditions.

2.0 ASSESSMENT

- 2.1 This is an update report to consider a change that has arisen since the resolution to grant permission and during the S106 negotiations with the applicant. As the S106 has not yet been signed, under the Council Constitution it is possible to re-visit the terms by submitting the details for consideration under the Circulated Schedule process. Members can view the original Committee Report on the Council website.
- 2.2 As indicated in 1.4 above, the application site lies to the south of a site where at the time that this application was considered by members on 3rd May 2018 outline consent (PK16/4006/O) had been given for up to 80 dwellings and associated works, with the access determined.

- 2.3 In order to ensure connectivity to the existing settlement of Wickwar and its facilities a 3 metre wide multi-user link was indicated on the indicative layout for the development to the north of this site PK16/4006/O and PK17/5966/RM. A condition was also attached to that decision requiring the provision of the link prior to the first occupation of the development.
- 2.4 In considering application PK17/4552/O, Officers were concerned that an unsatisfactory situation could arise where approval was given for the proposal for 90 dwellings on Land to the South of Horwood Lane without the link on the site to the north being provided should the development to the north for some reason not take place.
- 2.5 For this reason the following item was included in the approved “Heads of Terms” in order to safeguard against this happening.

Should the matters listed below, itemised in the S106 signed 23rd May 2017 attached to Planning Consent PK16/4006/O (Land South of Poplar Lane) not be secured, they shall be provided as part of the S106 associated with the current application (PK17/4552/O).

- *A three metre wide public footway / cycleway along the length of the application site, parallel to Sodbury Road from Horwood Lane to close to Poplar Lane.*

Thus the applicant for the development of up to 90 dwellings would be responsible for the provision of the link on the site to the north should that development not take place.

- 2.6 Since the approval of application PK17/4552/O on 3rd May 2018, the following has taken place at the site to the north:
- A reserved matters consent has been granted (PK17/5966/RM - 29th June 2018))
 - Pre-commencement conditions have been discharged
 - The site is now no longer within the ownership of Gladman Developments Ltd but has been transferred to the ownership of Bellway Homes Ltd (South West).
 - Press releases and marketing of the site is underway, with work commencing shortly it is understood
- 2.7 As a result of the circumstances as set out in 2.6 above Officers no longer consider that the S106 requirement as set out in 2.5 above would either be necessary or reasonable, two of the tests for a planning obligation as set out in Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010.

Firstly Officers are satisfied that there is a very reasonable prospect that development will take place and secondly Officers are satisfied that the link will be provided by the owner of the site as part of the development as this is a requirement of a planning condition. Lastly given that the site to the north is now no longer in the ownership of Gladman Developments, the applicant is no longer in a position to provide the link as it would take place over third party ownership.

3.0 **RECOMMENDATION**

That the Local Planning Authority agree to release the obligation to provide the link and that the resolution to grant Planning Permission is subject to the following;

- 3.1 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:

a) **Affordable Housing**

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF (based on 90 dwellings 32 homes should be provided as affordable).
- Tenure split consisting of 73% social rent and 27% intermediate (to be delivered as shared ownership) i.e. 23 social rent and 9 shared ownership.
- In all other respects the development shall comply with the requirements as set out in para 5.15 above

Reason:

To accord with Policy CS18 of the South Gloucestershire Core Strategy 2013 and the Affordable Housing and Extra Care SPD 2014

b) **Transport to School**

- A financial contribution of £223,440 towards the costs of providing home to (secondary) school transport

OR if transport costs are combined with the previously granted consent to the north (PK16/4006/O)

- A financial contribution of £258,0200 towards the costs of providing home to (secondary) school transport

Reason:

To accord with Policy CS6 and Policy CS23 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013

c) **Public Rights of Way**

- £4300 towards the diversion order for Footpath LWR/22 to recognise its route around and not through the curtilage of Pincots Cottage.
- £4300 towards the diversion order for Footpath LWR21A to link to the path to the north of Horwood Lane
- £1400 towards upgrading path furniture to include BS compliant accessible gates or kissing gates improvement for Public Rights of Way LWR22 and LWR/21A.

Reason:

To accord with Policy CS1, CS6 and CS8 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP10 of the South Gloucestershire Policies Sites and Places Plan 2017

d) On and Off-Site Public Open Space and Sports Facilities

The following minimum amounts shall be provided on site

- On-site provision of 2484 sq.m of Informal Recreational Open Space
- On-site provision of 3240 sq.m of Natural and Semi-Natural Open Space (which will include surface water infrastructure)
- On-site provision of 540 sq.m of provision for children and young people (equipped children's play areas, including provision for young people)
- On-site provision of 432 sq.m of allotments
- On-site Informal Recreational Open Space, Natural and Semi-Natural Open Space, Children's and Young People provision and Allotments to be privately managed and will be subject to a Management and Maintenance Scheme. 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.
- £173,424.15 towards off-site provision and/or enhancement of Outdoor Sports facilities (King George V Playing Fields Wickwar) and £52,489.73 towards the maintenance of this provision.

Reason:

To accord with Policy CS6 and CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted)

e) Highways Works and Infrastructure

- 1) Should the matters listed below, itemised in the S106 signed 23rd May 2017 attached to Planning Consent PK16/4006/O (Land South of Poplar Lane) not be secured, they shall be provided as part of the S106 associated with the current application (PK17/4552/O).
- Provision of a financial contribution of £345668 towards highway and infrastructure improvements in Wickwar – the works to be carried out with this financial contribution many include provision for a new footway along the western side of Sodbury Road between “the Timber Yard” and Firth Lane, and towards provision of other footway improvements such

as through the shuttle signal section as well as improvements to the existing local bus stops and provision of a new bus stop OR as otherwise agreed in consultation with the Local Member and the Parish Council

2) The construction of a new access to the Council's adoptable standards together with minimum visibility splays of 2.4m by 43m including a 3m wide footway along the whole site frontage on Sodbury Road as shown on 7742 L02 F (Development Framework). The said footway shall be connected to the existing footway network in the area together with all associated highway works including lighting, drainage, kerbing of the road edge along the site frontage and signage with all details first to be agreed with the Highway Authority.

- The submission prior to the commencement of development of a Travel Plan. With the development proceeding in accordance with the approved Travel Plan. For avoidance of doubt the Travel Plan shall include measures to reduce single occupancy car use (car club), realistic modal shift targets, and a monitoring regime, together with mitigation measures in the event that targets are not met. Reason to reduce the impact of the development on the local and strategic highway networks. This obligation will require confirmation of the way the Travel Plan is to be managed.

In addition in support of the Travel Plan the following shall be provided:

£375 per dwelling (£33750 in total for 90 dwellings) towards the administration and management of the Travel Plan by South Gloucestershire Council and £200 of sustainable transport vouchers.

- The payment to the Council of its reasonable costs in connection with any traffic regulation orders or consultation procedures required for the development or the highway works and carryout forthwith any consequent physical works including associated works

Reason:

To accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy PSP11 of the South Gloucestershire Local Plan Policies, Sites and Places Plan November 2017.

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

Contact Officer: David Stockdale
Tel. No. 01454 866622

CONDITIONS

1. Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

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

2. 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).

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

4. The development hereby permitted shall be carried out in accordance with the principles and parameters set out in the design and access statement dated September 2017 and no part of the development shall exceed 2.5 stories (9 metres) in height above existing ground level.

Reason

To ensure that the proposed development remains of an appropriate scale, in keeping with the character of the surrounding area, in accordance with the requirements of Policies CS1 and CS9 of the adopted South Gloucestershire Local Plan Core Strategy 2013.

5. Approved Plans

This decision relates only to the plans identified below:

Received 29th September 2017

7742-L03-B Site Location Plan
4746/38/03 Proposed Junction Layout

Received 15th March 2018

7742 L 02 F Development Framework

Reason:
For the avoidance of doubt

6. Sustainable Urban Drainage

The reserved matters details referred to in condition 1 shall include full details of a Suds (Sustainable Urban Drainage System) e.g. soakaways (if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection will be required to be submitted with the Reserved Matters Application for approval.

The submitted details will be required to include the following:

A clearly labelled drainage layout plan showing the pipe networks and the location of the attenuation pond and conveyance swales (if ground conditions are satisfactory). The plan should also show any pipe node numbers referred to within the drainage calculations.

Drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus a percentage for climate change storm event

Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus 30% climate change storm event.

A plan showing the cross sections and design of the attenuation ponds and its components (to include an all-around access track for maintenance).

A drainage layout plan showing exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.

A manhole / inspection chamber schedule to include cover and invert levels.

Details of the maintenance regime in relation to the Surface Water Network and components such as the Attenuation Pond and Flow Control Devices.

Reason

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 and the National Planning Policy Framework.

7. Construction Method Statement

Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with approved details. For the avoidance of doubt, the Statement shall include details of:

- (i) The hours of working
- (ii) The parking of vehicles of site operatives and visitors
- (iii) Loading and unloading of plant and materials

- (iv) Storage of plant and materials used in constructing the development
- (v) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (vi) Wheel washing facilities
- (vii) A detailed Dust Management Plan (DMP), with measures to control the emission of dust and dirt during construction
- (viii) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason:

In order to protect the amenity of the area during the construction period and in the interests of highway safety to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework 2012.

A pre-commencement condition is needed in order to avoid the need for future remedial action.

8. Construction Environmental Management Plan

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

Reason:

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy 2013

This will be integral to the development and will need to be agreed prior to the commencement of work to avoid the need for remedial action.

9. Ecology (Habitat boxes)

Prior to the first occupation of the development, the location, number and type of habitat boxes for birds (including house sparrow and swift), bats and dormice shall be submitted to the local planning authority for approval in writing. The approved details shall be carried out in accordance with the approved details.

Reason:

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy 2013.

10. External Lighting

Prior to the installation of any external lighting, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a. Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason:

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy 2013.

11. Landscape and Ecological Management Plan

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The LEMP shall be written in accordance with BS42020. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason:

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy 2013.

12. Contamination

A. A preliminary risk assessment (Phase I desk study) submitted to the Local Authority in support of the application has identified that unacceptable risks exist on the site, as represented in the Conceptual Site Model. Prior to the commencement of development a further scheme of detailed investigation shall be carried out by a suitable competent person to more fully ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water

and plant growth. A report to address those unacceptable risks identified shall be submitted prior to the commencement of the development for the written approval of the Local Planning Authority, led by the findings of the preliminary risk assessment, and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy).

The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures.

B. Verification Strategy - Prior to occupation, where works have been required to mitigate contaminants (under section A) 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 with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

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

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

Reason

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.

A pre-commencement condition is needed in order to avoid the need for future remedial action.

13. Public Art

The reserved matters details referred to in condition 1 shall include full details for a unique site specific integrated public art scheme including but not limited to detailed

designs, timescales and triggers. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note.

Reason:

To protect the character, distinctiveness and visual amenity of the site and the surrounding locality; and to accord with Policy CS23 - Community Infrastructure and Cultural Activity and Policy CS1 - High Quality Design Point 7 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013).

14. Trees

The landscaping details submitted pursuant to condition 1 shall include the submission of an Arboricultural Implications Assessment, Arboricultural Method Statement and a Tree Protection Plan for approval. The development shall be carried out in accordance with the approved details.

Reason:

To protect the health of the trees and thereby the character and visual amenity of the area to accord with Policy CS2 and CS9 of the adopted South Gloucestershire Local Plan Core Strategy 2013, Policy PSP2 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan November 2017 and the Trees on Development Sites SPD Adopted Nov 2005

15. Archaeology

The reserved matters details referred to in condition 1 shall include a programme of archaeological work and subsequent detailed mitigation, outreach and publication strategy, including a timetable for the mitigation strategy. The submitted details shall be approved in writing by the Local Planning Authority prior to the commencement of any work. For the avoidance of doubt the definition of work shall include any groundworks, including any exempt infrastructure, geotechnical or remediation works. Thereafter the approved programme of mitigation measures and method of outreach and publication shall be implemented in all respects.

Reason:

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

A pre-commencement condition is needed in order to avoid the need for future remedial action.

16. Multi-User Link

The reserved matters details to be submitted for approval referred to in condition 1 shall include full details of a 3 metre wide multi-user link to run from the north to the south of the site alongside the Sodbury Road (these details will include the necessary access points from the link). The approved details shall then be implemented prior to the first occupation of the development.

Reason:

To accord with Policy CS1 and CS8 of the adopted South Gloucestershire Local Plan Core Strategy 2013 and Policy PSP10 of the Policies, Sites and Places Plan Nov 2017 and the provisions of the National Planning Policy Framework 2012.

17. Noise Attenuation

The reserved matters details to be submitted for approval referred to in condition 1 shall include a scheme for the protection of the occupiers of the dwellings hereby permitted from road traffic noise to achieve British Standard 8233:2014 internal ambient noise levels. This scheme shall be submitted to and approved in writing by the Local Planning Authority.

All relevant works that form the approved scheme shall be completed before each of the dwellings hereby permitted are first occupied. The required internal noise levels are: living rooms 35dB LAeq 16-hour (0700 to 2300); bedrooms 30dB LAeq 8-hour (2300 to 0700). All habitable rooms must be afforded noise mitigation measures including appropriate glazing and ventilation so as to achieve the above standards. In addition the layout and/or mitigation measures employed shall achieve a general daytime noise level in rear gardens not exceeding 55dB LAeq 16-hour (0700 to 2300) free field measurement.

Reason

In order to protect the amenity of future occupiers of the development and to accord with Policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework 2012

18. Electric Vehicle Charging Points

The reserved matters details to be submitted for approval referred to in condition 1 shall include details of a scheme of Electric Vehicle charging points for each residential property. All Vehicle charging points shall be provided in accordance with the agreed details prior to the first occupation of each property.

Reason:

In order to reduce greenhouse gas emissions and to provide and promote the provision of sustainable travel options to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013.

19. Gas Fired Boilers

All gas fired boilers shall meet a minimum standard of <40mgNOx/kWh.

Reason:

In the interests of air quality and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013

20. North-Bound Bus Stop

The reserved matters details to be submitted for approval referred to in condition 1 shall include full details of a Northbound bus stop on Sodbury Road opposite the

development together with all associated works. For the avoidance of doubt the new bus stop at this location must include,

- a. Raised pavement to allow disabled access,
- b. A Bus shelter with Real-Time Passenger Information unit with the required electricity supply connected to the new bus shelter together with all associated works.

The bus stop shall be provided prior to the first occupation of the development in accordance with the approved details.

Reason:

In order to encourage travel options other than the private motor car and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013.

21. Safe Crossing Facility

The reserved matters details to be submitted for approval referred to in condition 1 shall include full details of an appropriate/safe crossing facility to the new Northbound bus stop with all associated works.

The safe crossing facility shall be provided prior to the first occupation of the development in accordance with the approved details.

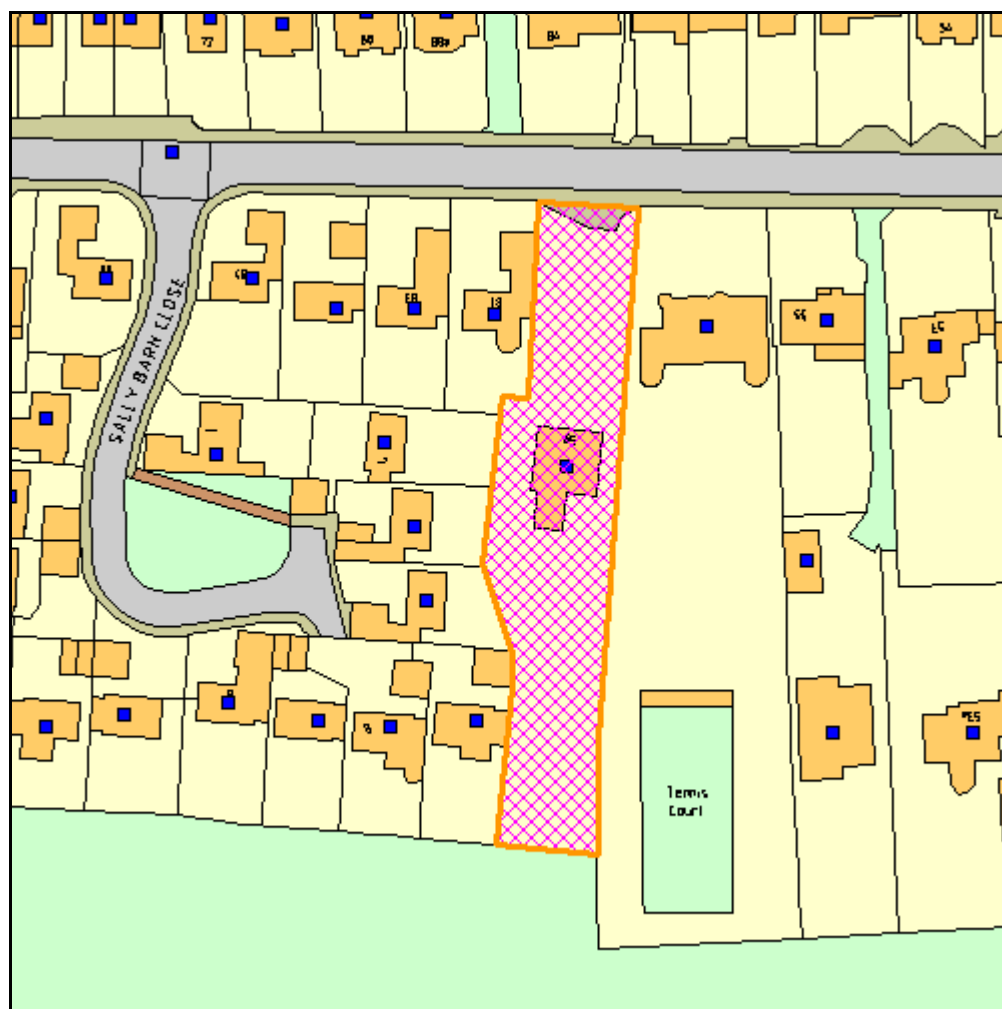
Reason:

In the interest of encouraging travel options other than the private motor car and in the interests of highway safety to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013.

22. As part of the reserved matters required by condition 1, information shall be submitted demonstrating how the development will reduce carbon dioxide emissions through the use of renewables and/or low carbon energy generation either on or near the site.

Reason

To reduce the environmental impact of development and to accord with Policy CS3 and CS4 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework, March 2012.

CIRCULATED SCHEDULE NO. 34/18 – 23 AUGUST 2018**App No.:** PK18/1604/O**Applicant:** Mr S DEW**Site:** Land At 59 Court Farm Road Longwell
Green Bristol South Gloucestershire
BS30 9AD**Date Reg:** 10th April 2018**Proposal:** Erection of 2no detached dwellings with
garages (outline) with access,
landscaping, layout and scale to be
determined**Parish:** Hanham Abbots
Parish Council**Map Ref:** 365544 170571**Ward:** Longwell Green**Application** Minor**Target** 5th June 2018**Category:****Date:**

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PK18/1604/O

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application is referred as a result of the concerns from neighbours and the Parish Council

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of 2 dwellings on land to the rear of no.59 Court Farm Road in Longwell Green. The original dwelling would remain and as such total number of dwellings at the site would rise to three overall. The application is in outline with access, landscaping, layout and scale to be determined; appearance is reserved.
- 1.2 The application site is a long residential garden which has its house located centrally such that this proposal seeks to insert one house at the front of the plot and one at the rear. Access will be provided to the site by widening the existing access and past the side of the original house. There are mature trees on site which have been surveyed and the report included for consideration. During the application the cedar tree on the frontage has been made the subject of a Tree Preservation Order. Existing residential development is situated to the east where planning permission is approved in the neighbouring garden and to the west where Sally Barn Close is located. An open field bounds the southern boundary.
- 1.3 Located within Longwell Green, the site falls within the East Fringe of Bristol Urban Area. The open fields to the rear form part of the Bristol and Bath Green Belt, but the site itself is not included within the designation.
- 1.4 Following negotiations, amended plans have been submitted to address highway concerns.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF) July 2018

- 2.2 Development Plans

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

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

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

PSP1 Local Distinctiveness

PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2014
Waste Collection: Guidance for New Developments SPD (Adopted) 2015

3. **RELEVANT PLANNING HISTORY**

Nothing relevant on the application site but the following relate to the neighbouring site at 57 Court Farm Road.

- 3.1 PK17/4284/O Erection of 5no. dwellings (Outline) with access, landscaping, layout and scale to be determined, all other matters reserved. Approved 09.02.2018
- 3.2 PK18/1785/RM Erection of 5no dwellings with appearance (approval of reserved matters to be read in conjunction with Outline planning permission PK17/4284/O). Approved June 2018

4. **CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council
No in principle objection:
But some concern about impacts on 1 and 5 Sally Barn Close and that materials are in keeping with the character of neighbouring properties.

4.2 Other Consultees

Environmental Protection
Investigative/remedial land contamination condition recommended

Lead Local Flood Authority
No objection in principle – query method of SUDS

Sustainable Transport
Further to the amended plans – no sever impact....Condition vehicular access/manoeuvring and parking spaces.

Archaeology Officer
No comment

Ecology Officer

Compliance with habitat survey condition recommended plus informative advising of breeding birds

Tree Officer

No objection subject to the works complying with the Arboricultural report and details of pile and beam foundation for house one as part of an amended arb report.

Housing Enabling

No objection

Other Representations

4.3 Local Residents

Three letters of objection were received in relation to the following concerns

- Concern for residential amenity and quality of life at adjacent properties
- Loss of privacy
- Concern at size and scale and mass, proportions and position of houses.
- Concern that the proposal is 47% larger than the neighbour in Sally Barn Close
- Concern that the building lines are staggered from the neighbouring house
- The proposals have two points to access the rear garden whereas the neighbour has one.
- Concern at proposed height of house compared to existing neighbour.
- Conflicts with policy of PSP39 – concern for residential amenity which is exacerbated by the eastern part of the house being single storey.
- Sense of enclosure as a result of the proposal and the existing banking up to the field at the rear.
- Concern that the proposal could have a balcony and windows overlooking 5 Sally Barn Close
- Suggests alternative ways of developing the site.
- Suggests conditions regarding raising ground level, limitation of future extensions, prohibit pile foundations, prohibit full width balcony, prohibit windows facing writer and limit hours of working.
- Concerns about access to land to gutters, eaves, encroachment of foundations, maintained of fencing etc as set out in the neighbours Land Registry document.
- Concern that the size and design of the properties are not known. Considered to have an unneighbourly impact.
- Concern about access
- Insufficient parking
- Concerns that tree to proposed house relationship will have long term pressure on the Cedar tree.
- Concern for the stability of the neighbouring dwelling
- Concern that Human rights act is being breached. Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home

and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life.

- Concerns at cumulative impact of garden developments such as this on traffic and wildlife/trees/vegetation.
- Concern about noise
- Concern that a drive rather than a garden bounding the writers property will make their house less secure and as such seeks a higher fence which will also block view of garage and access road.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks outline planning permission for the erection of 2 additional dwellings on land at 59 Court Farm Road.

5.2 **Principle of Development**

The site lies within the existing urban area of the east fringe of Bristol where, under policy CS5, new development is directed. As such the principle of development in this location is acceptable, but significant weight will be given to the positive impact of additional housing given the Council's lack of 5-year land supply and any adverse impact will be balanced against this. The scheme must therefore demonstrate that it reaches a high standard of design, would not have unacceptable impacts on area character, landscaping, residential amenity, highway safety, wildlife, drainage and archaeology, or will be affected by land contamination. This analysis is set out in the report below.

5.3 **Layout, Scale and Landscaping**

While the detailed design is a reserved matter, a design and access statement was submitted to support the proposal in respect of the other matters of scale, landscaping, access and layout. Plans indicate the layout and access to the site acceptably and the tree survey adequately protects the one significant tree on site (now subject of a tree Protection Order). The design and access statement, in terms of scale, states only that the proposed height of the drawings will respect the adjacent dwellings and that there will be no major ground works. The agent has however since confirmed in writing that the ridge height will be no higher than 8m on either house. This is lower than the original indicative plans submitted with the proposal, on section plan AL(0) 200, is welcomed and would be acceptable in the street scene. This can be conditioned such that the reserved matters of appearance reflect this maximum height. The proposal also indicates the location of garaging and turning spaces for eth houses.

- 5.4 The buildings as proposed are 2-storey dwellings. Whilst there are a range of scales and heights of buildings (some bungalows such as 57 Court Farm Road, immediately next door) along the street scene it is anticipated that a maximum 8m height as specified would sit acceptably within the varied context of development and given the distance between that neighbouring bungalow and the proposed house fronting Court Farm Road.

- 5.5 In terms of the site layout each house will have two parking spaces and at least one garage space which demonstrates that the Council's parking standards can be achieved and a bin storage facility is also shown near the site access. The driveway to the side of the original house is 3.4m wide and gives adequate access for the one house which needs to be accessed at the rear. In terms of design, this is acceptable.
- 5.6 Concern has been raised that the scheme would adversely affect the character and appearance of the area. The character of the area is a mix of varying forms of houses; old, new, bungalows, houses, some set back from the road, others closer to the frontage like the house immediately next door which has as a large garage with the roof space having two dormer windows and a first floor link to the house. The area is not part of a designated character area and provided that the appearance of the houses area adequately designed in due course the proposal will not detract from the character or appearance of the area. The proposal would not affect the openness of the neighbouring greenbelt.
- 5.7 **Residential Amenity**
Development should not be permitted which has a prejudicial impact on residential amenity – this must consider that of existing occupiers and the living conditions of future occupiers of the proposed development. The number of bedrooms in the dwellings is not currently set, but four in each has been indicated. However, despite the concern of the Parish Council and local residents it is considered that the reserved matters will be able to use the basis of this outline application to provide a base/parameters for an appropriately designed scheme which will not materially detract from the residential amenity of neighbours by reason of mass or overlooking or loss of amenity. Adequate private amenity space is provided to serve the existing house and the proposed two dwellings.
- 5.8 Whilst Officers appreciate the concerns of local residents, given the layout proposed and the separation distances between neighbouring dwellings, it is considered that the majority of privacy levels would be retained and that there would not be any resulting overbearing impacts or loss of light, although it must be noted that these issues would be revisited under the determination of the reserved matters. This is aided by the agent identifying a maximum ridge height of 8m and the siting of the dwellings. The ground levels are not anticipated to change and details of the location of windows or other means of loss of privacy can be assessed in the reserved matters application. Notwithstanding this attention can be drawn in a condition to the need to give particular attention to the privacy of 5 Sally Barn Close where side windows and a potential balcony could pose intervisibility issues with that properties own balcony if west facing views are not carefully considered. A blanket withdrawal of any windows on the west side of house two is not considered necessary in this case.
- 5.9 As for concerns about noise and disturbance, the proposals are for residential use and are not anticipated to have a harmful impact on other houses. There will be some disturbance during construction but provided that the building

works are carried out at appropriate times this is not unreasonable. A working hours condition can adequately deal with construction working hours.

- 5.10 It is not doubted that local residents would be aware of the proposed development if it takes place. However, subject to working hours restrictions, it is concluded that living conditions would not be affected to an extent that warrants withholding approval of the scheme. A condition is attached to restrict hours of working.

5.11 **Access, Parking and Waste**

This scheme proposes the development of 2 detached houses within the front and rear gardens of 59 Court Farm Road. The existing house will remain. Whilst the application is in the form of an 'outline' application with access to be determined at this stage and with all other matters reserved, plans have been submitted showing details of parking and garaging for vehicles on site too. South Gloucestershire Council's parking standards for dwellings are set down in its SPD Residential Parking Standards. The minimum standard is 2 spaces for 4-bedroom units. Secure cycle parking can be accommodated within the garages or in the cycle sheds indicated on the plans. The scheme therefore complies with the standards.

- 5.12 The highways officer has commented on the scheme and the scheme was amended as a result to show that all vehicles can access and egress the site in forward gear and that two cars can pass each other across most of the site.

- 5.13 Whilst the egress from plot one garage is not ideal it is possible without entering the highway in reverse gear and two cars could be sited at the site on the hard standing shown. It would be more convenient to the future occupiers to have side by side parking and this has been suggested to the agent for when the reserved matters are dealt with. As such there is no refusal reason to the scheme in terms of parking and access.

- 5.14 The new driveway will remain a private road and as such a bin collection point is located close to the access.

- 5.15 Taking into account all the matters raised above, and subject to the vehicular access being completed in accordance with the approved details, it is concluded that there is no highway objection.

5.16 **Trees**

There are lots of trees in the garden and many will be retained, specifically these are the Cedar on the frontage, a group of trees between the original house and Sally Barn Close and trees at the far south of the garden. Others will be removed to facilitate the development. The Council's Tree Officer considers the tree survey (Hillside Trees Ltd., dated March 2018) submitted with the application to be a fair representation of the trees on the site. Other than the Cedar on the road frontage which is to be retained, none of the trees are of any real quality. The Tree Protection Plan and Method Statement are adequate for the safeguarding of the retained trees throughout the development although an amendment to the Arboricultural Method statement is

required in respect of part of the root protection area of the Cedar. This can be secured by condition. It is proposed to remove a large number of trees and, as mentioned within the tree report, significant mitigation planting should form the basis of a landscaping plan. As such there is no objection to the landscaping matters.

5.17 **Ecology**

An Ecological Survey has been submitted in support of the proposed application by Wessex Ecological Consultancy (August 2017). The ecology officer has assessed the report and their findings are summarised below:

Habitats:

- Amenity grassland – typical lawn grassland;
- Planted trees – mostly conifers and ornamental species, but also ash and a group of fruit trees including apple, plum and pear;
- Scattered scrub – hawthorn, ash and bramble dominate;
- Ornamental shrub – amongst ornamental planting are rank grasses and woodland species;
- Pond – evidence of some nutrient loading due to presence of some duckweed.

The grassland and trees are of limited value to wildlife, but the pond may be of some value to invertebrates. There are no designated sites that will be affected by this development. Cleeve Wood SSSI is lies 200m to the south and is designated for its population of Bath Asparagus. However, it is highly unlikely that the development will have any significant effect.

Species protected under the Conservation Regulations 2012 (European Protected Species) as well as the Wildlife & Countryside Act 1981 (as amended):

bats – The habitat is unlikely to be important for foraging or commuting due to its size and lack of linear features.

great crested newt (GCN) – The habitat is unlikely to be important for foraging or commuting due to its size and lack of linear features.

-

Species protected under the Wildlife and Countryside Act 1981 (as amended):

nesting birds – Common garden birds were observed during the site visit and are likely to use the more dense vegetation surrounding the garden. The report recommends only removing vegetation during the winter to avoid breeding bird season.

reptiles – A slow-worm was recorded under a stone along the eastern side of the garden. Habitat for this species is limited to the perimeter habitats. The report recommends a hand search within the garden prior to any works, with the need for reptile proof fencing should more than two individuals be found.

