

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. 33/19

Date to Members: 16/08/2019

Member's Deadline: 22/08/2019 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

- a. All applications, where approval is deemed to be granted upon the expiry of a defined period
- b. All applications to be determined the lawfulness of a proposed or existing use of a site
- c. All applications for non-material amendments
- d. All applications to discharge planning conditions
- e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction
- f. Any footpath stopping up or diversion required to implement an approved scheme

Additional guidance for Members

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

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

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

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

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

a) Referring Member:

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

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

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

Date:

To be emailed to MemberReferral@southglos.gov.uk

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
34/19	Wednesday 21 August 12pm	9am Thursday 22 August	5pm Thursday 29 August	Friday 30 August

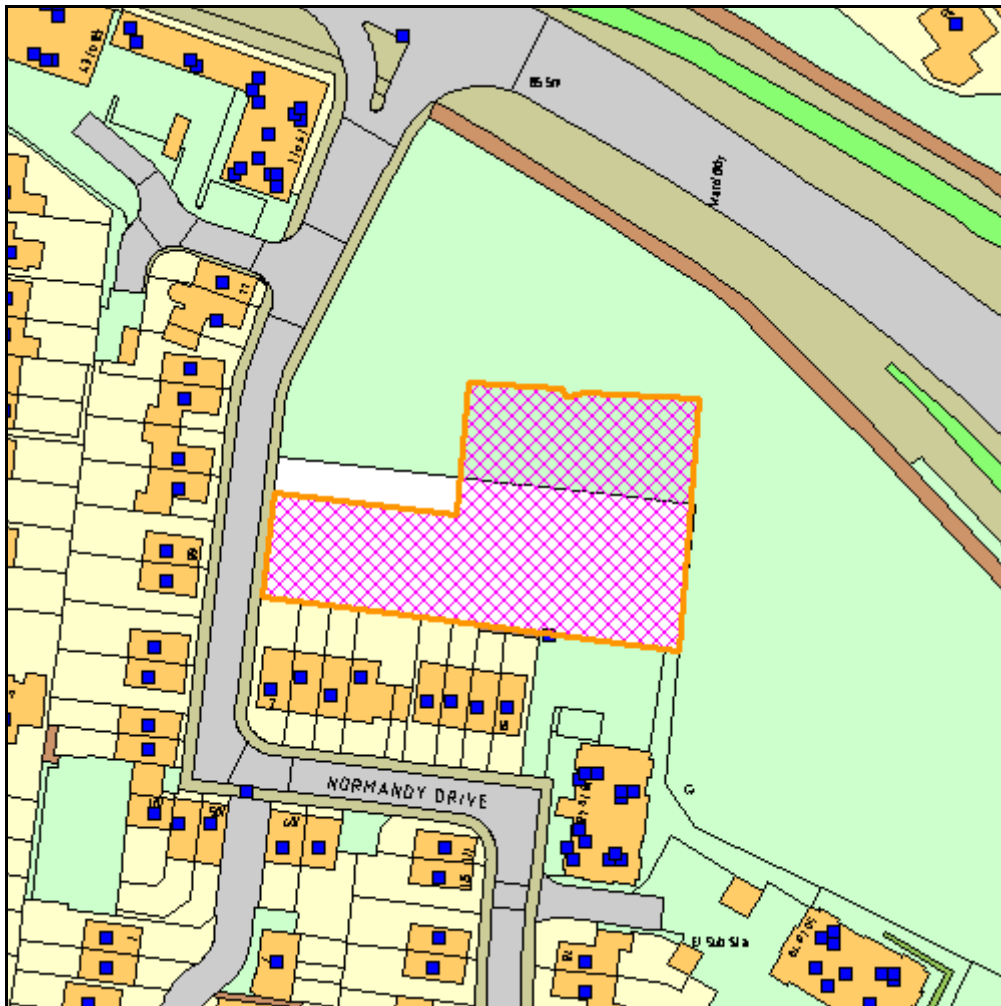
Dates and officer deadlines for Circulated Schedule August Bank Holidays 2019

CIRCULATED SCHEDULE - 16 August 2019

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/1166/F	Approve with Conditions	Normandy Drive Yate South Gloucestershire BS37 4FJ	Yate Central	Yate Town Council
2	P19/2564/LB	Approve with Conditions	Bitton Hill Mill Lane Bitton South Gloucestershire BS30 6HN	Bitton And Oldland	Bitton Parish Council
3	P19/4157/RM	Approve with Conditions	Land Adjacent To 2 Stanley Cottages Off Bonnington Walk Stoke Gifford South Gloucestershire BS7 9YU	Stoke Park And Cheswick	Stoke Gifford Parish Council
4	P19/6355/F	Approve with Conditions	55 Mallard Close Chipping Sodbury South Gloucestershire BS37 6HZ	Chipping Sodbury And Cotswold Edge	Dodington Parish Council
5	P19/7350/F	Approve with Conditions	Unit 15, Warmley Business Park Tower Road North Warmley South Gloucestershire BS30 8XP	Parkwall And Warmley	Siston Parish Council
6	P19/7513/F	Approve with Conditions	Land East Of Normandy Drive And South Of Kennedy Yate South Gloucestershire BS37 4FJ	Yate Central	Yate Town Council
7	P19/7847/F	Refusal	Rustic House 123 Beach Road Severn Beach South Gloucestershire BS35 4PH	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
8	P19/8624/CLP	Approve with Conditions	76 Oakdale Road Downend South Gloucestershire BS16 6EG	Frenchay And Downend	Downend And Bromley Heath Parish Council
9	P19/8625/F	Approve with Conditions	76 Oakdale Road Downend South Gloucestershire BS16 6EG	Frenchay And Downend	Downend And Bromley Heath Parish Council
10	PK17/0704/F	Approved Subject to Section 106	Land At 298 Soundwell Road Soundwell South Gloucestershire BS15 1PE	Kingswood	None
11	PK18/3150/RVC	Approve with Conditions	Land East Of Normandy Drive And South Of Kennedy Way South Gloucestershire BS37 6JE	Yate Central	Yate Town Council

CIRCULATED SCHEDULE NO. 33/19 – 16th AUGUST 2019

App No.:	P19/1166/F	Applicant:	Churchill Retirement Living
Site:	Normandy Drive Yate South Gloucestershire BS37 4FJ	Date Reg:	7th February 2019
Proposal:	Erection of 6no cottages for the elderly. Amendments to car park, buggy store and landscaping approved under PK17/3061/F (Erection of 62 No. apartments for the elderly, guest apartment, communal facilities, new vehicular access, car parking, landscaping and associated works)	Parish:	Yate Town Council
Map Ref:	371867 182161	Ward:	Yate Central
Application Category:	Minor	Target Date:	28th March 2019



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 100023410, 2008. N.T.S. P19/1166/F

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

CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following comments from the Parish Council and from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the Erection of 6no cottages for the elderly. Amendments to car park, buggy store and landscaping approved under PK17/3061/F (Erection of 62 No. apartments for the elderly, guest apartment, communal facilities, new vehicular access, car parking, landscaping and associated works.
- 1.2 The application site relates to Land East of Normandy Drive and South of Kennedy Way, Yate. The site is therefore situated within the settlement boundary. Planning permission PK17/3061/F was approved on 4.5.18 and this scheme would add 6 no. cottages within the grounds.
- 1.3 This proposed scheme needs to be read in conjunction with pending application P19/7513/F for the erection of 3 x third floor apartments within the existing block. Together the schemes are subject to a single new S106 agreement which comprises contributions as follows:
 - £88, 095 for the three additional apartments
 - £409, 569 for the six new cottages

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March
Technical Guidance to the National Planning Policy Framework

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS12	Safeguarded Areas for Economic Development
CS13	Non-Safeguarded Economic Development Sites
CS14	Town Centres and Retailing

CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS20	Extra Care Housing
CS23	Community Infrastructure and Cultural Activity
CS24	Green Infrastructure, Sport and Recreation Standards
CS30	Yate and Chipping Sodbury

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land
PSP37	Internal Space Standards
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites (Adopted) Nov. 2005.

Design Checklist (Adopted) 2007)

Residential Parking Standards (Adopted) 2013

Affordable Housing SPD (Adopted) Sept.2008.

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide

SPD – (Adopted) March 201

Residential Parking Standards (Adopted) December 2013

Affordable Housing and Extracare (Adopted) May 2014

Waste Collection (Adopted) 2015

3. RELEVANT PLANNING HISTORY

- 3.1 P19/7513/F Erection of third floor extension to form 3 no. new apartments
Pending consideration
- 3.2 PK18/3150/RVC Variation of condition 2 (list of plans) attached to planning permission PK17/3061/F to substitute approved plans with revised plans listed in attached covering letter.
Pending consideration
- 3.3 P17/1166/F Erection of 62 apartments for the elderly guest apartment, communal facilities, new vehicular access, car parking, landscaping and associated

		works
	Approved	4.5.18
3.4	PK09/1388/F	Proposed erection of 228 residential units and associated works.
	Approved	27.9.10

4. **CONSULTATION RESPONSES**

4.2 Yate Town Council

Objection:

The proposal is for 3 bedroom dwellings allowing 2 parking spaces per house which is above the recommended allowance, however, in order to accommodate this, it will result in the reduction of parking spaces already allocated for the new 62 apartments being constructed. This will also eat into the amenity space for the existing apartments, increasing the density of buildings on this site.

Should this proposed plan go ahead there must be a condition in place that these are age restricted properties available to elderly residents only. We would also suggest that bungalows would be more appropriate for this use.

4.3 Ecology

The application has a significant impact on the ecological enhancements conditioned under PK17/3061/F. Ecological enhancements are to be provided within this application.

4.4 Highway Structures

No objection subject to an informative

4.5 Environmental protection

No objection subject to a condition re on-site working practices

4.6 Wessex Water

No drainage information has been submitted however, records indicate there is sufficient capacity within the public sewer to accommodate the flows from this proposal.

4.7 Drainage

No drainage information has been submitted with this application however previously approved scheme PK17/3061/F is noted and as such a SUDS condition is to be attached to the decision notice.

Existing drainage ditch on-site parking on 10094YA-P301 Proposed Site Plan must be retained.

4.8 Transport

Holding objection: recommended that parking arrangement is revised.

Update: during the course of the application it was made clear that the parking on site would be unallocated thereby providing a total of 43no. parking spaces for the entire site

4.9 Landscape comments

The originally agreed landscape proposals for the apartments (P19/1040/O) provided a much needed outdoor resource and amenity for the residents, provided a landscape setting for the building and formed a generous buffer to the adjacent designated local green space. Its loss should be resisted.

Other Representations

4.3 Local Residents

Four representations from local residents have been received by the LPA. The points raised are summarised as:

- See illegal parking on pavement as a daily occurrence – safety issues
- Existing issues with people blocking my drive
- Insufficient parking for residents of the development as a whole
- Surprised the landscaped garden is to be removed
- More housing being added to an already congested site
- Existing road network narrow and busy
- Object to these changes to the original scheme for 62 apartments

5. ANALYSIS OF PROPOSAL

5.1 The applicant seeks full planning permission for the erection of 6no. cottages.

5.2 Principle of Development

The previously approved planning application P17/1166/F which granted permission for the erection of a block of 62 apartments on this site is a material consideration. The application site lies within the settlement boundary of Yate. Accordingly, the proposed development is consistent with the scope of the above planning policies and the development is acceptable in principle; subject to the detailed consideration set out below.

5.3 Design and Visual Amenity

The proposal comprises 6 no. cottages to be located to the rear of the existing block of apartments. The cottages are to be arranged in two blocks of three along the east edge of the site. They would be two-storey modest units each with their own private amenity space. Materials would be appropriate comprising blue-slate effect roof tiles, buff colour exterior with red brick detailing. In terms of the overall design, scale and appearance the proposed cottages would complement the existing development on the site and the adjacent modern housing estate.

5.4 The accompanying Design and Access Statement indicates that the scheme is part of the wider development of this site for retirement living. The proposed 6 cottages would add to the choice of this type of living accommodation. Churchill Retirement Living specialise in the provision of retirement housing for the elderly and extensive market research has identified the demand for additional cottages of this type in the Yate area. the Design and Access Statement declares that *the application aims to satisfy that demand by making*

best use of the land available on site and to provide much needed additional housing.

- 5.5 Officers are aware of other similar successful schemes within South Gloucestershire and have no objections on this basis.
- 5.6 Given the above the siting, appearance and scale of the proposed cottages is considered to accord with policy and can be recommended for approval.
- 5.7 Residential amenity
Under the previously approved scheme a large proportion of the grounds to the rear of the site were to provide community amenity space for the residents. This application would see a reduction in the garden area. This is unfortunate. It has however, been argued by the applicant and following extensive research that residents of this type of living accommodation do not require large garden areas and place a high value on the combination of smaller individual spaces such as private balconies and the provision of some garden. Each of the cottages would have their own gardens of a level that accords with adopted policy.
- 5.8 Overall although the loss of part of the formerly allocated garden area is regrettable, the provision of additional balconies, which has been assessed under pending application PK18/3150/RVC, as the amenity space for these apartments for the elderly, is considered appropriate and this scheme can be recommended for approval.
- 5.9 Transport
The main transportation and highway issue relating to this proposed is 1) access and 2) parking for the proposed development. It is noted that the access to the site will be from the same access arrangement as it was previously agreed in association with the planning application PK17/3061/F. In this regard therefore, there are no highway objection to proposed access.
- 5.10 In terms of parking provision for this new proposed development, it is noted that the applicant has made reference [within the submitted Transport Statement] to different sites at established Churchill Retirement living (CRL) sites across southern England.
- 5.11 In the previously approved scheme, the LPA agreed that parking provision for the 62no. retirement apartments was to be 35 spaces (a ratio of 0.59 per flats) and with all parking spaces to remain communal parking. This current proposal is for the erection of 6 x 2 bed houses. Following Officer concerns regarding the potential loss of 4 parking spaces if 2 parking spaces were allocated to each of the cottages, further negotiations have confirmed that all parking across the whole of the site is to be unallocated. This means that a total of 43no spaces will be available for the entire development.
- 5.12 The issue of parking in the nearby streets is noted and given the above the proposal will be able to provide sufficient off-street parking and on this basis is acceptable and the scheme can be recommended for approval.

5.13 Ecology

The proposal would have a negative impact on the ecological enhancements that were conditioned under planning application PK17/3061/F including the attenuation basin, the wildflower planting and protection of the hedgerow. This is regrettable. It is however considered that by means of an appropriate condition attached to the decision notice ecological enhancements can be provided to mitigate against the negative factors.

5.14 Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

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

5.15 In this instance, Officers are satisfied that the planning obligations required to secure affordable housing consistent with the CIL Regulations (Regulation 122). For the avoidance of doubt, the applicant has agreed to meet the obligations set out in Section 7 of this report.

5.16 Planning Balance

The site is located within the established settlement of Yate where spatial policies encourage new development. The scheme would be within the grounds set aside for elderly housing and as such Officers are satisfied that the introduction of this development would not materially impact upon the character and visual amenity of the locality. The proposal does not conflict with policy PSP5 of the South Gloucestershire Policies Sites and Places Plan. Weight is awarded in its favour.

5.17 The proposed development would introduce additional vehicular movements into the locality. However, it is concluded that the surrounding highway network has sufficient capacity to accommodate this increase and the amount of on-site parking proposed for the whole of the site is considered appropriate. The scheme therefore accords with Policy PSP11 of the South Gloucestershire Policies Sites and Places Plan. Neutral weight is awarded to the proposal regarding this aspect.

5.18 The site is located within a sustainable location, close to local shops and amenities as well as main bus routes. The site is also in walking distance of Yate Town Centre and significant weight is awarded in its favour for this reason.

5.19 Subject to appropriate conditions and legal agreements, the proposed development does not conflict with the planning policies in the South Gloucestershire Local Plan (adopted) December 2013 and the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

Accordingly, officer recommend that the proposed development is approved as set out in section 7 of this report.

5.20 Impact on Equalities

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

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

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

5.23 Other Matters

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

5.24 Existing parking problems: It has been noted that illegal parking, for example, on pavements or across driveways has been occurring. This matter should be referred to the proper authority which is the Police Authority for action.

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

a. A sum of money of £409, 569 for the off-site provision of affordable housing.

Reason:

In order to secure affordable housing and to comply with Policy CS18 of the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2013.

- 7.2 That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
- 7.3 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: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

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

Received on 31.1.19:

The location plan - P10094YA - P300

Proposed site plan - P10094YA - P301

Proposed floor plans - P10094YA - P302

Proposed elevations - P10094YA - P303

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 and for the avoidance of doubt.

3. Age of occupants

Each of the cottages hereby permitted shall be occupied only by:

- o Persons aged 60 or over; or
- o A spouse/or partner (who is themselves over 55years old) living as part of a single household with such a person or persons; or
- o Persons who were living in one of the apartments has part of a single household with a person or persons aged 60 or over who has since died; or
- o Any other individual expressly agreed in writing by the LPA

Reason

In considering this proposal for apartments for the elderly, weight has been given to the likely nature and needs of the occupants of the proposal. This has been given specific weight when considering the likely level of parking required for this

development for retirement living, whilst the amount of parking provision is regarded as acceptable given the evidence provided this might not have been the case had these been apartments serving the general population. For this reason accords with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. Parking and cycle provision/storage shall be provided in accordance with submitted plan Proposed Site Plan - 10094YA - P301 save for that all parking spaces within the site shall be unallocated and for the use of occupants or visitors to the main block and to the cottages hereby approved. These facilities shall be retained for such use thereafter.

Reason 1

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

Reason 2

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

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

Reason

This is a prior to common condition to avoid any unnecessary remedial action in future and in the interests of the character and visual amenity of the site and the surrounding location and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted December 2013; and Policy PSP1 and PSP2 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017..

6. Landscape Management Scheme
The development hereby approved shall not be occupied until a fully detailed Landscape Management Plan (LMP) relating to the hard and soft landscaping has been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the LMP shall include details of the following;

- i) the time and method of planting within the next available planting season following completion of the residential dwellings,
- iii) maintenance regime for all shared hard and soft landscaping areas (including replacement of plants which die, become diseased or are otherwise removed) within the site (with the exception of adopted highway)

Thereafter the development shall be retained as such

Reason

In the interests of the character and visual amenity of the site and the surrounding location and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted December 2013; and Policy PSP1 and PSP2 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

7. Sustainable Drainage

Prior to first occupation of the development drainage detail proposals incorporating Sustainable Drainage Systems SUDS shall be submitted for approval in writing to the Local Planning Authority. Details to include:

- The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
- Detailed design information relating to the SUDS features on site.
- Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable.
- Updated drainage design calculations may be required should the design layout be changed.

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

In particular the following details are required:

- An exceedance / overland flood flow route plan is required.
- Updated drainage calculations for the surface water drainage network to show there is no flooding on site in 1 in 30 year storm events (winter and summer); and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer) are required

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.

8. Contamination

A: Intrusive Investigation - has been completed and is acceptable ref DOC19/0086 (1.8.19) subject to parts B and C below.

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.
- For further advice on contaminated land investigations, the applicant can contact Environmental Services on (01454-868001).

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.

9. **Lighting plan:**
Development shall proceed in accordance with the lighting details submitted for consideration and approved under DOC19/0086 dated 1.8.19.

Reason

To ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

10. **GCN**
Development shall proceed in accordance with the submitted details by ECOSA and approved under DOC19/0086 dated 1.8.19.