Badger Act 1992:

A path attributed to badger was observed crossing the garden, although it was considered to be seldom used. The report recommends covering open trenches overnight and capping any open pipework to prevent badgers becoming stuck.

-

- 5.18 Accordingly Officers conclude that there is no objection subject to the development being pursued in accordance with the Mitigation and Enhancement Section of the Ecology Survey Report (Wessex Ecological Consultancy, June 2017) and with the additional guidance of an informative regarding bird breeding times.

5.19 **Drainage**

The applicant proposes to dispose of surface water from the site via Sustainable Drainage methods. The detail of this can be submitted with the reserved matters.

5.20 **Land Contamination**

The historic use of land adjacent to the site as a quarry/landfill site may have caused contamination which could give rise to unacceptable risks to the proposed development. Conditions will therefore be imposed to ensure that the appropriate investigations and, if necessary, remediation is undertaken to satisfactorily deal with any contamination risks on the site.

5.21 **Other Matters**

The matter relating to access over land from neighbours to clear gutters, maintain fences etc and protection of neighbouring property during construction works are civil matters and is not a material consideration which should prohibit development.

5.22 **Consideration of likely impact on Equalities**

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

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

5.24 **Overall Planning Balance**

Having weighed up all the material considerations, it is concluded that, although there are material considerations weighing against the proposal, these

are outweighed by those in favour because they can be ameliorated by condition. In particular, significant weight is given to the fact that the NPPF indicates that, in the absence of a 5-year housing land supply, development proposals that accord with a development plan should be granted planning permission without delay. Officers are satisfied that the application site is in a sustainable location for housing development, not representing overdevelopment, and do not consider that there are any material considerations of sufficient weight to justify refusing planning permission.

5.25 Human Rights Act

A neighbor is concerned for their Human Rights under the ECHR. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed. As such this report is considered to adequately consider impacts on the neighbors' human rights and the matters have been dealt with proportionately.

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 Policies, Sites and Places Plan (Adopted) November 2017 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 **GRANTED** subject to the attached conditions:

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

1. Approval of the details of the appearance of the buildings (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

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 the condition above, relating to the appearance of any buildings to be erected, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

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

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

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. The reserved matters details of house two shall ensure that no direct overlooking of the neighbours balcony or house windows occurs as a result of the proposed house such that it would materially affect the privacy of that property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework.

6. The buildings hereby permitted shall not exceed 8.0m in height and have no more than two storeys.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and 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; and, the National Planning Policy Framework.

7. The development shall be carried out in accordance with the Tree Protection Plan and Method Statement dated March 2018 by Hillside Trees once it is amended to provide an updated Arboricultural Method Statement with details for the installation of the pile and beam foundations (and placement of the rig etc). The Arboricultural method statement shall also indicate that this will be carried out under a watching brief by the Arboricultural consultant. The amended Arboricultural Method Statement shall be submitted to and agreed in writing prior to commencement of the development.

Reason

To protect the character and appearance of the area and in the interests of local biodiversity, and to accord with Policies PSP2, PSP3 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework. This is a precommencement condition as later implementation could harm the trees subject of the condition.

8. Prior to the commencement of development a scheme of proposed landscaping to complement the retained trees and mitigate for those lost, inaccordance with condition 7 above, which shall include details of proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area and in the interests of local biodiversity, and to accord with Policies PSP2, PSP3 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

9. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. A detailed development layout showing the location of surface water proposals is required along with results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site. The development shall then be carried out in accordance with the approved details.

Reason

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, and to comply with Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

10. Prior to the occupation of the development two casual parking spaces for each property on site, independent of any garage space, shall be agreed as part of the reserved matters and these shall be subsequently maintained thereafter.

Reason

In the interests of highway safety, and to accord with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

11. Prior to occupation of the development, the off street vehicular turning and manoeuvring area within the site boundary shall be provided in order to ensure that vehicles can access and egress the site entrance in forward gear and this shall subsequently be maintained satisfactorily thereafter.

Reason

In the interests of highway safety, and to accord with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

12. All works must proceed in strict accordance with the Mitigation and Enhancement Section of the Ecology Survey Report (Wessex Ecological Consultancy, August 2017).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

13. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of neighbouring occupiers, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework.

14. Developments with the potential to be affected by land contamination

There is information to suggest historic use(s) of land within 250m of the site as a former quarry, landfill site and limeworks may have caused contamination which could give rise to unacceptable risks to the proposed development. In order to ensure that the site is suitable for its proposed use and in accordance with The National Planning Policy Framework, the following conditions are recommended for inclusion on any permission granted.

A) Desk Study - Previous historic uses(s) of land within 250m of the site may have given rise to contamination. No development shall commence until an assessment of the risks posed by any contamination shall have been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's Model Procedures for the Management of Land Contamination

(CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

B) Intrusive Investigation/Remediation Strategy - Where following the risk assessment referred to in (A), land affected by contamination is found which could pose unacceptable risks, no development shall take place until detailed site investigations of the areas affected have been carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems.

Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

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

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

D) Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework. This is required prior to commencement of development as there is the potential for contamination from land adjacent to the site which was previously used as a quarry/landfill site.

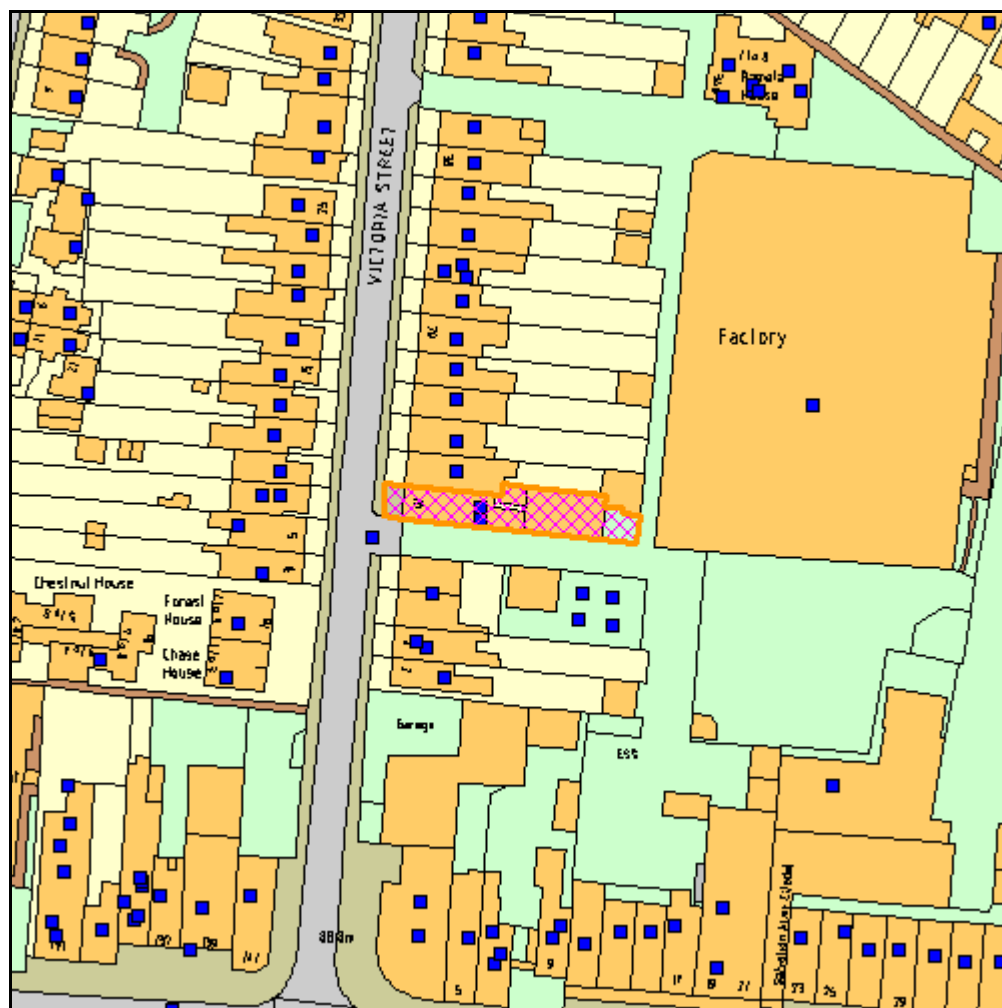
15. The development shall be carried out in accordance with the following considered plans.
AL(0)001 location plan
AL(0)100 existing site plan
Indicative cross section at rear of site AL(0)200 all received 4/4/2018

AL(L)120 Proposed plan received 4/6/2018
0852-003 Swept path analysis received 4/6/2018

Reason
For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 34/18 – 23 AUGUST 2018

App No.:	PK18/2705/F	Applicant:	Mr David Saunders
Site:	10 Victoria Street Staple Hill Bristol South Gloucestershire BS16 5JS	Date Reg:	3rd July 2018
Proposal:	Part demolition and alteration to existing property and outbuildings. Erection of 2 no. semi-detached dwellings with new access and associated works (Re submission of PK17/4712/F)	Parish:	None
Map Ref:	364933 176008	Ward:	Staple Hill
Application Category:	Minor	Target Date:	28th August 2018



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REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application is referred to circulated schedule due to objections which have been received that are contrary to the Officers recommendation.

A public consultation is currently being carried out. This will end on 12th September 2018. Should any new additional public comments representing material planning considerations be received during this time, these will be taken into account in Officers' assessment and the application will be placed on Circulated Schedule where necessary.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the part-demolition and alteration to existing property and outbuildings and the erection of 2no. 2-bedroomed semi-detached dwellings to the rear of 10 Victoria Street, Staple Hill. The site is located within the established urban area of the East Fringe of Bristol.
- 1.2 The site has some recent history; two previous proposals were refused (refs. PK17/3245/F and PK17/4712/F). These mainly related to concerns over design, the impact on nearby properties and parking concerns. Prior to submitting this application, a pre-application meeting took place. As a result of this, and to overcome previous refusal reasons, a number of alterations have been made, these are as follows:
 - Reduction in units from 3 to 2.
 - Moved built form toward the rear of the site and away from nearby occupiers
 - An area of private amenity space provided for each dwelling
 - Additional parking proposed
 - Cycle parking proposed for the proposed dwellings/commercial unit
- 1.3 The application site relates to a two-storey, end of terrace building which has rendered elevations and a tiled roof. The building currently provides 1no. commercial unit at ground floor alongside 2no. flats. To the rear of the property are a collection of adjoined, single storey outbuildings which are derelict and appear in a poor state of repair. It is proposed that the commercial unit and 2no. flats would remain, albeit with some internal renovation works. The outbuildings would largely be demolished.
- 1.4 Victoria Street is characterised by Victorian terraces which largely comprise natural stone and render elevations. The proposed 2no. dwellings would comprise part of the streetscene of Wathen Street. The immediate area is of mixed character. Opposite the application site there is a recently completed residential development of 4no. flats and associated private parking. There are also commercial businesses to the east.
- 1.5 Throughout the course of the application, it came to Officers attention that the flats opposite (1-4 Wathen Street) had not been consulted. This consultation is currently ongoing, and should any additional material planning considerations

be raised, the application will be re-considered and placed on Circulated Schedule again if necessary.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF) July 2018
National Planning Practice Guidance (NPPG)

2.2 Adopted 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
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe of Bristol Urban Area

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP37 Internal Space and Accessibility Standards for Dwellings
PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings.
PSP43 Private Amenity Space Standards

2.4 South Gloucestershire Supplementary Planning Documents

Residential Parking Standards SPD (Adopted) December 2013
Design Checklist SPD (Adopted) 2007
Waste Collection: Guidance for New Development SPD (Adopted) January 2015

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|--|------------------|------------|
| 3.1 | PRE18/0085 | Enquiry Complete | 08.03.2018 |
| | Construction of 3no. residential dwellings following demolition of existing dilapidated out-buildings. | | |
| 3.2 | PK17/4712/F | Refusal | 28.11.2017 |
| | Part demolition and alteration to existing property and outbuildings. Erection of 3 no. attached dwellings with new access and associated works (Re submission of PK17/3245/F) | | |
| 3.3 | PK17/3245/F | Refusal | 05.09.2017 |

Part demolition and alteration to existing property and outbuildings. Erection of 3 no. attached dwellings with new pedestrian access and associated works.

3.4 K963/2 Approval 15.09.1980
Change of Use of Premises from retail and residential to retail offices.

4. CONSULTATION RESPONSES

4.1 Highway Structures
No comment.

4.2 Lead Local Flood Authority
No objection in principle. The applicant should contact Wessex Water.

4.3 Sustainable Transport
No objection, subject to conditions. Detailed comments will be covered later within this report.

Other Representations

4.8 Local Residents
2no. objections were received by local residents. Comments summarised as follows:
- area already highly populated
- existing air pollution issues, which this will worsen
- concerns regarding construction period and related noise, litter, congestion etc
- concerns that the properties will increase the existing issue of litter/mess/road clutter etc.
- will impinge on access to the rear of properties along Victoria Street
- privacy/overlooking concerns
- block light to gardens
- out of character with surrounding area
- drainage concerns
- flytipping concerns at the existing site.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
The site is within part of the defined East Fringe of Bristol Urban Area. Policy CS5 directs development to established urban areas and defined settlement boundaries. As such, based solely on the location of the site, the principle of the development is acceptable. Notwithstanding this, it is recognised that, at present, the LPA is unable to demonstrate a five year land supply of housing. As such the provision of 2no. residential units represent a benefit of the scheme.

5.2 While the principle of the proposed development is acceptable under the provisions of Policy CS5, detailed matters relevant to this application will be assessed within this report.

5.3 Design and Visual Amenity

The current outbuildings at the site are derelict and unsightly. It is also noted that an element of the existing site has recently been prone to fly-tipping. As such their partial demolition would result in visual amenity improvements to the surrounding area. This is something that is supported in the NPPF, para 118, where it sets out that support should be given to the use brownfield land especially where it is degraded or derelict.

5.4 Victoria Street has a distinct Victorian terrace character, however, the immediate area surrounding the application site is varied. The proposal would involve the erection of 2no. semi-detached houses which are set to the rear of the site, adjacent to the road and moved away from the neighbouring boundary. They would be 1.5 storey in scale, with windows to the front elevations and rooflights to the rear. Information submitted states that the dwellings would be formed of a mix of rubble stone and timber clad elevations alongside brick detailing. Each dwelling would have 6no. windows and a front door to their front elevations, as well as 1no. window and patio doors to the rear elevation. The design is considered acceptable, in coming to this conclusion Officers are mindful of the mixed character of the surrounding area.

5.5 As aforementioned, the site is located within an established urban area, where higher density development is to be expected. It is considered that the reduction of units from 3no. to 2no. dwellings at this site now represents an appropriate density without compromising design quality, in accordance with the NPPF.

5.6 Given all of the above, it is considered that the development is acceptable with regard to design. This will be subject to a condition requiring details of external materials.

5.7 Residential Amenity

Future Occupants

5.8 Concerns were raised to previous schemes due to the lack of light and outlook to rooms. This scheme shows that each bedroom would now be provided with a window to the front. Additional light would also be provided at ground floor with windows to both the front and rear elevations. Given these alterations, it is considered that future occupiers would now be provided with sufficient amount of outlook.

5.9 The access to adequate amenity space can play an important role in the physical health, mental health and wellbeing of people. The development involves 2no. 1- bedroom flats and 2no. 2- bedroom houses. PSP43 sets out standards for private amenity space, these are as follows;

- 1 bedroom flat 5m²
- 2+ bedroom flat 5m² + private shared communal space
- 1 bedroom house 40m²
- 2 bedroom house 50m²

- 3 bedroom house 60m²
- 4+ bedroom house 70m²

5.10 The existing flats do not have any private amenity space provision and this would continue following the development. Plans show that both dwellings would be provided with a secure courtyard area, one of these would measure 17m² and the other would measure 9m². While it is acknowledged that the provision is sub-standard, it is recognised in the supporting text of PSP43 that the standards will be relaxed in higher density development in sustainable locations. In these instances it would be expected to see justification in terms of alternate provision of green space. The agent has provided details of such. Page Park is located approximately 200 metres away and provides 13 acres of public open space, which includes tennis courts, a sensory garden and community space. This alternate provision is considered to be acceptable in this instance.

Surrounding Occupants

- 5.11 As a result of previous concerns, built form has been moved towards the rear of the site and has also been moved away from the neighbouring occupiers' (No.12 Victoria Street) garden. There is existing structures/outbuildings which cover the majority of the existing site. The proposed dwellings would be approximately 2.4 metres higher than the existing buildings. This would clearly be a noticeable change to the nearest occupiers. However, the built form would be located 2.5 metres away from the shared boundary and partly adjacent to the neighbouring garage. As such, it is considered that it would not have an unacceptable overbearing impact.
- 5.12 In terms of natural light, the Amenity and Living Conditions Technical Advice Note (TAN) sets out the 45 degree test. This looks at the horizontal relationship with nearby occupiers. Under this test, no part of a building should break an angle of 45 degrees from the centre of a window in a room of primary living accommodation. When measuring from the neighbouring windows, the proposed development would be in accordance with the 45 degree test.
- 5.13 Comments received as part of the consultation process also stated that the development would result in overlooking and privacy concerns to nearby properties. However, Officers consider that the rear gardens of the properties to the north would not be overlooked. No windows (with outlook) are proposed to the rear of the dwellings at first floor. The nearest residential garden to the south is approximately 18 metres away. This is considered an acceptable distance. Accordingly, the introduction of the properties are considered unlikely to result in detrimental privacy issues.
- 5.14 Concerns were also raised in relation to the construction period, particularly with regard to noise. These concerns are noted and it is recommended that a condition is imposed to restrict construction hours, in order to protect the amenity of nearby occupiers.

5.15 Highway Safety

PSP16 sets out the minimum parking standards for new residential dwellings, these are as follows:

- 1 bed dwelling/flat/apartment - 1
- 2 bed dwelling/flat/apartment - 1.5
- 3 bed dwelling/flat/apartment - 2
- 4 bed dwelling/flat/apartment - 2
- 5 and 5+ bed dwelling/flat/apartment - 3

5.16 Previous proposals at the site proposed limited parking. The current scheme shows the creation of 4no. off-street parking spaces with one being designated for use by the commercial unit. The development would introduce 2no. additional 2-bedroom houses and therefore PSP16 requires that they are each provided with 1.5 off street parking spaces. In this instance, it is proposed that a total of 3no. parking spaces are proposed, which is in accordance with the Councils standards. The existing flats and commercial unit do not currently have any parking. As such, the development would result in an improvement to the existing situation, as 1no. off-street parking space would be provided for the commercial unit. The parking proposed is considered acceptable, subject to a condition to ensure it is in place prior to occupation of the dwellings.

5.17 In addition to the above, plans show that secure cycle storage would also be provided for the proposed dwellings and to the front of the commercial unit. This is also considered acceptable, subject to a condition to ensure it is provided prior to occupation of the dwellings.

5.18 Concerns were raised as part of the public consultation that the development would impinge on an existing rear access lane to properties along Victoria Street. The development would be constructed directly adjacent to this lane (to the east of the site), and therefore officers do acknowledge these concerns. However, plans show that the proposed dwellings would remain within the existing footprint of the structures/outbuilding and would not result in narrowing or impinging on this rear access lane.

5.19 Overall, the transportation officer considers the revised scheme acceptable with regards to highway safety, and no objection is raised to these matters.

5.20 Drainage

The Lead Local Flood Authority have reviewed the application, and have raised no objection in principle. However, they have stated that the proposals in relation to surface water run-off and foul sewerage disposal will be required to discharge into public mains systems. The applicant will be informed that Wessex Water will need to be contacted as part of this process.

5.21 The Planning Balance

The principle of development is in accordance with the development plan, and therefore paragraph 11 of the NPPF sets out that the development should be approved without delay. The NPPF sets out that there is a presumption in favour sustainable development. The assessment above has found that the

development would also be acceptable in the context of design, residential amenity and highway safety. As such, it is recommended that the development is approved, subject to conditions.

5.22 Other matters

Local residents commented that there would be noise, litter and congestion as part of the construction period. These matters would generally be covered by the Control of Pollution Acts. However, as aforementioned, a condition is proposed to restrict hours of working.

- 5.23 Concerns were also raised that the development would increase litter/road clutter and other mess on the road (Wathen Street). This is not a material planning consideration, and there is no certainty that this would occur. Should these issues arise following occupation of the proposed dwellings, this would be a matter directed to Environmental Health and enforcement would take place under alternate legislation.

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.
- 6.3 The recommendation to **grant** planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017, and 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 be **APPROVED** subject to the expiration of the public consultation period on 12th September and the receipt of no additional public comments representing new material planning considerations, and the conditions below.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

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. Materials to be agreed

Prior to the relevant stage of development samples of the roofing and external facing materials proposed to be used in the dwellings hereby permitted, 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.

3. Parking

The dwellings shall not be occupied until the vehicular and cycle parking arrangements have been completed, and made available, in accordance with the submitted Proposed Floor Plans (dwg no. 031, as received by the Council 5th June 2018). They shall be retained as such thereafter.

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.

4. Construction Hours

The hours of working on SITE B and SITE C during the period of construction shall be restricted to

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 site

Reason

To protect residential amenity during construction and to accord with the National Planning Policy Framework.

5. No windows

No windows other than those shown on the plans hereby approved shall be inserted at any time to the north (rear) elevations of the properties.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 34/18 – 23 AUGUST 2018

App No.:	PK18/2796/F	Applicant:	Mr Craig James
Site:	10 Cowhorn Hill Oldland Common Bristol South Gloucestershire BS30 9QU	Date Reg:	15th June 2018
Proposal:	Creation of new vehicular access (re-submission of PK17/4633/F).	Parish:	Bitton Parish Council
Map Ref:	367072 171933	Ward:	Oldland Common
Application Category:	Householder	Target Date:	7th August 2018



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PK18/2796/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as representation has been received which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the creation of a new vehicular access to 10 Cowhorn Hill, Oldland Common.
- 1.2 The application is a resubmission of previously refused application PK17/4633/F.
- 1.3 The application site consists of a two-storey semi-detached property on the west side of Cowhorn Hill. Planning permission is required because Cowhorn Hill is a classified highway.
- 1.4 Both No. 10 and No.12 Cowhorn Hill are under the ownership of the applicant.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/4633/F
Creation of new vehicular access.

4. **CONSULTATION RESPONSES**

4.1 Oldland Parish Council
No comments received

4.2 Bitton Parish Council
Objection- visibility for vehicles pulling out from the premises was very poor up the hill and that a driver would be unable to see vehicles or pedestrians approaching. There is no pavement on the other side of the road so the pavement on this side is well used.

4.3 Sustainable Transport
We note that this planning application seeks to construct an access to 10 Cowhorn Hill, Oldland Common. We understand that this application is a resubmission of a previous one (ref PK17/4633/F) to which we raised an objection.

Our present review indicates that that applicants have now significantly revised their proposed layout to provide an off-street parking area for two vehicles together with a turning space entirely within their site. This means that vehicles no longer need to leave the site in reverse and parked cars will no longer block the footway as they will be situated wholly off-street. We believe that this represents a significant improvement over the previous layout.

We also raised the issue of visibility from the site access which we considered to be rather poor due to the sub-standard horizontal and vertical alignment of Cowhorn Hill, together with the juxtaposition of this and the adjoining properties to the public highway. The applicants have not provided any information about this aspect of their proposals, but it seems likely that, despite the improved layout, visibility from the site access remains somewhat below the standard required for a Class III highway. We would, however, suggest that the revised layout represents a significant improvement over its predecessor, especially as vehicles are likely to be travelling in a forward gear when they leave the site.

Therefore, despite the visibility not wholly conforming to the appropriate standard, this layout goes a long way towards addressing our concerns about this proposal. Therefore, on balance, we have no highway or transportation objection to this proposal.

Other Representations

4.4 Local Residents
No comments received

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

Policy PSP11 of the PSP Plan (November 2017) allows for the creation of a new vehicular access subject to considerations on the effect upon the highway and road safety. Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. Highway safety is considered to be the most pertinent issue due to the nature of the proposed development.

5.2 **Highway Safety**

The proposed access to the site is via Cowhorn Hill, a busy, winding road which is on a downhill gradient from north to south with the levels falling towards Siston Brook. Cowhorn Hill is a classified road and new accesses onto classified roads are expected to provide an off-street turning area. Amendments have been made from the previously refused application to include two parking spaces and a turning area which enables vehicles to enter and exit the site in forward gear. This is considered to be a significant improvement from the previous layout in which vehicles were required to reverse in and out of the site.

5.3 Concerns have been raised by the Parish Council regarding visibility. The sustainable transport officer has acknowledged that the visibility would remain, to some extent, below the standard for a Class III highway, however the improved layout which enables vehicles to enter and exit the site in forward gear means that the previous concerns have been somewhat mitigated, as vehicles would not be required to perform a 'back and forth' manoeuvre to access the off-street parking space. Furthermore, the road consists of a fixed speed limit of 30mph and examples of similar vehicular accesses can be found along Cowhorn Hill.

5.4 On balance, the proposed vehicle access is considered to have significantly overcome the previous concerns and, although not wholly conforming to visibility requirements, is not considered to result in a severely detrimental impact to highway safety. As such, the proposal is deemed to comply with policies PSP11 and PSP 38 of the PSP Plan.

5.5 **Design and Visual Amenity**

The introduction of a vehicular access and parking is not considered to be detrimental to the design and visual amenity of the site. There are a number of other properties in close proximity that have a vehicular access at the front of the property.

5.6 **Residential Amenity**

Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity

through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

- 5.7 Due to the nature of the proposed development and its siting, it is not considered that the proposal would result in any detrimental impacts to the residential amenity of neighbouring occupiers. Furthermore, sufficient private residential amenity space would remain for the occupiers of the host dwelling should the driveway be implemented.

5.8 Equalities

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

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: James Reynolds
Tel. No. 01454 864712

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).

CIRCULATED SCHEDULE NO. 34/18 – 23 AUGUST 2018

App No.:	PK18/2989/F	Applicant:	Gina Maby
Site:	245 New Cheltenham Road Kingswood Bristol South Gloucestershire BS15 4RJ	Date Reg:	4th July 2018
Proposal:	Conversion of an existing 5 bed dwelling into 1No 2 Bed and 1No 3 bed dwelling and associated works.	Parish:	None
Map Ref:	365882 174379	Ward:	Kings Chase
Application Category:	Minor	Target Date:	23rd August 2018



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PK18/2989/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the conversion of an existing 5-bed dwelling into 1x 2 Bed and 1x 3 bed dwelling and associated works. The application relates to no. 245 New Cheltenham Road, Kingswood.
- 1.2 The application site consists of an end of terrace property set towards the front of a moderately sized plot. The site is located within the urban fringe area of Kingswood.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance (2014)

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 Environment and Heritage
CS16	Housing Density
CS17	Housing Diversity

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP39	Residential Conversions, Sub-Divisions and Houses in Multiple Occupation
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

3.1 P98/4018

Erection of two storey side extension.

Approved: 17.02.1998

4. CONSULTATION RESPONSES

4.1 Town/Parish Council The area is un-parished

4.2 Other Consultees

Sustainable Transport
No objection subject to conditions

Highway Structures
No objection

Lead Local Flood Authority
No objection

Other Representations

4.3 Local Residents One letter of objection was received during the statutory consultation period. The main concerns raised are summarised below:

- Already 5-7 vehicles parked on the road. Will there be more if this is made in to 2 properties?
- Driveway marked on plans not an official driveway. They have to use pedestrian dropped kerb. We were told we would need easement and new dropped kerb. One rule for us and one for them?
- Current plans state an office. This is not an office and is somewhere people get their hair done, which adds to parking issues.

5. ANALYSIS OF PROPOSAL

5.1 The application seeks to sub-divide an existing 5-bed property in to 1no. 2-bed dwelling and 1no. 3-bed dwelling.

5.2 Principle of Development

Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area, and within defined settlement boundaries. The application site is located within the area defined as the east fringe of the Bristol urban area. As such, based solely on the location of the site within the context of the Council's locational strategy for development, the principle of the development is acceptable.

- 5.3 Policy PSP39 of the Policies, Sites and Places Plan relates specifically to the sub-division of residential buildings into smaller units. PSP39 is supportive of the sub-division of residential properties in principle, provided that they would: not harm the character and amenity of the area, not prejudice the amenity of neighbours, provide adequate amenity space, and provide parking in accordance with the Council's parking standards.

- 5.4 Provided that the criteria of PSP39 are met, the development is acceptable in principle and it is acknowledged that the provision of additional residential units would have a moderate socio-economic benefit. The remainder of this report will review the proposal against the further areas of assessment as set out in PSP39.

5.5 Design and Visual Amenity

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.6 The proposal consists of a straight conversion, and there would be no significant alteration to the main building itself. The only external alteration would be the addition of a new access door to the front elevation. The main design consideration is how the two properties would function, and whether the sub-division of the plot would cause any harm to the character and amenity of the area.

- 5.7 The immediate area generally consists of terrace rows of pitched roof properties. However the pattern of development in the area is not considered to be distinctive. Whilst the proposed dwelling to the west, which consists of the previously approved extension, would not be reflective of other properties in the area in terms of its form and scale, it is not considered that the harm to the visual amenity of the streetscene would be severe. It is considered that there is sufficient space to the frontage and rear of the site, that the two dwellings would not appear unduly cramped.

- 5.8 Overall, whilst the sub-division is not considered to represent a particularly high standard of design, it is not considered that the proposal would cause significant harm to the immediate streetscene or the character and

distinctiveness of the immediate locality. The proposal is therefore considered to be broadly consistent with policy CS1 of the Core Strategy.

5.9 Residential Amenity

Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

5.10 With regards to the residential amenity of existing neighbours, it is not considered that the sub-division of the property would have any significant impacts.

5.11 With regards to the residential amenity of the prospective occupiers of the two properties, an area of private amenity space would be provided to the rear of each dwelling. A rear garden measuring 45m² would be provided for the 2-bed dwelling, with a garden measuring 43m² provided for the 3-bed dwelling. Policy PSP43 of the Policies, Sites and Places Plan seeks to ensure that sufficient levels of amenity space are provided for residential units. The policy sets out a guide for amenity space, with the amount of space that should be provided based on the number of bedrooms contained within a residential unit. As a guide, a minimum of 50m² should be provided for 2-bed properties, with a minimum of 60m² provided for 3-bed properties.

5.12 It is therefore acknowledged that the provision of amenity space would not meet the guide set out in PSP43. However both gardens would be arranged in a rectangular fashion, and would each provide a usable area of outdoor space to carry out domestic tasks. Furthermore, areas of public amenity space are accessible on site by foot, in the form of Barrington Play Area to the west and Siston Common to the east. Overall, whilst the provision of amenity space does not meet the guide, it is considered to be adequate in this case. It is therefore considered that a satisfactory standard of living would be provided for future occupants.