Reason

To ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

11. **Bat and bird boxes**
Prior to first occupation, the location of bat and bird boxes as recommended in Section 6.3 of the Preliminary Ecological appraisal (ECOSA, 2016) shall be submitted to the LPA for approval in writing.

Reason:

To ensure the works are carried out in an appropriate matter and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the NPPF.

12. **Construction site working practice:**
1. Heavy plant, noisy equipment or operations and deliveries, shall not take place outside the hours of;
Monday - Friday.....7.30 - 18.00

Saturday.....8.00 - 13.00.
No noisy activities on Sundays or Bank Holidays.

2. All plant and equipment shall be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means shall be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

3. Dust control measures shall be employed including wheel washing and damping down.

Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

Lorries carrying waste material from the site shall be covered or sheeted at all times.

Recommendations

1. Pneumatic tools shall be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

2. All waste materials shall be removed from site and suitably disposed of. No burning of waste material is permitted.

3. Radio noise shall not be audible at the boundary of the nearest neighbouring property.

4. Any temporary oil storage tanks shall be safely and securely sited so as to prevent pollution in the events of spills or leakage. It is also strongly recommended that any oil storage tank should be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank.

5. Neighbouring residential premises shall be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works shall be notified to the Environmental Services Department on (01454) 868001 prior to commencement.

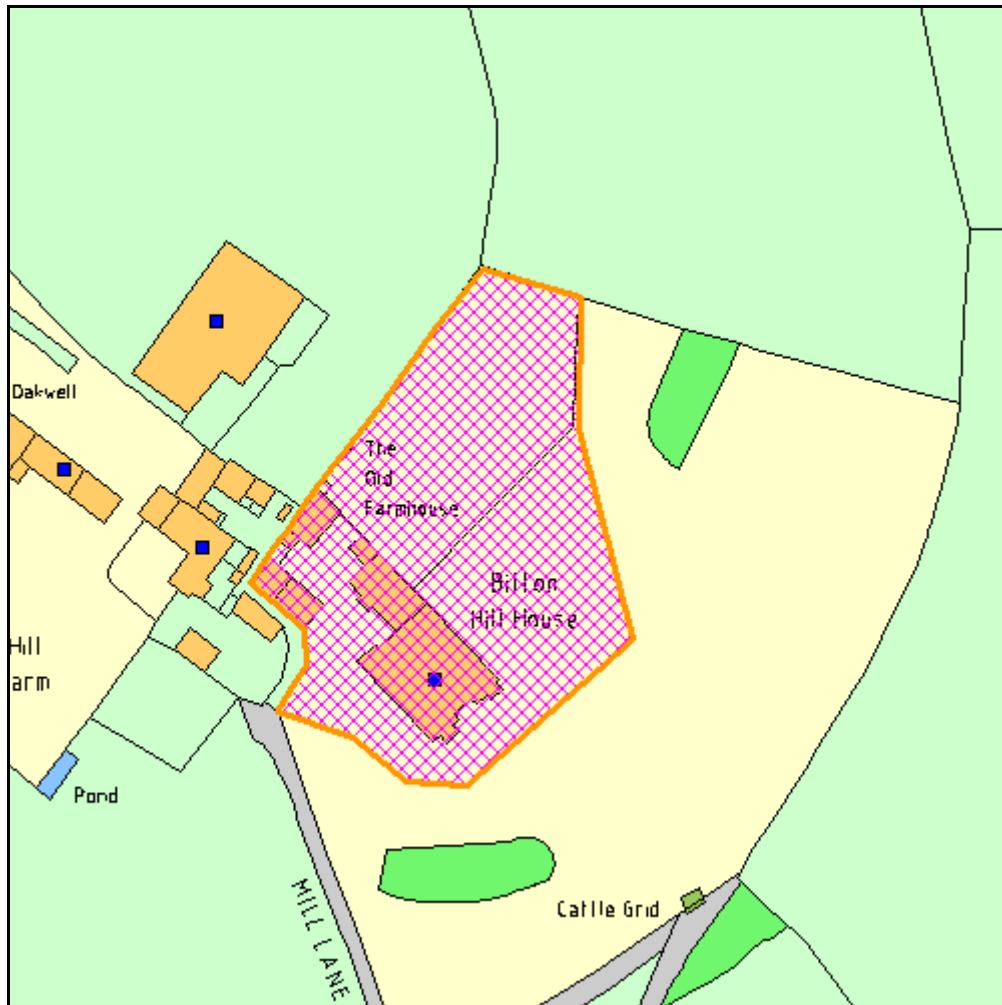
6. For sites with more than 5 houses, and for large industrial/commercial developments, it is strongly recommended that the applicant register the site under the "Considerate Contractors Scheme". Further information and an application form can be obtained by telephoning... Tel: (01920) 872837.

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) 2017 and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 33/19 – 16th AUGUST 2019

App No.:	P19/2564/LB	Applicant:	Mr And Mrs Rogers
Site:	Bitton Hill Mill Lane Bitton Bristol South Gloucestershire BS30 6HN	Date Reg:	19th March 2019
Proposal:	Internal and external works and refurbishment to main dwelling, coach house and stables to include installation of new roof, replacement and repair of windows, erection of extension to link existing coach house and stables to form annex ancillary to main dwelling, garaging, first floor leisure space and gym.	Parish:	Bitton Parish Council
Map Ref:	368152 170136	Ward:	Bitton And Oldland Common
Application Category:	Minor	Target Date:	13th May 2019



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P19/2564/LB

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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule in accordance with the council's scheme of delegation to take into account the comments of objection which have been received.

1. THE PROPOSAL

- 1.1 This application seeks listed building consent for works required in connection with the redevelopment of the building. This application is accompanied by an application for planning permission (P19/2560/F).
- 1.2 The application site relates to the Grade II listed building known as 'Bitton Hill House', Mill Lane, Bitton. It is located within the Green Belt, the Bitton Conservation Area and areas of archaeological interest and former coal mining. There are a number of protected trees on site and a public footpath along the driveway, predominantly.
- 1.3 During the course of the application, revisions have been negotiated to the scheme.

2. POLICY CONTEXT

2.1 National Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
National Planning Policy Framework February 2019
National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;
Historic England's Good Practice Advice in Planning Note 2 "Managing Significance in Decision-Taking in the Historic Environment".
Historic England's Good Practice Advice in Planning Note 3 "The Setting of Heritage Assets (2nd Edition)"

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS9 Managing the Environment and Heritage

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

PSP17 Heritage Assets and the Historic Environment

3. RELEVANT PLANNING HISTORY

3.1 None relevant.

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

No objection subject to comments from Conservation Officer.

4.2 Other Consultees

Conservation Officer

No objection subject to a number of conditions.

National Amenity Societies:

Council for British Archaeology

Objection

- proposals mis-informed by a restoration-led philosophy which is used to justify the removal of substantial portions of historic building fabric
- cumulative effect of work results in **substantial harm** to the listed building; contrary to NPPF s. 16
- scheme should be informed by a conservation-led philosophy and methodology which minimises harm to the listed building

Other Representations

4.3 Local Residents

2 local residents have objected to the scheme. Their comments are summarised below:

- Works to listed building may be harmful, including to its setting

5. ANALYSIS OF PROPOSAL

5.1 This application seeks listed building consent for works to a grade II listed building in Bitton to facilitate its redevelopment.

5.2 Principle of Development

This is an application for listed building consent. As such, the only consideration is what impact the proposed development would have on the special historic or architectural features of the property.

5.3 Assessment of Heritage Impact

Bitton Hill House is a Grade II listed building located within a prominent elevated position within the surrounding landscape. This application follows a number of site visits with the applicant and their agent. It is considered that these proposals are largely in accordance with the parameters discussed and agreed.

- 5.4 When assessing the impact of a multitude of proposals in detail, the overarching impact of a scheme can often get lost. Therefore, from the outset, it is recognised that this application support a much needed scheme of restoration of what has clearly been an unloved building for some time. While (as discussed below) some matters of detail may need further thought, the scope of the proposals and the approach adopted for the main house is commendable. If approved, the proposals will deliver a significant enhancement to the character and appearance of the building and provide it with a sustainable future as a family home – which can be regarded as its optimum use as opposed to being subdivided into apartments.
- 5.5 The proposals contained within this application is expansive and so rather than discuss the merits of each one in a report that would run into many pages, if not set out below then the works have been considered acceptable or could be addressed by condition. This report shall start with the external and internal works proposed for the main house before coming onto the outbuildings.

Main House

5.6 Proposed External Works

- The DAS makes reference to the repair and replacement of the windows and a report produced by a specialist setting out the scope of works or justification for any replacement. Upon request, a report from Bath Bespoke windows was submitted which is based on a survey of the condition of the existing windows which has informed the approach to each – i.e. repair or replace. In light of the condition of the windows, in the majority of cases, each window is recommended to be replaced.
- 5.7 The Conservation Officer, having visited the site on a number of occasions, found that in light of the abundantly clear lack of maintenance this building has suffered from and the observed condition of the windows, the recommendations contained with the Bath Bespoke report are not a surprise. The replacement of the windows as proposed is therefore considered acceptable. The glazing is also simple plate glass and while retention/re-use may be possible, it is not considered to be of such significance that this could be reasonably required as a condition of any consent.
- 5.8 Therefore, while repair of historic windows is sought as opposed to replacement, in this case it is accepted that the condition of the windows has gone beyond that due to the lack of maintenance in which is a very exposed location. The loss of the original sash windows is therefore accepted on this basis but Officers would add that if one was to look at the elevational composition of the building, the simple “1-over-1” sashes are almost incidental. It is the classical stone architraves that embellish the elevations and drive its proportions. In terms of “significance”, architecturally the existing plate glass sashes can be considered to make only a very limited contribution. It is the case that although their condition dictates that repair is not possible, the only potential loss to the significance of the building would be a limited loss of fabric. With a condition to agree the design of the replacement windows, the almost recessive nature of the windows will be maintained and so architecturally and aesthetically, there would be no loss of significance and so the special architectural interest of the building would be preserved.

- 5.9 The scope of stone repairs is noted and from visiting the building accepted, but there are a number of additional areas of defects that Officers would have expected to see as part of this scheme. For example, the corroding wrought iron cramp which has blown the joins in the canted bay to the south elevation should be addressed to avoid further damage caused by its further jacking of the joint which will just shatter more of the stonework. This matter shall therefore be dealt with by condition.
- 5.10 The proposed cleaning of the stonework is understandable and following a visit to Stonehealth, Stroud, the Conservation Officers considers the DOFF system would be the least intrusive method of cleaning the ashlar. A sample panel for the stone cleaning is considered necessary to ensure the system would not cause any harmful impact on the Bath stone dressings. Therefore, subject to a condition confirming this, there would be no objection. The insertion of the pv cells has also been kept with the roof valley and so there are no objections to this element of the scheme.
- 5.11 Proposed Internal Works
Internally the floor plan will be altered, but this is mainly to the rear in the later wing of the building. Although the scale and proportions of some of the rooms will be changed, this is not considered to be of any material significance. The principal rooms will largely remain in their current configuration and it can also be noted that in some instances there will be some considered reinstatement.
- 5.12 The only concern is with the approach to (what is currently referred to as) Bedroom 4, as it will lose its fireplace to accommodate a partition to subdivide the room into a dressing room and en-suite bathroom both to serve the master bedrooms, proposed bedroom 1.
- 5.13 It is also noted that the period fireplace will be moved into bedroom 6 and so although removed and relocated, the fabric will be retained. The former subdivision of the room is also noted – the bath and dressing room to bedroom 1, but the previous configuration and that now proposed is materially different. The subdivision of the room down the middle of its length rather than width is not in Officers view in keeping with the character of the house. The loss of chimney breast due to the siting of the partition would also in most cases be a concern, even if retained, as a key feature of the room it will be compromised. However, although the proposal to remove the fireplace would be harmful, the harm would be limited and it only makes a minor contribution to the overall “significance” or the special architectural and historic interest of the building. Harm would be caused nonetheless but it considered that this harm would be outweighed by the long term benefits that the rest of the scheme would deliver.
- 5.14 The green marble fire surrounding to the existing dining room is to be repaired and relocated to the library. Due to its poor condition it is considered reasonable that the repairs cannot be undertaken in-situ and so would need to be dismantled. Therefore, while not in its original position (which is not considered to be of any material significance), this amendment will ensure one of the original fire places is retained.

- 5.15 One of the most significant alterations to ground floor level is the removal of the existing floor boards to the library, billiard room, drawing room and dining room. From visiting internally, Officers agree with the assessment within the DAS that due to their rather plain and limited nature, these floor boards were never intended to be on full display as a key decorative feature of the room. Bitton Hill House is described in the list citation as being an “elegant classical villa of 1863”. Therefore, all architectural elements that contribute to this “elegance” can be considered to be of great significance in their contribution to the architectural and aesthetic character. In this instance, however, the floor boards are simply parts of a floor structure that would have largely and intentionally been hidden from view with decorative floor coverings.
- 5.16 Although the considered “significance” of the existing floor may therefore be considered low, the existing floors in these rooms do represent historic fabric for which there is a presumption in favour of retention. Their removal would therefore represent a significant loss of fabric which is confirmed within the DAS.
- 5.17 While Officers accept that the removal and proposed replacement has the potential to deliver a degree of enhancement to its decorative or aesthetic appearance, this would not address the issue of loss of fabric.
- 5.18 Notwithstanding the above, in Officers view the impact which would be caused by the removal of the floor boards would not represent a material loss of “significance”, as the harm would be at the low end of the “less than substantial harm” spectrum. Again this harm needs to be considered in the context of the wider scheme of restoration, which in this case will ensure the building remains in its optimum use as a large family home. Consequently, if the harm caused by the loss of the floor boards is balanced against the benefits that the wider scheme will deliver as part of also securing its optimum use, then in Officers view the harm is significantly outweighed by the enhancements that the rest of the scheme will deliver. Details/samples of the replacement floor will therefore be required by condition.
- 5.19 The proposed internal alterations will also see new bathrooms proposed and so details of all vents and flues will be required. In respect to SVPs, it is advised that air admittance value systems are considered to help reduce internal and external alterations.

Coach House/Stables

- 5.20 The proposed repointing with “tuck” point is acceptable if this is matched, but a sample panel will be required as suggested to ensure the colour and texture of the lime mortar is acceptable. This will be dealt with by condition.
- 5.21 It is acknowledged that the proposed glazed link is of a substantial scale. However, through negotiation, the glazing bars have been reduced to help “lighten” the elevations of the link but also the glazed arched opening.
- 5.22 Details of all vents and flues will be required (including details of “Nature Vent”) and Officers consider a standard “repairs” condition is necessary to pick up the

scope of masonry repairs both to these structures and the main house just in case once work commences the need for further repairs is realised.

- 5.23 Internally the replacement first floors is noted and acceptable. Furthermore, amendments have been negotiated to overcome previous concerns regarding the proposed treatment to internal finishes and floor construction.
- 5.24 It was requested that the existing concrete slab be retained due to concerns regarding the hydrostatic pressures at the foot of what is a substantial retaining wall and the inability of limecrete floors to resist such pressures. Although Officers are sympathetic for the initial approach selected but in light of the concrete slab largely in-situ, there is not the basis to require its removal and replacement with a limecrete floor. The tanking system is also to be retained and drylined, but on all other “non-retaining” walls, an insulating lime plaster is to be used to add vapour permeability. This is specified on drawing no.42 rev A.
- 5.25 Subject to a condition requiring compliance with the approval plans and a sample panel, this matter can be considered addressed.
- 5.26 Overall, given the revisions made, the design of the scheme now ensures more of the character of the existing building is retained.

Conclusion

- 5.27 Although it is the case that the proposals will result in a loss of historic fabric, it is not considered that the result would be an overall loss of significance. The harm caused also needs to be considered in the context of the significant benefits that this scheme will deliver. Therefore, although the concerns that have been raised in respect of loss of fabric are noted, it is considered that the enhancement or benefits the scheme will deliver will more than off-set the limited harm that the proposals would cause.
- 5.28 Historic England’s “GPA2: Managing Significance” is considered particularly relevant in this case because it states “change to heritage assets is inevitable but it is only harmful when significance is damaged”. Therefore, although the proposal will see the removal of some historic fabric and in one particular instance the removal of a feature of architectural interest, the negative aspects of the scheme are considered to be significantly outweighed by the positives inherent within the proposed scheme which along with restoration includes the benefits of retaining this building as one residential unit rather than site restored but subdivided.
- 5.29 The proposed retention of its historic use as a single residential unit should not be overlooked or downplayed, and so if one was to disagree with the findings of the weighing-up exercise noted above and for example it was considered that the works would cause a degree of harm overall, there is a powerful “optimum use” argument as set out within paragraph 196 of the NPPF which would weigh in favour of the proposals.
- 5.30 In light of the above, it is concluded that the proposals would help preserve, if not enhance, the significance of this designated heritage asset. For

completeness, there would also be only a positive impact on the Bitton Conservation Area, as one of its landmark buildings is given a sustainable future for its historic, original function.

6. RECOMMENDATION

- 6.1 It is recommended that listed building consent is GRANTED subject to the conditions listed below.

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

2. Prior to the commencement of the relevant works, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
- a. All new windows and fixed glazing (including cill, head, reveal and glass details)
 - b. Rooflights
 - c. All new doors (including frames and furniture)
 - d. All new vents and flues
 - e. All new internal joinery - staircases, skirtings for example
 - f. Eaves (including rainwater goods), verges and ridges for new build
 - g. All new fire place details
 - h. All new pipe runs (for main house only)

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (Adopted November 2017).

3. Prior to commencement of relevant development, full details of the proposed floors finishes shall be submitted and agreed in writing by the local planning authority. The development shall thereafter be carried out strictly in accordance with the agreed details.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (Adopted November 2017).

4. Prior to the commencement of the relevant parts of the development, representative sample panels of the proposed "tuck" repointing of at least one square metre showing the colours, finishes and textures of pointing shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (Adopted November 2017).

5. Prior to the commencement of the relevant works on site, a detailed specification for the repairs, including any stonework repairs, any proposed structural works (in respect of which approval is expressly reserved), shall be submitted to the council for approval. The specification shall include details of the extent of proposed replacement of historic fabric, and all new materials to be used.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (Adopted November 2017).

6. Prior to the commencement of the relevant works, a representative sample panel of the "cleaned stone" using the DOFF system of at least one square metre to demonstrate impact of the cleaning process on the face of the stone shall be prepared and approved in writing by the Local Planning Authority before the works to complete the cleaning of the rest of the stone are commenced. The approved sample panel

shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (Adopted November 2017).

7. Prior to the commencement of any relevant works, a representative sample panel of natural facing stone, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of development, for consistency.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (Adopted November 2017).

8. Prior to commencement of relevant development, samples of the roofing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (Adopted November 2017).