5.13 For the reasons outlined above, it is not considered that the proposal would have an unacceptable impact on residential amenity. The proposal therefore complies with policies PSP8 and PSP38 of the Policies, Sites and Plan.

5.14 Transport

With regards to parking provision, under policy PSP16 of the Policies, Sites and Places Plan, a minimum of two parking spaces should be provided for the proposed 3-bed dwelling (east), and one parking space provided for the 2-bed dwelling. The proposed site plan indicates that an existing access and driveway to the frontage of the site will provide a parking area for the 2-bed dwelling. Two parking spaces would be provided to the rear of the 3-bed dwelling, with vehicular access gained off Stanton Close. The proposed parking provision meets the standards set out in PSP16, and is considered acceptable. However for the avoidance of doubt, a condition will be attached to any decision,

- ensuring that the proposed parking areas are provided prior to the first occupation of the properties.
- 5.15 In terms of access, it is not considered that the creation of the proposed access to the rear would lead to any material highway safety issues. The access to the frontage is an existing access, and it is not considered that the proposed subdivision would lead to a significant intensification of the use of the access. The concerns raised regarding the access to the front have been taken in to account. However as this access technically joins an unclassified highway (Stanton Close), planning permission was not required to create the access.
- 5.16 Overall, the proposal meets the minimum parking standards set out in policy PSP16 of the Policies, Sites and Places Plan, and as such it is not considered that the development would lead to increased on-street parking. It is also not considered that the proposal would have any further impacts on highway safety in the immediate area, and the proposal is therefore considered to accord with policy CS8 of the Core Strategy and PSP11 of the Policies, Sites and Places Plan.
- 5.17 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.18 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.19 Planning Balance
On the basis of the assessment set out above, the proposal is considered to accord with the provisions of policy PSP39 of the Policies, Sites and Places Plan. As the modest socio-economic benefit of the proposal is not outweighed by any harm, the 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: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies,

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

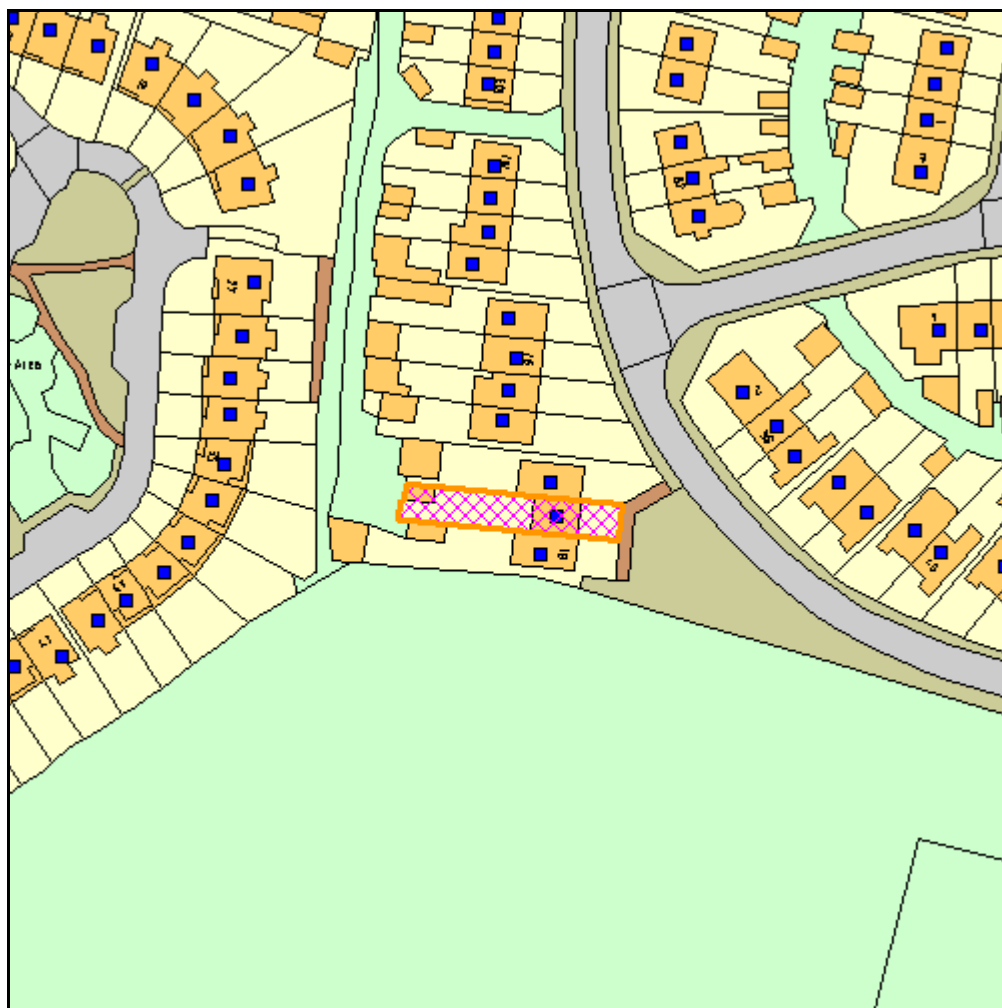
Reason

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

2. The off-street parking facilities (for all vehicles, including cycles) shown on the plan (PLN-1) hereby approved shall make provision for the parking of a minimum of 3 vehicles across the site as a whole (measuring at least 2.4m by 4.8m), and shall be provided before the dwellings are 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; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 34/18 – 23 AUGUST 2018**App No.:** PK18/3160/CLP**Applicant:** Mr Brooks**Site:** 83 Stanshawe Crescent Yate Bristol
South Gloucestershire BS37 4EE**Date Reg:** 11th July 2018**Proposal:** Erection of single storey rear extension.**Parish:** Yate Town Council**Map Ref:** 371078 182185**Ward:** Yate Central**Application****Target** 4th September**Category:****Date:** 2018

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PK18/3160/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is for a Certificate of Lawfulness. 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 erection of a single storey rear extension at 83 Stanshawe Crescent, Yate 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.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) 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 No relevant planning history.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

No comment received.

4.2 Councillor

No objection

Other Representations

4.3 Local Residents

No comments received.

5. **SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 5.1 Received by the Council on 10nd July 2018:
Site Location and Proposed Block Plan
Existing Floor Plan
Proposed Floor Plan
Existing Elevations
Proposed Elevations

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 is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015. It should be noted that there is no restriction on permitted development rights at the subject property. As such permitted development rights are intact and exercisable

- 6.3 The proposed development consists of the erection of a single storey rear extension. The proposed extension would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria set out 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, PA or Q of Part 3 of this Schedule (changes of use);**

The dwellinghouse was not granted under Classes M, N, P, PA or Q of Part 3.

- (b) As a 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 rear extension will not exceed the height 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 rear extension would not exceed 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 extension would not extend beyond a wall which forms the principal elevation; or fronts a highway and forms a side elevation, of the original dwellinghouse.

- (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,

(ii) or exceed 4 metres in height;

The host dwelling is a terraced property and the proposal would extend beyond the rear wall of the original dwelling by 3 metres and have a height of 3.6 metres.

(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 extension 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 extension would be within 2 metres of the boundary but would have an eaves height of 2.4 metres.

(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; or**

The extension would not extend beyond a wall forming a side elevation of the original dwellinghouse.

(ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)

The total enlargement does not exceed the limits set out in sub-paragraphs (e) to (j).

(k) It would consist of or include—

- (i) the construction or provision of a verandah, 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 include the installation of a soil and vent pipe and would therefore not comply with this criterion.

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.**
- d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c);**

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 submitted information indicates that the proposal will be finished in materials to match the exterior finish of the existing dwellinghouse.

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, or forms an upper storey on an existing enlargement of the original dwellinghouse, 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 **REFUSED** for the following reason:

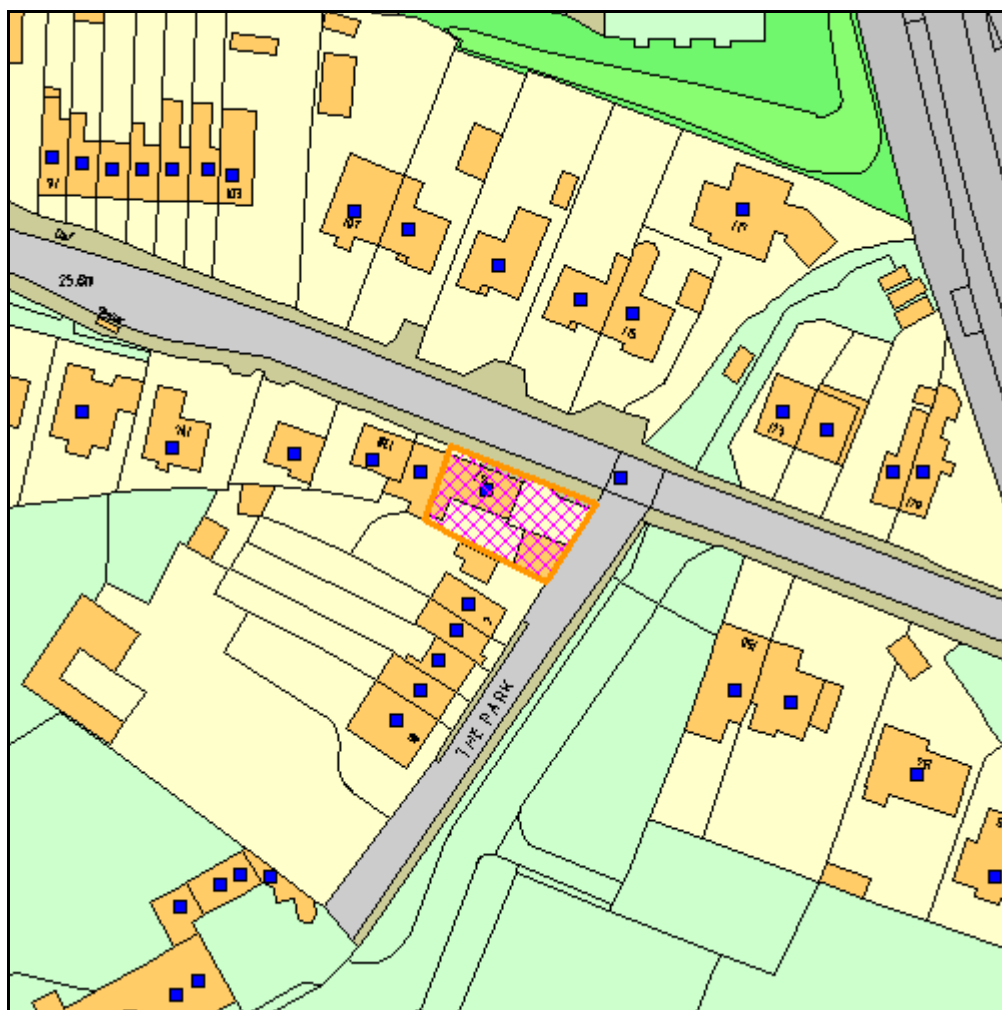
Contact Officer: James Reynolds
Tel. No. 01454 864712

REASONS FOR REFUSAL

1. Evidence has been provided to demonstrate that on the balance of probabilities the development does not fall within permitted development for the curtilage of the dwellinghouse under Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) (As Amended) as it does not accord with Class A.1 (k) (iii) It would consist of or include the installation, alteration or replacement of a chimney, flue or soil and vent pipe.

CIRCULATED SCHEDULE NO. 34/18 -23 AUGUST 2018

App No.:	PK18/3227/F	Applicant:	Mr Hill
Site:	142 Bath Road Willsbridge Bristol South Gloucestershire BS30 6EF	Date Reg:	13th July 2018
Proposal:	Subdivision of existing dwelling to form 2no dwellings, including alteration and single storey rear extensions, continuation of front boundary wall and introduction of bike and bin storage with associated works (Retrospective). (Resubmission of application PK17/4686/F).	Parish:	Bitton Parish Council
Map Ref:	366882 170286	Ward:	Bitton
Application Category:	Minor	Target Date:	5th September 2018



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation the application must be referred to circulated schedule as a result.

1. THE PROPOSAL

- 1.1 The proposal seeks to subdivide 142 Bath Road, Willsbridge to form 2 no. dwellings, including a single storey rear extension and other alterations to the building, continuation of the front boundary wall and introduction of bike and bin storage with associated works (Retrospective). The application is a resubmission of application PK17/4686/F.
- 1.2 The subject property is an end terrace period property with rubble elevations and a gabled roof. To the side is a modern detached double garage and hardstanding. The property is subject to a local listing.
- 1.3 The subject property is situated in the built up residential area of Willsbridge.
- 1.4 The differences between this application and the application previously approved include the retention of the existing garage, the retention of the single storey lean to and the erection of an additional single storey rear extension, as well as changing a first floor rear window to a high level window.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2018
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS23 Community Infrastructure

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity

PSP16	Parking Standards
PSP17	Heritage Assets
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions and Subdivisions
PSP43	Private Amenity Space

- 2.3 Supplementary Planning Guidance
 Residential Parking Standards SPD (Adopted) December 2013
 Design Checklist SPD (Adopted) August 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK17/4686/F- Approve with conditions – 05/01/2018 - Subdivision of existing dwelling to form 2no dwellings, alterations to the garage structure and introduction of bike and bin storage with associated works.
- 3.2 PK17/1709/F – Withdrawn – 02/08/2017 – Subdivision of existing dwelling to form 2no dwellings with associated works. Erection of 1.8m high boundary fence.
- 3.3 P99/4293/A – Advert Consent – 04/06/1999 – Display of parish council notice board
- 3.4 K6832 – Approval – 11/03/1999 – Change of use from retail to residential accommodation.

4. **CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council
 Councillors objected to application PK17/4686/F for the following reasons:

- 1) they felt it represented an over-intensification of use of the site
- 2) They considered that the new flat was out of keeping with the street scene.
- 3) They queried whether the garage could accommodate 3 cars and whether there was sufficient space for vehicles to turn around so that they both entered and left the site in forward gear (onto the A431).

They accept that planning permission was granted for this application but wish to record that their same misgivings remain. With respect to the differences on this subsequent application they object as they consider that the rear extension further reduces the amenity space.

- 4.2 Other Consultees

Highway Structures
 No comment.

Lead Local Flood Authority

No objection,

Listed Building Officer

No objection provided same conditions as previous application are applied.

Enforcement

No comment.

Oldland Parish Council

No comment received.

Sustainable Transport

No objection.

Other Representations

4.3 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of development has already been established under PK17/4686/F. Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development.

- 5.2 PSP39 states sub-division of existing residential buildings into smaller units will be acceptable provided that they would not harm the character and amenity of the area; would not prejudice the residential amenity of neighbours; provide adequate amenity space; and the proposal would provide parking in line with the parking standards. Policy CS9 and policy PSP17 seek to protect heritage assets and the character of the historic environment. The proposal is subject to the consideration below.

5.3 Design

The host property forms part of a terrace of period cottages, subject to a local listing. The re-use of the existing flat roof garage is acceptable, as the stone panelling and reduced height allow it to appear subservient to the locally listed building and less visible in the street scene. Whilst a new build garage was an opportunity to improve the design, the retention of the existing garage will blend more sympathetically to the surroundings whilst still providing adequate parking.

- 5.4 The retention of the 'L' shaped lean-to with a canopy and the change to the shape of the rear first floor window is neutral in design terms, particularly as they are not visible from the public realm. The proposed lean-to is of a similar

design to the existing however with a rectangular footprint. Openings proposed are minimal and in keeping with the design of the existing building. Due to the lack of any substantial works to the locally listed building itself, the proposal is considered to be an enhancement and is therefore consistent with policy PSP17 of the Policies Sites and Places DPD and policy CS1 of the Core Strategy.

5.5 Residential Amenity

Policy PSP39 of the adopted Policies Sites and Places DPD gives the Council's requirements for residential conversions and subdivisions. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers whilst providing adequate private amenity space.

5.6 The proposal would subdivide the dwelling into two independent dwellings, requiring the subdivision of the garden also. As part of the previously approved application, it was acknowledged that this would result in a slightly substandard provision with regard to the private amenity space and the standard identified in PSP43, however overall the proposal would only create one additional bedroom and consequently the proposal site would not be occupied by many additional individuals. Furthermore, officers considered that there are a range of opportunities for outdoor recreation within short walking distance, including the Bristol and Bath cycle track and Cherry Gardens park.

5.7 Given consideration to this revised scheme, the erection of the rear extension and the retention of the lean-to will further reduce private amenity space. This reduction is only slight and, considering that the proposal already had substandard amenity space, the harm to residential amenity is not significantly different to that previously approved. Taking into account the aforementioned opportunities for outdoor recreation in the vicinity, a refusal cannot be sustained on this basis.

5.8 The proposed rear extension on the eastern unit will be flush with the boundary to the west unit proposed, however the low height of the extension prevents any significant overshadowing issues. A new window is proposed in the extension however the view will only overlook the garden to which it relates at ground floor level. The development is acceptable from a residential amenity perspective.

5.9 A condition on the previous application restricted working hours, however as the application is retrospective with the works almost complete, this is not necessary. Furthermore the works to the garage and the lean-to which were directly adjacent to the boundary are no longer proposed as part of this resubmission.

5.10 Transport

There is no change in capacity of the proposed dwelling, and the garage is proposed to have two spaces as previously approved, with a parking and turning area to the front of the dwelling is not proposed to be altered. There is no transportation objection.

5.11 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

CONDITIONS

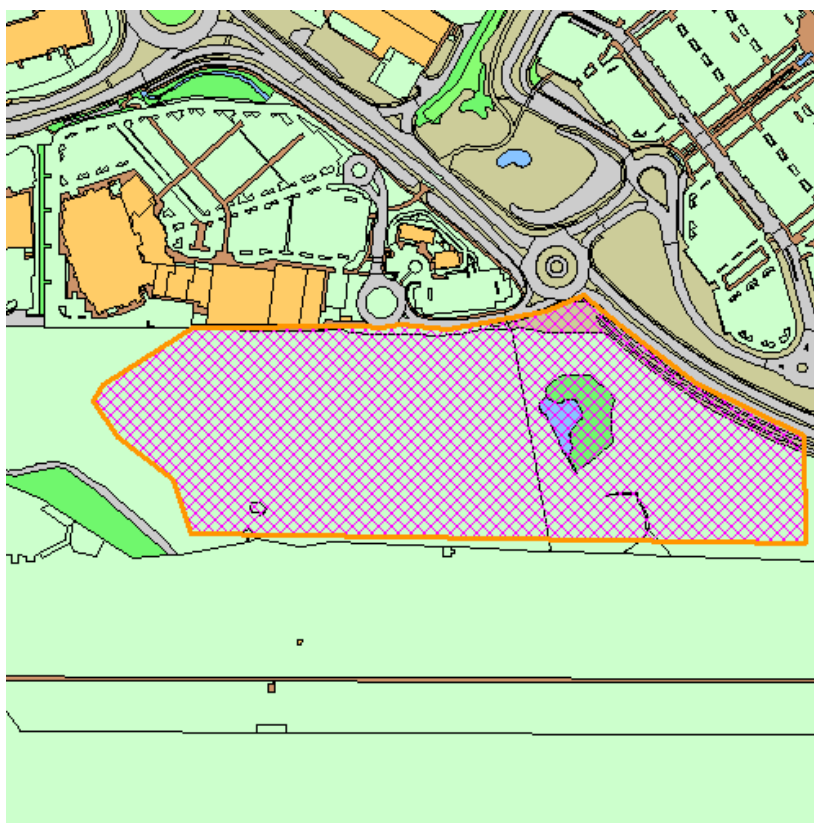
- 1. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the development hereby approved is first occupied, and thereafter retained for that purpose.

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.

CIRCULATED SCHEDULE NO. 34/18 – 24 AUGUST 2018

App No:	PT18/1459/F	Applicant:	Baylis Estates Ltd
Site:	Land south of Merlin Road, Cribbs Causeway, South Gloucestershire BS10 7UD	Date Reg:	26 th March 2018
Proposal:	Hybrid planning application for development of an indoor ice rink (D2 use), indoor skydiving venue (D2 use), coffee drive thru (A3/A5 use), restaurant (A3 use) and car showroom (sui generis), and associated landscaping, access, infrastructure and parking (detailed application). Outline application for development to provide hotel (C1 use) (up to 2,787 sqm GIA) and A2/A3 uses (up to 465 sqm GIA) or up to 2,323 sqm (GIA) retail floorspace (A1 use). Revised scheme to PT15/5319/O.	Parish:	Almondsbury
Map Ref:	358318 180637	Ward:	Patchway
Application Cat:	Major	Target Date:	19 th July 2018



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PT18/1459/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be referred to circulated schedule as a result.

1 THE APPLICATION SITE

- 1.1 The application site is located within the North Fringe of Bristol and comprises approximately 5.7 hectares of open land situated to the north of the former Filton Airfield and south of The Mall and The Venue leisure development at Merlin Road, Cribbs Causeway; the latter of which comprises a 26 lane ten-pin bowling hall, multiplex cinema and a range of large restaurants. It lies within the Cribbs/Patchway New Neighbourhood (CPNN) as defined in the South Gloucestershire Local Plan Core Strategy, and the land to the south and west, comprising the former airfield, is proposed for major mixed use development (see planning history below).
- 1.2 The application site is to all intents and purposes the same site for which the Committee resolved to grant planning permission for similar development on 6th April 2017 (Ref: PT15/5319/O). The differences between that scheme and the scheme which is now under consideration, and the reasons for those changes, are explained below.
- 1.3 The site was formerly open grassland but has been used to deposit spoil arising from the development of Cribbs Causeway and The Mall during the 1990s and much of it was consequently, until 2017, elevated significantly above the adjacent land to the north at The Venue and Merlin Road. The majority of the site has, however, now been re-profiled in accordance with a scheme for earthmoving which was granted planning permission in December 2015 (subsequently referred to as the 'Enabling Works' or 'Earthworks' application Ref: PT15/3396/F). This permission also made provision for the relocation of a pond within the site to land adjacent Merlin Road, as well as the removal of some hedgerow. Tree protection measures are also now in place.
- 1.4 A Public Right of Way (PRoW) (OAY 85) runs through the site, north to south, connecting the former Filton Airfield with The Venue. This PRoW then connects with PRoW (OAY 84) to the south of the site which runs east to west along the north side of the airfield. The PRoW is currently subject to a temporary diversion around the development site.
- 1.5 A new 'left-in left-out' vehicular access into the site from Merlin Road to the south east of the San Andreas roundabout which provides access to The Venue and The Mall, has also been constructed as part of the 'earthworks'/'enabling works' planning permission.

2 THE PROPOSAL

- 2.1 This is a hybrid planning application, which means full planning permission is sought for part of the scheme, with the remaining elements being the subject of an outline application, with all matters reserved for subsequent approval.
- 2.2 Full planning permission is sought for the following elements which comprise the western and central part of the site. This is referred to in the application documents as 'Area 1' or 'Phases 1 to 3'):
 - An indoor ice rink (to be occupied by 'Planet Ice') - 5,303 square metres (Use Class D2 Assembly and Leisure). This would be, in essence, a single storey building approximately 11 metres high accommodating the entrance/reception, ice rink, side café, staff welfare facilities, changing facilities and public toilets. A first floor mezzanine would accommodate a restaurant and auditorium seating. The massing of the building is largely a reflection of the volumetric requirements of the sporting

use. There is also a coach drop-off area and service yard. The elevations are identified with a combination of: precast concrete panels painted grey and blue; black ceramic porcelain tiles; grey aluminium panelling; and anodized aluminium glazing.

- An indoor skydiving centre (to be occupied by 'iFly') - 476 square metres (Use Class D2 Assembly and Leisure). The scale and massing of the proposed building is based on the unique requirements of the flight chamber, with the highest point of the towers being approximately 16.3 metres above ground level, and there would be a central 3.4 metre deep central basement.
- A coffee drive-thru (to be occupied by 'Costa') – 204 square metres (Use Class A3-A5 Restaurant and Cafés, Drinking Establishments, Hot Food Takeaway). This would be a single story building accommodating a seating area, server, WCs, and externally a drive thru arrangement as well as covered external seating. At its highest point the mono-pitch roof would stand approximately 5.7 meters above ground level. The roof would be grey steel above dark red (Shiraz) wall panels with blue engineering brick.
- A restaurant – 758 square metres (Use Class A3 Restaurant and Cafés). The proposed design of this building is such that it would accommodate one tenant on the ground floor and a mezzanine, and another tenant on the first floor. The south elevation of the building would stand 8.5 metres high, reducing to 4.5 metres at the north elevation due to it being set into a slope. The elevations would be a mix of grey and glazed wall panels.
- A car showroom (to be occupied by Jaguar Land Rover) – 6,699 square metres (Sui Generis use). This would comprise at ground floor level two 22no. new car showrooms (one for each brand) with associated offices and handover bays, and a workshop to the rear with a decked car valeting facility. There would be a double height space above the showrooms with used-car displays at first floor level with further offices and staff facilities. The roof would be used for further 'back of house' car parking which would be accessed via a ramp to the rear of the building. The building would stand approximately 10.3 metres high. There is also an area dedicated to car transporter deliveries and manoeuvring.
- Vehicular access from The Venue development via the existing roundabout.
- A total of 249 'public' parking spaces are proposed for Area 1 including spaces allocated for disabled motorists. A further 479 'back of house' spaces are proposed for the car showroom including a 110 space used car display.
- Provision for parking 174 cycles.
- Two north-south pedestrian links are also shown linking Cribbs Causeway and The Mall to the north with the new major mixed use development to the south. The eastern most of the two would link with the pedestrian cycle bridge over Merlin Road which is proposed as part of The Mall enhancement works (see below) and would be accommodated in a green corridor incorporating a trim trail and the pond that was constructed as part of the approved 'enabling works' adjacent the Cone Roundabout (see below).
- Details of landscaping include: a 7-10 metre landscape belt along the southern boundary with the major mixed use development proposed on the former airfield, planting across the public realm and other boundaries. Protection measures are still in place in respect of existing trees; it having been installed in conjunction with the approved enabling works (see below).

- 2.3 Outline planning permission with all matters reserved is sought for two options for the development of the eastern third of the site. This is also referred to as 'Area 2' or 'Phase 4':
- An 80-bed hotel - up to 2,787 square metres (Use Class C1) with a separate pub/restaurant – up to 465 square metres (Use Class A2/A3 Professional Services/Restaurant and Cafés)
- or
- Retail Store – up to 2,323 square metres (Use Class - A1 Shop)
- (N.B. The existing access to the eastern third of the site (i.e. the 'Outline' part of the scheme) is a construction access/haul road that was constructed under the 'enabling works' permission (ref. PT15/3396/F – see below). The applicants say that this access is likely to be the most appropriate access for construction of the scheme but permission for the details of the final access arrangements are reserved for future consideration.)
- 2.4 The western two thirds of the site (Area 1) and the eastern third (Area 2) are not connected by road so as not to interrupt the north south pedestrian green corridor which separates them linking The Mall to the north with the proposed new residential development to the south.
- 2.5 The key changes to the scheme from that which was approved for this site in April 2017 (Ref: PT15/5319/O) may be summarised as follows:
- The previously approved indoor ski-centre has been omitted altogether. This reflects the fact that 'Skiplex', who were the proposed occupier, went into liquidation in July 2017.
 - Otherwise the overall layout of the western third of the site remains largely unaltered insofar as the indoor ice rink is concerned. The skydive building has been moved south onto the site of the previously proposed indoor ski-centre, with the restaurant now proposed to occupy the former site of the skydive building; a part of the site more closely related to the adjacent restaurants at The Venue.
 - The western third of the site ('Area 2' or 'Phase 4') where outline permission was previously granted for a car showroom is now identified with the outline application proposals for a retail store or a hotel and pub/restaurant.
 - The site of the proposed car showroom has now been shifted to the central third of the site. The car showroom is now the subject of that part of this new application which seeks full planning permission and the size has been increased in size from 'up-to' 2,787 square metres to 6,699 square metres. This reflects the fact that since the previous outline permission, when there was no identified occupier, Jaguar Land Rover has come forward and identified a requirement for a new site here but for a significantly larger facility. The coffee drive-thru remains in the same location to the north of this.
 - The north-south pedestrian links either side of the central third of the site also remain largely as previously approved.
- 2.6 A full list of the plans that were submitted, many of which have been amended, is set out at the end of this report at Condition 22.

2.7 Prior to submission, it was agreed with the applicants that the nature and scale of the likely environmental effects of the proposed development justified the requirement for Environmental Impact Assessment under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the Council issued a Scoping opinion on 13th February 2018 (Ref: PT18/001/SCR). The following plans/documents were consequently submitted with the application, some being subsequently amended:

- Environmental Statement (ES)
 - o Volumes 1 (Non-Technical Summary);
 - o Volume 2 (ES Report); and
 - o Volume 3 (Appendices) Topics including:
 - Air Quality;
 - Landscape & Visual Impact;
 - Ecology;
 - Flood Risk and Drainage;
 - Ground Conditions;
 - Archaeology;
 - Socio-Economic Impact;
 - Noise;
 - External Lighting;
 - Construction;
 - Transportation effects;
- Planning Statement;
- Design & Access Statement (Including Utilities Statement)
- Statement of Community Involvement with addendum
- Air Quality Assessment;
- Noise Assessment;
- Energy and Sustainability Statement;
- Ecological Impact Assessment;
- Archaeological Desk Based Assessment;
- Archaeological Evaluation;
- Flood Risk Assessment and Drainage Statement;
- Ground Conditions Report;
- Public Realm Lighting Statement;
- Retail and Leisure Assessment;
- Socio-Economic Statement;
- Transport Statement;
- Tree Survey;
- Tree Protection Plan;
- Landscape and Visual Impact Assessment (including Illustrative Landscape Masterplan);

2.8 For the avoidance of doubt, although all matters are reserved for future consideration, insofar as the retail and hotel development are concerned, with an application for outline planning permission, full consideration will always be required of the use and amount of development. This information is set out in the submitted parameter plans. The references to 'use' and 'amount of development' relate to the Design and Access Statement. To approve an outline application, the Local Planning Authority needs sufficient information to demonstrate that the use and amount of development proposed can be satisfactorily accommodated on the site. If it is considered necessary to ensure that the reserved matters accord with the information submitted as part of an application and/or any elements of the Design & Access Statement, including the amount of development, this will need to be made clear in the conditions.