9. The development hereby approved shall be carried out in accordance with the following documents:
Received 07.03.2019:
Basement Survey (01)
Ground Floor Survey (02)
First Floor Survey (03)

Roof Layout Survey (04)
Roof Survey (05)
Basement Ground and First Floor Survey (06)
Roof Layout and Roof Survey Plan (07)
Survey South West Elevation (08)
Survey South East Elevation (09)
Survey North East Elevation (10)
Survey South West and North East Courtyard Elevation (11)
Survey Section A-A (12)
Survey Ground Floor Coach House and Stable (13)
Survey First Floor Coach House and Stable (14)
Survey Roof Plan Coach House and Stable (15)
Survey North West and South West Elevation Coach House and Stable (16)
Survey North East and South East Elevation Coach House and Stable (17)
Survey Sections B-B and C-C Coach House and Stable (18)
Basement Proposals (30)
Ground Floor Proposals (31)
First Floor Proposals (32)
Roof Layout Proposals (33)
Roof Proposals (34)
Basement, Ground and First Floor Proposals (35)
Roof Layout and Roof Proposed Plan (36)
Proposed South West Elevation (37)
Proposed South East Elevation (38)
Proposed North East Elevation (39)
Proposed South West and North East Courtyard Elevations (40)
Proposed Section A-A (41)
Proposed Roof Plan Coach House and Stable (44)
Proposed Northwest and South West Elevations Coach House and Stable (45)
Detailed Proposed Floor Plan - Plant Room (49)
Detailed Proposed Floor Plan - Wine Cellar (50)
Detailed Proposed Floor Plan Cinema (51)
Detailed Proposed Floor Plan Family Room (52)
Detailed Proposed Floor Plan - Billard Room (54)
Detailed Proposed Floor Plan - Morning Room (55)
Detailed Proposed Floor Plan - Drawing Room (56)
Detailed Proposed Floor Plan - Kitchen (58)
Detailed Proposed Floor Plan - Second Kitchen and Kitchen Study (59)
Detailed Proposed Floor Plan - Boot Room and Open Corridor (60)
Detailed Proposed Floor Plan - Rear Hall and WC (61)
Detailed Proposed Floor Plan - Grand Hallway and Corridor (62)
Detailed Proposed Floor Plan - Landing (63)
Detailed Proposed Floor Plan - Bedroom 3 En-Suite (64)
Detailed Proposed Floor Plan - Bedroom 3 (65)
Detailed Proposed Floor Plan - Bathroom (66)
Detailed Proposed Floor Plan - Bedroom 2 (67)
Detailed Proposed Floor Plan - Bedroom 4 (68)
Detailed Proposed Floor Plan - Bedroom 1 (69)
Detailed Proposed Floor Plan - Master En-suite and Dressing (70)
Detailed Proposed Floor Plan - Bedroom 5, Shower and Laundry (71)
Detailed Proposed Floor Plan - Bedroom 6 (72)

Detail Sheet 1 (73)
Detail Sheet 2 (74)
Detail Sheet 3 (75)
Detail Sheet 4 (76)
Detail Sheet 5 (77)
Block Plan
Survey Site Plan

Received 18.03.2019:

Tree Survey - Prioritised Work Recommendations - Priority 1 Year
Tree Location Plan
Landscape Plan
Tree Risk Survey Limitations
Location Plan
Tree Schedule
Tree Survey

Received 20.06.2019:

Proposed Ground Floor Coach House & Stable (42A)
Proposed First Floor Coach House & Stable (43A)
Proposed Northeast, Southeast & Courtyard Elevations Coach House and Stable (46A)
Proposed Sections BB & CC Coach House & Stable (47A)
Proposed Northeast & Southwest Courtyard Elevation Coach House & Stable (48A)

Received 04.07.2019:

Design & Access Statement (amended)
Detailed Proposed Floor Plan - Dining Room (57A)

Received 05.07.2018:

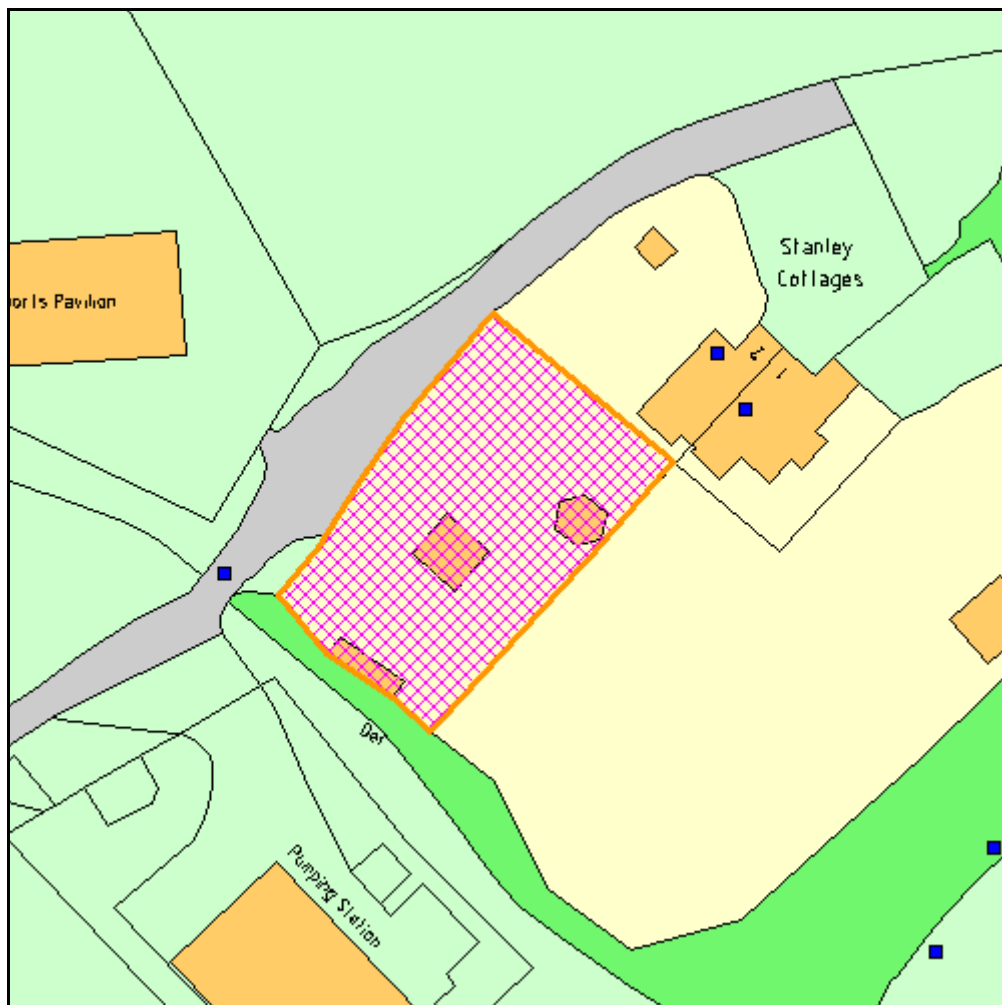
Detailed Proposed Floor Plan - Library (53A)

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 33/19 – 16th AUGUST 2019

App No.:	P19/4157/RM	Applicant:	Mr M Reuben
Site:	Land Adjacent To 2 Stanley Cottages Off Bonnington Walk Stoke Gifford South Gloucestershire BS7 9YU	Date Reg:	29th April 2019
Proposal:	Erection of 4 no detached dwellings with appearance, landscaping, layout and scale to be determined. (Approval of Reserved Matters to be read in conjunction with outline permission PT18/1820/O).	Parish:	Stoke Gifford Parish Council
Map Ref:	360825 177913	Ward:	Stoke Park And Cheswick
Application Category:	Minor	Target Date:	20th June 2019



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P19/4157/RM

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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as comments of objection have been received. These are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks approval of the reserved matters connected with outline planning permission PT18/1820/O. The outline planning permission granted consent for the erection of 4 dwellings. Only the access was established under the outline permission as all other matters were reserved.
- 1.2 The application site is a 0.1 hectare plot of land, located to the southwest of 2 Stanley Cottages. The site is enclosed by Bonnington Walk to the northwest and currently forms part of the residential curtilage for the cottage. To the southeast is a large scale development of 95 homes (granted consent 2015) and to the southwest is a pumping station.
- 1.3 Located within the north fringe, the site is accessed from the highway network under Bristol City Council's remit. The site also falls within an area of archaeological importance and the setting of Stanley Farm, which is grade II listed. No further constraints are relevant.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework February 2019

- 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
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol

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
PSP17	Heritage Assets
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Revised Landscape Character Assessment SPD (Adopted) 2014
Waste Collection SPD (Adopted) 2015
CIL Charging and S106 SPD (Adopted) 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT18/1820/O
Erection of 4no detached dwellings (Outline) with access to be determined. All other matters reserved.
Approval
14.08.2018
- 3.2 PT18/1819/O
Erection of 3no detached dwellings (Outline) with access to be determined. All other matters reserved.
Approval
14.08.2018

4. **CONSULTATION RESPONSES**

- 4.1 Filton Parish Council
No comment
- 4.2 Stoke Gifford Parish Council
Objection
 - Further clarification required on the actual address and postcode for this property before a comment can be submitted by the Parish Council.
- 4.3 Other Consultees
- Bristol City Council
No objection
- Lead Local Flood Authority
Condition required securing surface water and foul sewage drainage details.
- Highway Structures
No objection
- Tree Officer

No objection

Archaeology Officer

This site has been subject to trial trenching as part of a previous application (PT18/1819/O). Based on the results of this work there is no objection to the current applications on archaeological grounds.

Sustainable Transport

No objection

Other Representations

4.4 Local Residents

1 local resident has objected to the scheme. Their comments are summarised below:

- Reference tree report, p8 para 2.6. H07 is an off-site hedge which will cast shade over the garden areas of units 13, it is likely that future residents will exert pressure on the hedgeowner to reduce and manage the height of the hedge as it will be in close proximity to relatively small private gardens. Plans show the removal of part of this hedge which is on neighbouring land. Developer should enter into negotiations with neighbour and pay for any tree works.
- On the site plan, border between no1 and no2 has been drawn from the kitchen wall. However, neighbour's deeds shown that the border is from the middle of the roof gully.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks to agree the reserved matters for the erection of 4 dwellings on land adjacent to 2 Stanley Cottages off Bonnington Walk.

5.2 Principle of Development

The application site lies within the North Fringe of Bristol where development is directed by the Council's strategic planning policies. Furthermore, under the outline planning permission (PT18/1820/O) the principle of development on this site for 4 residential units was established.

5.3 Therefore the proposed development is acceptable in principle and this application should consider the specific elements included within the reserved matters. In this instance, appearance, landscaping, layout and scale were reserved and therefore this application should consider everything bar the means of access.

5.4 As stated, the development is acceptable in principle and should be determined against the analysis set out below.

5.5 Design/Layout

Only development that meets the highest possible standards of design and site planning are permitted under policy CS1. This policy requires development proposals to demonstrate that the siting, form, scale, height and massing respect and enhance the character of the site.

- 5.6 Under the indicative plans submitted at outline stage, 4 detached dwellings were shown. However, concerns were raised at the time that an inappropriate urban design approach would be followed but it appears the advice has been taken on board in this application. Although a strong linear form has been selected, two differing unit designs will bring visual interest and create a distinct development identity. Furthermore, the use of frontage planting will ensure that the new dwellings integrate with their playing field surroundings.
- 5.7 Consequently, the proposed development would not be harmful to the character and appearance of the area as a result of its design and layout.
- 5.8 Residential Amenity
Development will not be permitted that has a prejudicial impact on residential amenity or nearby occupiers or on the application site itself. New dwellings need to demonstrate that they would be subject to a satisfactory level of residential amenity in their own right.
- 5.9 It has been found at outline that there was no in principle objection to the development with regard to amenity. Now that full plans have been submitted, it can be confirmed that it is not considered that the proposed development would have a detrimental impact on the residential amenity of nearby occupiers. It is also considered that the proposed dwellings would have an acceptable level of amenity.
- 5.10 Residential amenity during construction works is already protected by provision on the outline application of a working hours restriction.
- 5.11 Access, Transport and Parking
The principle of access to the site was established under the outline permission; this application therefore considers the internal site layout in more detail, in particular parking provision and manoeuvring.
- 5.12 The proposed site layout shows 2 parking spaces, including an electric vehicle charging point, per dwelling and this accords with the Residential Parking Standards SPD. Furthermore, each driveway will have sufficient visibility. As such, there is no highway objection to the proposal.
- 5.13 Drainage
Despite negotiations, some issues with the drainage at the site remain. However, there appears to be no reason why adequate drainage could not be provided to deal with any impact arising from the additional development. This will therefore be secured by the imposition of a suitably worded condition.
- 5.14 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.

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

5.16 Other Matters

Tree removal works on neighbouring land and land ownerships are civil matters between the parties concerned which can only be resolved outside of the planning process.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

1. Prior to commencement of relevant development, surface water and foul sewage 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. The development shall thereafter be carried out strictly in accordance with the agreed details.

Reason

To prevent the increased risk of flooding by ensuring the provision of satisfactory means of surface water and foul sewage 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.

2. The development hereby approved shall be carried out in accordance with the following documents:

Received 12.04.2019:

Design & Access Statement

Existing Site Plan (3102/1)

Plots 1 and 4 Proposed Plans and Elevations (3102/3)

Plots 2 and 3 Proposed Plans and Elevations (3102/4 Rev A)

Site Location (3102/6)

Received 25.04.2019:

Tree Report

Received 19.06.2019:

Proposed Site Plan (3102/2 Rev A)

Proposed Site Plan: Drainage (3102/5 Rev A)

Received 15.07.2019:

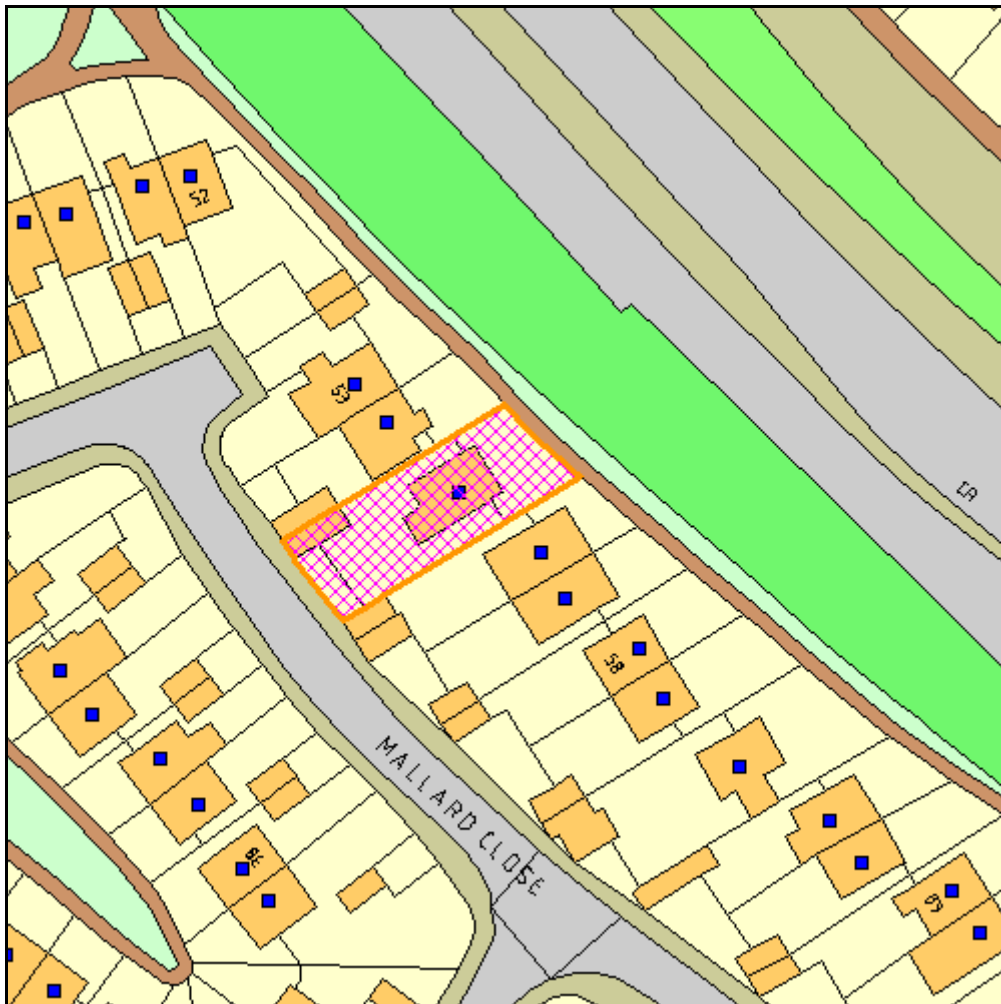
Off Site Drainage Plan (3102/20)

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 33/19 – 16th AUGUST 2019

App No.:	P19/6355/F	Applicant:	Mr And Mrs A Youell
Site:	55 Mallard Close Chipping Sodbury Bristol South Gloucestershire BS37 6HZ	Date Reg:	5th June 2019
Proposal:	Erection of two storey front extension to provide additional living accommodation and single storey porch extension.	Parish:	Dodington Parish Council
Map Ref:	372099 181943	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:	Householder	Target Date:	26th July 2019



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P19/6355/F

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

INTRODUCTION

This application appears on the Circulated Schedule, as a result of a consultation response received, from the Parish Council, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the erection of two storey front extension to provide additional living accommodation and single storey porch extension.
- 1.2 The property is a semi dwelling, located on a residential cu de sac within the residential area of Chipping Sodbury.

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
CS8 Access/Transport

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

PSP8 Residential Amenity
PSP38 Development Within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 N4485/1 – (No's 54 and 55) – Erection of garden stores at the rear of the garages. Approved 23rd July 1981

4. CONSULTATION RESPONSES

4.1 Dodington Parish Council

Object to the application, - It is felt that it was a huge extension, more than 50% increase on an already extended property. It is felt that it was out of scale and not in keeping with the streetscene. It is overdevelopment and should be objected to.

Sustainable Transportation

The proposed development does not increase the vehicular parking requirements for the site nor does it alter the existing vehicular access and parking. On that basis, there is no transportation objection raised.

Other Representations

4.2 Local Residents

One letter of objection has been received, as follows:

'The proposed extension is over bearing and out of scale in terms with the other neighbouring properties. Additionally the large increase in size on an already extended property would cause loss of daylight and extreme shading into and on the neighbouring houses.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Extensions to dwellings within residential curtilages are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation; as set out in policy PSP38. The issues for consideration in this respect therefore are whether the proposals have an adverse impact on the amenities of nearby occupiers and whether the design of the proposal is sufficiently in keeping with the site and surroundings.

5.2 Residential Amenity

The comment and concerns above are noted. The two storey front extension would be approximately 4 metres in length, to the width of the existing house, with a gable end roof design that would match the main original roofline. The two storey extension would be set approximately 2 metres of the shared boundary with the property to the north and 3 metres to the south. Being a detached plot, and part of a staggered building line, it is considered that the proposals can be integrated adequately without any material residential amenity issues. It is not considered that the proposal is of an unreasonable scale that could be considered to, given its scale, orientation, relationship and design, give rise to material overbearing impact. The single storey porch area is also considered acceptable in its own right. Given therefore the distance, orientation and relationship with surrounding properties and the length of the extension, set off the boundaries, it is not considered that the extension could be considered an unreasonable addition to the property and in this instance it is not considered that it would give rise to unreasonable, significant or material residential amenity impact by way of overbearing impact, such as to warrant objection and sustain refusal of the application on this basis.