3 POLICY CONTEXT

3.1 National Guidance

Revised National Planning Policy Framework (RNPPF) as amended in July 2018
Planning Practice Guidance (PPG) as last updated in July 2018

3.2 Development Plan

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS2 Green Infrastructure
CS4 Renewable or Low Carbon District Heating Networks
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
C11 Distribution of Economic Development
CS14 Town Centres and Retail
CS23 Community Infrastructure and Cultural Activity
CS24 Green Infrastructure, Sport and Recreational Standards
CS25 Communities of the North Fringe of Bristol Urban Area
CS26 Cribbs Patchway New Neighbourhood

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP6 Onsite Renewable and Low Carbon Energy
PSP8 Residential Amenity
PSP10 Active Travel Routes
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment
PS19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP21 Environmental Pollution and Impacts
PSP22 Unstable Land
PSP31 Town Centre Uses
PSP35 Food and Drink Uses (Including Drive-Through Takeaway Facilities)

3.3 Supplementary Planning Guidance

Cribbs Patchway New Neighbourhood Development Framework SPD (adopted May 2014)
South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire Biodiversity Action Plan (Adopted)
South Gloucestershire Landscape Character Assessment SPD (Adopted)
South Gloucestershire Statement of Community Involvement (Adopted)
South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide (Adopted March 2015)

3.4 Emerging Development Plan Policies

3.5 Paragraph 48 of the Revised NPPF states that:

"Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

- 3.6 The West of England Joint Spatial Plan (JSP) has been approved for submission to the Secretary of State for examination and was published for consultation under Regulation 19 of the Town and Country Planning (Local Planning)(England) Regulations 2012 for the period running from 16th November 2017 to 10th January 2018.
- 3.7 Consultation on the New South Gloucestershire Local Plan ran from 5th February to 30th April 2018.
- 3.8 Both plans are at a relatively early stage of preparation and consequently only very limited weight may be given to them.

4. RELEVANT PLANNING HISTORY

This site

- 4.1 P94/2689 Construction of plateau to facilitate the relocation of digital resolution direction finder equipment. Approved 24.02.1995
- 4.2 P94/0051/144 Construction of Primary Distributor Road and related engineering operations, construction of surface level car park and related landscaping, engineering operations to watercourse to facilitate surface water disposal. Approved 02.10.1995
- 4.3 P96/0051/156 Construction of earth mound. Approved 29.07.1996
- 4.4 PT07/3015/O Erection of aviation museum and Class B1 office accommodation with associated works (Outline) with Layout, Scale and Access to be considered. All other matters reserved. Approved 03.07.2008
- 4.5 PT09/1160/FDI Diversion of Footpath OAY85 Approved 14.07.2009
- 4.6 PT11/026/SCR Erection of aviation museum and Class B1 office accommodation with associated works (Outline) with Layout, Scale and Access to be considered. All other matters reserved. (Consent to extend time limit implementation for PT07/3015/O).
- 4.7 PT11/1280/EXT Erection of aviation museum and Class B1 office accommodation with associated works (Outline) with Layout, Scale and Access to be considered. All other matters reserved. (Consent to extend time limit implementation for PT07/3015/O). Approved 08.06.2011. Expired 08.06.2018
- 4.8 PT15/016/SCR Proposed earthworks for the removal of approximately 33,000 cubic metres of material EIA Not Required 03.09.2015
- 4.9 PT15/3396/F Earthworks comprising the removal of earth, re-profiling of the ground level and relocation of existing pond. Approved subject to conditions 03.12.2015 (Referred to

elsewhere in this report as the 'enabling works' or 'earthworks', which have now been implemented.)

- 4.10 **Most relevant: PT15/5319/O Hybrid planning application for 13,834 sqm new floorspace seeking full permission for an indoor ice rink, indoor ski venue, indoor skydiving venue, coffee drive thru, associated access, infrastructure, car parking and landscaping. Outline planning permission sought for a retail store, hotel, restaurant and car showroom with all matters reserved with the exception of access. Approved 14.09.2017.** (See paragraph 2.5 above for details for how the current application differs from this permission.)
- 4.11 PT18/001/SCR Screening Opinion for PT18/1459/F. EIA Required

Other Sites

- 4.12 PT14/3867/O Former Filton Airfield Mixed use development on 143.73 hectares of land comprising: residential development for up to 2,675 dwellings and apartments (comprising 2,635 x Use Class C3 and 40 x Live Work Units - Sui Generis); 24ha of stand-alone employment land (comprising up to 12ha Use Class B1a and a minimum of 12ha Use Class B1b/c, B2) ; 120 Bed Hotel up to 3,800 sqm (Use Class C1); Rail Station (0.45ha Use Class Sui Generis); Education provision to include a Secondary School (8.31ha), 2 no. Primary Schools (total 5ha) and 2 no. Childrens Nurseries (total 0.8ha) (all Use Class D1); Community Centre incorporating Library, Built Sports facilities and Doctors surgery up to 3,400 sqm (Use Classes D1 & D2); Dental Surgery up to 800sqm; (Use Class D1); 70 Bed Extra Care Facility up to 12,500sqm (Use Class C2); Shops/Financial Services/Food and Drink facilities up to 4,787sqm (Use Classes A1, A2, A3, A4 and A5) - comprising Retail Supermarket up to 2,787sqm gross maximum (Use Class A1); Business Offices up to 500sqm (Use Class B1) together with; supporting infrastructure and facilities including demolition, ground works and remediation, highways, utilities, landscaping, sustainable urban drainage system, wildlife water basins and public open space. Outline application including access, with all other matters reserved. Approved 01.03.2018
- 4.13 PT14/4894/O Alterations and extension of The Mall including the erection of new buildings for uses within Use Classes A1 (shops) up to 35,250 sqm, A2-A5 (financial and professional services, restaurants and cafes, drinking establishments and hot food takeaway) up to 8,980 sqm, D1 (non-residential institutions) up to 620 sqm, D2 (assembly and leisure) up to 7,620 sqm, C1 (hotel) up to 4,700 sqm, C3 (dwellings comprising apartments) up to 150 units, provision of a new multi-storey car park and alterations to existing entrances. Erection of new bus station uses (sui generis) up to 1,650 sq. m. Provision of new public realm, including public space and landscaped areas. Provision of new roads and pedestrian routes and cycle ways, including a new pedestrian and cycle bridge over Merlin Road, and other ancillary works and operations. Temporary works including provision of temporary bus station comprising works to existing surface car parking areas and temporary contractor and car parking compounds and associated facilities. (Outline application with all matters reserved.) Resolution to approve Nov 2016 Called in for Secretary of State's determination March 2017. Awaiting Secretary of State's decision which is currently due on or before 3rd October 2018.
- 4.14 PT15/4386/O Alterations and reconfiguration of the site with access to be determined (Outline) all other matters reserved including the erection of up to 14,674sqm of new buildings for uses within Use Classes A1 (shops) up to 12,723sqm, A3 (restaurants and cafes) up to 1,665sqm, A4 (drinking establishments) up to 930sqm, A5 (hot food take-away) up to 116sqm and D2 (assembly and leisure) up to 1,951sqm. Alterations to the front elevation of the Asda store (including removal and replacement of existing entrance structures), altered circulation, servicing and car parking layout (including alterations to lighting and landscaping), relocation and re-provision of bus stops and bus turning facility. Demolition of existing filling station and car wash and erection of new filling station. Provision of new public realm, including public space and landscaped areas. Resolution to

approve August 2016. No call in from Secretary of State Oct 2016. Application approved subject to conditions 18.01.2017.

5. CONSULTATION RESPONSES

5.1 Almondsbury Parish Council

Object as per objection to previous application in 2015; to include the following concerns.

There will be huge parking issues at the Venue with very limited access, the main access to this area is via a mini roundabout. Concerns are with the traffic flows, there is no pedestrian access, the public transport is too far away from this venue and not easy to get to. There will be an increase in coaches and no sufficient parking has been allocated to accommodate them. There has been no thought given to the accumulated effect on Junction 17 on the M5 and how this will impact on local roads and access.

5.2 Internal Consultees

Economic Development

On review of the application presented it is the view of the Strategic Economic Development Team at South Gloucestershire Council that we support this application.

This proposal will benefit from significant domestic and foreign investment both during the construction and operational phases, therefore the Economic Development Team at South Gloucestershire Council believe it will provide a positive impact on the local and regional economy. The inclusion of the 5021 sq m (D2) Ice Rink and 994 sq m (D2) Indoor skydiving venue will result in the new development of a regional visitor attraction with similar class-uses, whilst also contributing to a pre-existing visitor economy industry in the local area (namely *Wild Place and Airhop*).

We believe the inclusion of a restaurant will add to the commercial attractiveness of the leisure uses and could complement a potential hotel if introduced, bringing 'night economy/facilities' to the area, complementing the existing retail and leisure offer of Cribbs Patchway

The 6699 sq m flagship JLR car dealership is befitting with the local automotive retail business landscape, as there are a number of similar premium marques in the area. Furthermore, this will provide over half (140) of the total number of jobs the scheme will generate including some high-quality and skilled mechanics positions. Furthermore, JLR are keen to recruit local apprentices who will subsequently become the next generation of their labour force. From material supplied by the applicant, we can see this facility will not simply be a car showroom but a local centre of excellence for South Gloucestershire and beyond, which will support specialist and technical automotive roles to address JLR's increasing complexity of vehicle offering, complementing their collaboration at the Institute of Advanced Automotive Propulsion Systems, a University of Bath led project destined for Bristol and Bath Science Park.

The whole proposal will generate 13,168 sq m employment floorspace, and the applicant has indicated that the development could provide approx. 262 FTE jobs, which is considered significant.

The North Fringe policy area is recognised by South Gloucestershire Council as one of the areas which will be supported to maintain a supply of economic development land, in which there are plans for significant investment, to increase the area's economic activity, and to maintain its role as a major employment area and as a hub for retail and commercial activity. This proposal also supports the vision of the CPNN which forecasts the North

Fringe to continue to thrive as a major economic driver, employment area and as a hub for retail and commercial activity.

The Economic Development Team recognises that part of the development is applied for in outline and the tenants for these units have not yet been confirmed. Outline consent is being applied for up to 2787 sq m hotel and A2/A3 uses, or up to 2,323 sq m retail floorspace (sports/outdoors goods). The team would welcome either or both of these developments at this location, as they would further create net new employment opportunities in the area, and will satisfy market demand provided by the potential increase in tourism/visitor economy. The inclusion of a hotel could encourage visitors from a wider area to make visits to use the surrounding leisure facilities within the proposed development, as well as for business trips for those using future employment floorspace at the Filton Airfield site. Should the applicant pursue the retail option, as the application refers to an area which is not a recognised priority zone or town centre, the proposed retail development would be subject to sequential testing. Therefore, consideration should be given to ensure that the applicant has complied with the testing criteria.

In conclusion, the South Gloucestershire Council Economic Development team believes that this application will have a significantly positive impact on the local economy within South Gloucestershire, through the development of currently under-utilised land and the provision of a large quantum of jobs, retail and leisure services for the CPNN and wider catchment area (i.e. Filton Enterprise Area, part of the City Deal). Therefore, in determining this application please take into consideration that the South Gloucestershire Council Strategic Economic Development Team supports this application

Sustainable Transport – Transportation DC

This proposal is essentially a substitution of what was previously approved under planning application PT15/5319/O in April 2017. As part of the planning process officers have been in negotiation with the applicant's transportation consultant to agree the scope of the accompanying Transport Statement which was to deal with the changes between the current planning application and the previously consented scheme. As part of this process it was 'agreed' that the fall-back position would relate to the recently approved planning application PT15/5319/O, and that the impact of this proposal would relate to the differences between the two applications given that the access proposals were to remain as previously agreed.

In relation to the previous application the following points were secured.

- It was agreed as part of the previous application that highway improvements would be required at the 'Cone' roundabout in the event that they had not come forward as part of the Mall extension by the year 2031.
- A green corridor for a future pedestrian/cycle link to the Mall from the CPNN.
- Provision of a Construction Environment Management Plan
- Provision of a Framework Travel Plan for the whole site.

None of these options are compromised as a result of this application, and will be secured either by condition or agreement.

In assessing this application it is clear that this proposal will increase the number of trips on the local highway network when compared with the fall-back position. However, this increase in traffic is marginal and the previously agreed highway improvements would accommodate this increase if carried onto this application. The development is planned to be delivered in a phased approach on a similar basis to the previous application.

In transportation terms larger vehicles will be required to access the site compared to the previous application in the form of a car transporter. The applicant has provided vehicle tracking to the site to demonstrate that access can be achieved. Officers are therefore satisfied that all forms of vehicle expected to serve this site can be accommodated on

either the public highway or the private access roads without compromising highway/pedestrian safety.

From reviewing the submitted information it is clear that there is sufficient highway capacity to accommodate the first phase of development after which the 'Cone' roundabout would require improvements (if not already undertaken by the Mall extension). The applicant would therefore be required to implement, prior to commencement of phase 4 of the development (construction of the eastern portion of the site) involving either the sports retail unit or hotel and restaurant, the agreed Cone Roundabout Improvement and indicated in outline only.

The applicant has also indicated a willingness to provide the necessary land to enable the Metrobus extension to the Mall to be made available to the Authority to improve the sustainability of both this site and the Mall.

Conclusion

It is agreed that the proposed development has a marginal impact on the local highway network when compared with the previously approved scheme. As such, in terms of mitigation, the applicant will be required to provide the Cone Roundabout highway improvement to allow development of phase 2 of site 20 (if not previously delivered by the Mall extension). This improvement is not required for phase 1.

In addition to this the applicant has agreed to make available to SGC the land required to allow the delivery of the enlarged San Andreas roundabout to facilitate the Metrobus Extension through the Filton Airfield site improving the sustainability of the area and this site to non-car borne modes of transport.

As per the previous application on this site the applicant would be required to submit a Construction Environment Management Plan and also a Framework Travel Plan for the site which would require all units to submit for approval full travel plans based upon the agreed framework in due course.

Ecology

The site formerly consisted of an area of rank grassland, scrub and hedges (a remnant of agricultural fields), to the south of Merlin Road between Filton Airfield and the southern edge of Cribbs Causeway.

Ecological comments relating to PT15/5319/O dated 10th January 2017 refer.

There are no ecological constraints to granting planning permission.

Conditions should be attached relating a Landscape and Ecological Management Plan and a Construction Environmental Management Plan.

Public Rights of Way

There is already a confirmed Public Path Diversion Order for footpath OAY85 and no other public rights of way are affected by this development. We therefore have no further comments to make.

Environmental Protection

Potential for Contamination

The relevant reports in respect of the potential for contamination have been submitted and reviewed. Site investigations have been carried out under the enabling works application (PT15/3396/F) and previous hybrid application (PT15/5319/O).

Some soil contamination was identified (mainly metals) but when screened against generic criteria for a commercial land use this was not considered a significant risk requiring remediation. Some soils have now been removed off site as part of the enabling works.

Tests for leachable contamination identified some contaminants exceeding environmental screening criteria (mainly metals and some PAH species). The reports conclude that this is considered a low risk as post construction of the development infiltration of rainwater will be significantly reduced.

The Environmental Protection team requires conditions governing times of operations and deliveries, and best practice in respect of minimising noise from plant etc.

Public Art

The NPPF states that the social role of the planning system should create 'a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being'.

In line with this the South Gloucestershire Local Plan: Core Strategy (adopted December 2013 Policy CS23 - Community Infrastructure and Cultural Activity states that 'The Council will work with partners to provide additional, extended or enhanced community infrastructure and encourage participation in cultural activity. Developers of Major Residential Schemes, and schemes that will attract a large number of users, will be required to demonstrate how their proposals will 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'.

The NPPF also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The provision of public art is a key indicator of good design (building for life criteria) and should be seen as an opportunity to involve the local community in support of Sustainable Community Strategy objectives.

This is highlighted in South Gloucestershire Local Plan: Core Strategy (adopted December 2013) Policy CS1 – High Quality Design Point 7
'Where the scale, location and/or significance of the new development proposals warrants it, embed public art within the public realm or in a location where it can be viewed from public areas.'

Within the NPPG there is reference to cultural wellbeing and cultural facilities generally in both urban and rural areas, and the need for the development control system to have regard to these issues and facilities in planning for sustainable development.

Particular reference is made to the provision of public art within the NPPG. In the guidance which has been given in relation to well-designed public spaces the NPPG observes as follows: "Public art and sculpture can play an important role in making interesting and exciting places that people enjoy using."

This reference to public art as part of the important details of a development proposal is reinforced by the passage in the NPPG which addresses the definition of Reserved Matters and includes, within landscaping, the provision of public art. The references to cultural wellbeing in the NPPF have been expanded with further guidance which specifically references public art as a material consideration and a factor to be taken into account in the context of the good design of public places and the provision of appropriate landscaping (in its broadest sense) in the layout of open and public spaces within development.

The NPPG does draw attention to the need to establish evidence which demonstrates that public art is a necessary component to make a development acceptable in planning terms. This requires clear evidence of public art policies and programmes, or design requirements and shows the connection between the proposed development

and public art. As indicated above our Core Strategy, other planning documents and the Art and Design in the Public Realm Advice Note include a clear rationale for new developments in South Gloucestershire to include public art. In addition, this site should be informed by the recommendations of the public art strategy for the Cribbs Patchway New Neighbourhood and associated Green Corridors Masterplan and Community Buildings Masterplan.

Recommendation

In the light of this policy basis, if the application is approved, the Council should apply a planning condition for a public art programme that is relevant and specific to the development and locality and commensurate with its size and importance. The programme should be integrated into the site and its phasing plan.

This application has no specific document relating to public art. Therefore, the condition should require full details and designs to be agreed in line with the build programme such that the proposed scheme can be fully integrated into the site. .

The public art programme should be devised and managed by a public art professional to ensure a high quality scheme.

Archaeology

Archaeological evaluation has already occurred across a large area of this site, followed by a small strip in the northern area of the site. This has broadly demonstrated the absence of archaeology or that the archaeology is not of such significance to preclude development. As such, there is no archaeological objection to the application.

However, there is a small area of the site where archaeology was identified and this needs to be excavated and recorded. I am in receipt of a Written Scheme of Investigation (WSI) for a Strip, Map and Sample (SMS) from Foundations Archaeology (their ref CCB18sns-Site 20 SMS Trs 27 to 29 WSI COMBINED-v1.1-14.06.2018-AH) for this area. I am content with the approach set out in this document and it can form the basis of a condition for archaeological work.

Lead Local Flood Authority

No objection in principle to this application subject to the following comments.

We would recommend a condition be placed on this application in order to obtain the detailed design for the surface water drainage system that is to be implemented on site.

Landscape

The site lies within the Patchway & Filton Landscape Character Area (area 15).

A TPO has been placed on the most significant trees shown to be retained and these are to be protected as per the recommendations of the tree survey, within the proposed layout. The tree protection is in place and should be maintained in its current

position for the duration of the works and should be inspected and agreed by our tree officers prior to building work commencing.

The new GI link proposed through the site has now narrowed in section to accommodate the increased car-park area to the immediate east of the car showroom. This eats into the space considerably and extends the hard surfacing into the green area, which is unfortunate. The other notable change is the complete omission of tree planting within the car showroom car-park, where previously a good level of tree planting was proposed. Tree planting should be provided as shown on the approved scheme and to accord with the level of tree planting proposed on the other development parcels. The main planting suggested around the car showroom is Box hedging, which provides little screening or landscape mitigation for the scale of building proposed.

Landscape works carried out as part of the enabling works included the translocation of a large section of native hedgerow and planted along the south eastern boundary of the site and creation of a replacement pond with aquatic and marginal planting. This work was completed last year and everything is now well established.

Further amended plans have been submitted by email on 21 June; AWW Illustrative Masterplan dwg.no.3968/0101 Rev B. This revision amended the car-parking to Costa Coffee, increasing the number of spaces by 16 and proposes a substation building to the south east corner of the car showroom, on an area previously shown as car-parking. The overall number of car-park spaces is unchanged.

An updated LVIA has been submitted to support the revised application. 1.3 of the LVIA states that as agreed in December 2017, although the baseline condition for the assessment is the cleared and regraded site, following the completion of the enabling works, the landscape mitigation measures proposed in the approved application have also been included when describing the baseline context. As stated at 3.4 of the LVIA, it was agreed that the previously agreed methodology, landscape character receptors and photo viewpoints would still apply to the revised scheme and should be used for the new LVIA.

It was also agreed that regarding the retail or hotel unit to be proposed on the eastern portion of the site, as there were two scenarios, the larger unit should be assessed, as the worst case scenario, for the purposes of the LVIA.

There are a number of places throughout the LVIA and DAS where the plans and especially the keys are burred and unreadable, such as Figure C9 within the LVIA; Illustrative Landscape Masterplan and DAS 7.4; Landscape & Ecology plan, where the key is blurred. This should be amended and clearer plans included as an addendum.

The LVIA acknowledges that since the removal of the northern boundary hedgerow and replacement with a chain-link fence, as part of the enabling works, there are now open views from Merlin Road into the site, making the cleared site and regraded development platforms visible.

I confirm that each viewpoint has been re-assessed considering the minor site amendments and changed floor level/increase in height of the building and photomontages revised accordingly. I would concur with the report conclusions that

in the long-term, overall the revised proposals result in minor adverse or negligible landscape and visual impact.

The revised landscape proposals are consistent with the overall objectives which guided the original landscape masterplan. As established in the approved scheme, a robust landscape framework will be expected to provide mitigation for development and to conform to the wider aspirations for green infrastructure over the Cribbs Patchway New Neighbourhood. It is considered that landscape improvements to the car showroom car-park should be secured prior to determination. The full planting detail to be submitted as a condition of planning.

The proposals are acceptable, subject to securing the above improvements and clarification of the plans included in the LVIA and DAS.

Conditions should be added to the planning approval consistent with those landscape conditions applied to previously approved application PT15/5319/O.

Following receipt of amended plans: The revised information and the DAS is much clearer and the plans are now acceptable. The main sticking point continues to be the lack of tree planting within the JLR site. The illustrative layout in the DAS is misleading and shows tree planting not only along the northern boundary of the car-park, but all along the building façade too.

Urban Design

Comprehensive Development

There are not considered to be any material changes in planning policy from the previously considered scheme. The main change in terms of development context is the completion of the Framework Agreement for the CPNN in February 2018, and the grant of permission for redevelopment at the former Filton Airfield immediately adjacent to this site, under application PT14/3876/O.

Consideration of the application proposals in relation to the requirement to deliver 'comprehensive development' has not changed since my previous consideration. As before the application proposals are considered to accord with policy CS26 and the adopted SPD in this regard, facilitating wider connections through the New Neighbourhood broadly in accordance with policy context and the Council-endorsed Framework Plan (2014).

As before this is subject to confirmation that land in the ownership of the applicant required to deliver the MetroBus Extension project through San Andreas roundabout (a key part of the Council's transport infrastructure package for the wider New Neighbourhood) should be secured through a planning obligation. This is to ensure the relevant land can be utilised to ensure the timely delivery of this piece of infrastructure in accordance with policy CS26 requirements to positively facilitate surrounding developments.

Detailed proposals

The submitted Design and Access Statement sets out the rationale behind the detailed designs, siting and layout of the Skydiving centre, ice rink, restaurant and drive-

through coffee shop. Together with plans and elevations of those buildings the submission include details of public realm designed to facilitate walking and cycling north-south through the site to The Mall/ Cribbs Causeway and new services and facilities with the redeveloped Filton Airfield (respectively).

In terms of siting and layout the proposals remain largely the same, albeit the approved Skiplex has been replaced by a proposed restaurant, and I raise no objection to these revised elements.

The detailed design of buildings has not changed dramatically from those previously approved. The introduction of a car showroom into the detailed application site is a new element. As per my comments at pre-application stage the siting of this building and associated parking/ display area is unfortunate – failing to take the opportunity to create a more legible environment by being located closer to and helping to enclose Merlin Road. However, given the nature of the previous permission for hotel, restaurant and retail in a similar location I do not raise an objection on design grounds to this element. The elevations, whilst a little uninspiring, are a reflection of the function of the building and also of a higher quality in terms of material and detailing than much of the surrounding context. They are therefore considered and in accordance with Policy CS1 and CS26.

However, I agree with Landscape comments that the proposed tree planting to the front of this building is poor. The visualisation on p.48 of the DAS shows a well planted scheme both in the landscaped element adjacent to Merlin Road and tree planting within the display/ car parking area. This is not reflective at all of the submitted plans/ elevations, particularly the site plan (3226/030 rev. W), which shows only 5 trees in front of the north elevation, and the west elevation (3315-050-J), which shows a number of trees that do not seem to correspond with the Site Plan. In any event I agree with the view that the proposal should incorporate much more tree planting to the front of this unit, particularly to soften the appearance of the car parking area that, together with the display area could feel like a large expanse of barren hard surface.

Public Realm

A further difference to those details previously considered is the narrowing of the public realm and north-south route (adjacent to the ice rink, Skydive and restaurant unit) over and above the previously approved scheme, with additional vegetation also now proposed directly on the southern boundary. These changes have the effect of reducing forward visibility of a 'key pedestrian link', harming its legibility, and reducing its safety and perceived security.

Furthermore it is unclear from the submitted information whether this pedestrian route will actually terminate within the site or continue to the boundary and facilitate access beyond – a number of drawings in the DAS conflict with each other, for example;

- "Proposed development heights", "Access and Movement" and "Connectivity with surrounding context" drawings (p.56, 57 and 60) show 'proposed pedestrian links' (dotted green on the latter) continuing directly south across the site boundary into the airfield site,
- "Green infrastructure and public space" drawing (p.59) shows public realm terminating well before the site boundary (for both pedestrian link and public right of way), but no vegetation on the boundary on the alignment of the "proposed pedestrian link",

- "Landscape and ecology" drawing (p.58) shows the existing public right of way (separate from a "proposed pedestrian link") continuing beyond the southern boundary but the pedestrian link itself being blocked by vegetation (the drawing itself is blurred and it is not possible to see what kind of vegetation this is proposed to be),
- "Public Realm – Commercial route" (p.63) shows the "proposed pedestrian link" terminating some metres from the site boundary and unspecified vegetation directing users down a very narrow path,
- Access and movement parameter plan similarly shows a "Key proposed footpath" (dotted yellow) terminating well before the site boundary.

Notwithstanding the discrepancy between drawings this element of the proposal is not considered acceptable in any of these forms. The previously approved scheme was negotiated to include a wider, more direct route in this location with landscaping framing the threshold with the airfield site. It did so to accord with the requirements of CS26 in terms of delivering improvements to walking and cycling infrastructure and integrated access and movement around the wider New Neighbourhood, and section 5 of the adopted SPD, particularly principles 5.1 and 5.2. The current application should reinstate those proposals for this important area of public realm and pedestrian and cycle continuity. The applicant should be advised of the above and would ideally amend the relevant drawings (both those to be approved and those that are for information/illustration to ensure consistency) prior to determination.

Alternatively, if necessary, a suitably worded condition could expressly exclude this area from the permission, and require revised proposals to be submitted and approved prior to the commencement of development.

Otherwise I consider the detailed elements of the hybrid application in accordance with Policy CS1, CS26 and the adopted SPD.

Outline proposals

Outline approval is sought for sports retail or hotel including Class A2/ A3 uses on the remaining site area. Permission is sought with all matters reserved. Parameter Plans have been submitted relating to land use, building heights, and access and movement.

The principles of such uses have been granted before and as such I raise not objection to them.

There is little in the submitted DAS too indicate how the very broad parameters applied for might be sited or orientated to successfully achieve "buildings of varying heights fronting onto this [easterly north-south] route to strengthen it, give it enclosure and create a sense of public realm..." as is stated (p. 56). Creating a proper 'edge to the western boundary of Area 2, and creating a sense of enclosure in terms of building siting, massing, active frontage and elevational treatment not just to the adjacent public space but also to the Merlin Road frontage will be a minimum requirement of any reserved matters application. Certainly the layout of uses shown on the building height parameters plan do not reflect either this or the aspiration quoted above, and if submitted as part of reserved matters would raise an in principle objection on design grounds.

Policy CS1 of the Core Strategy seeks to secure high quality design in new development. The DAS, however, contains very few design principles to direct future reserved matters applications, and gives little certainty or fix over the future design intent for key urban design elements.

I do not consider that on their own the principles set out in the DAS and parameter plans create a framework within which high quality design in accordance with policy and the adopted SPD will certainly be achieved. I therefore consider that, should the outline element of this application be considered acceptable in all other respects, further design information should be required prior to submission of Reserved Matters.

To this end a condition is recommended to require the submission and approval of an urban design framework for Area 2 prior to the submission of reserved matters. The urban design framework should set out key principles, dimensionally and topographically accurate, relating to; the siting, orientation, points of access, height and massing of building(s), and principles for any associated hard and soft landscaping.

The purpose of the urban design framework will be to advance the initial 'outline parameters' in the DAS into a set of clear principles for development of Area 2 to give the Council certainty that design quality is being ensured in accordance with CS1, CS26 and the adopted SPD. The condition should ensure that reserved matters applications are in accordance with the DAS and Urban Design Framework as approved.

Environmental Policy

General comments

The proposal to base detailed energy strategies on the energy and carbon hierarchy is noted and welcome.

The mix of uses, building types, anticipated requirement for heating and cooling, and the layout of the development provide significant opportunities to minimize energy demand, maximise energy efficiency, and generate energy renewably on-site.

The proposed layout and orientation of the buildings, and non-residential nature of the development (meaning high day-time demand) make it particularly suitable for on-site PV.

The location of the development provides an opportunity to connect to an external heat network(s) as and when these develop.

Detailed comments and recommendations

Measures to maintain and enhance biodiversity are noted.

Given the nature of the site and scope of issues set out in the Cribbs Patchway New Development Framework, consideration should be given to the preparation of a site-wide biodiversity management plan for the long-term protection, and enhancement of ecology and biodiversity during and after construction.

On account of the wide range of benefits they bring, the inclusion of brown/green roofs should be considered.

Benefits include:

- Attenuation of rainwater – reducing surface water run-off.
- Reduction in direct solar gain – reducing the risk of overheating and need for mechanical cooling.
- Local cooling – meaning they work well in conjunction with roof mounted PV (as heating of PV leads to a reduction in panel efficiency).
- Reduction in heat island effect
- Reduction in winter heat loss when combined with insulation systems
- Enhanced biodiversity and ecology

Heating and cooling

As noted in the Energy and Sustainability Statement the requirement for both heating and cooling (across this site) presents significant opportunities to reduce total energy demand by combining these two requirements.

Options for achieving this should be fully explored at the design stage. This should also consider how the benefits of combining heating and cooling can be maximised year round i.e. during the summer months when the cooling load will be greatest and heating requirement at its lowest.

Options for doing this include connection to the heat network and ground source heat pumps to facilitate the seasonal storage of heat.