5.4 Design / Visual Amenity

The comments above are noted. Whilst the proposal is for a front extension the dwellings in this area are of Radburn style design. Thereby the front elevation is set facing away from the road and towards the pedestrian access. In this instance the front elevation faces a footpath beyond which is a high level of hedgerow/tree coverage, which screens from the main Kennedy Road on the other side of this hedgerow. In this respect any impact upon the wider

streetscene is limited. Notwithstanding this, whilst a relatively large addition, this in its own right is not unacceptable. The walls and roofline of the two storey extension follow the building lines of the existing dwelling, whilst leaving space within the plot around the dwelling in all directions, and this continuation would not raise any significant design concerns. Materials would match the existing dwelling and sufficient private amenity space would remain within the property. Being a detached plot, and part of a staggered building line, it is considered that the proposals can be integrated adequately without any material visual amenity issues such as to warrant objection and sustain refusal of the application on this basis. The scale and design of the proposals is considered to adequately integrate with the existing dwelling and surrounding area, and is therefore not considered to give rise to material or significant impact upon the area. Materials would match the existing dwelling and sufficient private amenity space would remain within the property.

5.5 Transportation

The proposals would not impact upon existing or required parking associated with the dwelling.

5.6 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 proposals are of an appropriate standard in design and are not out of keeping with the context of the area and surrounding properties. Furthermore the proposal would not materially or significantly harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal are considered to accord with the Development Plan.

6.3 The recommendation to grant permission has been taken having regard to the policies and proposals 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 recommended.

Contact Officer: Simon Ford
Tel. No. 01454 863714

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).

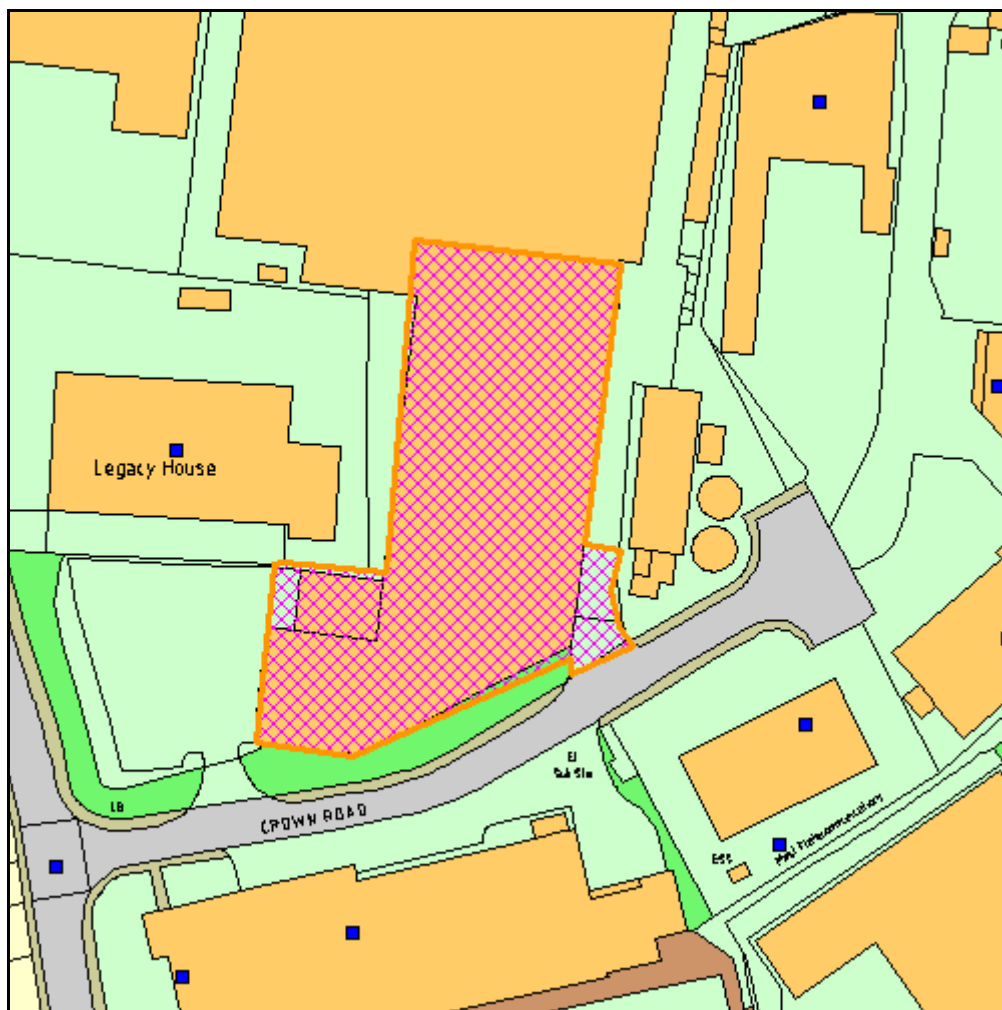
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 33/19 – 16th AUGUST 2019

App No.:	P19/7350/F	Applicant:	Mr FowlerUniversal Balancing
Site:	Unit 15, Warmley Business Park Tower Road North Warmley Bristol South Gloucestershire BS30 8XP	Date Reg:	1st July 2019
Proposal:	Installation of 3 no. mezzanine floors, external access steps, 1 no. pedestrian access door and 3 no. AC units.	Parish:	Siston Parish Council
Map Ref:	367128 173278	Ward:	Parkwall And Warmley
Application Category:	Minor	Target Date:	21st August 2019



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P19/7350/F

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

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

A representation has been made by the parish council, which is contrary to the findings of this report. Under the current scheme of delegation it is therefore required to be taken forward under the Circulated Schedule procedure

1. THE PROPOSAL

- 1.1 Planning permission is sought for the installation of 3 no. mezzanine floors, external access steps, 1 no. pedestrian access door and 3 no. AC units. The application relates to Unit 15, Warmley Business Park, Tower Road North, Warmley.
- 1.2 The application site comprises an existing warehouse building which originates from the late nineties. The site is located within the safeguarded economic development area at Tower Road, Warmley and within the East Fringe of Bristol Urban Area. The site is surrounded by industrial buildings and is accessed off Crown Road.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework Feb 2019
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
CS12	Safeguarded Areas for Economic Development
CS29	Communities of the East Fringe of the Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP21	Environmental Pollution and Impacts

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

3.1 PK18/6113/F

Erection of rear extension and loading canopy to existing industrial building.

Approved: 01.03.2019

3.2 PK17/4709/F

Alterations to industrial building to include new cladding to front elevation and installation of mezzanine floor and 2no access doors to west elevation.

Approved: 11.12.2017

3.3 PK17/4343/PND

Prior notification of the intention to demolish factory building and associated outbuildings.

No objection: 18.10.2017

3.4 PK04/1880/F

Demolition of existing engineering block and erection of new three storey office block. Erection of new roof and re-cladding of Production Area. Erection of replacement drum store. Construction of new carpark.

Approved: 07.09.2004

3.5 PK03/2236/F

Demolition of existing engineering building and part demolition of single storey service wing on north elevation. Erection of two-storey and single storey office and despatch building on north elevation. Alteration to roof of retained building to increase height to 10.5 metres and change roofline. Extension to car park to provide additional 70 spaces and associated works.

Approved: 12.11.2003

3.6 P98/4860

Comprehensive mixed use development involving: new estate road, re-cladding of existing building, works to Siston Brook, new cycle link, erection of building for use as health & fitness club (Class D2), erection of 23no. dwellings, change of use of existing boiler room to offices (Class B1) (All full application) Erection of 3no. buildings for use as Class B1, B2 and B8, extension to existing building (Class B1). (Outline Application)

Approved: 18.11.1998

4. CONSULTATION RESPONSES

4.1 Siston Parish Council

Members have concerns that the AC units may cause excessive noise and therefore disturbance to the householders living nearby so it is hoped the planners are able to attach a condition in relation to keeping any noise to a minimum.

4.2 Other Consultees

Economic Development

We would support this proposal in principle, as the applicant has indicated the net new 521sqm of B2 floorspace would result in the creation of up to 50 new FTEs, in a recognised safeguarded employment location.

Environmental Protection

An acoustic report could be submitted, however a report is unlikely to show anything we do not already know, and given their location away from residential properties, the fans should not pose any adverse effects to nearby residents.

Highway Structures

No comment

Lead Local Flood Authority

No objection

Sustainable Transport

Do not believe that this extension will materially affect the travel demand pattern associated with this site. Therefore, we have no highways or transportation comments about this application.

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS12 of the Core Strategy provides specific locations that are safeguarded for economic (employment/business) uses. The application site is located within a safeguarded location. The proposed development is consistent with the purpose of safeguarding the site for economic development and as such accords with policy CS12.

5.2 Furthermore, delivering sustainable development by supporting economic growth is a key aim of national planning policy. Paragraph 80 of the National Planning Policy Framework (2019) states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic

growth and productivity, taking in to account both local business needs and wider opportunities for development.

- 5.3 On the basis of the above, the proposed development is acceptable in principle, but will be determined against the matters set out below.

5.4 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.

- 5.5 The only external alterations proposed are the installation of 3no. air conditioning units, the provision of concrete access steps, and 1no. new escape door. Given the modest nature of the additions, it is not considered that they would materially alter the overall appearance of the building. Furthermore, the proposed additions would be typical of an industrial building located within a predominantly industrial area. As such, it is not considered that the proposal would have any adverse impact on visual amenity. The proposal therefore accords with policy CS1.

5.6 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.

- 5.7 Furthermore, policy PSP21 of the Policies, Sites and Places Plan relates to environmental pollution. PSP21 outlines that development proposals should be sited and designed to avoid unacceptable levels of pollution, such as noise and light pollution. Proposals which have the potential for any adverse impact will be expected to provide an appropriate scheme of mitigation.

- 5.8 The concerns raised regarding potential noise generated by the air conditioning units have been taken in to account. It is also acknowledged that the environmental health officer has suggested that an acoustic report be could be submitted. However the environmental health officer has also outlined that the units are not likely to adversely affect any local residents.

- 5.9 It is noted that the air conditioning units would be of a limited scale, and would be situated on the eastern side of the building. The air conditioning units would therefore be situated over 100m from the nearest residential properties, which are situated to the west of the building along Tower Road North. The units would face in to the industrial estate, and it is not considered that the noise generated by the units would be any greater than the level of background noise expected within an industrial estate.

5.10 Given the degree of separation between the units and residential properties, and the fact that they would be separated by large buildings as well as the adopted highway, it is not considered that any noise generated by the air conditioning units would be audible from the nearest residential properties to the west. It is therefore not considered reasonable or necessary to request that an acoustic report be submitted, or attach a condition to any consent restricting noise levels. Furthermore, it is not considered that any other aspect of the development would have any significant impact in terms of environmental pollution. The proposal therefore accords with policies PSP8 and PSP21.

5.11 Transport

It is noted that the proposals would increase the total area of floorspace within the building by from 3561m² to 4081m². However as the increase in floorspace is relatively modest, and the new floorspace would be used for purposes ancillary to the predominant industrial activities occurring at the site, the transport officer is satisfied that the development would not materially alter the travel patterns associated with the premises. As such, it is not considered that the proposal would have any significant impact on the surrounding transportation network, or on highway safety in general.

5.12 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.

5.13 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

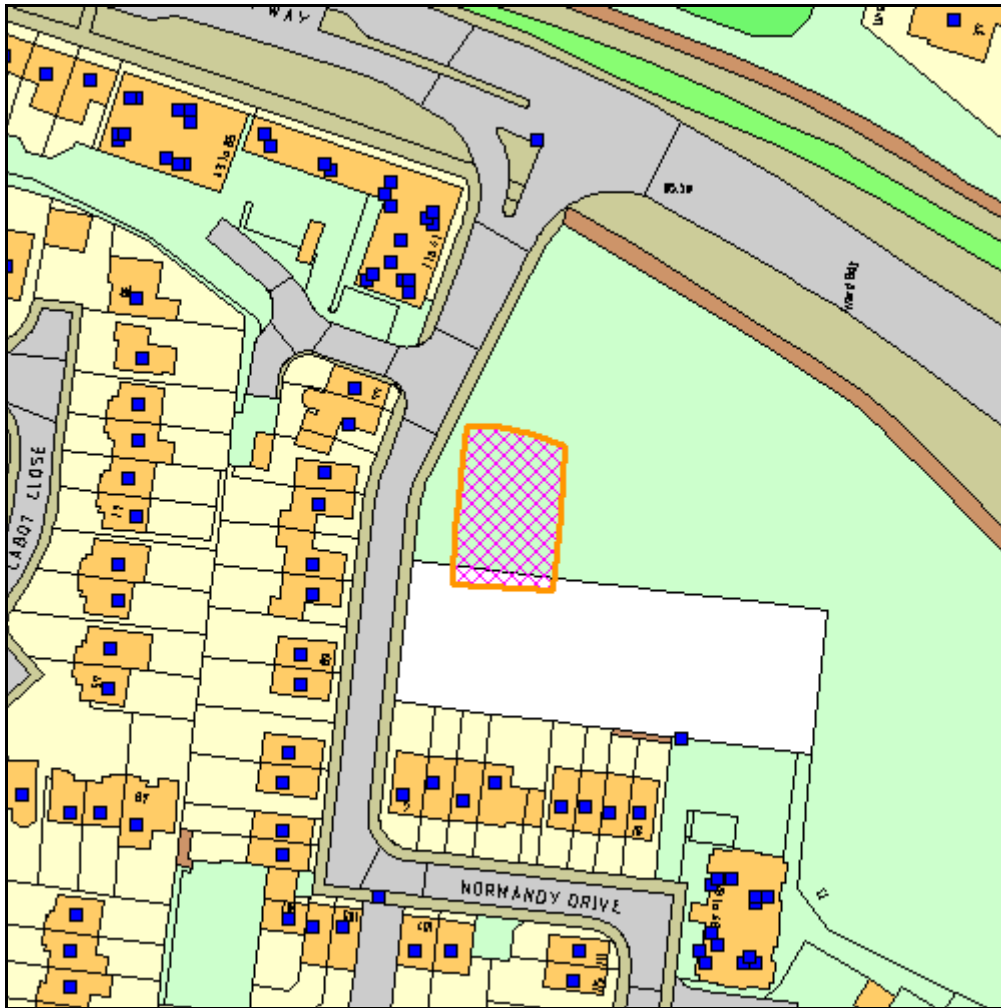
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 33/19 – 16th AUGUST 2019

App No.:	P19/7513/F	Applicant:	Churchill Retirement Living
Site:	Land East Of Normandy Drive And South Of Kennedy Yate South Gloucestershire BS37 4FJ	Date Reg:	2nd July 2019
Proposal:	Erection of third floor extension to form 3 no. apartments (Retrospective).	Parish:	Yate Town Council
Map Ref:	371886 182111	Ward:	Yate Central
Application Category:	Minor	Target Date:	22nd August 2019



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

CIRCULATED SCHEDULE

This report appears on the Circulated Schedule due to objection comments from Yate Town Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a third floor extension to create 3no. additional apartments. The application is retrospective and relates to Land east of Normandy Drive and South of Kennedy Way, Yate. The site benefits from permission for the erection of 62no. apartments for the elderly, a guest apartment, communal facilities, new vehicular access, car parking, landscaping and associated works.
- 1.2 This application is part of a wider scheme to develop the site for retirement housing for the elderly and separate applications are being considered for minor changes to the appearance of the main building (PK18/3150/RVC) and for the erection of 6no. cottages within the grounds of the development (P19/1166/F). Together the proposed 3no. apartments and the 6no. cottages will be considered under a single S. 106 agreement which, in summary, means an additional contribution of £497,664 in lieu of on-site affordable housing contribution will be payable to the LPA. Further details can be found below.
- 1.3 The site is approximately 0.47 hectares and lies to the south-east of Yate's central shopping areas. It fronts onto Kennedy Way and is accessed from Normandy Drive which leads to Elswick Park, a modern housing development comprising of semi-detached and terraced properties ranging from 2 and a half to 4 storeys high. To the east is an open park/grassed area.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2018
Technical Guidance to the National Planning Policy Framework

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage

CS12	Safeguarded Areas for Economic Development
CS13	Non-Safeguarded Economic Development Sites
CS14	Town Centres and Retailing
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS20	Extra Care Housing
CS23	Community Infrastructure and Cultural Activity
CS24	Green Infrastructure, Sport and Recreation Standards
CS30	Yate and Chipping Sodbury

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land
PSP37	Internal Space Standards
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites (Adopted) Nov. 2005.

Design Checklist (Adopted) 2007)

Residential Parking Standards (Adopted) 2013

Affordable Housing SPD (Adopted) Sept.2008.

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 201

Residential Parking Standards (Adopted) December 2013

Affordable Housing and Extracare (Adopted) May 2014

Waste Collection (Adopted) 2015

3. RELEVANT PLANNING HISTORY

- 3.1 P19/1166/F Erection of 6no cottages for the elderly.
Amendments to car park, buggy store and landscaping approved under PK17/3061/F (Erection of 62 No. apartments for the elderly, guest apartment, communal facilities, new vehicular access, car parking, landscaping and associated works)

Pending consideration
- 3.2 PK18/3150/RVC Variation of condition 2 (list of plans) attached to planning permission PK17/3061/F to substitute

		approved plans with revised plans
	Pending consideration	
3.3	P19/1166/F	Erection of 62 apartments for the elderly guest apartment, communal facilities, new vehicular access, car parking, landscaping and associated works
	Approved	4.5.18
3.4	PK17/3061/F	Erection of 62 No. apartments for the elderly, guest apartment, communal facilities, new vehicular access, car parking, landscaping and associated works
	Approved	4.5.18
3.5	PK09/1388/F	Proposed erection of 228 residential units and associated works.
	Approved	27.9.10

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Objection:

1. The additional floor in this location directly faces existing houses, across a narrow road and will significantly increase the overbearing and impact upon those existing houses. The element of the scheme that was consented at this height was opposite flats, but this faces houses, which has a different impact in terms of scale and massing.
2. The 3 additional flats and guest room generate additional parking requirements. How will these be met?

4.2 Dodington Parish Council

No comment

4.3 Sodbury Town Council

No comment

Other responses:

4.4 Housing Enabling Comments

Both planning applications PT19/1166/F & P19/7513/F currently under consideration trigger an affordable housing requirement of 35% affordable housing. The scheme for 6 cottages generates a requirement for 2 affordable homes and the scheme for 3 flats generates 1 affordable home, a total of 4 affordable homes.

In light of the previous viability Churchill has resubmitted a new viability appraisal taking into account the previous scheme for 62 flats plus the new proposal for 3 flats and 6 cottages.

An appraisal of Churchill's current viability submission has been undertaken by an appointed District Valuer on behalf of the council who has concluded that an additional £497,664 over and above the original payment of £322,671 is viable. This has been accepted by Churchill.

Given that the site was previously found to be viable with a financial contribution towards affordable housing officers consider it reasonable to accept an off-site financial contribution in lieu of on-site affordable housing provision.

Housing Enabling therefore accepts the District Valuer's findings and recommends that the financial contributions of £497,664 is secured via a Bilateral agreement or Unilateral Undertaking.

Trigger date for payment

In terms of payment of financial contribution it is recommended this is paid in one instalment and should be paid "Prior to the first occupation of any Permitted Dwelling comprised within the Development"

4.5 Drainage Comments

No objection.

4.6 Sustainable Transport

The same number of parking spaces as previously agreed re the approved application should be provided.

4.7 Highway Structure

No objection.

4.8 Local Residents

Two comments of objection have been submitted by local residents. The comments are summarised below:

Objection:

- No additional parking planned
- Additional properties will look directly into my en-suite and now I need to change how we use our facilities
- Big company allowed to go against original planning application
- Developers keep adding without any thought to neighbours
- We are already overlooked and this will overshadow us even more
- Dust and noise from the building works
- Value of our property will be affected
- It is not affordable housing for elderly people it is a money spinner for people with large pensions
- No open space in Elswick Park, no play areas for children

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks full planning permission for the erection of 3no. additional apartments as an extension to the existing block of 62no. apartments. The new apartments will be added to the existing third and become part of the existing roof design.

5.2 Principle of Development

The application stand to be assessed against the above listed planning policies and all material considerations. Of particular importance is the existing block of 62no. apartments which would be extended to 65no. as a result of this proposal. The site is located within an established settlement boundary and both local and national planning policy is supportive of development in such areas. The proposal is therefore acceptable in principle.

5.3 Design, Layout and Landscape

The proposal would comprise an addition to part of the existing roof line in order to accommodate the 3no. new apartments, ultimately making the block a 4 storey development. This is a retrospective planning application and it is clear that where the scheme has been built out it is of good quality and the design is appropriate for its location. The introduction of the 3 additional units would not materially change this and on this basis is acceptable and consistent with the scope of Policy PSP1 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017; and Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013.

5.4 Residential Amenity

The proposal is to increase the height of part of the block. The site is enclosed by existing residential development. Comments from neighbours regarding impact on privacy are noted. The approved planning application for the 62no. units noted:

The design and layout of the proposed development is such that good distances are maintained between existing properties and the proposed development.

The report went on to state:

...whilst it is acknowledged that the outlook of existing dwellings will be altered, the relationship of the existing dwellings and new dwellings within the proposed development would be consistent with the suburban characteristics.

On balance it is therefore, considered that the introduction of the 3no. additional units to the roofline, would not have a negative impact over and above the existing situation i.e. the extant permission as the distance between the development and the nearest residential properties remains the same.

- 5.5 It is noted that some redevelopment of the gardens is proposed under a separate planning application. Details from the applicant's planning statement indicate that the average occupant of such properties tends to be an 80 year old widow. Further research indicates that the use of gardens or amenity space therefore tends to be for sitting, observing and enjoying outside space rather than activity participating in its upkeep. The amount of amenity space provided by the applicant, which includes balconies to individual apartments, would therefore be appropriate for the type of occupants of this purpose built block for elderly residents.

5.6 Sustainable transport

The transport statement submitted with the original planning application (PK17/3061/F) remains extant. This assessed the travel impacts of the main scheme to develop the site. The statement included data from other similar sites at established Churchill Retirement living (CRL) sites across southern England. The LPA did not disagree with the applicant's statement and accepts that the trip traffic generation from this type of development would be relatively low and that land use/ sites do not typically generate vehicle trips during peak hours, and the expected daily trip generation levels will not result in any material capacity impact on the local highway network. The introduction of 3no. additional units is unlikely to alter this situation. On this basis it concluded that this current proposal would not have an adverse impact on the local highway network in terms of traffic flow or highway safety.

5.7 The second issue is parking provision. A supporting Transport Statement identifies bus stops in close proximity to the site which is also within walking distance of the town centre. The sustainability of the site is accepted, but, given the existing parking issues on Normandy Drive and nearby streets, the amount of parking proposed required additional consideration.

5.8 Details in the Statement used other similar and existing Churchill Retirement Developments as evidence that the site would cater for elderly residents normally over 70 years of age who already live locally and who wish to live independently. Purchase of this type of apartment is contractually restricted by Churchill Retirement Living to those over 60 years of age and it is understood that the average age of an apartment purchaser across Churchill Retirement Living currently occupied retirement living facilities is around 80 years of age.

5.9 It is acknowledged that no additional parking is proposed for these three additional apartments. But it is noted that a parking survey carried out by the applicant on eight other sites in the UK shows that the average parking demand across these site is 0.28 spaces per residential unit and South Gloucestershire has recently agreed a similar parking level as part of a comparable new Churchill Retirement Living scheme at Thornbury (PT16/0982/F – the redevelopment of the former Council Offices). This is a material consideration. Based on this evidence and the location of the site in a highly sustainable location with a good network of existing footways and pedestrian crossings, the amount of parking provision is considered acceptable..

5.10 Affordable Housing

Taken together planning applications PT19/1166/F & P19/7513/F trigger the following affordable housing requirements:

- 3 flats generates 1 affordable home, a total of 4 affordable homes.
- 6 cottages generates a requirement for 2 affordable homes

5.11 The accompanying viability appraisal provided by the applicant takes into account the previously approved 62 flats plus the 3 new flats being considered here and the proposed 6 cottages under separate consideration.

5.12 An assessment of this viability submission has been undertaken by a District Valuer on behalf of the Council. He has concluded that the additional total of

£497, 664 over and above the original £322,671 is viable. This figure is split as £88,095 for the 3 additional units and £409,569 for the additional 6 cottages. The sum of money in lieu of on-site affordable housing is considered to accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and is accepted.

5.13 Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

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

- 5.14 In this instance, Officers are satisfied that the planning obligations required to secure affordable housing consistent with the CIL Regulations (Regulation 122). For the avoidance of doubt, the applicant has agreed to meet the obligations set out in Section 7 of this report.

5.15 Planning Balance

The site is located within the established settlement of Yate, close to other blocks of similar height and design and for reasons set out above Officers are satisfied that the introduction of these three additional apartments would not materially impact upon the character and visual amenity of the locality, recreation activities, biodiversity or sustainable water management. The proposal does not conflict with policy PSP5 of the South Gloucestershire Policies Sites and Places Plan. Weight is awarded in its favour.

- 5.16 The proposed three new apartments has the potential to introduce additional vehicular movements into the locality. However, it is concluded that the surrounding highway network has sufficient capacity to accommodate any increase and on balance given this is purpose built accommodation for the elderly, the amount of on-site parking proposed is considered appropriate. The scheme therefore accords with Policy PSP11 of the South Gloucestershire Policies Sites and Places Plan. Neutral weight is awarded to the proposal regarding this aspect.

- 5.17 The site is located within a sustainable location, close to local shops and amenities as well as main bus routes. The site is also in walking distance of Yate Town Centre and significant weight is awarded in its favour for this reason. Overall the scheme would contribute to the affordable housing stock in South Gloucestershire. Significant weight is awarded for these reasons.

- 5.18 The proposed development therefore accords with adopted planning policies and can be recommended for approval.

5.19 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality

Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

- 5.20 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.21 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have a beneficial impact on equality.
- 5.22 Other Matters
A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below:
- 5.23 Potential for noise, dust and inconvenience during construction has been given as a reason for concern. This application is retrospective and the additional apartments have been incorporated within the roof space of the building, but an appropriately worded informative relating to construction practices will be attached to the decision notice for application P19/1166/F.
- 5.24 Impact on value of existing properties or the type of person who may move into the apartments is not a planning matter and therefore cannot be discussed under the remit of this report.
- 5.25 No play space for children. This application follows on from an approved scheme for the redevelopment of the site and as such the addition of three extra apartments within the footprint of the building has no impact on the provision of play areas for children.

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 authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106

of the Town & Country Planning Act 1990 (as amended) to secure the following:

- a. A sum of money of ££88,095 for the off-site provision of affordable housing.

Reason:

In order to secure affordable housing and to comply with Policy CS18 of the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2013.

- 7.2 That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
- 7.3 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: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

- 1. Development shall proceed in accordance with the following plans as received by the Council on 27.6.19:

Location plan - 10094YA - PA400
Proposed site plan - 10094YA - PA401 A
Proposed third floor - 10094YA - PA405 A
Roof plan - 10094YA - PA406 A
Proposed Kennedy Way (North) elevations - 10094YA-PA407 A
Proposed Normdy Drive (West) elevation - 10094YA-PA408 A
Proposed east elevation facing park - 10094YA-PA409 A
Proposed south and gable elevation - 10094YA-PA410 A
Proposed site plans - 10094YA - PA430
Existing third floor - 10094YA - PA505
Existing Kennedy Way (North) elevation - 10094YA - PA507
Existing Normandy Drive (West) elevation - 10094YA - PA508
Existing internal (East) elevation - 10094YA - PA509
Existing south and gable elevation - 10094YA - PA510

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 and for the avoidance of doubt.

- 2. Age of occupants
Each of the apartments hereby permitted shall be occupied only by:
 - o Persons aged 60 or over; or
 - o A spouse/or partner (who is themselves over 55years old) living as part of a single household with such a person or persons; or

- o Persons who were living in one of the apartments has part of a single household with a person or persons aged 60 or over who has since died; or
- o Any other individual expressly agreed in writing by the LPA

Reason

In considering this proposal for apartments for the elderly, weight has been given to the likely nature and needs of the occupants of the proposal. This has been given specific weight when considering the likely level of parking required for this development for retirement living, whilst the amount of parking provision is regarded as acceptable given the evidence provided this might not have been the case had these been apartments serving the general population. For this reason accords with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

3. Transport

Prior to occupation of any part of the new development, the off street parking and turning area in shall be provided in accordance with the submitted and approved plan - Site plan - 10094YA - PA01 C as received on 7.11.17.

To be retained thereafter.

Reason 1

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

Reason 2

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

4. Landscaping

The landscaping of the site shall be provided strictly in accordance with the details provided in drawing Landscape strategy plan - Rev D as received by the Local Planning Authority on 26th October 2017 in the next available planting season following the completion of the development.

Thereafter the development shall be retained as such.

Reason

In the interests of the character and visual amenity of the site and the surrounding location and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted December 2013; and Policy PSP1 and PSP2 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017..

5. Landscape Management Scheme

The development hereby approved shall not be occupied until a fully detailed Landscape Management Plan (LMP) relating to the hard and soft landscaping as referred to in condition 5 of this planning permission, has been submitted to and

agreed in writing by the Local Planning Authority. For the avoidance of doubt, the LMP shall include details of the following;

- i) the time and method of planting within the next available planting season following completion of the residential dwellings,
- iii) maintenance regime for all shared hard and soft landscaping areas (including replacement of plants which die, become diseased or are otherwise removed) within the site (with the exception of adopted highway)

Thereafter the development shall be retained as such

Reason

In the interests of the character and visual amenity of the site and the surrounding location and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted December 2013; and Policy PSP1 and PSP2 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

6. Sustainable Drainage

Prior to first occupation of the development drainage detail proposals incorporating Sustainable Drainage Systems SUDS shall be submitted for approval in writing to the Local Planning Authority. Details to include:

- The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
- Detailed design information relating to the SUDS features on site.
- Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable.
- Updated drainage design calculations may be required should the design layout be changed.

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

In particular the following details are required:

- An exceedance / overland flood flow route plan is required.
- Updated drainage calculations for the surface water drainage network to show there is no flooding on site in 1 in 30 year storm events (winter and summer); and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer) are required

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. Contamination

A: Intrusive Investigation - has been completed and is acceptable ref DOC19/0086 (1.8.19) subject to parts B and C below.

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.

For further advice on contaminated land investigations, the applicant can contact Environmental Services on (01454-868001).

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.

8. Lighting plan:

Development shall proceed in accordance with the lighting details submitted for consideration and approved under DOC19/0086 dated 1.8.19.

Reason

To ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

9. GCN

Development shall proceed in accordance with the submitted details by ECOSA and approved under DOC19/0086 dated 1.8.19.

Reason

To ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

10. Location of bat and bird boxes

Prior to first occupation, the location of bat and bird boxes as recommended in Section 6.3 of the Preliminary Ecological Appraisal (ECOSA, 2016) shall be submitted to the local planning authority for approval in writing.

Reason

To ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.k.

11. Wildflower mix

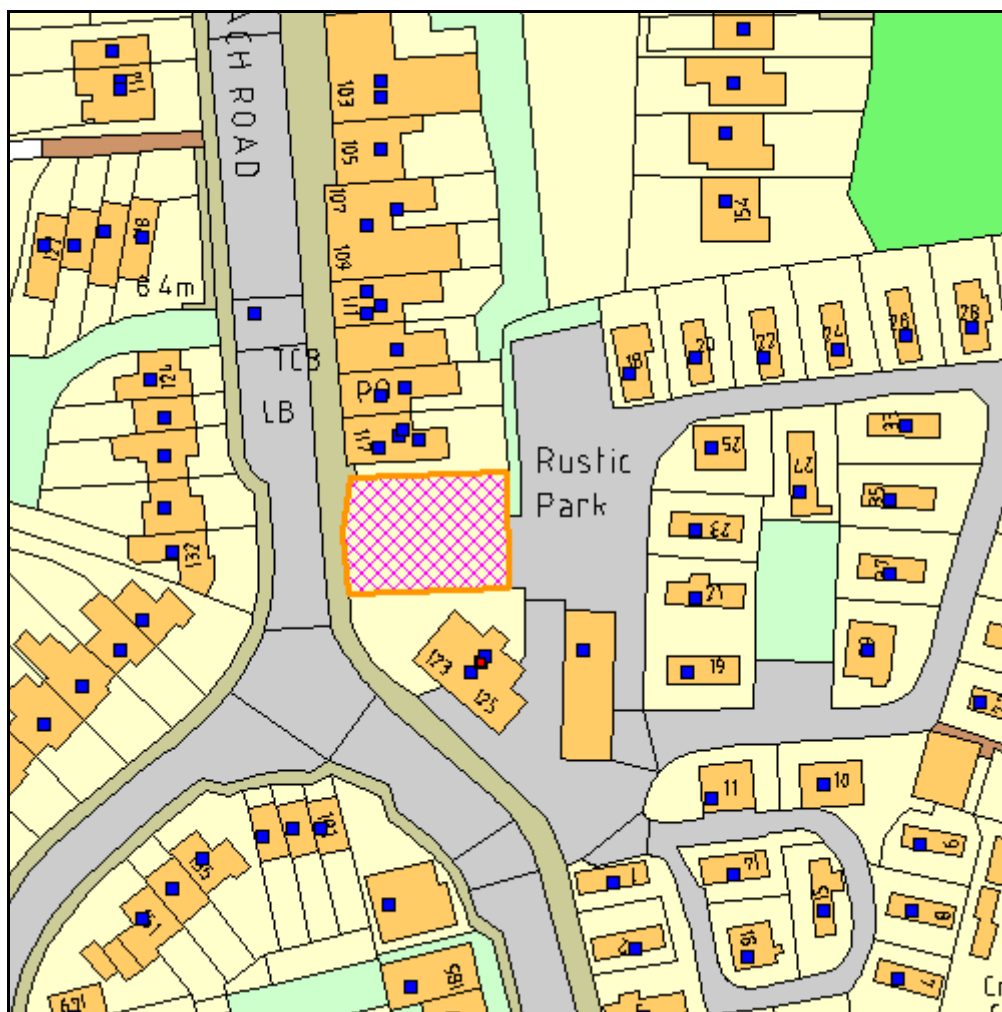
The landscaping shall include the sowing of a wildflower lawn mix as recommended in Section 6.3 of the Preliminary Ecological Appraisal (ECOSA, 2016). Any deviation from this mixture shall be confirmed with the local planning authority.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 33/19 – 16th AUGUST 2019

App No.:	P19/7847/F	Applicant:	Mrs Philomena Simpson
Site:	Rustic House 123 Beach Road Severn Beach Bristol South Gloucestershire BS35 4PH	Date Reg:	9th July 2019
Proposal:	Erection of 1no detached dwelling house.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	353972 184862	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	29th August 2019



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100023410, 2008.

N.T.S.

P19/7847/F

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

CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 1no. detached dwelling house. This is resubmission of planning application PT18/6470/F for two dwellings which was refused for the following reasons:
1. The site is located within Flood Zone 3a and would introduce a more vulnerable form of development into this area which is identified as being at high flood risk. It is not considered that the applicant has demonstrated that the proposal passes the sequential or exception tests. In view of the sequentially preferable sites that are available, the application is therefore contrary to the provisions of the National Planning Policy Framework, Planning Policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and Policy PSP 20 of the Policies Sites and Places Local Plan (Adopted) November 2017.
 2. By reason of trying to cram too much onto this site the proposal fails to represent the highest standards of site planning and design expected under both local planning policy and national planning guidance. This is because it would not respect the existing street scene in terms of its position within the plot and in turn its set back position means that insufficient amenity space would be provided for each of the properties. The development is therefore contrary to policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policies PSP1 and PSP43 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the NPPF.
- 1.2 This scheme is for a single dwelling but it is noted that there remain similarities in terms of its overall design. The height of the proposed dwelling has also been increased.
- 1.3 The application site relates to an area of ground adjacent to residential dwellings and a mixed use rank in the settlement boundary of Severn Beach. The site lies within Flood Zone 3.
- 1.4 In the interests of consistency of the assessment of all planning applications within South Gloucestershire and in line with national planning policy relating to development in flood zone 3 the application has been treated in the same way as the previously refused scheme.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019
National Planning Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP5	Undesignated Open Spaces
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
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

South Gloucestershire Design Checklist (Adopted) 2007)
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 2015

2.4 Other referenced documents:

South Gloucestershire Council: Sustainable Access Profile of Severn Beach
February 2018.

3. RELEVANT PLANNING HISTORY

- 3.1 PT18/6470/F Erection of 2 no. semi-detached dwellings and associated works (Resubmission of PT18/1472/F).
Refused 3.4.19

Reason: Flood zone 3a

The site is located within Flood Zone 3a and would introduce a more vulnerable form of development into this area which is identified as being at high flood risk. It is not considered that the applicant has demonstrated that the proposal passes the sequential or exception tests. In view of the sequentially preferable sites that are available, the application is therefore contrary to the provisions of the National Planning Policy Framework, Planning Policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and Policy PSP 20 of the Policies Sites and Places Local Plan (Adopted) November 2017.

Reason: Cramped design

By reason of trying to cram too much onto this site the proposal fails to represent the highest standards of site planning and design expected under both local planning policy and national planning guidance. This is because it would not respect the existing street scene in terms of its position within the plot and in turn its set back position means that insufficient amenity space would be provided for each of the properties. The development is therefore contrary to policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policies PSP1 and PSP43 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the NPPF

- 3.2 PT18/4270/F Erection of 1 No. detached dwelling (Resubmission of PT18/2228/F).
Withdrawn 13.11.18
- 3.3 PT18/2228/F Erection of a single, 3-bed, 2-storey house.
Refused 4.7.18

Reason:

The site is located within Flood Zone 3a and would introduce a more vulnerable form of development into this area which is identified as being at high flood risk. It is not considered that the applicant has demonstrated that the proposal passes the sequential or exception tests. In view of the sequentially preferable sites that are available, the application is therefore contrary to the provisions of the National Planning Policy Framework, Planning Policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and Policy PSP 20 of the Policies Sites and Places Local Plan (Adopted) November 2017.

- 3.4 PT18/1472/F Erection of 2 no. semi-detached dwellings with new access and associated works.
Withdrawn

Other planning application referenced:

- 3.5 PT17/0821/F Demolition of existing chapel to facilitate erection of 5no. dwellings with new access and associated works (resubmission of planning application PT16/5229/F).

Committee overturn:

Councillors accepted evidence from the agent that the sequential test had been passed and that the area of search should not be the whole district and considered the exception test passed as the scheme would provide accommodation for local families, the proposed flood mitigation measures would be sufficient to ensure safety of occupants and the Environment Agency had a responsibility to ensure the flood defences are of an adequate standard.