The heating and cooling strategies for the different elements of the development (ice rink, restaurant, showroom etc) should also be considered for the development as a whole. Individual statements should demonstrate how the recommended approach for each element integrates with the whole strategy and will lead to a net benefit in terms of energy use and CO2 emissions.

Energy strategies should provide detailed analysis of the options for connecting to an external heat network including the Strategic Heat Main either at the point of construction or in the future. Where day-one connection is not feasible but future connection is deemed to be an option, heating and cooling systems should be designed accordingly and in line with guidance provided by South Gloucestershire Council. (E.g. heating systems should be specified with flow and return temperatures compatible with connection to the network, and the CIBSE Code of Practice).

I recommend conditioning an evaluation of the options for connecting to the heat network.

Risk of overheating

The Cribbs Patchway New Development Framework states that 'measures to avoid risk of overheating should be considered where buildings are well-insulated and designed to optimise solar gain'.

I recommend that the revised Energy Statements should include an assessment of overheating under current and future climate projections to determine if there is a risk. (Methodologies such as CIBSE TM52, or appropriate equivalent, provide a recognised means of assessing overheating risk in new buildings).

Where an overheating risk is identified appropriate mitigation measures (such as those presented in the Development Framework) should be integrated into the design including but not limited to, fixed and seasonal shading and green infrastructure, to limit solar gain.

Power and on-site renewable energy

As proposed in the consultant's report, subsequent energy statements should provide a more detailed assessment of options for on-site renewables once other elements of the design are confirmed.

The potential for roof mounted PV is noted and welcome particularly given the likelihood of high daytime demand for power.

The specification of roof mounted PV systems should take account of tilt, orientation and over-shading at the time of construction and in the future, e.g. from other buildings, green infrastructure etc.

I recommend that the following are also considered further at the next stage:

- Application of flexible PV panels/array on the curved roof of the coffee shop
- Options for solar canopies over car parking spaces (though this has to be considered alongside green infrastructure)
- On-site electrical energy storage to reduce peaks in power demand thereby reducing energy running costs and additional demand on the local electrical distribution network.
- Future demand by visitors/customers for the facilities to charge electric vehicles whilst visiting the site. Though not a policy requirement, in line with the Council's desire to improve air quality and reduce local air pollution consideration of how this can be provided in the future is encouraged.

BREEAM

As noted in the report policy CS1 encourages major mixed-use schemes to achieve BREEAM 'very good' or other equivalent standard.

Further explanation as to why BREEAM certifications are not being sought would be helpful.

5.3 External Consultees

Bristol City Council

Walking must be encouraged from Filton Airfield towards Cribbs Causeway. Two links have been provided from the South through the site towards the North.

Whilst it is acknowledged the original scheme would have had some impact on the BCC highway network this was not considered to be a material impact. The new scheme proposes a negligible increase in trips onto BCC's highway network when compared with the consented scheme.

Therefore BCC deem the proposal to be acceptable.

Highways England

No objection

Highways England recommended 'no objection' in respect of the previous application (ref: PT15/5319/O) regarding impacts on the strategic road network (SRN) i.e. M5 junction 17.

Highways England issued a response to the LPA dated 4th May 2018 recommending planning permission not be granted for a period of 3 months. This recommendation was issued because the revised Transport Statement (TS) accompanying the planning application had not been received so a full assessment of the revised development's impact on the SRN was not possible.

The revised TS has now been received. The proposals are shown to generate +17 (AM), +13 (PM) and +22 (SAT) additional two-way trips in each peak hour, compared to the site's extant consent.

After taking account of development trip deductions and trip distribution/assignment (as per previous Highways England agreements), the additional trips impacting on M5 J17 include +10 (AM), +10 (PM) and +15 (SAT) two-way development trips.

No new capacity assessments have been presented for M5 J17, with the TS largely repeating the conclusion of the September 2016 TA, in that the proposals have little impact on the operation of the SRN.

Given the minimal volume of additional development trips anticipated to travel through M5 J17, we consider that the impact of the development on the operation of the junction would not be severe. M5 J17 is already a sizeable junction, with traffic signals provided on the M5 off-slips and are able to control vehicle queues generated on these approaches.

The proposals include only limited changes to a development already consented, Highways England offers 'no objection' and this supersedes the response dated 4th May 2018.

Wessex Water

Foul Drainage

- A connection to the public foul sewer network in Merlin Road can be agreed for foul flows of a domestic nature. The point of connection to the public network is by application and agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards. The developer should contact the local development team to agree proposals and submit details for technical review prior to construction. For more information refer to WW's guidance notes 'DEV011G – Section 104 Sewer Adoption' and DEV016G – Sewer Connections'.
- Any trade effluent disposals or non domestic regular / irregular discharges will require a separate consent from WW. The developer is advised to make an application for consent to discharge trade effluent via their appointed water and

sewerage retailer. For further information on Trade Effluent Discharge please consult the 'Customers' section of WW's website.

- Please note our standard advice for food outlets: 'Grease and fats should not be discharged to the public sewer and appropriate arrangements should be designed and provided to prevent this contaminated discharge by using a suitable grease interceptor and maintenance programme to remove and dispose of this waste.

Surface Water Drainage

- Surface water drainage to be disposed of in accordance with Suds Hierarchy and NPPF Guidelines. The Proposed Drainage Strategy Plan (Arup March 2018) proposes indirect connection to the public surface water system via existing private sewers serving The Venue. The applicant will require permission from the adjoining landowner to connect to the private sewers and an agreement with WW for indirect connection to the public sewer.
- Disposal to the public sewers is the last option in the hierarchy and is only considered where other means of disposal to local land drainage systems are proven unviable.
- Discharge rates from the development site to be agreed by the Lead Local Flood Authority in consultation with WW.
- Developer must demonstrate that there is sufficient capacity within the receiving private sewers to accommodate proposed flows from the site and will not increase the risk of downstream flooding in the private sewer system.
- Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system. Any redundant sewers should be capped at the point of connection to the network.

Avon and Somerset Police (Crime Prevention)

No objection subject to the following comments:

1. Accepting that part of the site is full and part is outline; generally the layout and design of the open spaces and buildings comply with the guidelines of Crime Prevention Through Environmental Design. A closer analysis of the appropriate outline areas will be made at the Reserved Matters stage for those areas.
2. From crime prevention perspective the key aspect is the provision of a coordinated and monitored quality CCTV system. Aspects of the design; particularly the public realm, as well as serving the public can also be abused leading to Ant-Social Behaviour. The DAS does not indicate where the monitoring of the system will be taking place. Common sense would indicate monitoring by The Mall/Venue security, if this is not the case then a close working relationship with them would be essential.
3. Linkages are shown between the application site and the proposed neighbouring developments. As the application progresses these links need to be designed so as to prevent any illegal vehicle access to the site.
4. The main difference with this application is the Car dealership details and repositioning. There are generally no CPTED issues with the design of the showroom, however the applicant is advised to consider the quality of the glazing used. Similar sites in the locality have been subject to burglary where the offenders have used large items to break windows and steal items located in the showroom, such as high

value wheels and accessories. Products such as 'Hammerglass' should be considered. In order to fully comply with the safety and security requirements of the National Planning Policy Framework and the South Gloucestershire Core Strategy the applicant is advised to consider the above comments.

5.4 Other Representations

Dr Ian Williams (National Ice Skating Judge and Bristol Ice Skating Club member)

As a member of the Bristol Ice Skating Club (BISC) and a National Ice Skating Judge (appointed by The National Ice Skating Association (NISA)) I whole heartedly support the development of an ice rink at Cribbs Causeway described in ref 1 (with particular respect to paras 2.8 to 2.11) as previously stated in support of PT15/5319/O (ref 4).

What I and the members of BISC want to see is the development of a vibrant ice skating community that provides for all ages, abilities (including disabled people) and ambitions, that is inclusive of recreation skating and all the disciplines of Free Skating, Short Track Speed, Ice Dance, Ice Hockey and Syncro. That vision was set out in my previous comments (ref 4).

My comments are now more detailed about the ice rink and facilities itself and are not so much concerns as questions asked because, in order to support skaters and disciplines, I think that there must be adequate facilities available not just for ice hockey but for other skaters. My questions are based on what I have seen happen at other ice rinks.

I am delighted to see that the rink is 56 x 26 metres which is International size. Olympic size (60 x 30 metres) would have been good and perhaps attracted top coaches and would be a better size for Short Track Speed skating but we need an ice rink in the Bristol area.

What is difficult to identify from the plan views of the ground floor (ref 2) and the first floor (ref 3) to my inexpert eye is the following and hence my questions:

1. What changing facilities are to be provided besides an area for people hiring skates?
2. What storage facilities are to be provided for equipment?
3. Would there be power points available near ice level?
4. Equipment to play music for training, club sessions and competitions accessible from the side of the rink.

I ask question 1 because regular skaters will often change into clothing they use for skating at the rink. Will there be 'uncluttered' changing rooms available? My experience is that at the Swindon Link Centre there are two changing rooms, one of which is filled with hockey kit and definitely a bit 'niffy'. The other is available but it is mixed changing and while as adults we manage perhaps not a good idea when there are children involved dressing ready for a club competition. It would be a matter of 'Safeguarding'. From my days lecturing at Yeovil College that covers topics such as abuse, bullying (physical and cyber), self-harm, etc. On Wednesday evenings after the public session I am unable to use the one changing room available because the Hockey Team are preparing for a late night session. I change my clothes in the open skate hire area. Not an ideal situation.

It is not uncommon for adults to arrive straight from work and their need is to change their clothes. At the Spectrum Centre in Guildford there are two changing rooms with storage off these rooms. The changing rooms are not mixed. However when I have

visited the Guildford Ice Dance club (GIDC), Junior Hockey players, who have ice time just before GIDC, are obliged to change in the corridor that joins the two main changing rooms. Not an ideal situation.

Solihull I believe has at least two if not more changing rooms and is now run by Planet Ice.

It would be good to know that the plans for the rink include a minimum of two changing rooms which would not be used for storage of kit and available for skaters to change their clothes.

My second question relates to storage of kit. Ice Hockey clearly have a significant amount of kit which is not all personal kit. Short Track Speed skating line the barriers on corners with large pads which are far more bulky than any of the hockey kit and stand at barrier height and about 4 meters long. A minimum of eight pads would need to be stored. At the old Bristol rink lap counters and spare speed skates have been stored in a cabinet. BISC have a rostrum and carpet boards. A cabinet to store other items would be useful.

My third question about power supply availability at rink level is asked because at competitions these days electronic equipment is used. In fact judges would be seated at rink level on a platform, so that they can see over the barrier, and mid-way on the long barrier with electronic scoring systems. Often the Ice Hockey Penalty boxes is where judges would be seated.

I appreciate that my fourth question relates to equipment that would not necessarily be shown on a building plan but it is significant to coaches and skaters using the rink. In planning the immediate surrounding to the rink please can consideration be given to easy access to equipment for playing music and indeed making announcements from the ice surface?

I hope that explains why I am asking the questions and that facilities provided will be adequate for changing, storage of kit, electricity supply and access to equipment for playing music at rink level?

(N.B. The applicant has responded to Dr Williams in detail to his questions about the internal arrangements in the Ice Rink building.)

6 ANALYSIS OF PROPOSAL

- 6.1 For the sake of consistency, the structure of this report follows very closely the structure of the report which considered the previous application on this site (PT15/5319/O) and the proposals for other "Main Town Centre Uses" on out-of-centre sites at The Mall (PT14/4894/O) and ASDA Cribbs Causeway (PT15/4386/O).

The Principle of Development and the Correct Approach to Applying the Presumption in Favour of Sustainable Development

- 6.2 There are material differences in this proposed amended scheme from that which was previously approved by the Council, in terms of the size, design and arrangement of some of the individual buildings on the site, and the precise quantum of each use (identified at paragraph 2.5 above) hence the submission for a fresh planning application. That said, the overall menu of uses is very similar to the extant permission. It follows, therefore, that the extant permission on this site is an important material consideration in considering the principle of such development. Section 38(6) of the

Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise. Insofar as the principle of development is concerned, this analysis focusses on any changes to the development plan since the previous similar scheme was approved and any changes to other material considerations, such as the development context to the site, the National Planning Policy Framework (which was amended in July 2018), and interpretation of policy in the light of Court decisions.

- 6.3 The development plan still consists of the South Gloucestershire Local Plan Core Strategy (adopted 2013). However, since the previous scheme was considered, the saved policies of the South Gloucestershire Local Plan (adopted 2006) have been replaced by the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted 2017); although this plan was published in draft at the time of the previous decision and the most relevant 'emerging' policy was referred to. The main change in terms of development context is the completion of the Framework Agreement for the CPNN in February 2018, and the grant of permission for redevelopment at the former Filton Airfield immediately adjacent to this site, under application PT14/3876/O.

- 6.4 A Revised National Planning Policy Framework was published on 24th July 2018 and also constitutes a material consideration. Moreover, as before, it does not change the approach to determining this application i.e. the starting point is always the development plan. That said, the RNPPF is also clear that:

"The purpose of the planning system is to contribute to the achievement of sustainable development" (Ref Paragraph 7)

And paragraph 11 explains that for decision-taking means:

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

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

- 6.5 Officers are clear that there are relevant development plan policies, and that the policies which are most important for determining this application are not out-of-date and consequently it should be approved if it accords with the development plan, unless of course other material considerations indicate otherwise.

- 6.7 This presumption in favour of sustainable development, and the different approach to be taken to this, depending on whether or not relevant policies are deemed to be out of date, is reflected in Policy CS4A of the adopted Core Strategy.
- 6.8 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 the Bristol urban area, of which Cribbs/Patchway will form a new neighbourhood area.
- 6.9 Policy CS25 is intended as the overarching policy aimed at delivering the Council's vision for the communities of the North Fringe of the Bristol urban area.
- 6.10 Policy CS26 allocates land for a major mixed use development on 480 hectares of land at Cribbs Causeway, Patchway and Filton. This site is included in that strategic allocation, the CPNN Development Area, which advocates a comprehensive and coordinated approach to achieve the delivery of a sustainable new community over the Plan period. The policy states that: *"It is essential that an area-wide adopted SPD is the policy delivery mechanism to ensure development is comprehensively planned and delivered in accordance with... high quality urban design principles as set out in Policy CS1."*
- 6.11 The Cribbs/Patchway Development Framework SPD (hereafter referred to as the CPNN SPD) was adopted in May 2014. It sets out the overall infrastructure requirements of the Cribbs/Patchway New Neighbourhood, and sets high level design principles that planning applications should adhere to. Policy CS26 goes on to state that,
- "Development proposals will be required to demonstrate that they are in accordance with the SPD. They should positively facilitate and not prejudice the development of surrounding areas of the New Neighbourhood, and meet the overall vision for the transformation of the area."*
- 6.12 Whilst this site is not included as part of the overarching Framework Agreement for CPNN, it has been considered by Officers in the context of the infrastructure requirements that the agreement secures, which facilitates compliance with Policy CS26 and the adopted CPNN SPD.
- 6.13 Neither Policies CS25 and CS26, nor the CPNN SPD makes any specific reference to proposals for significant additional town centre uses, other than scope for hotels and local food and drinks outlets (emphasis added).
- 6.14 Policy CS14 provides the overall strategy for town centre and retail development. It lists town centres, emerging district centres, local centres and parades, and out-of-centre retail parks. It also indicates that for the period 2011 to 2026/27, while there is no identified need for additional convenience shopping floorspace (other than to meet very local needs), there is need for around 34,000 sq.m. of comparison shopping floorspace across the District in the period to 2026. Policy CS14 does not, however, apportion that growth in provision between centres.
- 6.15 Policy CS14 States that:

"The Council will work with partner organisations and the local community to protect and enhance the vitality and viability of existing centres in South Gloucestershire in recognition of their retail, service and social functions:"

- 6.16 It then goes on to list the relevant Town and District Centres together with a description of each one's role and function. Reference is also made to Table 3 and a separate list of 49 local centres and parades.

- 6.17 Policy CS14 then makes it clear that:

"Cribbs Causeway/Mall, Abbey Wood and Longwell Green Retail Parks will be treated as out-of-centre and development proposals will need to satisfy the sequential test."

"New investment in main town centre uses consistent with the NPPF will be directed into the town and district centres, reflecting the scale and function of the centre including making provision for 34,000 sq.m net of new comparison floorspace by 2026 to meet the needs of the communities in South Gloucestershire. The distribution of this floorspace will be through the Policies, Sites and Places Development Plan Document or a replacement Core Strategy/Local Plan."

"Development in local centres/parades will be primarily to meet local needs only and of a scale appropriate to the role and function of the centre/parade and where it would not harm the vitality and viability of other centres."

- 6.18 Policy CS14 then sets out the way in which the policy objectives of directing new investments in main town centre uses to town and district centres, and of protecting and enhancing their vitality, will be achieved, as follows:

"This will be achieved by:

- 1. Identifying in the Policies, Sites and Places Development Plan Document or a replacement Local Plan/Core Strategy centre boundaries, primary shopping areas, shopping frontages, and development opportunities in accessible locations within and on the edge of centres;*
- 2. Encouraging retail, commercial, leisure and cultural development within a centre of an appropriate type and scale commensurate with its current or future function;*
- 3. Safeguarding the retail character and function of centres by resisting developments that detract from their vitality and viability and protecting against the loss of retail units;*
- 4. Applying the sequential approach when considering proposals for new town centre uses;*
- 5. Requiring impact assessments for edge-of-centre and out-of-centre proposals with a floorspace over 1,000 sq.m. gross;*

6. *Encouraging convenient and accessible local shopping facilities to meet the day to day needs of residents and contribute to social inclusion."*

(Emphasis added)

- 6.19 This is consistent with RNPPF paragraphs 86 and 87 which make it clear that:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored."

- 6.20 This is referred to as the 'sequential test'. Paragraph 89 of the RNPPF also explains what an 'impact assessment' should include i.e. an assessment of:

- *"the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)."*

- 6.21 Paragraph 90 of the RNPPF makes it clear that:

"Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused."

- 6.22 Policy CS14 consistent with the RNPPF seeks to direct new investment in town centre uses into town and district centres by applying the sequential approach when considering proposals for new town centre uses and by requiring impact assessments for edge of centre and out of centre proposals. CS14 does not preclude development in out of centre locations. Rather it makes provision for how such proposals should be determined in requiring that they satisfy the sequential and impact tests. It is by requiring that those tests be met in respect of applications for out of centre locations that the vitality and viability of existing centres are protected and that new investment is directed into town and district centres. Consideration is given later in this report to the question of whether the proposed development meets the sequential and impact tests. If those tests are met the application is considered to accord with Policy CS14. The explanatory text at paragraph 9.26 of CS14 explains that the sequential and impact tests contained in CS14 are to be interpreted in a way that is consistent with the NPPF.

6.23 Policy PSP31 'Town Centre Uses' of the PSP Plan which was adopted since the previous application on this site was approved but was referred to then as an 'emerging plan', expands on Policy CS14, confirming that *"development proposal(s) for main town centre uses will be directed to town and district centres identified on the Policies Map"*. It also identifies proposals for additional comparison retail floor space totalling 16,000 sq m across six town and district centres to meet identified need to 2021.

6.24 Policy PSP31 also sets out the requirements for considering out-of-centre proposals as follows:

6) Out of centre proposal(s) for main town centre uses will only be acceptable where:

i. no centre or edge-of-centre sites are available; and

ii. the proposal(s) would be in a location readily accessible on foot, cycle, and by public transport; and

iii. alternative formats for the proposed uses have been considered.

7) When considered with recently completed developments in the plan period from 2011, outstanding planning permissions and allocations in the catchment area they serve, out-of-centre development proposal(s) should not have an unacceptable impact on:

a) existing, committed and planned public and private investment in a centre(s), in the catchment area of the proposal(s); and

b) the vitality and viability of established centres.

8) An impact assessment will be required for:

a) retail proposal(s) larger than 350m² in all locations outside Primary Shopping Areas; or

b) with exception of offices, main town centre use proposal(s) above 1000m², where they are outside of the designated Town Centre boundary; or

c) office proposal(s) larger than 10,000m², where they are outside of the designated Town Centre boundary

6.25 Also relevant to the consideration of out-of-centre proposals are the general assessment criteria set out at point 12 of PSP31. This states as follows:

"12) Development proposal(s) for all main town centre uses, including retail, in any location, will be expected to:

i. positively respond to any centre specific health check or locally prepared and endorsed vision (see also CS1 criteria 4); and

ii. be in proportion to the role and function of the location; and

- iii. *ensure any shopfront(s), sign(s) or advertisement(s), are of a scale, detail, siting and type of illumination appropriate to the character of the host building, wider street scene and avoids a harmful effects on amenity of the surrounding area; and*
- iv. *have convenient, safe and attractive access to and from surrounding residential areas for pedestrians and cyclists; and*
- v. *have appropriate provision for parking and servicing; and*
- vi. *not give rise to unacceptable levels of vehicular traffic to the detriment of the amenities of the surrounding area and highway safety; and*
- vii. *where possible and viable include and make positive use of upper floors; and*
- viii. *demonstrate a positive contribution towards the public realm and non-car circulation; and*
- ix. *be well served by public transport."*

6.26 For the purposes of the sequential approach to main town centre uses required by the RNPPF and Policy CS14, Paragraph 7.56 of the supporting text to Policy PSP31 confirms that the boundaries and extent of town centres and primary shopping areas are defined on the Policies Map. The land to the south of Merlin Road is not defined on the Policies Map but, as explained above, Policy PSP31 clearly makes provision for how any out-of-centre proposals for main town centre uses should be considered, consistent with Policy CS14 and the RNPPF. Indeed this is reiterated at paragraph 7.58 of the supporting text to PSP31 which states that:

"The identified need for comparison floor space is 34,000m² net by 2026/27. This is based on a retail study, which demonstrates needs arising from within the district 18,000m² by 2021, and a possible further 16,000m² by 2026/27. However, floorspace needs beyond 2021, have been identified as far less certain. Therefore, a revised retail need figure for the period after 2021 will be established and confirmed as part of the new Local Plan for South Gloucestershire which is scheduled for adoption in 2019. This will include the need for sub-regional consideration of retail issues. In the interim, any proposal(s) to meet retail need post 2021 will be considered against the strategy for retail development and investment for centres set out within this policy and national policy related to sequential and impact test requirements. The retail study did not assess a strategic need for large scale convenience retail within the district. Proposal(s) for large scale convenience retail outside of Primary Shopping Areas will be subject to the provisions of this policy, sequential and impact tests of the NPPF"

6.27 Therefore, consistent with the RNPPF and Policy CS14, Policy PSP31 does not preclude development of main town centre uses in out-of-centre locations. Indeed, if it were to do so, it would be inconsistent with the RNPPF. Rather it makes provision for how such proposals should be determined in requiring that they satisfy the sequential and impact tests. It is by requiring that those tests be met in respect of applications for out-of-centre locations that the vitality and viability of existing centres are protected and that new investment is directed into town and district centres. The explanatory text at paragraph 7.58 of the PSP Plan explains that the sequential and impact tests contained

in PSP31 are to be interpreted in a way that is consistent with the RNPPF. If those tests are met the application is considered to accord with those parts of Policy PSP31.

Principal Issues for Consideration

6.28 Overall, given the above policy context and the location of the application site within the main urban area (not open countryside, not Green Belt and not AONB), the principal issues for consideration may be summarised as follows:

1. Whether the proposals pass the 'Sequential Test'. The Development Plan and the RNPPF requires this test to be applied to all planning applications for main town centre uses that are not in an existing centre. The land south of Merlin Road is not defined as being in an existing town centre. Indeed neither is the wider Cribbs Causeway Retail Park or The Mall. Paragraph 86 and 87 of the RNPPF explains that this means:

"Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored."

The RNPPF (Ref: Paragraph 90) is clear that where a proposal fails to satisfy the sequential test it should be refused.

2. Whether the proposals pass the 'Impact Test'. When assessing applications for retail and leisure outside of town centres, the Development Plan and the RNPPF require an impact assessment to be undertaken which should include assessment of:

- *"the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)."*

(Ref: RNPPF Paragraph 89)

Paragraph 90 of the RNPPF is clear that where an application is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

3. Whether the proposals would have convenient, safe and attractive access to and from surrounding residential areas for pedestrians and cyclists, be well served by public transport or whether they would have unacceptable transportation effects (Ref: CS8, PSP11 and PSP Policy 31). The RNPPF (Paragraph 111) confirms that

all developments that generate significant amounts of movements should be supported by a Transport Statement or Transport Assessment, which these proposal are. And paragraph 108 of the RNPPF states that in assessing specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

- 4 Whether the proposals would make appropriate provision for parking and servicing (PSP16 and PSP31).
- 5 Whether the proposals would have unacceptable environmental effects. As discussed above, prior to submission of the original application, it was agreed with the applicants that the nature and scale of the likely environmental effects of the proposed development justified the requirement for Environmental Impact Assessment under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Consequently, in addition to a Retail Statement and a Transportation Assessment, an update and amended Environmental Statement addressing the revised proposals has been submitted (Ref: Policies CS9, PSP2, PSP3, PSP17, PSP19 and PSP21).
- 6 Whether the proposals would prejudice residential amenity (Ref: Policy PSP8).
- 7 Whether the proposals meet high standards of design and site planning and appropriate green infrastructure (Ref: Policies CS1, CS2, CS24, CS25, CS26, PSP1, and PSP2,) and demonstrate a positive contribution towards the public realm.
- 8 Whether the proposals provide site specific measures to directly mitigate their impact and/or provides for the needs arising from the development, including financial contributions towards its maintenance where appropriate (Ref: Policy CS6).
- 9 Finally, whether the proposals are compliant with the development plan or not, and if not, whether there are any material considerations that would justify a determination not in accordance with the development plan, and whether the proposals constitute sustainable development having regard to their economic, social and environmental dimensions and the Government’s view of what sustainable development means in practice as set out in the RNPPF taken as a whole.

Retail and Town Centres

- 6.29 A Retail and Leisure Assessment was submitted with the original application dated December 2015 and was subsequently amended in September and November 2016,

to include, among other things, a cumulative impact assessment; taking into account the proposals at The Mall and ASDA as well. The Council sought independent specialist advice on this assessment from its own retail planning consultants DPDS who concluded at that time that both the 'Sequential' and 'Impact' tests explained above were passed.

- 6.30 An amended Retail and Leisure Assessment has been submitted in support of this amended application and concludes similarly that the Sequential and Impact Tests are both passed. The Council has once again sought the advice of its own specialist retail planning consultants DPDS on this. Given the similarities between this amended scheme and the previously approved scheme, DPDS have examined the Retail and Leisure Assessment having regard to the desirability of consistency in public decision making which indicates that permission should be granted for these amended proposals unless there are material differences in circumstances. Crucially, DPDS note that while the PSP Plan has been adopted and replaces the saved policies of the 2006 Local Plan, the PSP Plan only reinforces the requirement to undertake the Sequential and Impact Tests required by the NPPF and now the revised NPPF, and which were applied last time.

The Sequential Test

- 6.31 Insofar as any potential changes to the carrying out of the Sequential Test is concerned, there are two which DPDS highlight since the previous (2015) application was determined (in 2017) i.e. changes to policy and/or the interpretation of policy, and changes to the availability of sites. In relation to the former, there has been an appeal decision (the 'Stanway Decision Ref: APP/A1530/W/16/3147039) in which the Secretary of State agreed with his Inspector that the then NPPF did not rule out disaggregation and that it should be considered in the context of the requirement for flexibility that developers were expected to show. That is still the case with the Revised NPPF.
- 6.32 While there will be cases where disaggregation is not appropriate, there is nothing in the RNPPF which prevents its consideration. The previous application was determined in 2017 on the basis that there were strong links between some of the elements of the proposal (particularly the need for commercial development to cross-fund the active leisure elements) which meant that the scope for disaggregation was limited. The nature of city centre redevelopment meant that it was difficult to impose a precise link between the size of sites and the floorspace they could accommodate. Considerable flexibility was therefore sought. DPDS consider that this approach was consistent with that adopted in the Stanway appeal decision and that there is no need to adopt a different approach in relation to this amended application.
- 6.33 The RNPPF now clarifies the question about the 'availability' of alternative sites as *"suitable sites which are not available or are expected to become available in a reasonable period"*. But in any event, this was the approach adopted in determining the 2015 application and there is no need to adopt a different approach to this amended application.

- 6.34 Since the 'sequentially preferable' alternative sites were last considered, DPDS point out that the applicant now has planning permission on this site at Merlin Road and could implement that permission in full or in part. DPDS therefore say that, logically, this must reduce the weight which should be given to the sequential test in determining this application.
- 6.35 Insofar as the sites that were previously examined are concerned, some progress has been made in bringing forward the Callowhill Court site, but it remains some considerable time before development could start. Furthermore, the developer there has never indicated that it intends to incorporate an ice rink or sky-diving centre in its development and consequently DPDS still conclude that this site is not available for these uses.
- 6.36 The Avon Riverside site was previously considered unavailable because of the proposal for the indoor arena on it. There is now some doubt that it will go ahead on this site and possible alternative proposals are being considered at the Brabazon Hangars at Filton. The Avon Riverside site may or may not become available but in DPDS's view it is impossible to conclude at the moment that it is available for the development proposed in this application at Merlin Road.
- 6.37 If the Arena did go ahead at Avon Riverside, the Brabazon Hangars at Filton could become a possible alternative location for an ice rink development, though there is no indication that the developer there would be interested in such development. Crucially, and in any event, the Brabazon Hangars site does not constitute a town-centre, or edge-of-centre site, and is therefore not sequentially preferable and does not need to be considered.
- 6.38 Taking these factors together, DPDS conclude that the changes of circumstance (i.e. the Policy clarification and the availability of alternative sites) since the 2015 application was permitted in 2017, are not sufficient to lead to a different conclusion on the Sequential Test now i.e. the Sequential Test is still passed.

Impact on Existing Centres

- 6.39 There are two limbs to the Impact Test: the impact on the vitality and viability of centres; and the impact on planned development and investment in those centres.
- 6.40 With regard to impact on the vitality and viability of other centres, the different elements of the proposal need to be considered separately. With regard to the retail development, DPDS have advised that the applicant has used out-of-date demographic and economic forecasts which are both significantly lower than the more recent forecasts. As a result the town centre turnovers are likely to be about 16.5% lower than GVA forecasts in the design year of 2021. However, even adjusting for this, DPDS are clear that the impact levels could still not be considered 'significantly adverse' which is the test set out in the previous NPPF and reiterated in the July 2018 RNPPF.

- 6.41 In relation to the active leisure uses (the ice rink and the ski-diving centre) there would be no significant impact on other centres because there are no competing facilities in the area. The food and drink uses approved in the previous application were of a scale to serve the visitors to the site only and would not have had a significant impact on any centre. The current proposal contains more food and drink provision which DPDS conclude would compete more with nearby outlets but would not compete with existing centres on a significantly greater scale.
- 6.42 DPDS also agree with the applicants that the development would be unlikely to undermine planned development or investment in Bristol City Centre. While the Callowhill Court development has policy-status and an outline planning permission was issued in July 2018, so there has been some progress, the information currently available suggests that the progress towards securing investment has not advanced much further. More importantly, there is little reason to expect that the amended proposals at Merlin Road would undermine the planned investment there. It is not, in itself of sufficient scale or similarity to do so. The Secretary of State is due to issue his view on the impact of the proposed Mall extension (in combination with Merlin Road's impact) on or before 3rd October 2018 but the amended proposal at Merlin Road is such a small element of the combined development that DPDS say it would be unreasonable to refuse it on the basis of the combined impact if the Mall Extension is permitted. If the Mall application is refused by the Secretary of State, the question of combined impact does not arise.
- 6.43 DPDS therefore conclude that the Impact Test is still passed in addition to the Sequential Test. But as before, a condition would still be necessary to limit the floorspace to that which has been assessed.

Transportation

4. The tests here are: whether the proposals would have convenient, safe and attractive access to and from surrounding residential areas for pedestrians and cyclists, be well served by public transport or whether they would have unacceptable transportation effects (Ref: CS8, PSP11 and PSP Policy 31). The RNPPF (Paragraph 111) confirms that all developments that generate significant amounts of movements should be supported by a Transport Statement or Transport Assessment, which these proposal are. And paragraph 108 of the RNPPF states that in assessing specific applications for development, it should be ensured that:

b) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."

- 6.45 A Transport Statement (November 2015) and an addendum to it (September 2016) together with two technical notes were submitted in support of the previous application which was approved. An updated Transport Statement has now been submitted and following pre-application consultation with the Council identifies the previously approved scheme as the 'fall-back' position and focusses in on the impact of the changes that have been made. Indeed the proposed access arrangements remain unaltered; albeit details of the vehicular access to Phase 4 (the outline element of the scheme) are reserved for detailed consideration at a later stage.
- 6.46 As before, insofar as pedestrian and cycle access is concerned, the amended scheme would potentially link with The Mall via the proposed footbridge over Merlin Road, should the Mall extension go ahead, and via the existing lit underpass at The Venue. In addition to this there are two dedicated pedestrian/cycle links through the site to the CPNN.
- 6.47 The nearest public transport stops are located approximately 500m away from the site on Lysander Road which represents a 6-7 min walk for most, to the site. In addition to this there is the Bus Station associated with The Mall that provides more destination choices with safe secure linkages to this site via the existing lit underpass to The Venue and the proposed bridge over Merlin Road should the Mall extension go ahead. Whilst there are bus stops within The Venue complex which are closer to the application site, these are currently disused, with no current plans for re-use. No contributions are sought to improve public transport as these are covered by the CIL that will be raised (see below).
- 6.48 Insofar as the strategic road network is concerned, Highways England raised no objection to the previously approved scheme and are satisfied that the additional volume of trips generated by the amended scheme would be minimal and would not have a severe impact on the operation of junction 17 on the M5 which already has signals to control the vehicle queues on the approaches. Overall Officers conclude that while there would be an increase in the number of trips generated on the local network, that increase would be marginal compared with that generated by the previously approved scheme and could still be satisfactorily accommodated if the previously agreed mitigation is still secured i.e. highway improvements to the 'Cone' roundabout in the event that they do not come forward as part of any extension to The Mall by 2031 (N.B. This improvement is not required by the development of the western two thirds of the site).
- 6.49 The roundabout access to the site from the Venue has been confirmed as capable of accommodating the larger vehicles that would now use it such as car-transporters. The existing left-in left-out access on to Merlin Road from the eastern third of the site (i.e. the 'Outline' part of the scheme) is a construction access/haul road that was

constructed under the 'enabling works' permission (ref. PT15/3396/F – see above). The applicants say that this access is likely to be the most appropriate access for construction of the scheme but detailed permission for the final access would be sought as part of a reserved matters application for the hotel/retail element of the scheme which is reserved for consideration at a later stage.

- 6.50 Consistent with the conclusions on the previously approved scheme, officers are satisfied that the residual cumulative impacts of the amended scheme compared with the approved scheme would be marginal and that suitable access to the site can be achieved for all people. The revised proposals are therefore considered to be acceptable in transportation terms.

Parking and Servicing

- 6.51 The proposals include a total of 249 public car parking spaces (including accessible parking) and 479 in association with the car showroom.
- 6.52 Larger vehicles will be required to access the central part of the site compared to the previously approved scheme in the form of car transporters. The applicant has, however, provided vehicle tracking to the site to demonstrate that access can be achieved and Officers are therefore satisfied that all forms of vehicle expected to serve this site can be accommodated on either the public highway or the private access roads without compromising highway/pedestrian safety.
- 6.53 Overall Officers are satisfied that the proposals would make appropriate provision for parking and servicing in accordance with Policies PSP16 and PSP31.

Environmental Effects

- 6.54 As discussed above, prior to submission of the original application, it was agreed with the applicants that the nature and scale of the likely environmental effects of the proposed development justified the requirement for Environmental Impact Assessment under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Consequently, in addition to a Retail Statement and a Transportation Assessment, an updated and amended Environmental Statement addressing the revised proposals has been submitted in support of this amended scheme; including a consideration of cumulative effects with other proposed developments. In considering this, it is relevant to bear in mind that the 'enabling works' (PT15/3396/F see above) i.e. re-profiling of the site in preparation for development, has already been approved and implemented.

Ecology

- 6.55 The site formerly consisted of an area of rank grassland, scrub and hedges; a remnant of what was agricultural land sandwiched between Merlin Road and Filton Airfield and is not the subject of any statutory or non-statutory nature conservation designations.

- 6.56 An Extended Phase 1 Habitat survey was undertaken on behalf of the applicants across the site for the purposes of application ref. PT15/3396/F ('the enabling works' – see above). The results of this and the details of the proposed ecological mitigation were incorporated into that scheme which was approved and has now been implemented. This included the provision of a re-located pond and relocation and protection of associated species.
- 6.57 An updated Ecological Impact Assessment has submitted with this application which the Council's Ecologist agrees demonstrates that there will be no ecological constraints to the propped amended scheme providing conditions are attached to any permission securing the implementation of an ecological management plan and a Construction Environmental Management Plan.

Landscape and Visual Impact

- 6.58 An updated Landscape and Visual Impact Assessment (LVIA) has been submitted to support the revised application. The Council agreed that although the baseline condition for the assessment is the cleared and regraded site, following the completion of the enabling works (see above), the landscape mitigation measures proposed in the approved application have also been included when describing the baseline context. It was also agreed that the previously agreed methodology, landscape character receptors, and photo viewpoints, would still apply to the revised scheme and should be used for the new LVIA and that insofar as the outline options for a hotel or a retail store were concerned, the larger, worst-case scenario, should be evaluated.
- 6.59 The LVIA acknowledges that since the removal of the northern boundary hedgerow and replacement with a chain-link fence, as part of the enabling works, there are now open views from Merlin Road into the site, making the cleared site and regraded development platforms visible.
- 6.60 A TPO has already been placed on the most significant trees shown to be retained and these are to be protected as per the recommendations of the tree survey, within the proposed layout. The tree protection is in place and its maintenance in its current position for the duration of the works would be secured by condition.
- 6.61 Overall, Officers agree that in the long-term, the revised proposals would result in only minor adverse or negligible landscape and visual impact (See below regarding Green Infrastructure).

Archaeology and Heritage

- 6.62 There are no listed buildings on or near to the development site and it does not fall within a conservation area. A desk-based archaeological evaluation was previously undertaken across a large area of the site and some trenching was carried out in October 2015 and the results of this are contained within the submitted evaluation report. This was overseen by the Council's archaeologist in connection with the application for the 'enabling works' at the site (see above). The Council's archaeologist agrees that this had demonstrated that the archaeology is not of such significance to preclude development. However, there is a small area of the site where archaeology was identified and this needs to be excavated and recorded. The Council's

Archaeologist has agreed a Scheme of Investigation (WSI) for a small area and the implementation of this would be secured by condition.

Air Quality

- 6.63 The submitted Air Quality Assessment examines existing air quality and predicted effects of the proposed development on sensitive receptors and concludes as it did in respect of the previously approved scheme that, overall, the proposed development would have an insignificant effect on local air quality.

Noise and Vibration

- 6.64 The noise assessment concludes that noise levels associated with the amended scheme (development and traffic), as with the previous scheme, would be well below the relevant thresholds at residential receptors, subject to compliance with a Construction Environmental Management Plan secured by condition.

Ground Conditions

- 6.65 A number of ground investigations have been undertaken at this site and, as referred to above, the site has been subject to groundworks which involved the creation of a platform for the proposed building works and car parking areas. This included excavation of all Made Ground across the site between October 2016 and January 2017. Ground conditions testing during the enabling works did not identify any likely significant environmental effects that could be caused by the proposed development and this was agreed at the EIA Scoping stage.

Socio Economic Impact

- 6.66 A Socio-Economic Statement and a Retail Assessment were submitted with the application. The results of the Retail Assessment are considered above. It is estimated that the proposals, in addition to the employment generated through construction, will provide over 250 jobs and social benefits that will be derived, in particular, from the focus on leisure activities.
- 6.67 The Council's Economic Development Team believes that this scheme will have a "significantly positive impact" on the local economy within South Gloucestershire, through the development of currently under-utilised land and the provision of a large quantum of jobs, retail and leisure services for the CPNN and wider catchment area (i.e. Filton Enterprise Area, part of the City Deal).
- 6.68 Overall, it is concluded that the scheme would be likely to result in positive socio-economic effects.

Flooding and Drainage

- 6.69 Although the majority of the site is located within Flood Zone 1 where the annual probability of flooding is less than 0.1%, an amended Flood Risk Assessment was submitted and demonstrates that the amended proposals do not exacerbate any existing flood issues downstream. The drainage strategy for the site includes a SUDS including permeable paving, attenuation basins and a wet pond.

- 6.70 The applicant has indicated that these measures provide appropriate attenuation and treatment before the surface water is discharged off site at a controlled rate. Attenuation and appropriate flow control devices are proposed to ensure the surface water run-off does not increase from the pre-developed scenario. Overall, the proposals are considered acceptable in terms of flood and impact on the water environment.

Residential Amenity

- 6.71 While the site is located some distance from existing residential occupiers, residential development is proposed to the south as part of the CPNN. The potential impact of noise and vibration have been considered and in order to avoid unacceptable impact on residential amenity it has been recommended that a Construction Environmental Management Plan be secured by condition. Overall it is concluded that the proposals would not unacceptable prejudice residential amenity.

Urban Design and Green Infrastructure

- 6.72 Insofar as the policy-requirement to deliver 'comprehensive development' is concerned, this has not changed since the previous scheme for this site was approved and, as in that case, the amended scheme is considered to accord with policy CS26 and the adopted SPD in this regard, facilitating wider connections through the New Neighbourhood broadly in accordance with the Council-endorsed Framework Plan (2014).
- 6.73 The changes to the content and detailed layout of the scheme, compared with the approved scheme are explained above at Paragraph 2.5 and the rationale for this is explained in the Design and Access Statement. Together with the plans and elevations of the various buildings the submission also include details of public realm designed to facilitate walking and cycling north-south through the site to The Venue/Cribbs Causeway and The Mall and to the proposed housing and new services and facilities within the redeveloped Filton Airfield.
- 6.74 The detailed design of the buildings has also not changed dramatically from those previously approved other than in respect of the introduction of a larger car showroom occupying the central third of the site. The Council's Urban Design Officer considers that while the siting of the building and the carpark and car sales display area fails to take the opportunity to create a more legible environment by being located closer to and helping to enclose Merlin Road, given the nature of the previous permission for this part of the site, an objection on design grounds to this element could not be sustained. Overall, therefore the proposals are considered to be in accordance with Policy CS1 and CS26.
- 6.75 The revised landscape proposals are consistent with the overall objectives which guided the original landscape masterplan. As established in the approved scheme, a robust landscape framework will be expected to provide mitigation for development and to conform to the wider aspirations for green infrastructure over the Cribbs Patchway New Neighbourhood. Amended plans have been submitted which improve on the tree planting but it is considered that further landscape improvements to the

car showroom car-park should be secured in the context of the full planting details which are to be secured by condition.

- 6.76 A further difference to those details previously considered concerned the public realm and north-south route (adjacent to the ice rink, Skydive and restaurant unit), with additional vegetation now proposed directly on the southern boundary. These changes have the effect of reducing forward visibility of a 'key pedestrian link', harming its legibility, and reducing its safety and perceived security. The previously approved scheme was negotiated to include a more direct route in this location with landscaping framing the threshold with the airfield site. It did so to accord with the requirements of CS26 in terms of delivering improvements to walking and cycling infrastructure and integrated access and movement around the wider New Neighbourhood, and section 5 of the adopted SPD, particularly principles 5.1 and 5.2.
- 6.77 An amended Illustrative Landscape Masterplan has been received which goes some way to address these shortcoming and also introduces a DDA compliant access. The proposed landscaping condition however makes it clear what is required to address the remaining concerns when the details of the landscaping for this part of the scheme are submitted.
- 6.78 Otherwise the detailed elements of the hybrid application is considered to be in accordance with Policy CS1, CS26 and the adopted SPD.
- 6.79 Insofar as the Outline element of this Hybrid Application is concerned ('Area 2'/Phase 4') the submitted Parameter Plans address land use, building heights, and access and movement. However, there is little information contained in the submitted DAS to indicate how the very broad parameters applied for might be sited or orientated to successfully achieve *"buildings of varying heights fronting onto this (easterly north-south) route to strengthen it, give it enclosure and create a sense of public realm..."* as is stated (p. 56). Creating a proper 'edge' to the western boundary of Area 2, and creating a sense of enclosure in terms of building siting, massing, active frontage and elevational treatment not just to the adjacent public space but also to the Merlin Road frontage will be a minimum requirement of any reserved matters application. In the absence of sufficient detail in the DAS to achieve these design principles a condition is proposed which would require the submission and approval of an Urban Design Framework for Area 2 (prior to the submission of reserved matters).

Site Specific Mitigation

- 6.80 South Gloucestershire Local Plan Policy CS6 requires an answer to the question: Whether the proposals provide site specific measures to directly mitigate their impact and/or provide for the needs arising from the development off-site, including financial contributions towards its maintenance where appropriate?
- 6.81 Infrastructure to be secured under a Section 106 Planning Obligation comprises the following:
- £200,000 Funding for the provision and maintenance of new traffic signals and associated works at the Cone Roundabout or to undertake this work, prior to occupation of any development permitted as part of Area 2/Phase 4 for which only outline planning permission is sought at this stage (provided the work has

not already been carried out under planning permission PT14/4894/O for the extension to The Mall).

- Submission and implementation of a Framework Travel Plan

6.82 The Community Infrastructure Levy Regulations 2010 set out the limitations on the use of Planning Obligations. 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.

6.83 In this instance, it is considered that the planning obligations (set out above) are required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

Community Infrastructure Levy (CIL)

6.84 For the avoidance of doubt, the CPNN proposal was specifically excluded from the new CIL charging regime. Consequently the CPNN Infrastructure Delivery Plan (IDP) only addresses the delivery of the infrastructure arising from the CPNN allocation.

6.85 The precise amount of CIL arising as a result of this scheme in its entirety will only be finally calculated when the Reserved Matters have been approved for Area 2/Phase 4. However, an indicative calculation has arrived at the figure of between £715,000 and £765,000 based on the minimum and maximum parameters and where applicable the detailed floorspace of the proposed development.

6.86 Members are reminded that the use of CIL receipts generally is not tied to any one specific development in any way. The Council therefore has flexibility to pool CIL contributions towards strategic infrastructure projects. It cannot, however, specifically link the spending of CIL receipts from a named development to a project in or around that development, even if it is considered that there is a requirement for mitigating works to be carried out. CIL receipts can only be used for schemes as set out in the Council's published CIL Regulation 123 List. This currently includes: The Metro Bus project, Greater Bristol MetroWest Project (including new stations at Henbury & Filton), various traffic management measures, support for enhanced bus services, improvements to the strategic walking and cycling network and a range of community services e.g. health and education.

7 OVERALL PLANNING BALANCE (I.E. WHETHER THE DEVELOPMENT IS SUSTAINABLE DEVELOPMENT IN THE CONTEXT OF THE REVISED NPPF)

7.1 Paragraph 7 of the RNPFF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development. It then goes on to say that achieving sustainable development means that the planning system has three

overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- 7.2 The proposed development would fulfil an economic role through the provision of additional retail, leisure and commercial floorspace that brings with it employment associated with both construction and subsequent occupation estimated by the applicants at 123 Construction phase and 262 permanent (FTE) respectively, as well as tax revenues, business rates, and Council Tax totalling approximately £36.4 million. The applicants also estimate that the proposal will bring an additional £212.7 million visitor expenditure per annum.
- 7.3 The Retail Impact Assessment clearly identifies some economic impact in terms of trade diversion from other centres but the analysis undertaken by the Council's retail consultant reinforces the conclusion that the proposals would still produce a significant net economic benefit.
- 7.4 A social role would be fulfilled in the provision of a new public realm, retail and leisure facilities.
- 7.5 An environmental role would be fulfilled due to the accessible location of the site, improved pedestrian and cycle linkages, and the more effective use of land; over and above the mitigation works (relocated pond, translocated hedgerow) that have already taken place.
- 7.6 Overall, officers conclude that the proposal would constitute sustainable development having regard to Revised NPPF when taken as a whole.

7. CONCLUSION

- 7.1 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.
- 7.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted December 2013) and the Policies Sites and Places Plan (Adopted November 2017) set out above, and to all the relevant material considerations set out in the report.
- 7.3 The recommendation below has also been made having taken into consideration the environmental information contained in the Environmental Statement.

8 TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2009

- 8.1 This direction requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development. This includes applications for large scale retail development outside a town centre that are not in accordance with the development plan.

- 8.2 Officers have concluded that although the site is not allocated for further town centre uses, that overall, the proposals are in accordance with the development plan as a whole, for the reasons set out in the report. Consequently it is not absolutely necessary to refer the application first to the Secretary of State prior to granting planning permission and Officers are not recommending such a referral.
- 8.3 It was considered prudent to do so in the case of the previous application, given the nature of the proposals together with other proposals for significant retail and leisure development at Cribbs Causeway (i.e. The Mall and ASDA). The Secretary of State responded as recently as 27th July 2017 to confirm that he did not want to call-in that application. The Council's solicitor's advice is that providing it is concluded that this revised application is also policy-complaint, given that the principle has been established and the Secretary of State has declined to call in the previous application, this re-submission need not be referred.

RECOMMENDATION

- 9.1 That planning permission be granted 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:
- £200,000 Funding for the provision and maintenance of new traffic signals and associated works at the Cone Roundabout or to undertake this work prior to occupation of any development permitted as part of phase 2 outside the land shown annotated as Phase 2 - Outline application provided the work has not already been carried out under planning permission PT14/4894/O.
 - Delivery of a Travel Plan incorporating Coordination, monitoring determination of targets, as a means for setting out a monitoring process.
- 9.2 That the head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 9.3 That the Section 106 agreement shall be completed and the decision issued within 6 months from the date of this resolution.
- 9.4 Should the agreement not be completed within 6 months of the date of the decision that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: Donna Whinham
Tel. No. 01454 865204

CONDITIONS

1. Phase 1 of the fully detailed development hereby permitted as identified in pale yellow on drawing no. 0608 Rev C (Phasing Diagram) 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. For the land shown edged in red but outside the land edged in green (shown annotated as Phase 4 - Outline application on drawing no. 0608 Rev C Phasing Diagram) details of the access layout, scale and appearance of the buildings to be erected and the landscaping of the site (hereinafter called "the Reserved Matters") shall be submitted to and approved in writing by the Local Planning Authority before development on land to which the reserved matters relate commences. Development thereafter shall be carried out in accordance with the approved details.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended)

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. Applications for the approval of the Reserved Matters shall be in general accordance with the approved parameter plans and the principles and parameters described and illustrated in the Design and Access Statement (June 2018). A statement shall be submitted with each reserved matters application, which demonstrates that the application proposals are in general compliance with the Design and Access Statement. The reference numbers of the parameter plans hereby approved are as follows:

3968_0600B Parameter plan: Land use A1 1:1000

3968_0601B Parameter plan: Heights and floor space by use A1 1:1000

3968_0602B Parameter plan: Movement and accessibility A1 1:1000

Reason

To ensure that high standards of urban design and comprehensively planned development to accord with policies CS1, CS2, CS8, CS9, CS25 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013), Policies PSP1, PSP2 and PSP31 of the PSP Plan (November 2017) and the Cribbs/Patchway New Neighbourhood Development Framework SPD.

5. Prior to the submission of any reserved matters application in Area 2 an Urban Design Framework for that Area shall be submitted to and approved in writing by the Local Planning Authority.

The Urban Design Framework shall comprise:

- An appropriately scaled (to be based on an accurate site survey) that illustrates the siting, orientation, active frontage and potential points of access, scale and massing of building(s),
- Principles for elevational detail, and
- Principles for hard and soft landscaping.

Any subsequent applications for agreed revisions to an approved Urban Design Framework shall be subject to the written approval of the Local Planning Authority. Applications for the

approval of reserved matters shall be in accordance with the approved Urban Design Framework.

Reason:

To ensure the highest standards of urban design and comprehensively planned development in accordance with policies CS1 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy, and the adopted Cribbs/ Patchway Development Framework SPD.

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

Reason:

This is a pre-commencement condition to avoid any unnecessary remedial action in the future. 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 in accordance with Policies CS1 and CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and National Planning Policy Framework 2012.

7. Prior to the commencement of the development approved in full (Phases 1-3 shown on Phasing Diagram drawing no. 0608 Rev C), a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include measures to ensure that the developer and contractors take all reasonable endeavours to minimise environmental disturbance from on-site construction works, and off-site highway works associated with that phase of the development, and the management of vehicle movements on the road network, construction access points, timing of deliveries, delivery management including routing, on site working hours, compound locations, wheel washing, construction workers travel plan to include details of measures to encourage car sharing, use of modes other than private car and ways to minimise peak hour journeys. Phases 1-3 (drawing no. 0608) of the development shall be carried out in accordance with the approved CTMP. Prior to the commencement of development in Phase 4 (drawing no. 0608), an amended/updated CTMP shall be submitted and approved by the Local Planning Authority. Phase 4 of the development shall be carried out in accordance with the approved CTMP.

Note: The Council is likely to seek the views of Highways England when considering the discharge of this condition.

Reason

This condition is a pre-commencement condition in order to ensure that the CTMP for the relevant phase of development is approved and can be implemented when construction of the relevant phase commences. To ensure that the safety and efficient operation of the Strategic Road Network is not adversely affected to accord with policies CS7, CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and Policy PSP31 of the PSP Plan (November 2017).

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

The CEMP shall include the following matters to be addressed:

- i. Measures to control the tracking of mud off-site from vehicles.
- ii. Measures to control dust.

iii. Measures to control noise from the demolition and construction works include the following:

- Details of plant to be used including predicted noise levels
- Proposed noise monitoring points and maximum noise levels to be agreed with the Local Authority

• Compliance with British Standard 5228-1:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites.

iv. Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.

v. Adequate provision for the delivery and storage of materials.

vi. Adequate provision for contractor parking.

vii. A lorry routing schedule.

viii. Measures to safeguard the water quality and ecological integrity of the field pond retained as part of the scheme.

ix. Site security

x. Containment of silt/soil contaminated run-off.

xi. Disposal of contaminated drainage, including water pumped from excavations.

xii. Site induction for workforce highlighting pollution prevention and awareness. Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

Reason

This condition is a pre-commencement condition in order to ensure that the CEMP for the relevant phase of development is approved and can be implemented when construction of the relevant phase commences. To prevent pollution of the environment, highway safety and to protect residential amenity and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

9. No development shall commence until a Landscape and Ecological Management Plan has been submitted to and approved by the Council in writing. The Plan should accord with the agreed mitigation strategies and include details of the existing habitat to be safeguarded (ponds, hedges, trees); and any new habitat to be created (structure planting) and its management. It should also include a programme of monitoring of all works for a period of 5 years. All works are to be carried out in accordance with said plan thereafter.

Reason

This is a pre-commencement condition in order to ensure that any ecology or landscape features on site can be protected and any necessary mitigation measure agreed and implemented prior to or as part of the construction of the development. To ensure the works are carried out in an appropriate manner and in the interests of the protected species on site, and to accord with Policies CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

10. Within the first planting season following occupation of any development within each Phase (shown annotated on Drawing no. 0608 Rev C) full details of both hard and soft landscaping works relevant to that phase, as shown on the submitted Landscape Phasing Plan (drawing no. 17-80-PL-02 Rev x) shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following first occupation of any development within the relevant phase. Such details shall accord with the general principles of the approved Parameter Plans, Design and Access Statement (June 2018) and Illustrative Landscape Masterplan (drawing no. 17-80-PL-201 Rev D) with the exception of: (a) the area annotated 11 and 13 on the illustrative Master Plan

where a straighter, more direct route (stepped as necessary) should be provided that is lit and signed appropriately with no trees or boundary vegetation proposed where the plan is annotated '11'; and (b) the within the forecourt of the proposed car showroom where more substantial planting is required.

These details shall include: proposed finished levels or contours; means of enclosure; car parking layout; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, manholes). Soft landscape works shall include: detailed 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; and an implementation programme.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with policies CS1, CS2, CS24, CS25 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and Policy PSP31 of the PSP Plan (November 2017).

11. Prior to the commencement of the relevant phases of development containing or within the root protection zone for trees T8 and T9 including any groundworks, exempt infrastructure works, clearance or remediation works, tree protection measures shown on the approved Tree Protection Plan (February 2018) shall be implemented and retained in situ as approved for the duration of works.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with policies CS1, CS2, CS24, CS25 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and Policy PSP31 of the PSP Plan (November 2017).

12. For all reserved matters an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Energy Statement shall accord with the recommendations of the submitted Sustainability and Energy Statement (March 2018) and take account of the emerging CPNN District Heating Feasibility Study. It shall also commit to requiring developers to build to the approved Building Regulations. Thereafter, the development shall be implemented in accordance with the approved Energy Statement.

Reason

To achieve improved energy conservation and protect environmental resources in accordance Policies CS1, CS4 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and the Cribbs/Patchway New Neighbourhood Development Framework and Sustainable Construction SPD

13. No development shall be occupied until a public art strategy has first been submitted to and approved in writing by the Local Planning Authority, and it shall include but not be limited to information regarding timescales for implementation, triggers, proposed management and detailed designs (where appropriate). For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm –

Planning Advice Note, the Cribbs/Patchway New Neighbourhood Development Framework SPD, and its supporting documents the Cribbs/Patchway New Neighbourhood Public Art Plan, and Green Corridors Masterplan. Thereafter, the development within the relevant phase of development shall be implemented in accordance with the approved Public Art Strategy.

Reason

To protect the character, distinctiveness and visual amenity of the site and the surrounding locality; and to accord with Policies CS1 and CS23 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013), and the Cribbs/Patchway New Neighbourhood Development Framework SPD.

14. No convenience goods (COICOP Classification categories 1 and 2 including but not exclusively Food and non-alcoholic beverages, Food, Non-alcoholic beverages, Alcoholic beverages, tobacco and narcotics, Alcoholic beverages, Tobacco, Narcotics) shall be sold from any A1 use class development within the application site other than for purposes ancillary to the main use.

Reason

To ensure that the development hereby approved complies with the proposal as assessed in the Retail and Leisure Assessment (Ref: GVA Retail and Leisure Assessment March 2018). To ensure that the proposals do not have a significant adverse impact on existing, committed and planned public and private investment in the centres in the catchment area of the proposal nor on town centre vitality and viability including local consumer choice and trade, particularly to ensure the proposal does not undermine the proposals for local centres in the Cribbs/Patchway New Neighbourhood in accordance with Policy CS14 of the South Gloucestershire Local Plan: Core Strategy (2013), Policy PSP31 of the PSP Plan (November 2017), and the National Planning Policy Framework.

15. Notwithstanding the provisions of Class A of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the detailed development hereby approved (shown annotated as Phases 1-3 on the Phasing Diagram drawing number 0608 Rev C) shall not exceed 13,813sqm and shall comprise no more than 1,097 sqm of Classes A3, A4 and A5 floorspace and no more than 5,931sqm of Class D2 floorspace. Development on Phase 4 (as shown on Phasing Diagram drawing no. 0608 Rev C) shall comprise no more than 2,439sqm of Class A1 floorspace or 488sqm of Class A2/A3 floorspace (Ref: Town and Country Planning (Use Classes) Order 1987 (as amended)).

The Class A1 retail unit shall not be subdivided to provide more than one Class A1 retail unit within the total 2,439sqm Class A1 area.

For the avoidance of doubt these figures are gross floorspace as defined in paragraph 16 of Planning Practice Guidance as the total built floor area measured externally which is occupied exclusively by a retailer or retailers, excluding external open areas used for the storage, display or sale of goods.

Reason

To ensure that the development hereby approved complies with the size and mix of floorspace, and the type of goods to be sold that was assessed in the Retail and Leisure Assessment (Ref: GVA Retail and Leisure Assessment March 2018) in order to ensure that the proposals do not have a significant adverse impact on existing, committed and planned public and private investment in the centres in the catchment area of the proposal nor on town centre vitality and viability including local consumer choice and trade, in accordance with Policy CS14 of the

South Gloucestershire Local Plan: Core Strategy (2013), Policy PSP31 of the PSP Plan (November 2017), and the National Planning Policy Framework.

16. No building within Phase 4 (Phasing Diagram drawing no. 0608 Rev C) shall be occupied until a scheme for the provision of cycle parking for staff and customers has been first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme with the cycle parking provided prior to first occupation of the building to which it relates.

Reason

To encourage the use of sustainable transport in accordance with Policies CS8 and CS26 of the South Gloucestershire Local Plan Core Strategy (December 2013) and to comply with the requirements of Policies T7, T12 and RT5 of the South Gloucestershire Local Plan (adopted) January 2006 and Policy PSP 31 of the PSP Plan (November 2017).

17. All parking, including cycle parking, shown in Phase 1 (Drawing no.0608 Rev C) (excluding the coffee unit) shall be laid out in full and provided, including disabled parking, prior to first occupation of any of the ice rink or skydive. The coffee unit parking shall be laid out and provided prior to first occupation of the coffee unit. All subsequent parking layouts approved as reserved matters shall be laid out and provided prior to first occupation of the development to which it relates.