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council

No comment.

Internal Consultees

- 4.2 Archaeology

Comments from the previously refused scheme PT18/6470/F have been included in the body of the report:

Monitoring of construction condition required if approved.

- 4.3 Highway Structures

No comment

Statutory / External Consultees

- 4.4 Lead Local Flood Authority
Drainage

The proposal for the disposal for both foul and surface water is via connections into Wessex Water's mains systems that are located within close proximity of the site. This proposal would be acceptable to us subject to confirmation from Wessex Water that they are happy for the applicant to connect into their systems.

Flood Risk

The site lies within Flood Zone 3 and as per the Environment Agency (EA) standing advice, the EA should be consulted on this application. After reviewing the submitted Flood Risk Assessment (FRA) I note that details have been provided a regarding flood evacuation plan, Flood resilient measures, finished floor levels. Please note that if the application is to be successful then South Gloucestershire Council (SGC) emergency planning team will need to have final sign off on a flood evacuation plan.

Due consideration must be given however, for the introduction of 'new families' into a known flood zone (3).

Also both the sequential and exception tests must both be successfully passed if this application was to be successful and permission be granted.

- 4.5 Environment Agency
Standing advice to LPA applies.

Taken from the PPG:

Flood zone 3

Checks:

When reviewing flood risk assessments, you should look at:

- how flood risk affects the proposed development
- whether the development type is inappropriate for the proposed location
- whether the measures proposed will make the development safe throughout its lifetime
- whether the proposed development will be appropriately flood resistant and resilient
- whether the proposed development will increase flood risk elsewhere

Refer to preparing a flood risk assessment: standing advice to help you check whether:

- flood risk assessments contain all the information you need
- the applicant has followed the standing advice
- the applicant has met the extra flood resistance and resilience requirements where necessary

The sequential and exception tests

Check whether the sequential test and the exception test need to be applied.

The applicant needs to provide the evidence you need to check if the sequential test is required and if it has been satisfied.

If the sequential test has been satisfied you need to check if the exception test needs to be done as well. The exception test should be done for developments with a flood risk vulnerability classification of:

- 'highly vulnerable' in flood zone 2
- 'more vulnerable' in flood zone 3a
- 'essential infrastructure' in flood zone 3a or 3b

You should refuse permission if the tests have not been done when required or have not been satisfied.

- 4.6 Transport
Garages are of different sizes – one substandard. The site can accommodate 3 parking spaces which is sufficient for a 4 bed house.

There is concern that the site could be converted into 2 dwellings and in the event of an approval a condition should be attached stating the plot cannot be converted into multiple dwellings without further assessment.

Other Representations

4.7 Local Residents

In total 9 representations have been received by the LPA the comments can be summarised as:

6 Support:

- A detached house would look very nice and be an asset to the area
- I believe this is for a family member and not for sale. It looks like there is room for a single detached house with parking
- This will allow the mobile home park resident to have more immediate support for their needs and or problems. The space between the Old Post Office and Rustic House was always made for more housing
- I think it would look really nice and make better use of the plot which is not used to its advantage
- Support development of this infill site. Request ridge should be below that of the neighbouring property so that it is less dominant than the flats/shops block

Cllr Griffin Support:

- A detached house will blend in with the surrounding and benefit the area

1 General/support comment:

- Though I cannot be sure I believe this is for the use of a family member and not for speculative profit

1 Objection:

- Would not like to see the existing trees felled as they provide nesting, shelter and food source for birds and other wildlife
- The existing double yellow road markings to be maintained

5. ANALYSIS OF PROPOSAL

5.1 The application is for the erection of 1no. detached 4 bed dwellinghouse and associated works.

5.2 Principle of Development

The application stands to be assessed against the above listed policies and all relevant material considerations. Of material consideration is the previously refused residential scheme, for among other things, being located in Flood Zone 3a. This is discussed more in the below report.

5.3 Policy CS5 makes reference to flood risk and the requirement for sequential and exception tests to areas of lowest probability of flooding, taking into account the vulnerability of the type of development proposed. Policy CS9 also states that development should be located away from areas of flood risk.

PSP20 dictates that all development proposals should follow the sequential approach to flood risk. The Policy states that the Council will apply the Sequential Test and the Exception Test as appropriate and in accordance with the NPPF. In addition, Policy CS1 states that development should take into account the South Gloucestershire Strategic Flood Risk Assessments and provide where appropriate measures to manage flood risk and prepare surface water management plans.

- 5.4 The development plan supports residential development within the established settlement boundaries. Adopted policy dictates that new development should be informed by the character of the local area and contribute to the high quality design set out in Policy CS1 which stipulates development will be required to demonstrate among other things it has been informed by, respects and enhance the character, distinctiveness and amenity of both the site and its context and density and overall layout is well integrated with existing adjacent development.
- 5.5 Policy PSP38 states that development within existing residential curtilages, including new dwellings, will be acceptable where it respects the building line, form, scale, proportions, window and door shape, alignment of openings, architectural style/detailing, external materials, boundary treatments and hard and soft landscaping of the street and surrounding area. It must also not prejudice the provision of amenity space and should not lead to the loss of gardens that form part of a settlement pattern that contributes to local character. In addition to this, Policy PSP43 sets out specific private amenity space standards for all new residential units. Policies CS8, PSP16 and the adopted SPD Residential parking standards deal with on-site parking, off site impact on highway safety and associated cycle parking standards.
- 5.6 **Flood Risk**
The application site is located within Flood Zone 3A. The NPPF identifies new development in areas that are at risk of flooding as requiring protection
- 5.7 Paragraph 148 of the NPPF regarding flooding states that in assessing development planning should take full account of flood risk and minimise vulnerability.
- 5.8 Paragraph 155 goes on to state that inappropriate development in areas at high risk should be avoided by directing development away from areas at highest risk.
- 5.9 The updated NPPF also emphasises the cumulative impact in or affecting local areas susceptible to flooding and should take account of advice from the Environment Agency.
- 5.10 In the first instance it is necessary to use the Flood Zone and Flood Risk Tables (available on the Environment Agency's website) which then, according to the identified Flood Zone are used to determine the vulnerability of the development, its appropriateness or flood zone 'compatibility'. The results will determine whether the Sequential and Exception tests need to be applied.

- 5.11 The details indicate Flood Zone 3A is classified as a high probability of land having a 1 in 100 or greater annual probability of river flooding or land having 1 in 200 or greater annual probability of sea flooding. The table lists new dwellings as being *more vulnerable*.
- 5.12 The Environment Agency's Flood Risk Vulnerability Classification table shows that in Flood Zone 3A for *more vulnerable* development an Exception Test is required. If the development had been in Flood Zone 3B (the functional floodplain) then development should not be permitted.
- 5.13 For the sake of completeness it is appropriate to discuss the guidance set out in the NPPF. This states that a sequential test should be used in areas known to be at risk of any form of flooding so as to avoid flood risk to people. If necessary the exception test should then be applied. Paragraph 158 is very clear where it declares:

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allowed or permitted if there are reasonably available sites appropriate for the development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test.

- 5.14 The exception test will only be applied if it is not possible for development to be located in zones with a lower risk of flooding.
- 5.15 National planning policy guidance Paragraph: 001 Reference ID: 7-001-20140306 sets out clearly that where these tests are not met development should not be allowed *...if there are better sites in terms of flood risk, or a proposed development cannot be made safe, it should not be permitted.*

5.16 *The Sequential Test*

This test is designed to ensure that areas at little or no risk of flooding from any source, are developed in preference to areas at higher risk. The aim is to keep development out of medium and high flood risk areas i.e. Flood zones 2 and 3 and to steer new development to Flood Zone 1. This ensures that development is safe. Only where there are no reasonably available sites in Flood Zones 1 and 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

- 5.17 To be clear the planning policy guidance Paragraph: 020 Reference ID: 7-020-20140306 states:

...the Sequential Test should be applied to the whole local planning authority area to increase the possibilities of accommodating development which is not exposed to flood risk

- 5.18 In accordance with the NPPF, South Gloucestershire Council has strategic policies and maps to illustrate the extent and level of flood risk across the district. In total there are 4 Strategic Flood Risk Assessment (SFRA) Maps taken from 3 separate SFRAs:

- South Gloucestershire Level 1 SFRA, February 2009;
- South Gloucestershire Level 2 SFRA, December 2011; and
- South Gloucestershire and Bristol City Avonmouth/Severnside Level 2 SFRA, March 2011

These 3 SFRAS have been commissioned by the council and have been endorsed by the Environment Agency.

- 5.19 The above indicates the LPA has identified flood zones 1, 2 and 3 across the district. These maps clearly show the extensive areas that are outside the acknowledged high risk flooding zones within South Gloucestershire.
- 5.20 This national guidance states it is for the local planning authority, taking advice from the Environment Agency to consider if the Sequential Test has been passed, taking into account the particular circumstances in any given case. Furthermore, it is for the developer to justify with evidence to the LPA what area of search has been used when making the application.
- 5.21 *Ultimately the LPA need to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere*
Paragraph: 034 Reference ID: 7-034-20140306.
- 5.22 *Assessment of sequential test in this case*
The agent has stated that *reasonably available alternative sites are regarded to include sites of a similar size and capacity to the one being tested and which either have planning permission or are likely to come forward for development in the next 18 months.*
- 5.23 The government guidance on alternative site tests differs to the above. It states potential alternative sites are identified as:
- those already allocated for development in local plans and could be suitable for the development proposed;
 - sites that haven't been allocated in the local plan but have been granted planning permission for a similar development to that proposed and
 - finally suggests investigating 'windfall sites' which have not been allocated or given permission but could be available for development.
- 5.24 The agent contends that a pragmatic approach is required given South Gloucestershire's Planning Committee overturned a previous Officer decision (PT17/0821/F) and allowed the erection of new dwellings on the site of a former chapel in Severn Beach. The agent has indicated that the Committee's reasoning should apply here i.e.
- the search area should not be the whole district, the Sequential Test was passed because there was a shortage of land for housing in the district and a need in Severn Beach
 - The Exception Test was passed because of the need to provide additional houses
 - The approved FRA would make the development suitably resilient

- 5.25 Officers disagree. Planning policy guidance which supports the NPPF clearly states the Sequential Test is to be applied to the whole of the local authority area and not just the immediate vicinity.
- 5.26 The aim of this instruction is to ensure that development is located outside flood risk areas and especially outside areas classified as having the highest risk, Flood Zone 3.
- 5.27 It is acknowledged that The Committee decision is a material consideration. However, in response to the applicant's statement, each application is considered on its own individual merits at the time of submission. Furthermore, the updated NPPF is strong in its lead giving local planning authorities the discretion to make assessments based on their local knowledge of development in areas of high risk of flooding.
- 5.28 Notwithstanding the decision made by the Planning Committee, it is clear that policy, both national and local, steers development away from high risk areas.
- 5.29 The applicant has however provided details of a search of land available for development within the district. The search demonstrates that of the seven sites identified outside Flood zone 3, four of the sites have been granted planning permission. This shows that there are sites outside Flood zone 3 that are suitable for residential development within South Gloucestershire. It must further be noted that the search appears to have been undertaken on a single website on a single day. It would therefore appear not to be sufficiently rigorous in time or effort.
- 5.30 It is therefore, concluded that the proposal fails the Sequential Test.
- 5.31 As such it is not necessary for the Exception Test to be applied but the agent has referenced that technical guidance supports their case and quotes:
- "For individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives'.*
- 5.32 For the sake of completeness the Exception Test is discussed below.
- 5.33 Exception Test

The NPPF states at paragraph 159, if following the application of the Sequential Test:

If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.

5.34 The guidance indicates that the exception test must be informed by a strategic or site-specific flood risk assessment and it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh flood risk, and

b) that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

5.35 Paragraph 161 of the NPPF states : *Both elements of the test will have to be passed for development to be allocated or permitted*

5.36 *Assessment of the Exception Test in this case*

Taking each of the above criteria in turn, in support of the application, the applicant has argued the development would provide an additional dwelling in Severn Beach, within the settlement boundary, and in close proximity to employment areas at Severnside and Avonmouth. Severn Beach is the closest settlement to these areas within South Gloucestershire, and therefore safe development within the village should be supported on sustainability grounds, as it reduces the need for travel.

5.37 In response, Officers would say that the applicant has not fully addressed part (a). The argument does not demonstrate how the development would provide wider sustainability benefits to the community that would outweigh the flood risk. The introduction of one new dwelling would not help to sustain the community. Officers cite work undertaken by the Council produced as the Sustainable Access Profile of Severn Beach dated February 2018. This document, available on the Council's website, indicates the population of Severn Beach in the last census of 2011 as being 1941 persons made up of 875 households. A count made in 2017 showed 880 dwellings in Severn Beach. The research shows the village has a dedicated community centre, a village hall, a convenience store, a post office, a primary school and access to superfast broadband. In addition 5 major employers are within 2000m as is a large safeguarded employment area. Other employment areas are within 5.6km cycling distance. The village is served by both bus and rail networks and is within reach of Avonmouth, Bristol City Centre and beyond.

5.38 From the above it possible to understand that Severn Beach already has a thriving community and one additional house would not tip the balance with regards to providing wider sustainability benefits for the community. It is the opinion of the LPA that the proposal fails part (a) of the Exception Test.

- 5.39 Moving on to criteria (b), that the development will be safe for its life-time etc. A flood evacuation plan has been submitted with the application. It is stated:
- The document is to raise awareness for residents of the potential for flooding in the area and to provide a plan of action in the event of flooding.
 - The document declares that it is expected that residents will register for alerts and if a flood warning is issued, occupants should begin the Flood Evacuation Plan which recommends residents should remain on the upper floors.
 - If residents leave the premises all doors including internal doors should be securely locked and closed and they should make their location known to Emergency Services.
 - The document states that at this stage the local authority, the emergency services and the Environment Agency should be managing the situation and will endeavour to provide advice on an evacuation route, shelter and assistance to evacuees.
- 5.40 A flood risk assessment (FRA) has also been submitted in support of this application. This document describes the measures to be taken in terms of the design of the dwellings to mitigate harm from flooding, which among other things include: Habitable rooms to be at first floor level and above; Flood resistant construction materials including concrete floor slabs at a minimum level 300mm above external ground level; Ground floor internal walls to be concrete blockwork; Non-return valves on drainage connections; Electrical fitting at 1200mm above finished floor level; All external surfaces to be water permeable, etc.
- 5.41 The Council's Emergency Planners do not formally comment on the efficacy of flood emergency plans. It is however, noted that the brief document does not indicate how many people might be in the property or identify the potential hazards that could be present during a flood (or evacuation) and the precautions that could be taken; has not considered disabled or other more vulnerable people; fails to take into consideration the impact on the road network (which may flood first) or how to assist visitors who may not know the area.
- 5.42 The submitted Flood Emergency Plan states occupants should wait on the upper floors until help arrives and in the main relies on the emergency services and the Environment Agency to manage the situation. The plan then states: *at this stage the local authority, the emergency services and the Environment Agency should be managing the situation, with widespread flooding potentially over a large area, and will endeavour to provide advice on an evacuation route, shelter and assistance to evacuees.*
- 5.43 This demonstrates that additional pressure will be placed on the Emergency Services as a result of this property should a flood occur. This is not acceptable.
- 5.44 Conclusion of flooding section:
The proposed development would provide one new house. This is considered to have only a small benefit in terms of the contribution it would make to the

housing supply, particularly as South Gloucestershire can demonstrate a five year land supply, and would not provide wider sustainability benefits to the community that outweigh the high risk of flooding.

- 5.45 This proposal would be against national planning guidance and against locally adopted planning policy and for this reason **substantial** weight is given against it and the scheme cannot be supported.

5.46 Drainage

As the site is located in Flood Zone 3a, a Flood Risk Assessment (FRA) has been submitted with this application. The FRA includes details of the predicted flood depths at the site, which have been taken from the Strategic Flood Risk Assessment – Level 2 for Avonmouth Severnside. Also included are the site levels and proposed finished floor levels.

- 5.47 Notwithstanding that the on-site drainage could be adequately provided for, this does not outweigh the in principle objection to a new dwelling in Flood Zone 3.

5.48 Design and Visual Amenity

The proposal is for a large three storey detached 4 bed house. The immediate area around the application site comprises a mobile home park to the rear (east), a row of three storey mixed use residential/business/retail units to the north, two-storey residential directly opposite to the west and a two storey mixed use to the south. Other than the flats within the three-storey block, properties in this area are modest semi-detached or detached single storey. Large detached dwellings are not a feature of the immediate street scene in this part of Severn Beach.

- 5.49 In terms of its design the proposal has tried to match the height of the three storey row of mixed use properties to the north. Plans, however, appear to indicate that the height is a little higher than this block and a local resident has once again (as for the previous scheme) asked for the height to be lowered. Given the in principle objection in terms of flooding, revised plans have not been requested of the applicant.

- 5.50 The proposed dwelling would have two integral single garages, either side of the main entrance plus two off-street parking spaces in front of these garages. Officers are conscious of the previous application which was for two houses with a loft conversion. Plans are very similar to that previously refused scheme and given the very deep proposed roof design, there is a query whether or not the intention would be to ultimately have two dwellings here, again with a loft conversions.

- 5.51 Given the property to the south of the site is a modest flat roofed two-storey structure, any new development between it and the mixed use block should be respectful of scale and massing present in the street scene. It would be inappropriate for any building to be higher than the existing block.

- 5.52 Under the previously refused scheme, the proposed pair of semi-detached dwellings had to be set back from the building line on this side of the street due to the requirement of providing off street parking. This is unfortunate as it

means the house would not be seen as a continuation of the three storey terrace and the building line which is a strong feature here. The visual amenity of the area would further be impacted on by the overall height of the proposed dwelling being higher than the existing terrace block. As such the proposal does not represent the highest form of site planning expected of both local and national planning policy because it would not respect the character of the area or the existing street scene.

5.53 Residential Amenity

The proposed new dwelling would have 4 bedrooms. Adopted planning policy PSP43 sets out the minimum standards for amenity space and states this space should be private and functional, excluding footpaths and parking areas. As such front gardens and small areas to the side of houses are not included in calculations.

5.54 Adopted policy under PSP43 indicates a 4 bed new dwelling requires over 70 square metres of garden space. Submitted plans indicate that the proposed garden area would comply with adopted standards.

5.55 In terms of impact on closest neighbours, given the degree of separation from the surrounding existing residential properties there would be no adverse impact on amenity from overlooking or inter-visibility. In these terms the proposal is acceptable but again this is insufficient to overcome concerns identified above.

5.56 Transport

To ensure no vehicles overhang the pavement, the dwelling is set back within the plot. This scheme shows two garages and two parking space to their respective fronts. However, plans indicate that one of these garages would be substandard in length and would not meet the criteria set out in adopted policy. Nevertheless, this means that 3 parking spaces can be accommodated within the plot to serve the proposed 4 bed house.

5.57 Notwithstanding the above, there is some concern that the property could be converted into 2 dwellings, given the overall design is very similar to the previously refused scheme and the roof height has been increased. It is therefore reasonable to suggest that if the scheme is acceptable then a condition stating that the plot cannot be split or converted into multiple dwelling units without further assessment in relation to the car parking, cycle parking and refuse/recycling access and storage be part of the decision.

5.58 Given the above, there are no transport objections, but this would not be sufficient to overcome the in principle concerns expressed regarding flood risk at this location and design.