Reason

To provide accessibility for all in accordance with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (December 2013) and Policy PSP 31 of the PSP Plan (November 2017)

18. A) The development shall proceed in accordance with the agreed mitigation measures contained within the submitted Ground Conditions Note Ref. 4.70 (22 March 2018).

B) Prior to occupation for sales of the relevant phase of development, where works have been required to mitigate contaminants (under section A) 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 with the Local Planning Authority prior to works recommencing.

Reason

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

19. The development shall proceed in accordance with the Public Realm Lighting Statement (March 2018).

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers and minimise the adverse impacts of light pollution in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

20. Prior to occupation of the development, the results of a programme of archaeological work, in accordance with the Written Scheme of Investigation from Foundations Archaeology (received 14/06/2018), shall be submitted to the LPA for approval. Thereafter any subsequent post-excavation analysis and publication shall be implemented in full unless the LPA agree to any variation in writing.

Reason

In order 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 and the National Planning Policy Framework.

21. The vehicular access onto Merlin Road shall not be used for any commercial or business purposes until a scheme for relocation of the existing advance directional sign within the visibility splay and situated adjacent to the Merlin Road access has been first submitted to and approved in writing by the Local Planning Authority. The sign shall be relocated in accordance with the approved scheme prior to the Merlin Road access being brought into use in accordance with details to be submitted pursuant to condition 2.

Reason

To ensure full visibility is provided for vehicles in the interest of highway safety and to accord policies CS7, CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and Policy PSP31 of the PSP Plan (November 2017).

22. The development hereby approved shall be carried out in strict accordance with the following plans/drawings:

Existing site location plan: Drawing no. 3968-0100 B

Illustrative Masterplan: Drawing no. 3968-0101 D

Connectivity and routes: Drawing no. 3968-0102 B

Site Master Plan: Drawing no. 3968-0104 K

Wider Context Masterplan: Drawing no. 3968-0106 A

Landscape Phasing Plan: Drawing no. 17-80-PL-02 Rev x

Landscape Masterplan: Drawing no. 17-80-PL-201 Rev D

Coffee ground floor plan: Drawing no. 3121-0201_5

Coffee roof plan: Drawing no. 3121-0202_2

Ice rink ground floor plan: Drawing no. 3672-0203_5

Ice rink first floor plan: Drawing no. 3672-0204_4

Ice rink roof plan: Drawing no. 3672-0205_3

A2/A3 Unit GA Floor Plans: Drawing No. 3968-0210

A3/A2 Unit Elevations: Drawing No. 3968-410

A2/A3 Unit Sections: Drawing No. 3698-411

Site sections Sheet 1: Drawing no. 3968_0400

Ice rink elevations: Drawing no. 3672_0402_3

Ice rink sections: Drawing no. 3672_0403_3

Coffee elevations: Drawing no. 3121_0404_2

Coffee sections: Drawing no. 3121_0405_2

CGI image 1&2: Drawing no. 3968_0603

CGI image 3&4: Drawing no. 3968_0604

CGI image 5&6: Drawing no. 3968_0605

Phasing diagram: Drawing no. 3968_0608 Rev C

Proposed iFly Proposed Floor Plans Sheet 2: Drawing no. NWK-170075-BED-IN-ZZ-DR-0101_1

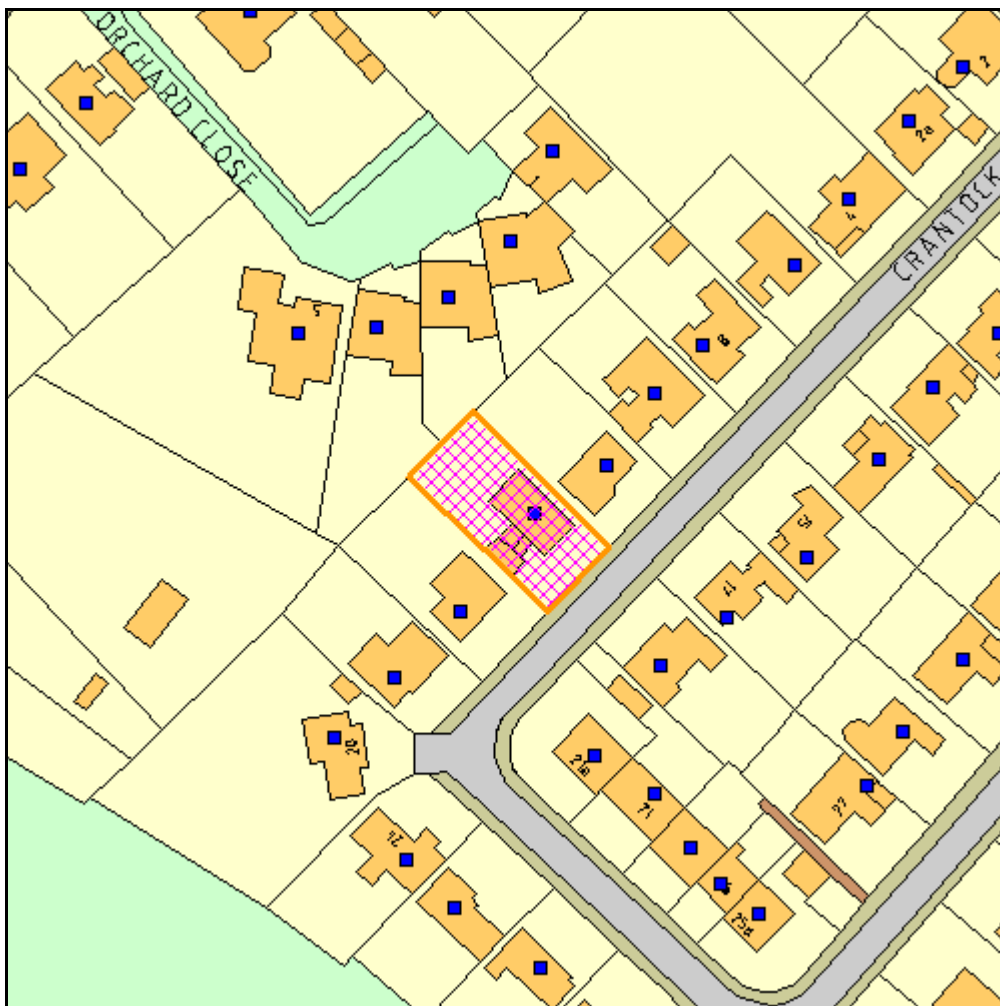
Proposed iFly Proposed Floor Plans Sheet 1: Drawing no. NWK-170075-BED-IN-ZZ-DR-0100_1
Proposed iFly Sections A-A and B-B: Drawing no. NWK-170075-BED-IN-ZZ-DR-A-0102_1
Proposed iFly External Elevations: Drawing no. NWK-170075-BED-EX-ZZ-DR-A-0103_1
Electrical Layout: Drawing no. 7000.SS.00 Rev 1
Parameter plan: Land use: Drawing no. 3968_0600 B
Parameter plan: Heights and floor space by use: Drawing no. 3968_0601 B
Parameter plan: Movement and accessibility: Drawing no. 3968_0602 B
Site Plan: Drawing No. 3226-030 W
Ground Floor Plan: Drawing No. 3226-040 T
First Floor Plan: Drawing No. 3226-041 S
Roof Plan: Drawing No. 3226-042 O
Valet Building Plan: Drawing No. 3226-043
South & West Elevations: Drawing No. 3226-050 J
North & East Elevations: 3226-051 J
Valet Building Elevations: Drawing No. 3226-053

Reason

For the avoidance of doubt and in the interest of clarity and in order to define the planning permission

CIRCULATED SCHEDULE NO. 34/18 – 23 AUGUST 2018

App No.:	PT18/2480/F	Applicant:	Mrs V CRIDLAND
Site:	14 Crantock Drive Almondsbury Bristol South Gloucestershire BS32 4HG	Date Reg:	1st June 2018
Proposal:	Demolition of existing garage and link structures. Erection of a single storey storey side extension to include 3no dormer windows to form additional living accommodation. Replacement of existing roof tiles.	Parish:	Almondsbury Parish Council
Map Ref:	360960 184143	Ward:	Almondsbury
Application Category:	Householder	Target Date:	24th July 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as representation has been received which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of an existing garage and link structure and the erection of a single storey side extension to include 3 no dormer windows to form additional living accommodation and the replacement of existing roof tiles at 14 Crantock Drive, Almondsbury.
- 1.2 The application site relates to a detached bungalow located within the defined settlement boundary of Almondsbury. The site is washed over by the Bristol and Bath Green Belt.

2. POLICY CONTEXT**2.1 National Guidance**

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

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

PSP1 Local Distinctiveness

PSP7 Development in the Green Belt

PSP8 Residential Amenity

PSP11 Transport

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

Development in the Green Belt SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. **CONSULTATION RESPONSES**

4.1 Almondsbury Parish Council

Objection

- The balcony overlooks the neighbouring house.
- There is already an issue with too many cars parking in this area, this would add to more cars parking on the road outside.

4.2 Sustainable Transport

Additional information/clarification is required before I can fully assess this application.

It is unclear from the plans submitted the layout of the proposed dwelling. I can see that there is one additional bedroom to the first floor but as the rooms have not been marked out on the submitted plans I cannot ascertain the layout of the whole proposed ground floor.

It is unclear whether the garage will remain after development. The block plan does not show existing or proposed vehicular access onto Crantock Drive nor does it show existing or proposed parking.

Comments after revised plans were submitted:

A revised block plan has now been submitted which shows that vehicular parking for three vehicles can be provided to the frontage of the site in addition to the garage. On that basis there is no transportation objection raised.

4.3 Archaeology

No comment

Other Representations

4.4 Local Residents

No comments received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy PSP7 of the PSP Plan (November 2017) states that inappropriate development is harmful to the Green Belt and will not be acceptable unless very special circumstances can be demonstrated that clearly outweigh the harm to the Green Belt; and any other harm. Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.

The proposal accords with the principle of development subject to the consideration below.

5.2 Green Belt Assessment

National Green Belt policy under the NPPF has five aims which help to prevent urban sprawl as set out in paragraph 80:

- To check the unrestricted view sprawl of large built up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The fundamental aim of Green Belt Policy is to keep land permanently open.

5.3 Paragraph 145 of the NPPF states that the construction of new buildings should be regarded as inappropriate in Green Belt. Exceptions to this are:

- Buildings for agriculture and forestry;
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land with it;
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in Local Plan; or
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and purpose of including land within it than the existing development.

5.4 The SPD Development in the Green Belt (2007), also has a disproportionate test for additions within this special area. In assessing whether a proposal is disproportionate account will be taken of:

- The increase in volume of the original dwelling
- The appearance of the proposal (it should not be out of proportion with the scale and character of the original dwelling).

Existing extensions and outbuildings within the curtilage

5.5 Extensions to dwellings that would result in the overall volume increase exceeding 30% are carefully assessed. Policy PSP7 of the PSP Plan (November 2017) states *'the larger a building becomes in excess of 30% over and above its original size, the less likely it is that the new extension(s) will be*

considered proportionate'. Furthermore, it goes on to state 'additions resulting in a volume increase of 50% or more of the original building would most likely be considered a disproportionate addition and be refused as inappropriate development'.

- 5.6 Based on the plans submitted by the agent, it was calculated by the Case Officer that the original dwelling, including the link and garage, has a volume of approximately 440m³. The proposed development would have a total volume of approximately 253m³ and would be part replacing the existing link and garage which have a combined volume of approximately 85m³. Considering the part replacement, the proposal would result in an increase of approximately 38% of the original building and as such the impact to the Green Belt must be carefully assessed.
- 5.7 The proposal is located within the residential curtilage, in a built up residential area of Almondsbury. It would minimally increase the footprint of the existing dwelling and as discussed in the design and visual amenity assessment below, the proposal would result in a well-proportioned dwelling which would not significantly increase the prominence of the building within the landscape. Therefore, the impact to the openness of the Green Belt is not considered to be unacceptable.
- 5.8 Overall, the proposed development is not considered to be disproportionate and is acceptable in Green Belt terms. As such, it is deemed to comply with National Planning Policy Framework and PSP7 of the PSP Plan.
- 5.9 Design and Visual Amenity
The proposed development consists of a single storey side extension with 2no front dormers and 1no rear dormer to include a Juliet balcony. The existing property includes a single garage and link to the main dwelling which sits on the southwest elevation. The proposed extension would replace the existing garage and link structure; it would extend from the side elevation of the main dwelling by the same distance but would increase the depth of the existing garage by approximately 3 metres. The eaves and ridge height of the proposed roof would match that of the host dwelling. The proposed extension would therefore not easily identify as subservient, however the extension is of an appropriate scale within the context of the site and is considered to result in a well-proportioned dwelling, therefore, in this instance it deemed to be acceptable.
- 5.10 The proposal includes 2no front dormers which consist of a gable end and are of equal size; they are approximately 2.1 metres in width and 4 metres in depth. The proposed front dormers are considered to be appropriately spaced and are well-balanced on the principal elevation. The proposal also includes 1no rear dormer, larger in size than the proposed front dormers; it would measure approximately 3.3 metres in width and 4.5 metres in depth. The rear dormer would include a gable end and a Juliet balcony. As this is located on the rear elevation, it would not be visible from the public realm and as such, it is not considered to result in a detrimental impact to the visual amenity of the area.

- 5.11 The materials to be used in the external finish of the proposed development would match those of the existing dwelling. The existing roof tiles of the main dwelling would be altered from pan tiles to slate appearance plain tiles. The surrounding area consists of a mixture of housing styles and it is therefore not considered to result in a detrimental impact to the design or visual amenity of the area.
- 5.12 Overall, it is considered that the proposed development would not be detrimental to the host dwelling or surrounding area and is of an acceptable standard of design. As such, the proposal is deemed to comply with policy CS1 of the Core Strategy.
- 5.13 Residential Amenity
Policy PSP8 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.14 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. The neighbouring property which sits to the southwest of the site, adjacent to the proposed development, is a two storey dwelling. As such it is not considered to result in any material overbearing impact, nor is it considered to significantly impact on existing levels of light afforded to neighbouring occupiers. Due to their propositioning at the front of the property, the proposed front dormers are not considered to materially harm the residential amenity of any surrounding properties.
- 5.15 Concerns have been raised from the Parish Council of overlooking from the proposed Juliet balcony on to the neighbouring property. As mentioned earlier, the property on the southwest of the site, nearest the proposed Juliet balcony, is a two storey dwelling which does not benefit from any side elevation windows. The proposed extension would not project any further to the rear than the building line of the neighbouring occupier and considering that the amenity space of the neighbouring property is somewhat screened by established trees, it is not deemed by the Officer to result in an unacceptable overlooking impact. There is also considered to be an adequate separation distance with the properties to the rear as not to result in a material loss of privacy.
- 5.16 Overall, the proposal is not considered to have a detrimental impact on the residential amenity of the surrounding properties or the host dwelling and is therefore deemed to comply with policy PSP8 of the PSP Plan.
- 5.17 Sustainable Transport and Parking Provision
The application would increase the number of bedrooms from three to four; South Gloucestershire Council residential parking standards require a four bedroom property to provide two off-street parking spaces. Concerns were raised from the Parish Council over the level of parking at the site. However, from a site visit it was observed that the property benefits from an existing driveway which can accommodate three vehicles and the submitted plans

confirm that this would be unaffected by the proposal. As such, no objections are raised in terms of transport.

5.18 Equalities

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

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: James Reynolds
Tel. No. 01454 864712

CONDITIONS

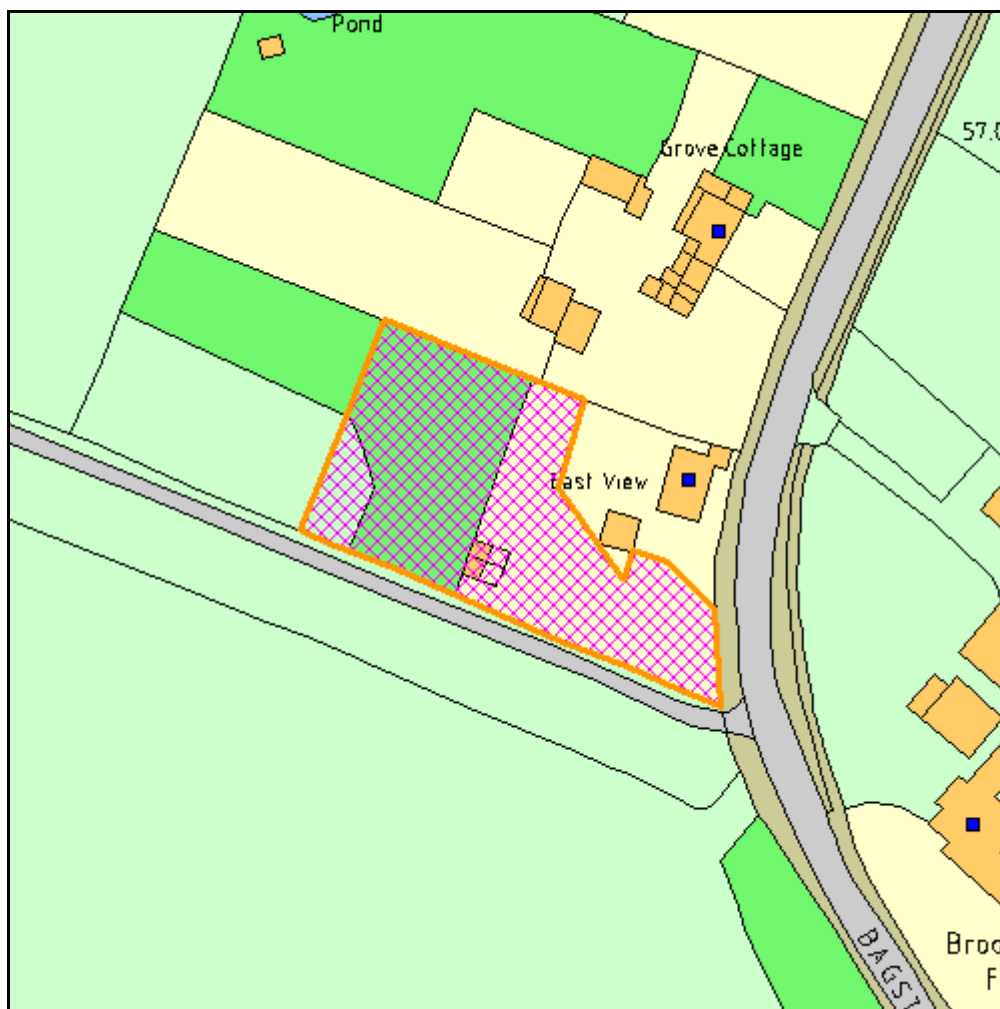
- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 34/18 – 23 AUGUST 2018

App No.:	PT18/2747/O	Applicant:	Mrs Edwina Pennell
Site:	East View Bagstone Road Rangeworthy Wotton Under Edge South Gloucestershire GL12 8BD	Date Reg:	12th June 2018
Proposal:	Erection of 1no dwelling (Outline) with access to be determined. All other matters reserved.	Parish:	Rangeworthy Parish Council
Map Ref:	368818 187549	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	6th August 2018



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PT18/2747/O

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

1. THE PROPOSAL

- 1.1 Outline planning permission is sought for the erection of 1no. detached dwelling with access to be determined and all other matters reserved at East View Bagstone Road Rangeworthy.
- 1.2 The application site consists of a relatively large, detached house set within a large plot. The host dwelling is located on the western side of Bagstone Road at the southern end of a ribbon type development. Brooklands Farm is located to the east, on the opposite side of Bagstone Road, and to the south and west are open fields. The site is located 1.1km outside of the settlement boundary of Rangeworthy.
- 1.3 Of note are applications PT18/2162/F and PT18/2765/F for the erection of 1no and 2no dwellings respectively. These application sites are adjacent to each other along the ribbon development, are within 100m of each other, and are currently being assessed by the Council.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2018
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape

PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 None.

4. **CONSULTATION RESPONSES**

- 4.1 Rangeworthy Parish Council
“Rangeworthy Parish Council wishes TO OBJECT to this application and would comment as follows:

Rangeworthy Parish Council wishes it to be noted that during the Policies, Sites and Places consultation the SGC Strategic Planning Team were adamant they wished Bagstone to remain with a rural aspect, with no development or in-filling; the Parish Council noted that biodiversity is generally higher in gardens than in farmland and the loss of land to housing in this way would be detrimental for the future; the development is outside of the development boundary; the proposed development is in close proximity to flood zone 3b; more importantly, the entrance to the development is on a very dangerous bend on the B4058, a place where there have been numerous vehicle accidents requiring the attendance of emergency vehicles and the Police.”

- 4.2 Other Consultees

Sustainable Transport

“I can confirm that the details as provided indicate that the minimum visibility available to make the right turn into the site is available, as such there is no transportation objection to this proposal subject to a condition that requires that prior to first occupation of the new dwelling the access improvements as itemised in section 4.2 of the Transport Statement are completed.”

Lead Local Flood Authority

“No objection in principle to this application subject to the following comments:

The Application Form states surface water disposal to mains sewer but there is no mains drainage available in this location. A full planning application must state the correct method of drainage. Please note that it is not acceptable to discharge surface water runoff into the public mains foul sewer system.”

The Coal Authority

No objection subject to the imposition of conditions to secure a scheme of intrusive site investigations.

Other Representations

4.3 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies CS5 and CS34 of the South Gloucestershire Core Strategy state that new build housing should be limited to urban areas and established settlement boundaries. In this regard, the proposal is contrary to the adopted development plan as it proposes one new dwelling outside of the established settlement boundary of Rangeworthy and within the open countryside.

5.2 Notwithstanding the above, it is acknowledged that at present, the Local Planning Authority is unable to demonstrate a five-year supply of deliverable housing land (5YHLS). Paragraphs 11 and 73 of the revised NPPF states that relevant policies for the supply of housing should be not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply (plus an appropriate buffer) of deliverable housing sites.

5.3 Paragraph 11 of the NPPF states a presumption in favour of sustainable development, and states that proposals that accord with the development plan should be approved without delay, and where 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, when assessed against the policies in the revised NPPF, or where specific policies in the revised NPPF indicate that development should be restricted.

5.4 The starting point remains the development plan policy which would resist housing in principle. The question is what weight to attribute to the revised NPPF, as an important material consideration in light of the current housing supply shortfall. The thrust of paragraph 11 is that sustainable development should only be resisted if significant and demonstrable harm can be shown as a result of the development. In light of this, simply being located outside of the designated settlement boundary alone is unlikely to justify a refusal. The site should be demonstrably unsustainable. Accordingly, a balancing exercise is required, and in this case considerable weight is given to the advice in the NPPF as an important material consideration.

Sustainability

5.5 The planning system aims to achieve sustainable development. The counter position to this is that the planning system should resist development that is unsustainable in nature. For planning there are three strands to sustainable development; economic, social, and environmental.

- 5.6 Paragraphs 78 and 79 of the revised NPPF state that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that isolated new homes in the countryside should be avoided. As noted the proposal would be located at the southern end of a ribbon type development just 20m from an existing house. As such, a new dwelling in the location proposed would read as being within the group of residential properties and is therefore not considered to be an 'isolated home' in the countryside.
- 5.7 In terms of relevant development plan policies, policy PSP11 of the Policies, Sites and Places Plan outlines that residential development proposals should be located on safe, useable walking and cycling routes and within an appropriate distance of key services and facilities. If key services are not accessible by walking and cycling, new residential development should be located an appropriate distance from public transport networks which connect to destinations containing key services and facilities.
- 5.8 The application site is located 1.1km north of the defined settlement boundary of Rangeworthy. Nonetheless, Rangeworthy has a defined settlement boundary, thus is deemed to be sustainable. As the site would be a 12 minute walk, or a 3 minute cycle along a safe and well-lit route from the settlement of Rangeworthy with its associated small range of services it is considered to be a reasonable sustainable location.
- 5.9 Given the Council's current housing land supply situation, and the location of the site in relation to facilities, services and transport links as well as existing and proposed residential development, the application site is not considered as an unsustainable or isolated location. Therefore, in this regard, it is not considered that significant and demonstrable harm can be shown as a result of the development that could sustain a reason for refusal in this instance.
- 5.10 The development is therefore considered to be acceptable in principle and it is acknowledged that the provision of one additional dwelling towards the housing supply would have a modest socio-economic benefit. However the impacts of the development proposal must be further assessed against relevant policy in order to identify any potential harm. The further areas of assessment in this case are; design and visual amenity, residential amenity, and transportation.
- 5.11 Design and Visual Amenity
Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Although the final layout, scale and design of the proposed dwelling and garage is to be determined at reserved matters stage, the capacity of the plot to successfully accommodate a 4+ bedroom dwelling and will be assessed.
- 5.12 Although all matters other than access are reserved at this stage, an indicative site plan is submitted in support of the application. The site plan shows the

dwelling and garage to be set back behind the existing dwelling with an access from the existing parking/turning/access area. The plot assigned for the new property is some 0.19 hectares. Officers consider this sufficient to accommodate the new dwelling, garage, parking, and private amenity space to serve a 4+ bedroom property; plus an adequate separation distance from the host dwelling.

- 5.13 Whilst details regarding overall appearance and siting are to be determined at reserved matters stage, no fundamental issues regarding design and visual amenity have been identified at this stage. As such, the outline proposal is considered to be broadly consistent with policy CS1 of the Core Strategy. However further details relating to the layout, scale, design and finish of the proposed dwelling and garage building, as well as details of proposed landscaping, will need to be submitted at reserved matters stage for further consideration.

5.14 Residential Amenity

Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

- 5.15 Given the degree of separation between the proposed dwelling and any existing properties, it is not considered that the erection of the new dwelling would create an increased sense of overlooking, overbearing or overshadowing on to existing neighbouring properties. Or indeed is likely to result in a detrimental loss of privacy to either the host, proposed or surrounding dwellings.

5.16 Transport

In terms of access, it is acknowledged that the current access is located on the outside of a bend. The comment from the Parish Council regarding accidents on this bend is noted. However, Council records show just one accident occurring here, this accident occurred on 8th August 2013 and is described as 'slight'. Nonetheless, this access is currently used for the host dwelling and concerns were raised regarding the intensification of the use of this access and adequate visibility for cars entering and exiting the site. A visit from the Councils Transport Officers combined with the submission of additional information from the Agent has shown that adequate visibility can be achieved, and providing that the access improvements suggested in the applicants transport statement are implemented it is considered that the access would be suitable for this development.

- 5.17 In terms of parking provision, the number of spaces that should be provided for residential development is based on the number of bedrooms contained within each unit. It has been indicated that host dwelling and proposed dwelling would contain a total of 4 bedrooms each, and as such under policy PSP16 of the Policies, Sites and Places Plan, a minimum of 2 parking spaces should be

provided for each dwelling. Two spaces are shown for the host dwelling, and a double garage and driveway is shown for the new dwelling. This is likely to meet the minimum requirements.

- 5.18 For the reasons outlined above there are no fundamental concerns with the outline proposal from a transportation perspective. However detailed information regarding parking arrangements, cycle storage and bin storage/collection should be submitted at the reserved matters stage. Any provision in this respect should accord with the Council's adopted standards.

5.19 Flood Risk and Site Drainage

While the site may be close to flood zone 3 as highlighted by the Parish Council, the entire site is within flood zone 1. Thus is at a very low risk of flooding. The surface water disposal to mains sewer stated in the application form was queried by the Councils drainage team stating that there is no mains drainage available in this location. However, this could be overcome at reserved matters stage and a condition will be applied as such.

5.20 Coal

There is a risk of historic coal mining activity at the site. The coal risk assessment submitted to support the application (which was accepted by the Coal Authority) recommends intrusive site investigations take place (plus any remedial works) prior to construction beginning. This will be conditioned.

5.21 Equalities

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

5.22 Planning Balance

No fundamental issues have been identified at this stage, and it is considered that the proposal represents sustainable development in accordance with paragraph 11 of the revised NPPF. No significant or demonstrable harm has been identified to outweigh the benefits of adding 1no. dwelling to South Gloucestershire housing stock, and as such the 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 development plan set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

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

Contact Officer: David Ditchett
Tel. No. 01454 863131

CONDITIONS

1. Approval of the details of the siting, scale and appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and thereafter carried out as approved.

Reason

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

2. 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

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

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

4. As part of the reserved matters, required by condition 1, a scheme for surface water drainage, to include SuDS, shall be submitted to the Local Planning Authority. For the

avoidance of doubt, the Scheme shall seek to prevent flooding, control pollution, and protect the environment.

Reason

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 and the National Planning Policy Framework.

5. The new dwelling shall not be occupied until the access improvements stated in section 4.2 of the Transport Statement written by Matrix Transport and Infrastructure Consultants Limited; received by the Council on 8th June 2018 are completed and shall be maintained as such thereafter.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

6. As part of the reserved matters, required by condition 1 a plan showing adequate off-street parking facilities (for all vehicles, including cycles) shall be submitted to the Local Planning Authority.

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.

7. Prior to the commencement of development, a scheme of intrusive site investigations designed to assess ground conditions and the likelihood of any potential risks from past coal mining activity shall be submitted to and approved in writing by the local planning authority. The scheme of intrusive site investigations shall then be carried out in full prior to the development commencing.

Reason

In the interests of addressing ground stability and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP22 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework. This is required prior to commencement to avoid remedial works.

8. If, during the intrusive site investigations, gas monitoring or proposed remedial works are undertaken or are identified as being required, a report of the findings shall be submitted to and approved in writing by the local planning authority. The remedial works shall then be carried out in full.