5.59 Archaeology

Comments from the LPA's Archaeologist on the previous application are noted and on that basis are included in this assessment. The potential for archaeology on the site is acknowledged. In a previous exchange of information it was confirmed that the scheme would require excavations to a depth of 1.5 metres. It is reasonable to assume this would be the case again and as there exists the possibility of cutting

through archaeology and possible palaeoenvironmental deposits at that depth, then should the application have been found acceptable, a monitoring of construction condition should have been attached to the decision notice.

5.60 Other matters:

Previous use of the site:

Comments received state the site looks as though it once had houses on it. The OS County Series maps for 1938, 1955 and 1972 shows the site as being undeveloped and part of the garden associated with the site now called No. 123-125 Beach Road, which may once have been a large single property. There is no evidence that the site has been occupied by modern built form.

5.61 Impact on Equalities

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

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

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

5.64 Overall conclusion:

The introduction of a new dwelling in this location is contrary to national planning policy. The site is within Flood Zone 3 which both national and local planning guidance declare has the highest probability of flooding. Development should therefore be directed away from such vulnerable locations.

5.65 The proposal fails to satisfy the Sequential Test as there are other suitable sites within the local planning area located outside Flood Zone 3 which could be used for housing. The national guidance makes it very clear that the whole authority area must be considered and not just the immediate area. Substantial weight is given against the scheme for this reason.

5.66 The scheme also fails the Exception Test as one new dwelling would not provide wider sustainability benefits to the community that outweigh flood risk, and nor has it demonstrated that it would be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall. Substantial weight is given against the scheme for this reason.

5.67 In addition the proposal by having a ridge height higher than the existing adjacent tall terrace would not be respectful of the street scene and be detrimental in visual amenity terms for the area.

5.68 For the above reasons the proposal cannot be supported.

6. CONCLUSION

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

7. RECOMMENDATION

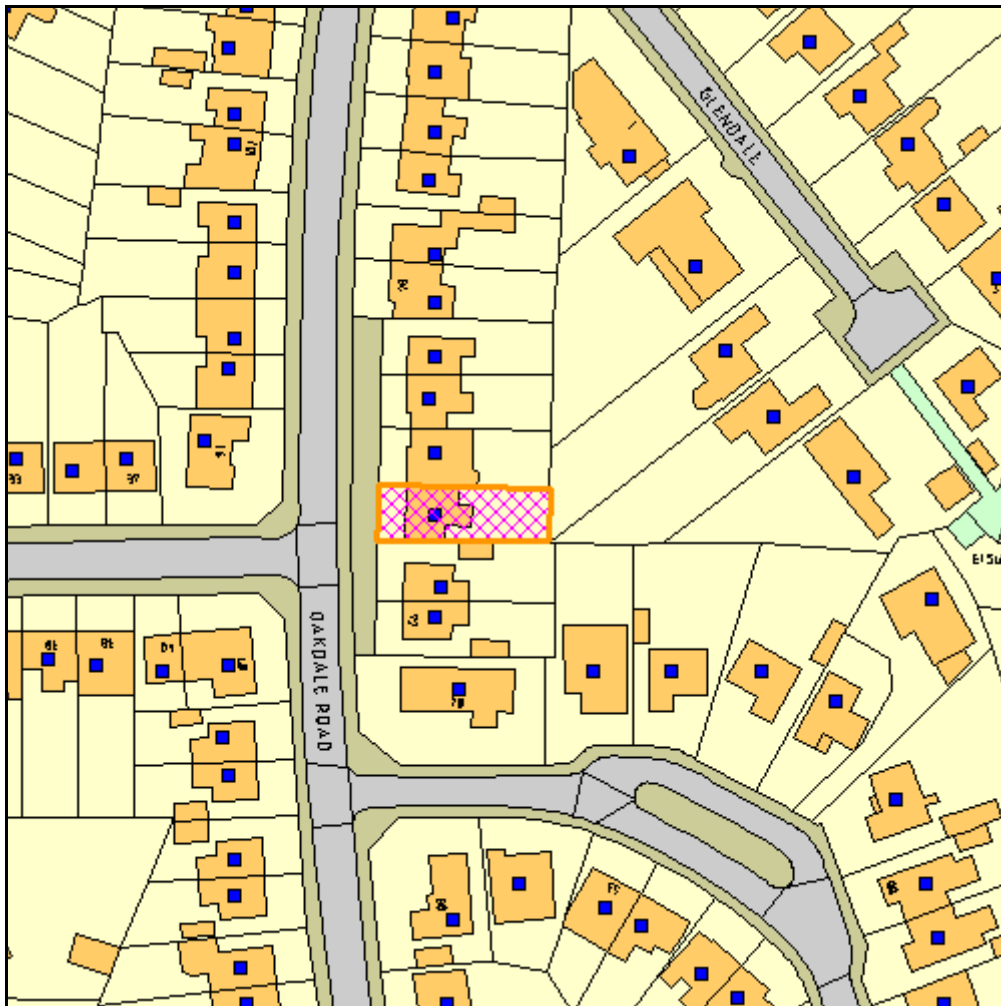
- 7.1 It is recommended that the application be **REFUSED**.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

1. The site is located within Flood Zone 3a and would introduce a more vulnerable form of development into this area which is identified as being at high flood risk. It is not considered that the applicant has demonstrated that the proposal passes the sequential or exception tests. In view of the sequentially preferable sites that are available, the application is therefore contrary to the provisions of the National Planning Policy Framework, Planning Policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and Policy PSP 20 of the Policies Sites and Places Local Plan (Adopted) November 2017.
2. The proposal fails to represent the highest standards of site planning and design expected under both local planning policy and national planning guidance. This is because it would not respect the existing street scene in terms of its position within the plot and its overall height. The development is therefore contrary to policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP1 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the NPPF

CIRCULATED SCHEDULE NO. 33/19 – 16th AUGUST 2019

App No.:	P19/8624/CLP	Applicant:	Mr And Mrs Humphries
Site:	76 Oakdale Road Downend Bristol South Gloucestershire BS16 6EG	Date Reg:	11th July 2019
Proposal:	Installation of 2 no. rooflights to the principal elevation and 1 no. dormer to the rear elevation to facilitate a loft conversion.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365058 177744	Ward:	Frenchay And Downend
Application Category:		Target Date:	2nd September 2019



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 100023410, 2008. N.T.S. P19/8624/CLP

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

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The applicant is related to a Local Authority member of staff. The application is therefore 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 installation of 2 no. rooflights to the principal elevation and 1 no. dormer to the rear elevation to facilitate a loft conversion at no. 76 Oakdale Road, Downend, 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 (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B.

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

3. RELEVANT PLANNING HISTORY

3.1 P19/8625/F

Demolition of existing two storey side extension and erection of a single storey side extension to form additional living accommodation.

Status: Pending consideration

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

No objection

Other Representations

4.2 Local Residents

No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Combined Existing Plans
Combined Proposed Plans
(Received by Local Authority 8th July 2019)

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 development is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the 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 installation of a 2no. front rooflights and 1no. rear dormer. This development would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows roof alterations subject to the following:

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

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

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

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

The height of the proposed rear dormer would not exceed the highest part of the existing roof, and therefore the proposed development meets this criterion.

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

The proposed dormer would be situated to the rear, and would therefore not extend beyond the existing roof slope which forms the principal elevation of the dwellinghouse and fronts the highway. Whilst the proposed rooflights would be situated on the roof slope which forms the principal elevation and would marginally protrude, the protrusion would be no more than 0.15 metres beyond the plane of the slope. A protrusion of 0.15 metres is allowable under Class C of Part 1. The proposal therefore meets the above criterion.

- (d) **The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**
- (i) **40 cubic metres in the case of a terrace house, or**
 - (ii) **50 cubic metres in any other case**

The property comprises a semi-detached dwellinghouse. Volume calculations undertaken by officers indicate that the cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by approximately 30 cubic metres. The proposal therefore meets the above criterion.

- (e) **It would consist of or include –**
- (i) **the construction or provision of a verandah, balcony or raised platform, or**
 - (ii) **the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposal would include none of the above.

- (f) **The dwellinghouse is on article 2(3) land**

The host dwelling is not on article 2(3) land.

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

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

Submitted plans indicate that the proposed rear dormer would be finished in materials to match the host dwelling.

- (b) **the enlargement must be constructed so that –**

- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
 - (aa) the eaves of the original roof are maintained or reinstated; and**
 - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge or the eaves; and**
- (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The edge of the enlargement is positioned in excess of 0.2 metres from the eaves. Furthermore, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse.

- (c) any window inserted on 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.**

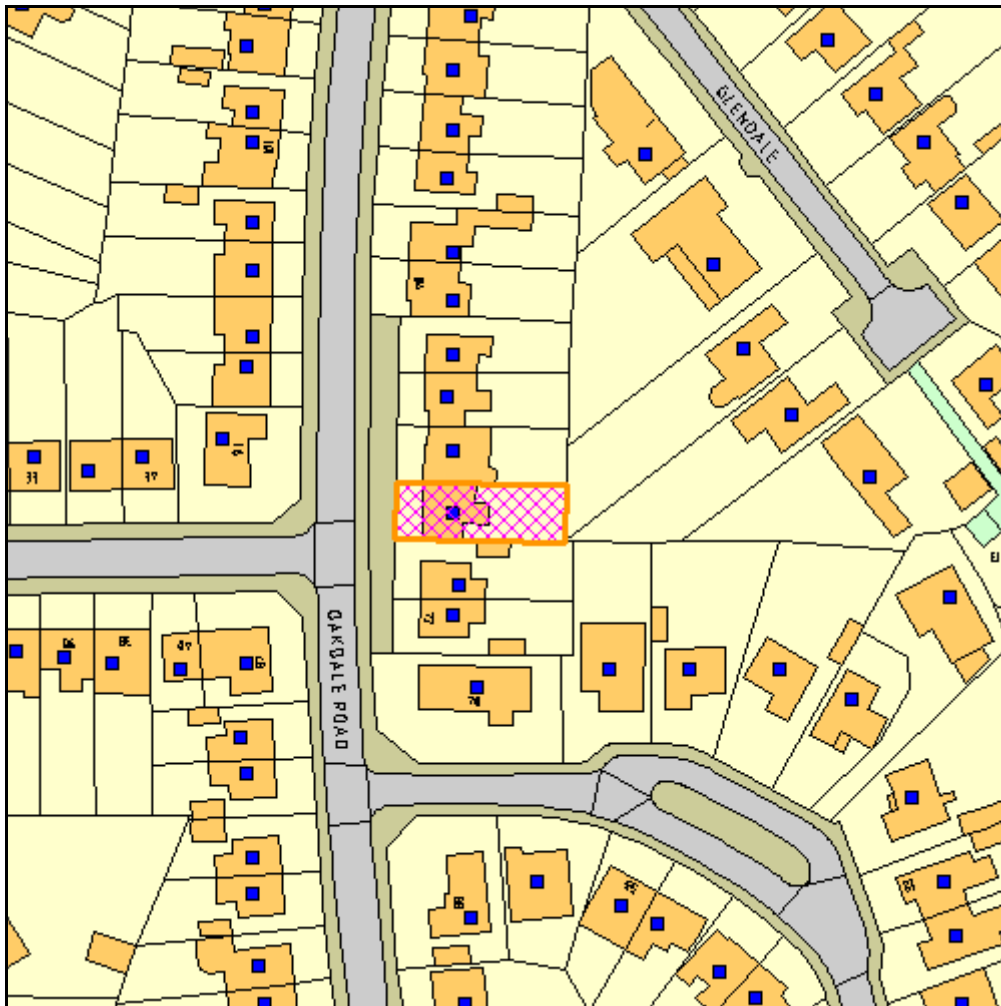
The proposal does involve the insertion of a window in to the side elevation of the property. However it has been indicated that the window would be obscurely glazed. It does also not appear that any part of the window would open. The proposal therefore meets the above criteria.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

Evidence has been provided to demonstrate that on the balance of probabilities the proposed rooflights and dormer extension would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

CIRCULATED SCHEDULE NO. 33/19 – 16th AUGUST 2019

App No.:	P19/8625/F	Applicant:	Mr And Mrs Humphries
Site:	76 Oakdale Road Downend Bristol South Gloucestershire BS16 6EG	Date Reg:	11th July 2019
Proposal:	Demolition of existing two storey side extension and erection of a single storey side extension to form additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365058 177744	Ward:	Frenchay And Downend
Application Category:	Householder	Target Date:	2nd September 2019



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P19/8625/F

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

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The applicant is related to a Local Authority member of staff. The application is therefore required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the demolition of an existing two storey side extension, and the erection of a single storey side extension to provide additional living accommodation. The application relates to no. 76 Oakdale Road, Bristol.
- 1.2 The application site comprises a semi-detached property set within a moderately sized plot. The site is located within the urban fringe area of Downend.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework Feb 2019
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

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 P19/8624/CLP

Installation of 2 no. rooflights to the principal elevation and 1 no. dormer to the rear elevation to facilitate a loft conversion.

Status: Pending Consideration

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

No objection

4.2 Other Consultees

Sustainable Transport

No detail on existing or proposed parking arrangements provided. Four-bed properties should be served by minimum of two parking spaces.

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the demolition of an existing two storey side extension and the erection of a replacement single storey side 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 and transport. 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 existing side extension comprises a dated, flat roof structure extending to a height of two stories. The overall design of the extension is considered to be poor, and due to its flat roof nature, the extension is not considered to integrate successfully in to the host. Overall, the extension in its current form is considered to degrade the character of the area, and cause a modest degree of harm to the visual amenity of the streetscene.

5.4 The proposed single storey extension with a lean-to roof is considered to represent a more appropriate design approach. The proposed extension would integrate in to the host more effectively than the existing structure. Overall, it is considered that the proposed extension would represent a visual improvement

on the current arrangement. The proposal therefore complies with policies CS1 and PSP38.

5.5 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.

- 5.6 On the basis that the proposal seeks to replace a two storey structure with a single storey structure, it is not considered that the development would have any greater impact on the residential amenity of immediate neighbours than the current arrangement. The proposal therefore accords with policies PSP8 and PSP38.

5.7 Transport

The proposal would have no impact on existing vehicular access arrangements. In terms of parking, it is noted that the site is currently served by a single external parking space, as well as an internal garage, contained within the existing extension. However as the garage does not meet the minimum size standards of 3m x 6m, it cannot be counted as a parking space.

- 5.8 It is proposed to provide a new garage within the new extension. Whilst the proposed garage would also not meet the minimum size standards, the existing external space would be retained as such. On the basis that there would be no increase in the number of bedrooms contained within the property, and the development would not result in the loss of any policy compliant parking spaces, there are no concerns with the proposed parking arrangements. Overall, there are no concerns with the proposal from a transportation perspective.

5.9 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.

- 5.10 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

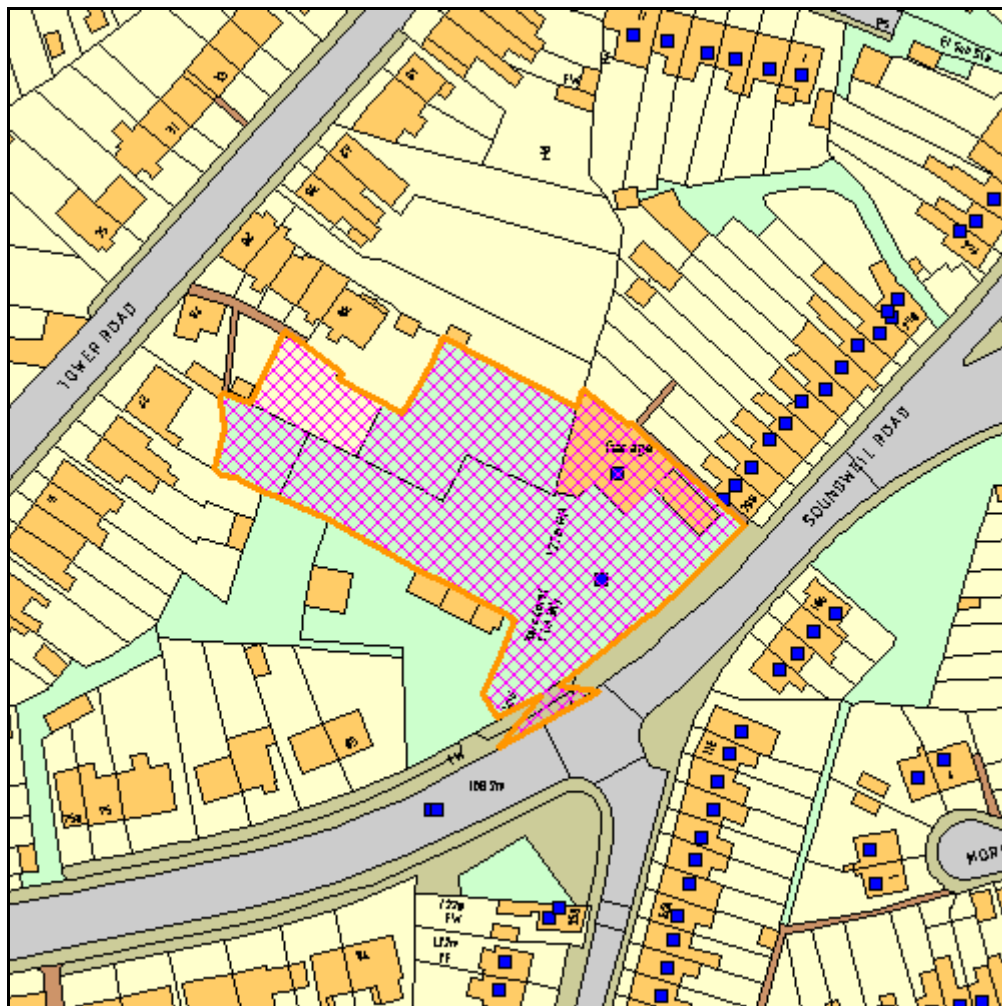
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 33/19 – 16th AUGUST 2019

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



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PK17/0704/F

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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule to refresh the resolution to grant planning permission subject to the applicant entering a planning obligation.

1. INTRODUCTION

- 1.1 This application previously appeared on Circulated Schedule 07/19 – 15 February 2019, 20/18 – 18 May, and 11/18 – 16 March 2018. From these processes, a resolution to grant planning permission was made subject to the recommended conditions and the applicant to enter into a S106 Agreement. The application was initially referred to the Circulated Schedule as: comments of objection have been received which are contrary to the officer recommendation; the grant of planning permission would be subject to a S106 Agreement; and, because this is a cross-boundary application (as the site mostly falls within Bristol City Council, who are acting as the lead authority) and therefore the recommendation is based upon a balanced view taking into consideration both council's development plans.
- 1.2 Negotiations on the S106 agreement have been prolonged but are now drawing to a close. The S106 agreement is nearly ready to be signed. However, the resolution to grant planning permission (obtained from the previous referrals to the Circulated Schedule) has now expired. In order that planning permission may be granted, a fresh resolution must be sought. To achieve this, the application is referred once more to the Circulated Schedule

2. CONCLUSION

- 2.1 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.
- 2.2 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

3. RECOMMENDATION

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

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

Reason

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

(ii) HIGHWAY WORKS

To secure the provision of £10,000 towards the cost of a Traffic Regulation Order

Reason

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

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

3.3 It is recommended that should the Agreement not be completed within 1 month of the date of the resolution to grant planning permission that delegated authority be given to the Director or Environment and Community Services to refuse the application.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

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

Reason

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

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

A) Desk Study - Prior to any ground disturbance, an investigation shall be carried out by a suitably competent person into the previous uses and contaminants likely to affect the development and a report shall be submitted and approved in writing by the Local Planning Authority.