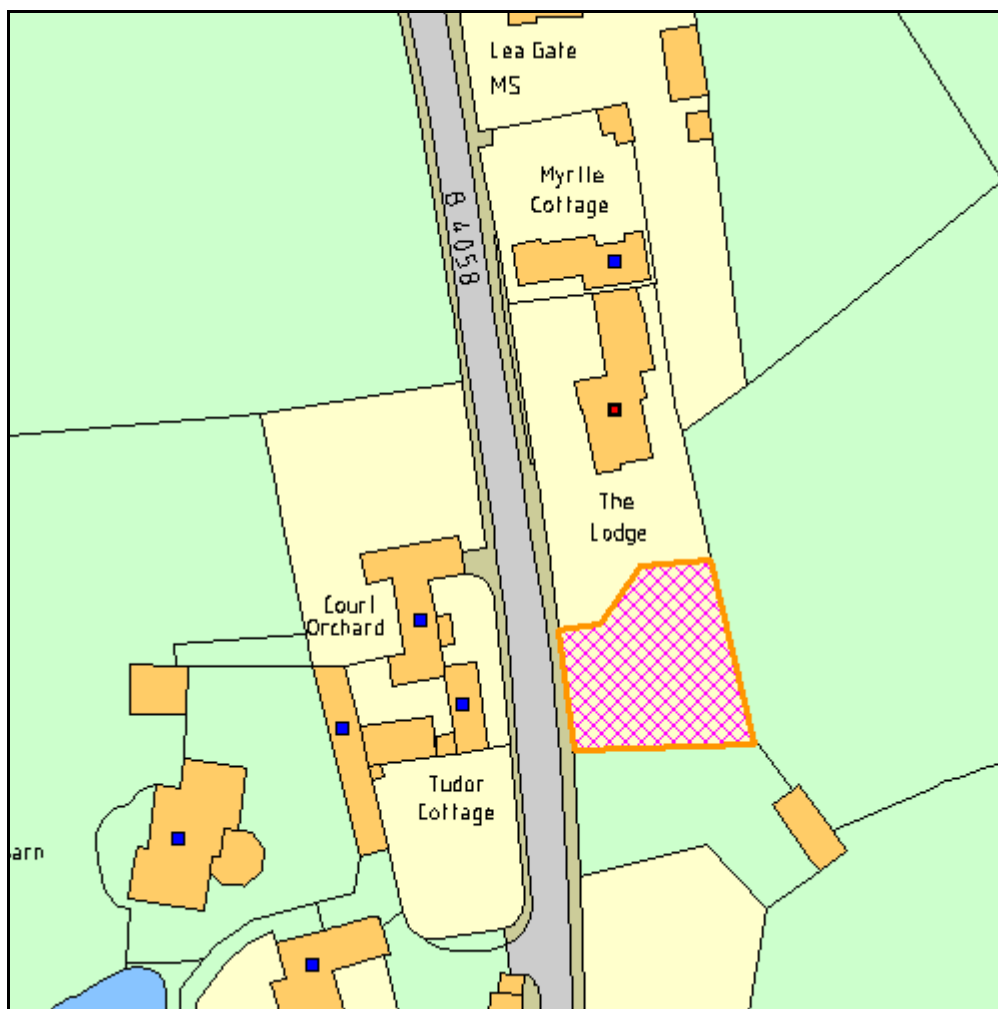
Reason

In the interests of addressing ground stability and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP22 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan

(Adopted) November 2017, and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 34/18 – 23 AUGUST 2018

App No.:	PT18/2785/O	Applicant:	Mr P Griffiths
Site:	Land South Of The Lodge Bagstone Road Rangeworthy Wotton Under Edge South Gloucestershire GL12 8BD	Date Reg:	12th June 2018
Proposal:	Erection of 1. no dwelling (Outline) with access to be determined and all other matters reserved	Parish:	Rangeworthy Parish Council
Map Ref:	369062 186983	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	2nd August 2018



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PT18/2785/O

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following objections which are contrary to the officer recommendation in this report.

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection 1 no. dwelling with access to be determined (all other matters reserved) at land to the south of The Lodge, Bagstone Road, Rangeworthy.
- 1.2 Currently the site forms the side garden for the existing property, which contains a number of outbuildings.
- 1.3 The site is situated outside of the established settlement boundary of Rangeworthy, within the open countryside. The site is to the east of grade II* listed Bagstone Court.
- 1.4 Amendments were received to the access during the course of the application in order to overcome officer concerns.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP8 Residential Amenity
PSP16 Parking Standards
PSP19 Wider Biodiversity
PSP38 Development within Residential Curtilages
PSP40 Residential Development in the Countryside
PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007
South Gloucestershire Residential Parking Standard SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 There is no recent or relevant planning history.

4. CONSULTATION RESPONSES

4.1 Rangeworthy Parish Council

Objection:

- Bagstone much remain with a rural aspect with no development or in filling
- Biodiversity is higher in gardens than farmland and this is detrimental for the future
- Development is outside settlement boundary

4.2 Other Consultees

Lead Local Flood Authority

It is believed that mains sewerage is available in the vicinity and the use of a sewerage treatment plant/septic tank/cesspool is inappropriate. The public sewer system may be reached by a gravity sewer or pumping main subject to the approval of the sewerage undertaker (Wessex Water).

Listed Building Officer

No objection to the principle of development, but the design, scale, massing, proportions, detailing and use of materials will need to be carefully considered at RM stage to ensure that the new building preserves the general character of the locality and the wider setting of the listed building.

Sustainable Transport

No objection to revised plan subject to condition.

Ecology

The following condition is recommended:

- The development hereby permitted shall not be occupied until one bat box has been installed. Evidence of its installation shall be submitted to the local planning authority for approval in writing (PSP19).

Tree Officer

No comment received.

Other Representations

4.3 Local Residents

One letter of objection has been received making the following points:

- Site is in the open countryside and is not sustainable
- Will set a precedent for further ribbon development

- Rangeworthy has few facilities and an infrequent bus service
- Access to the site does not contribute to the street scene
- Will be a degree of overlooking and loss of privacy to surrounding and opposite neighbouring properties
- Noise and dust from parking
- Access is dangerous, many HGVs use the road in excess of speed limit
- Harms outweigh the benefit

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

Policies CS5 and CS34 of the South Gloucestershire Core Strategy state that new build housing should be limited to urban areas and established settlement boundaries. In that regard, this proposal is contrary to the adopted development plan as it proposes a new dwelling outside of any established settlement boundaries shown on the Proposals Map and is located within the open countryside.

5.2 *Five Year Housing Land Supply*

The Authority's Monitoring Report 2017 states that the Council cannot demonstrate a five year housing land supply. With reference to the NPPF advice, policies CS5 and CS34 of the adopted Core Strategy are therefore considered not to be up-to-date, as they do relate to the supply of housing. Paragraph 11 of the NPPF states a presumption in favour of sustainable development, and states that proposal that accord with the development plan should be approved without delay, and where 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, when assessed against the policies in the NPPF, or where specific policies in the NPPF indicate that development should be restricted.

5.3 The starting point remains the development plan policy which would resist housing in principle. The question is what weight to attribute to the NPPF, as an important material consideration in light of the current housing supply shortfall. The thrust of paragraph 11 is that sustainable development should only be resisted if specific and demonstrable harm can be shown as a result of the development. In light of this, simply being located outside of the designated settlement boundary alone is unlikely to justify a refusal. The site should be demonstrably unsustainable. Accordingly, a balancing exercise is required, and in this case considerable weight is given to the advice in the NPPF as an important material consideration.

5.4 *Sustainable Development*

The planning system aims to achieve sustainable development. The counter position to this is that the planning system should resist development that is unsustainable in nature. For planning there are three strands to sustainable development - economic, social, and environmental. The site is situated outside of the settlement boundary of Rangeworthy, however it is situated very close to the settlement, with even the further points of the village (such as the pre-school) being around a 15 minute walk away. The walk is safe, as pavements are available.

- 5.5 Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that isolated new homes in the countryside should be avoided. As the site is well related to the existing settlement, the Local Planning Authority would consider it to represent sustainable development from a social, environmental and economic perspective, and therefore the presumption in favour of sustainable development in paragraph 11 of the NPPF is applicable to this site.
- 5.6 Design and Heritage
This application is for outline planning permission so only information regarding access has been submitted. An illustrative layout has been submitted however, demonstrating that a house can be accommodated within the site. The illustrative layout is considered to accord with the character of the eastern side of the road which is one of individual detached dwellings within landscaped gardens, the landscaping for which can be secured at reserved matters stage. The Design and Access Statement indicates that the structure will be no more than two storeys in height, having a pitched tiled roof, walls being principally brickwork or reconstructed stone with rendering. Fenestration will be traditional timber or UPVC casement windows and doors.
- 5.7 The site is to the east of the grade II* listed Bagstone Court, which is set back from the road and is situated to the rear of a number of converted outbuildings and is separated from the application site by Bagstone Road. The Council's Listed Building officer has no objection to the principle of development, provided that the design, scale, massing, proportions, detailing and use of materials are carefully considered at reserved matters stage to ensure it preserves the character of the locality and the wider setting of the listed building.
- 5.8 Ecology and Vegetation
Although a number of outbuildings are to be demolished to facilitate development, they do not have potential for protected species. To ensure biodiversity gain from the development in accordance with PSP19, a condition on the decision notice will require the installation of a bat box within the site.
- 5.9 As mentioned previously, the character of the ribbon development on this stretch of Bagstone Road is one of detached dwellings within landscaped gardens, and so a landscaping scheme will be required as part of the reserved matters application.
- 5.10 Residential Amenity
Amenity must be considered both in the context of the surrounding occupiers and the amenities of the future users of the proposed dwellings. From the illustrative layout submitted, a dwelling can easily be accommodated within the site without having a detrimental impact on the privacy of surrounding occupiers. The distance between the host dwelling and the application site is significant enough that there would not be any inter-visibility, and any first floor windows facing north could be omitted from the design. Windows on the rear would face out towards the open countryside, and windows to the front would

overlook the highway and out towards Tudor Cottage and Court Orchard. Objections have been received regarding overlooking across the highway, however with the closest window to window distance being approximately 22 metres it is unlikely there will be any harm.

- 5.11 Turning to the amenities of the application site, the host dwelling will retain a large garden, whilst there is space within the red line boundary for a dwelling, associated parking and turning space as well as a garden which would meet the minimum requirements. There is no objection to the outline application on the grounds of residential amenity.

5.12 Access and Parking

Alterations to the access were submitted on 30th July 2018 to address concerns regarding visibility raised by the Transport officer. Adequate visibility can now be achieved, however a condition is recommended to ensure the hedge is moved back behind the visibility splay, as keeping the hedge below 0.9 metres instead would need constant maintenance and would be difficult to enforce.

- 5.13 There is adequate space within the red line boundary for up to three parking spaces, depending on the size of the dwelling. There is no transportation objection to the development.

5.14 Planning Balance

No significant and demonstrable harm has been identified, and therefore the presumption in favour of sustainable development prevails and it is recommended that the outline planning permission is approved, subject to conditions.

5.15 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That planning permission is **GRANTED** subject to the conditions on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

CONDITIONS

1. Approval of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

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 the condition 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.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority, and in order to accord with , policy CS1, CS8 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013, Policies PSP2, PSP8 and PSP16 of the Policy Sites and Places Plan (adopted November 2017) and the National Planning Policy Framework.

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 and Country Planning Act 1990 (as amended).

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. Prior to the commencement of development, details of the new and existing boundary treatments along the boundary with Bagstone Road to facilitate the visibility splay shown on the Illustrative Site Layout (received 20/7/18) shall be submitted to the Local Planning Authority for written approval. Development shall then proceed in accordance with the agreed details, with the visibility splay in place prior to the commencement of development.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

6. The development hereby permitted shall not be occupied until one bat box has been installed within the site. Evidence of its installation shall be submitted to the local planning authority for approval in writing prior to first occupation of the development.

Reason

To allow for biodiversity gain from the development in accordance with policy PSP19 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 34/18 – 23 AUGUST 2018

App No.:	PT18/2880/F	Applicant:	Mr David Cohen
Site:	14 Charles Road Filton Bristol South Gloucestershire BS34 7ET	Date Reg:	26th June 2018
Proposal:	Erection of first floor side and rear extension to provide additional living accommodation.	Parish:	Filton Town Council
Map Ref:	360783 179320	Ward:	Filton
Application Category:	Householder	Target Date:	20th August 2018



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PT18/2880/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a first floor side and rear extension to provide additional living accommodation at no. 14 Charles Road, Filton.
- 1.2 The application site consists of an end of terrace, two storey dwelling. The property sits towards the front of a relatively long, narrow plot. The site is situated within the urban fringe area of Filton. The main dwelling incorporates a hipped roof, with a single storey extension running along the south-east facing elevation of the property.
- 1.3 Revised plans were requested and received by the Local Planning Authority on 21st August 2018. The revisions involve the removal of a first floor element from the scheme.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance (2014)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

3.1 PT01/1727/F

Erection of single storey side/rear extension.

Approved: 17.08.2001

3.2 P89/1668

Erection of garden shed

Approved: 11.05.1989

3.3 PT07/0887/F – 12 Charles Road (adjoining property)

Erection of 2 storey rear extension to provide additional living accommodation.

Approved: 16.05.2007

3.4 PT17/0949/F – 20 Charles Road

Erection of a two storey rear and side extension and erection of a single storey side extension to form additional living accommodation. Erection of front porch.

Approved: 16.05.2017

4. CONSULTATION RESPONSES

4.1 Filton Town Council

No Objection in principle, following on from residents comments we would suggest careful consideration be taken over access to the lane during the construction period.

4.2 Other Consultees

Sustainable Transport

No objection

Other Representations

4.3 Local Residents

One letter of objection was received during statutory consultation period. The main concerns raised are summarised below:

- Objection to heavy plant and materials with probable heavy vibration.
- Scaffolding would impede access lane.

- Concern that there would be disturbance during construction period, as has occurred at nearby property in past.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks permission for the erection of side and rear extensions. Policy PSP38 of the Policies, Sites and Places Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity, transport and loss of trees and vegetation. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.3 The proposed rear extension would largely match a two storey rear extension present at the adjoining property. The proposed first floor side extension would also match an extension that was recently approved nearby at no. 20 Charles Road. As such, whilst the side extension would appear somewhat awkward, it is acknowledged that similar development has been accepted in the area, and the extension would not appear as a significantly incongruous feature within the streetscene.

5.4 However as originally submitted, the proposal also sought to extend above a portion of the existing single storey side extension which extends beyond the rear of the existing dwelling. This would have resulted in a small two storey element projecting beyond the main two storey gable proposed. It was considered that this element of the proposal would result in an overly complicated, contrived appearance and roof form at the rear and side elevation of the dwelling. The omission of any first floor windows was also considered to result in an oppressive appearance.

5.5 Following negotiations with the applicant, the first floor section was removed from the scheme. The revised scheme is now considered to be acceptable from a visual perspective, and the development is considered to accord with policy CS1 of the Core Strategy and PSP38 of the Policies, Sites and Places Plan.

5.6 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from

- (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.7 The proposed rear extension would largely match an extension which was previously approved and implemented at the adjoining property. As the proposed extension would be set alongside an existing structure, it is not considered that its presence would have a detrimental impact on the residential amenity of the adjoining neighbour. Furthermore, it is not considered that the erection and occupation of the proposed rear extension would give rise to any overlooking issues.
- 5.8 The proposed first floor side extension would be separated from neighbours by an existing access lane. As such, it is not considered that the extension would have a significant overbearing or overshadowing impact on immediate neighbours to the south-east. Furthermore, as no new side-facing windows are proposed, it is not considered that the construction of the extension would lead to overlooking issues.
- 5.9 The concerns raised regarding disturbance during the construction period have been taken in to account. However a degree of disturbance is to be expected as part of any development, and the any potential impact is not considered to substantiate a reason for refusing the application. That said, in the interests of protecting residential amenity, a condition restricting the permitted hours of operation during the construction period will be attached to any decision.
- 5.10 With regards to the residential amenity of the occupants of the property, it is considered that despite the increase in built form, sufficient levels of outdoor amenity space would be retained on-site following the implementation of the development.
- 5.11 For the reasons outlined above and subject to the aforementioned condition, it is not considered that the proposal would have any unacceptable impacts on residential amenity. The proposal therefore accords with policies PSP8 and PSP38 of the Policies, Sites and Places Plan.
- 5.12 Transport
As a result of the proposal, the total number of bedrooms contained within the property would increase from 3 to 4. Under policy PSP16 of the Policies, Sites and Places Plan, a minimum of 2 parking spaces should be provided for both 3 and 4-bed properties. It has been sufficiently demonstrated that 2 parking spaces can be provided on-site. However for the avoidance of doubt, a condition will be attached to any decision, ensuring that a minimum of 2 parking spaces are retained on-site.
- 5.13 It is not considered that the proposed extensions would have any impact on general highway safety, and as such there are no objections from a transportation perspective.

5.14 Equalities

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

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

5.16 Other Matters

The concerns raised regarding potential scaffolding have been taken in to account. However the positioning of scaffolding is considered to be a civil matter, and is not a material planning consideration.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

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 hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

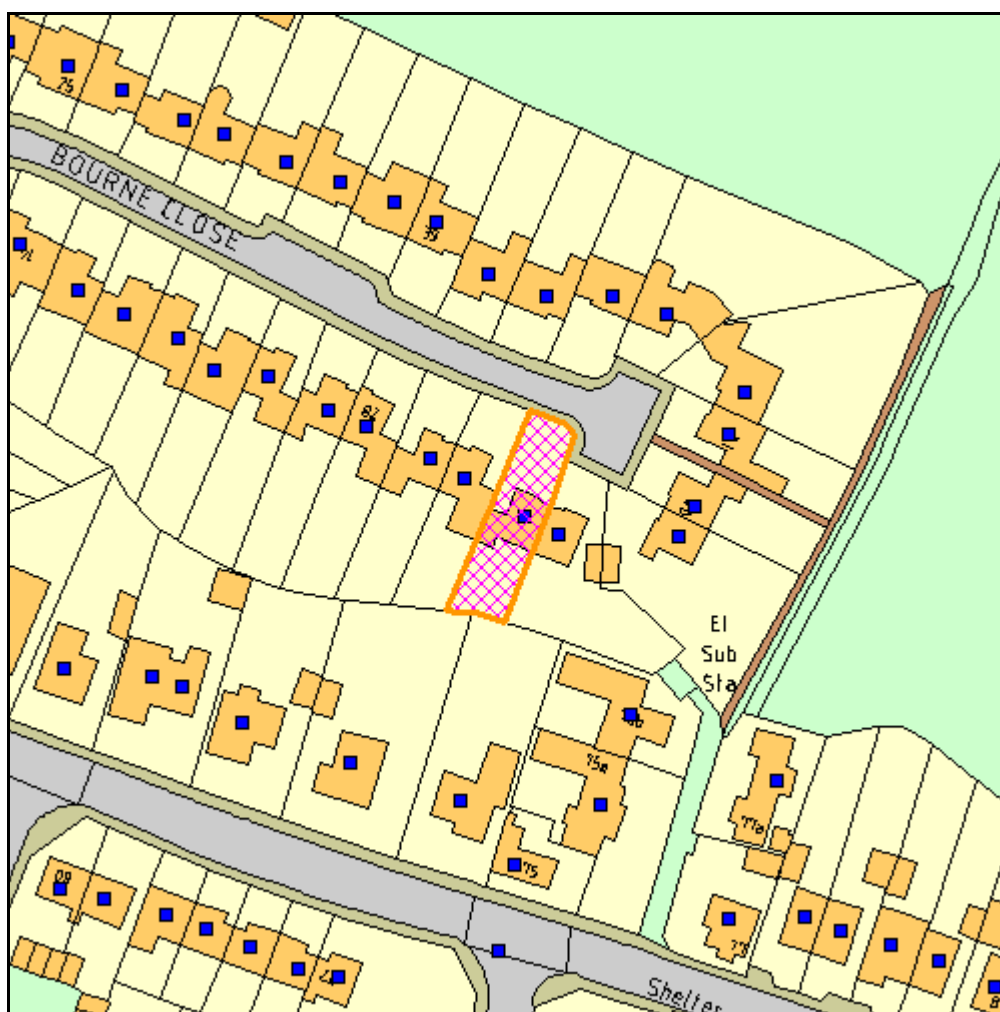
3. The off-street parking facilities at the site (for all vehicles, including cycles) shall make provision for the parking of a minimum of 2 vehicles (measuring at least 2.4m by 4.8m), and shall be provided within 1 month of the extensions hereby approved being substantially complete, and thereafter 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; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 34/18 – 23 AUGUST 2018

App No.:	PT18/3056/F	Applicant:	Mr & Mrs Ward
Site:	34 Bourne Close Winterbourne Bristol South Gloucestershire BS36 1PL	Date Reg:	6th July 2018
Proposal:	Erection of two storey side and single storey rear extension, and alterations from flat to hipped roof.	Parish:	Winterbourne Parish Council
Map Ref:	365535 181368	Ward:	Winterbourne
Application Category:	Householder	Target Date:	30th August 2018



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PT18/3056/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a two storey side and single storey rear extension, as well as the conversion of the roof of an existing side extension from flat to hipped. The application relates to no. 34 Bourne Close.
- 1.2 The application site consists of a semi-detached property set towards the front of a moderately sized plot. The site is situated within the defined settlement boundary of Winterbourne. The existing dwelling incorporates a gable at its front elevation, with a two storey flat roof element attached to the side. This feature is present at a number of properties within the immediate streetscene.
- 1.3 Revised plans were requested and received by the Local Planning Authority on 16th August 2018. The revisions involve alterations to the roof form of the two storey side element, with a hipped roof utilised as opposed to a flat roof.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance (2014)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council
No objection

4.2 Other Consultees

Sustainable Transport
No objection

Archaeology
No comment

Other Representations

4.3 Local Residents

One letter of objection was received during the statutory consultation period. The main concerns raised are summarised below:

- Proposed rear extension will be overbearing. Using 45 degree rule from lounge, the extension is too great by quite a large margin.
- Have lived in adjoining property for 47 years, proposed rear extension would mean that outlook from lounge window is severely restricted.
- A tree and a hedge are within 4m of existing house so will be affected - not indicated on application form.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a two storey side and single storey rear extension. Policy PSP38 of the Policies, Sites and Places Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity, transport and loss of trees and vegetation. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials

which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.3 As originally submitted, the proposal sought to extend the existing flat roof element forwards. Whilst flat roof extensions are prevalent in the area, it was considered that the proposed extension would increase the prominence of the flat roof element, to the detriment of the character of both the host dwelling and immediate area. However following negotiations with the applicant, the roof form was altered to a hipped roof with parapet. This is an approach that has been taken at another property along Bourne Close. On balance, the hipped design is considered to result in a more integrated appearance, and it is considered that the alterations to the roof form would improve the overall appearance of property.
- 5.4 With regards to the proposed rear extension, this would not be visible from the street, and as such any visual impact is limited. Furthermore, the proposed extension is of an appropriate scale, form and detailed design, and it is not considered that its erection would detract from the character or appearance of the host dwelling.
- 5.5 On the basis of the revised plans, the proposal is considered to be acceptable from a visual perspective. The proposal is therefore considered to comply with policy CS1 of the Core Strategy, and PSP38 of the Policies, Sites and Places Plan.
- 5.6 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.7 The concerns raised regarding the impact of the proposed rear extension on the residential amenity of neighbours have been taken in to account. When applying the 45 degree rule, it is acknowledged that roughly half of the extension would be visible from the neighbouring lounge window. However due to its single storey nature, it is not considered that simply by being visible, the proposed extension would result in a significant overbearing impact or create an oppressive environment. Furthermore, as the extension would only consist of a single storey, there would not be any increased overlooking on to immediate neighbours. Overall, it is not considered that the proposed extension would significantly impact the residential amenity of immediate neighbours.
- 5.8 With regards to the proposed two storey side extension, due to the relationship between this structure and a corresponding structure at the adjacent property, it is not considered that its erection would cause significant harm to residential amenity. The alterations to the roof form would also have minimal impact.

- 5.9 It is however recognised that there could be some disturbance to neighbours during the construction period. Whilst this is not considered to substantiate a reason for refusing the application, the permitted working hours will be restricted by condition.
- 5.10 With regards to amenity space, it is acknowledged that the erection of the proposed rear extension would result in the loss of some space. However it is considered that sufficient space would be retained on-site following the implementation of the development.
- 5.11 For the reasons outlined above and subject to the aforementioned condition, it is not considered that the proposal would have any unacceptable impacts on residential amenity. The proposal is therefore considered to comply with policies PSP8 and PSP38 of the Policies, Sites and Places Plan.
- 5.12 Transport
As a result of the proposal, the number of bedrooms contained within the property would increase to a total of 5. Under policy PSP16 of the Policies, Sites and Places Plan, a minimum of 3 parking spaces should be provided on-site for properties with 5 or more bedrooms. Submitted plans indicate that 3 spaces can be provided to the frontage of the site. This meets the minimum requirements, and the proposed parking arrangements are considered acceptable. However for the avoidance of doubt, a condition will be attached to any decision, ensuring that a minimum of 3 parking spaces are provided on-site and thereafter retained for that purpose.
- 5.13 It is not considered that the proposal would have any significant impact on general highway safety in the area, and as such there are no concerns from a transportation perspective.
- 5.14 Trees and Vegetation
The comments made regarding an inaccuracy on the application form have been noted. However it is not considered that the proposal would not result in the loss of any trees or vegetation that contribute significantly to the character of the locality.
- 5.15 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.16 With regards to the above this planning application is considered to have a neutral impact on equality.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

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 hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

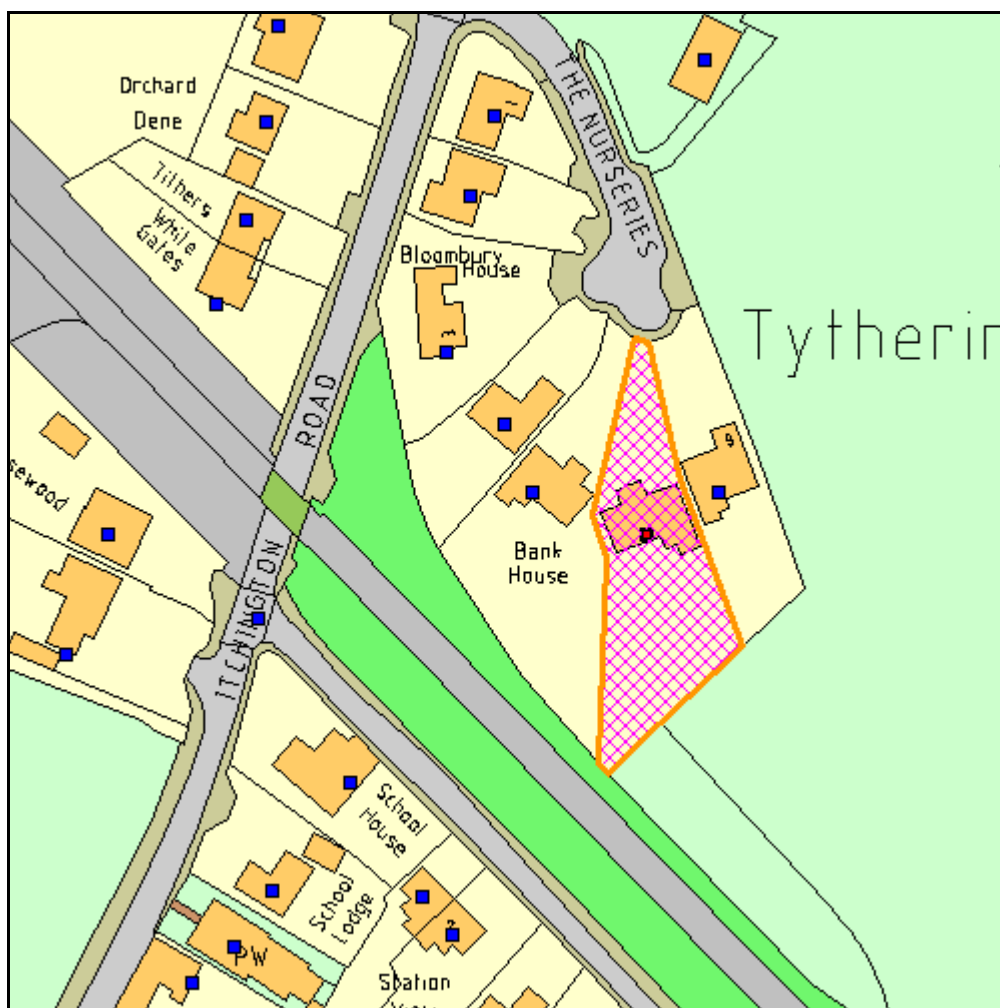
3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan (80356 A) hereby approved shall make provision for the parking of a minimum of 3 vehicles (measuring at least 2.4m by 4.8m), and shall be provided within 1 month of the extensions hereby approved being substantially complete, 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; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 34/18 – 23 AUGUST 2018

App No.:	PT18/3189/CLP	Applicant:	Mr Ian Wherry
Site:	5 The Nurseries Tytherington Wotton Under Edge South Gloucestershire GL12 8QP	Date Reg:	11th July 2018
Proposal:	Demolition of existing conservatory. Alterations to existing rear extension window/door fenestration. Erection of single storey side and rear extension.	Parish:	Tytherington Parish Council
Map Ref:	366892 188123	Ward:	Ladden Brook
Application Category:		Target Date:	4th September 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is for a Certificate of Lawfulness. 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 demolition of an existing conservatory; alterations to the existing rear extension window/door fenestration; and the erection of a single storey rear and side extension at 5 The Nurseries, Tytherington 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.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) 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 PT06.0136/F

Demolition of existing single storey rear extension to facilitate erection of single storey front and rear extension to form front porch, garage, utility room and extended kitchen. Erection of rear conservatory.

Approved: 06/02/2006

4. CONSULTATION RESPONSES

4.1 Tytherington Parish Council

No comment received.

4.2 Councillor

No comment received.

Other Representations

4.3 Local Residents

No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Received by the Council on 10th July 2018:
Site Location Plan
Combined Existing Plans
Combined Proposed Plans

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 is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015. It should be noted that there is no restriction on permitted development rights at the subject property. As such permitted development rights are intact and exercisable

- 6.3 The proposed development consists of the erection of the demolition of an existing conservatory; alterations to the existing rear extension window/door fenestration; and the erection of a single storey side and rear extension. The proposed development would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria set out 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, PA or Q of Part 3 of this Schedule (changes of use);**

The dwellinghouse was not granted under Classes M, N, P, PA or Q of Part 3.

- (b) As a 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 rear extension will not exceed the height 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 rear extension would not exceed 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 extension would not extend beyond a wall which forms the principal elevation; or fronts a highway and forms a side elevation, of the original dwellinghouse.

- (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,
(ii) or exceed 4 metres in height;

The host dwelling is a detached property and the proposal would extend beyond the rear wall of the original dwelling by 3.8 metres and have a height of 3.6 metres.

- (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 extension 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 extension would not be within 2 metres of the boundary.

- (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; or

The extension would extend beyond a wall forming a side elevation of the original dwellinghouse, would not exceed 4 metres in height, would be single storey and would not have a width greater than half the width of the original dwellinghouse.

- (ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)

The total enlargement does not exceed the limits set out in sub-paragraphs (e) to (j).

- (k) It would consist of or include—
- (i) the construction or provision of a verandah, 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.
- d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c);

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 submitted information indicates that the proposal will be finished in materials to match the exterior finish of the existing dwellinghouse.

- 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

No upper-floor windows are proposed.

- c) Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, 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:

Contact Officer: James Reynolds

Tel. No. 01454 864712

Evidence has been provided to demonstrate that on the balance of probabilities the proposed development does fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.