B) Intrusive Investigation - Where potential contaminants are identified under (A), prior to any ground disturbance, excluding any necessary demolition works, an investigation shall be carried out by a suitably competent person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted to and approved in writing by the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures. (Note (A) and (B) may be combined if appropriate).

C) Verification Strategy - Prior to the first occupation of any dwelling hereby permitted, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

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

4. Prior to any ground disturbance, a site specific Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the

Local Planning Authority. The CEMP must demonstrate the adoption and use of best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- a) Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- b) All works and ancillary operations which are audible at the site boundary, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Monday to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
- c) Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- d) Procedures for emergency deviation of the agreed working hours;
- e) Control measures for dust and other pollutants;
- f) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- g) Parking of vehicle of site operatives and visitors;
- h) Route for construction traffic;
- i) Hours of operation;
- j) Method of prevention of mud being carried onto the highway;
- k) Pedestrian and cyclist protection;
- l) Proposed temporary traffic restrictions; and
- m) Arrangements for turning vehicles.

Reason

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

5. Prior to the first occupation of the development, a scheme of landscaping, which shall include: details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. The planting shall be undertaken within the first planting season following the approval of these details. Any plant, tree, or shrub included in the above scheme which becomes diseased, damaged, or dies within a period of 5 years from the completion of the planting shall be replaced with a specimen of a similar size before the end of the current planting season.

Reason

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

6. Prior to the application of any external finish, details of the roofing and external facing materials proposed to be used (including a samples of the proposed stonework and a picture of a sample panel of stonework) shall be submitted to and approved in writing

by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

7. The off-street parking facilities (for all vehicles, including cycles) shown on plan 35.01C shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

Reason

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

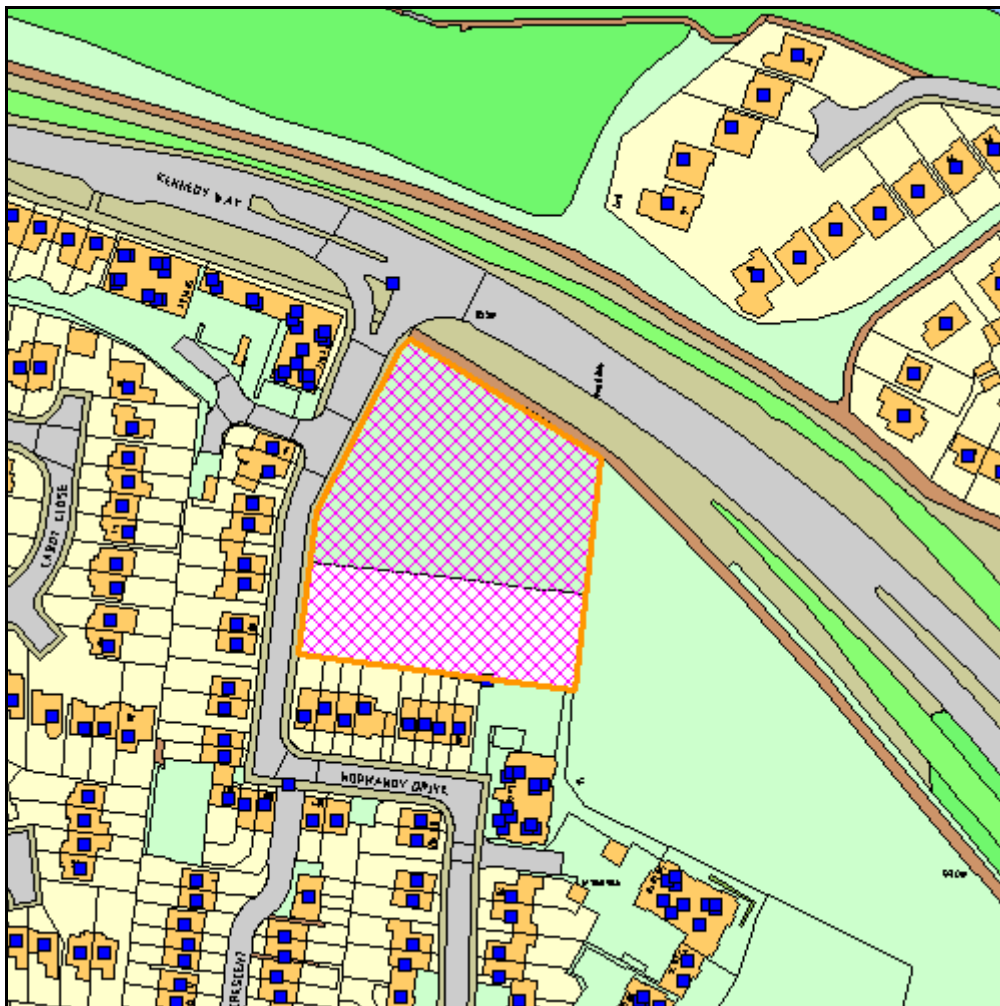
8. The development shall be carried out in accordance with the following plans: Site Location Plan, and F35/01B Site Layout Plan, received 15 January 2019; F35/10/05A Elevations Type B (Plots 15-20), received 03 March 2017; and, F35/02C Materials Plan, F35/04C Storey Heights Plan, F35/05 Cycle Store,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

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 33/19 – 16th AUGUST 2019

App No.:	PK18/3150/RVC	Applicant:	Churchill Retirement Living
Site:	Land East Of Normandy Drive And South Of Kennedy Way Bristol South Gloucestershire BS37 6JE	Date Reg:	15th August 2018
Proposal:	Variation of condition 2 (list of plans) attached to planning permission PK17/3061/F to substitute approved plans with revised plans listed in attached covering letter.	Parish:	Yate Town Council
Map Ref:	372001 181721	Ward:	Yate Central
Application Category:	Major	Target Date:	6th November 2018



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

CIRCULATED SCHEDULE

This report appears on the Circulated Schedule due to comments from the Parish.

1. THE PROPOSAL

1.1 This application is made under section 73 of the Town and Country Planning Act 1990 (as amended). Applications made under this section seek to develop land without compliance with conditions previously attached to planning permissions. In this instance, the applicant seeks to vary condition 2 attached to application ref. PK17/3061/F to make a number of small changes to the overall design of the building.

1.2 The site relates to Land East of Normandy Drive and South of Kennedy way, Yate. Planning permission was granted under application ref. PK17/3061/F for the erection of 62no. apartments for the elderly, guest apartment, communal facilities, new vehicular access, car parking, landscape and associated works.

1.3 Condition 2 of that permission stated:

Development shall proceed in accordance with the below listed plan:

30.6.17:

Location plan - 10094YA - PA00

Proposed elevations east - 10094YA-PA09

Proposed elevations north - 10094YA-PA07

7.11.17:

Site plan - 10094YA - PA01 C

Ground floor plan - 10094YA-PA02 A

First floor plan - 10094YA - PA03 A

Second floor plan - 10094YA -PA04 A

Third floor plan - 10094YA - PA05 A

Roof Plan - 10094YA - PA06 A

West elevation - Normandy Drive - 10094YA - PA08 A

Internal elevations - PA10 A

26.10.17:

Landscape strategy plan - Rev D

—

Reason:

For the avoidance of doubt.

1.4 This application seeks to substitute the following plans:

Received on 11.6.19:

- 10094YA - PA411 - SITE PLAN – APP. 62

- 10094YA - PA412 - GROUND FLOOR PLAN – APP. 62
- 10094YA - PA413 - FIRST FLOOR PLAN – APP. 62
- 10094YA - PA415 - THIRD FLOOR PLAN – APP. 62
- 10094YA - PA416 - ROOF FLOOR PLAN – APP. 62
- 10094YA - PA417 - KENNEDY WAY ELEVATION – APP. 62
- 10094YA - PA418 - NORMANDY DRIVE ELE.- APP 62
- 10094YA - PA419 - INTERNAL ELEVATION – APP. 62
- 10094YA - PA420 - GABLE ELEVATIONS – APP. 62

Received on 20.6.19:

- 10094YA - PA414 - SECOND FLOOR PLAN – APP. 62

During the course of the application negotiations have meant that the revised plans now only show alterations to the external appearance. Given that the introduction of 3 new apartments is to be dealt with under a separate application, the revised plans were not put out for re-consultation. As a reduction in the amount of development being considered here, it is considered that no one has been disadvantaged by this action.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019

National Planning Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS12	Safeguarded Areas for Economic Development
CS13	Non-Safeguarded Economic Development Sites
CS14	Town Centres and Retailing
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS20	Extra Care Housing
CS23	Community Infrastructure and Cultural Activity
CS24	Green Infrastructure, Sport and Recreation Standards
CS30	Yate and Chipping Sodbury

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land
PSP37	Internal Space Standards
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites (Adopted) Nov. 2005.

Design Checklist (Adopted) 2007)

Residential Parking Standards (Adopted) 2013

Affordable Housing SPD (Adopted) Sept.2008.

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 201

Residential Parking Standards (Adopted) December 2013

Affordable Housing and Extracare (Adopted) May 2014

Waste Collection (Adopted) 2015

3. **RELEVANT PLANNING HISTORY**

- | | | |
|-----|-------------|--|
| 3.1 | P19/7513/F | Erection of third floor extension to form 3 no apartments (retrospective)
Pending consideration |
| 3.2 | P19/1166/F | Erection of 6no cottages for the elderly. Amendments to car park, buggy store and landscaping approved under PK17/3061/F (Erection of 62 No. apartments for the elderly, guest apartment, communal facilities, new vehicular access, car parking, landscaping and associated works)

Pending consideration |
| 3.3 | PK17/3061/F | Erection of 62 No. apartments for the elderly, guest apartment, communal facilities, new vehicular access, car parking, landscaping and associated works

Approved 4.5.18 |
| 3.4 | PK09/1388/F | Proposed erection of 228 residential units and associated works.

Approved 27.9.10 |

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Overdevelopment of the site layout and density of buildings.

- Insufficient parking allocation. There is no provision for visitor parking and no designated area for carers and/or emergency vehicles.
- There is inadequate off-street parking in Normandy Drive, what is to stop existing residents using parking spaces on this new development.
- Safe pedestrian access provision over very busy main roads towards the shopping centre, needs careful consideration.

Added comments:

The additional apartments have been removed from this application.

Internal Consultees

4.2 Environmental Protection

No objection subject to construction site condition

4.3 Housing enabling

The 3 x additional apartments form part of an application that triggers an affordable housing contribution and therefore proportional additional affordable housing is sought in line with National Planning Policy Guidance and other requirements under Policy CS18 of the Council's adopted Core Strategy Development Plan Document.

Updated comments:

The additional apartments have been removed from this application and therefore do not trigger any affordable housing requirements.

4.4 Public open space

No comment

Statutory / External Consultees

4.5 Transport

No objection

4.6 Drainage

No objection

Other Representations

4.7 Local Residents

Two letters of objection has been received from local residents. The points raised relate to the introduction of additional apartments which now do not form part of this application. No updated comments were received following the change in description of development but for the sake of completeness the comments are summarised below as:

- No objection to four storeys along Kennedy Way but an extra storey along Normandy Drive is unacceptable as they would dwarf existing two and two and a half storey dwellings and create a visual imbalance
- Overlooking of gardens
- Why has council only now informed us and asked for our views when this work commenced last July? No consideration to residents to tell them when that work was starting. We have had to have our windows closed during construction because of noise and workers have been parking on double yellow lines

5. **ANALYSIS OF PROPOSAL**

- 5.1 The application seeks to substitute plans approved under application PK17/3061/F to make small amendments to the overall appearance of the building.
- 5.2 **Principle of Development**
Applications made under s73 of the Act seek permission for the development of land without compliance with conditions subject to which a previous planning permission was granted. With applications made under s73, the Local Planning Authority shall consider only the conditions subject to which planning permission was granted; the principle of development is therefore established.
- 5.3 If the Local Planning Authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the Authority should grant permission accordingly.
- 5.4 If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused.
- 5.5 In assessing this application it is necessary to assess whether the relevant condition, or any variations satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests – that conditions should be:
- i. Necessary to make the development acceptable
 - ii. Directly related to the development
 - iii. Fairly and reasonably related in scale and kind
- 5.6 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. New issues may arise after planning permission has been granted, which require modifications of the approved proposal.
- 5.7 Where less substantial changes are proposed, there are two options for amending a proposal that has planning permission:
- Making a non-material amendment
 - Amending the conditions attached to the planning permission, including seeking to make minor material amendments

- 5.8 It should be noted that there is no statutory definition of 'non-material', this is because it depends on a range of factors including the context of the overall scheme, the amendments being sought to the original permission and the site specific circumstances, all of which can vary from one application to another.
- 5.9 Discretion rests with the individual LPA as to whether amendments constitute a material change to a planning permission within the scope of the original permission. What is material is a matter of fact and degree, along with taking into consideration the likely impact of the amendment on the local environment.
- 5.10 The Planning Practice Guidance advises : *There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and /or nature results a development which is not substantially different from the one which has been approved* (Paragraph: 002 Reference ID: 17a-002-20140306).
- 5.11 The change is considered against the development as a whole and not just part of it.
- 5.12 Some criteria which can be considered as being material include, but are not limited to, the following:
- Potential conflict with policy
 - Potential conflict with any of the conditions on the planning permission
 - An exacerbation of concerns raised by third parties at the original application stage
 - An extension to the development already approved
 - An increase in height of the building
 - Potential overlooking
 - Material change in the design
- 5.13 Case Law
In R (Vue Entertainment Limited) v City of York Council [2017] EWHC 588 (Admin) the case highlighted that an application to vary conditions is affected by the precise details set out in the description of development of the original planning application. In the above case, planning permission was granted for development that included a 'multi-screen cinema' to be built in accordance with the approved drawings. A section 73 application sought to vary the condition to increase the number of screens and number of seats. The approval was challenged in the high court but it was held that there was nothing in the permission itself that limited the size of the floor space or number of screens.
- 5.14 To summarise the findings, if an amendment to a condition can be made which keeps the description of development intact a section 73 may be appropriate, even if the change is significant. It therefore follows that the precise description of the approved development must be examined here to determine whether the changes can be regarded as being minor in relation to what was approved under PK17/3061/F or whether there would be a material change.

5.15 In principle

The purpose of condition 2 attached to planning permission PK17/3061/F was to ensure that the development proceeded in accordance with the submitted plans.

5.16 The submitted plans show a number of small alterations to the external appearance of the block and include:

- Amendment to turning head and buggy store
- Alterations to fenestration to for example allow in more light to identified apartments
- Juliet balconies and patio doors replaced with full height windows in identified apartments
- Full height windows changed to patio windows in identified apartments
- Introduction of balconies to 9 apartments
- Amendments to 3 apartment balconies
- An increase to the overall footprint of around 100 square metres
- Smoke vent added to corridor fronting Kennedy Way

5.17 The case law section above has demonstrated that where alterations to an approved planning application are so large that they change the description of development then they are regarded as being material and should be subject of a new planning application.

5.18 In this instance there the proposed changes would not result in a material change to the approved scheme and are therefore considered acceptable and can be recommended for approval.

7. RECOMMENDATION

7.1 It is recommended that **permission is granted** for this proposal.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Received on 11.6.19:

- o 10094YA - PA411 - SITE PLAN - APP. 62
- o 10094YA - PA412 - GROUND FLOOR PLAN - APP. 62
- o 10094YA - PA413 - FIRST FLOOR PLAN - APP. 62
- o 10094YA - PA415 - THIRD FLOOR PLAN - APP. 62
- o 10094YA - PA416 - ROOF FLOOR PLAN - APP. 62
- o 10094YA - PA417 - KENNEDY WAY ELEVATION - APP. 62
- o 10094YA - PA418 - NORMANDY DRIVE ELE.- APP 62
- o 10094YA - PA419 - INTERNAL ELEVATION - APP. 62
- o 10094YA - PA420 - GABLE ELEVATIONS - APP. 62

Received on 20.6.19:

- o 10094YA - PA414 - SECOND FLOOR PLAN - APP. 62

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 and for the avoidance of doubt.

2. Contamination

A: Intrusive Investigation - has been completed and is acceptable ref DOC19/0086 (1.8.19) subject to parts B and C below.

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.

For further advice on contaminated land investigations, the applicant can contact Environmental Services on (01454-868001).

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.

3. Sustainable Drainage

Prior to first occupation of the development drainage detail proposals incorporating Sustainable Drainage Systems SUDS shall be submitted for approval in writing to the Local Planning Authority. Details to include:

- The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
- Detailed design information relating to the SUDS features on site.

- Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable.
- Updated drainage design calculations may be required should the design layout be changed.

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

In particular the following details are required:

- An exceedance / overland flood flow route plan is required.
- Updated drainage calculations for the surface water drainage network to show there is no flooding on site in 1 in 30 year storm events (winter and summer); and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer) are required

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.

4. Lighting plan:

Development shall proceed in accordance with the lighting details submitted for consideration and approved under DOC19/0086 dated 1.8.19.

Reason

To ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. GCN

Development shall proceed in accordance with the submitted details by ECOSA and approved under DOC19/0086 dated 1.8.19.

Reason:

To ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

6. Age of occupants

Each of the apartments hereby permitted shall be occupier only by:

- o Persons aged 60 or over; or
- o A spouse/or partner (who is themselves over 55years old) living as part of a single household with such a person or persons; or
- o Persons who were living in one of the apartments has part of a single household with a person or persons aged 60 or over who has since died; or
- o Any other individual expressly agreed in writing by the LPA

Reason

In considering this proposal for apartments for the elderly, weight has been given to the likely nature and needs of the occupants of the proposal. This has been given

specific weight when considering the likely level of parking required for this development for retirement living, whilst the amount of parking provision is regarded as acceptable given the evidence provided this might not have been the case had these been apartments serving the general population. For this reason accords with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

7. Transport

Prior to occupation of any part of the new development, the off street parking and turning area in shall be provided in accordance with the submitted and approved plan - Site plan - 10094YA - PA01 C as received on 7.11.17.

To be retained thereafter.

Reason 1

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

Reason 2

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

8. Landscaping

The landscaping of the site shall be provided strictly in accordance with the details provided in drawing Landscape strategy plan - Rev D as received by the Local Planning Authority on 26th October 2017 in the next available planting season following the completion of the development.

Thereafter the development shall be retained as such.

Reason

In the interests of the character and visual amenity of the site and the surrounding location and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted December 2013; and Policy PSP1 and PSP2 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

9. Landscape Management Scheme

The development hereby approved shall not be occupied until a fully detailed Landscape Management Plan (LMP) relating to the hard and soft landscaping as referred to in condition 5 of this planning permission, has been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the LMP shall include details of the following;

- i) the time and method of planting within the next available planting season following completion of the residential dwellings,
- iii) maintenance regime for all shared hard and soft landscaping areas (including replacement of plants which die, become diseased or are otherwise removed) within the site (with the exception of adopted highway)

Thereafter the development shall be retained as such

Reason

In the interests of the character and visual amenity of the site and the surrounding location and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted December 2013; and Policy PSP1 and PSP2 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.