

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. 20/19

Date to Members: 17/05/2019

Member's Deadline: 16/05/2019 (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

Important Interim Arrangements for this weeks Circulated Schedule Only

In the absence of elected Development Management Committee Chair or Spokes, it is not necessary for members to undertake step d). If all other steps are correctly undertaken, the Planning Manager will take the request for a referral to the Director. Following discussion with the Director, the Planning Manager will then liaise with the two members responsible for the request.

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

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

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

- 3) Any application requiring a new planning agreement.

- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.
- 5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.
- 6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.
- 7) Any applications, except those list below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.
- 8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

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

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

Additional guidance for Members

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

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

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

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

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

a) Referring Member:

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

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

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

Date:

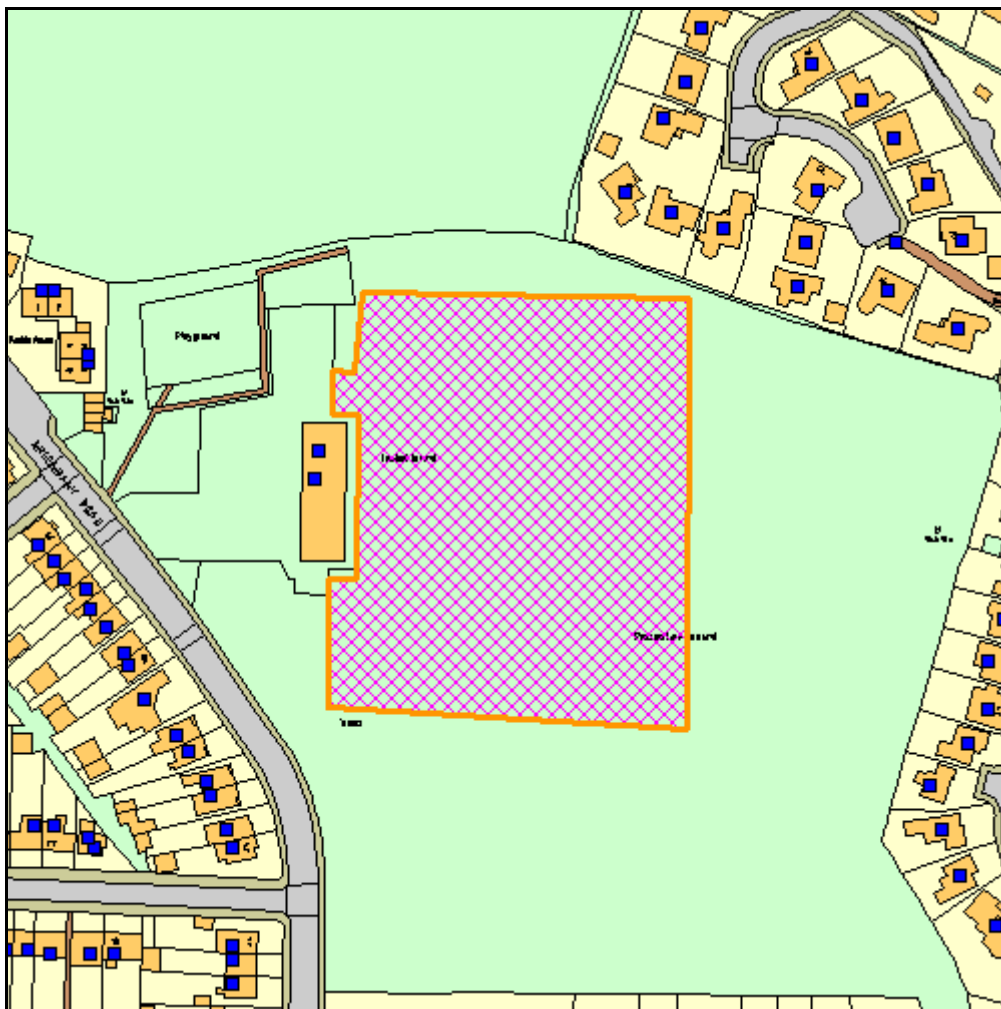
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 17 May 2019

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/0994/F	Approve with Conditions	Sports Ground, Aek Boco Football Club Greenbank Road Hanham South Gloucestershire BS15 3RZ	Hanham	Hanham Parish Council
2	PK18/3888/F	Approved Subject to Section 278	31A Broad Lane Yate South Gloucestershire BS37 7LB	Yate North	Yate Town Council
3	PK18/5500/O	Refusal	Conifers 28 Engine Common Lane Yate South Gloucestershire BS37 7PX	Ladden Brook	Iron Acton Parish Council
4	PT18/4714/F	Approve with Conditions	The Orangery Parnell Road Stoke Gifford South Gloucestershire BS16 1ZS	Frenchay And Stoke Park	Stoke Gifford Parish Council
5	PT18/4715/LB	Approve with Conditions	The Orangery Parnell Road Stoke Gifford South Gloucestershire BS16 1ZS	Frenchay And Stoke Park	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 20/19 – 17 MAY 2019

App No.:	P19/0994/F	Applicant:	Mr John Winter
Site:	Sports Ground, Aek Boco Football Club Greenbank Road Hanham Bristol South Gloucestershire BS15 3RZ	Date Reg:	5th February 2019
Proposal:	Installation of 4 no. floodlights and associated electrical equipment. Erection of two 50 seat stands and installation of 1.8m high fence.	Parish:	Hanham Parish Council
Map Ref:	365015 172246	Ward:	Hanham
Application Category:	Minor	Target Date:	1st April 2019



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N.T.S.

P19/0994/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 application has been subject to representations contrary to the findings of this report, with the number of contrary representations made exceeding a total of three. A representation has also 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 4 no. floodlights and associated electrical equipment, the erection of two 50 seat stands and the installation of a 1.8m high fence. The application relates to a sports pitch at Greenbank Playing Field, Greenbank Road, Hanham.
- 1.2 The application site consists of the north-eastern portion of a playing field situated within the urban area of Hanham. The site is predominantly used as a football pitch, with a sports pavilion and associated car park situated immediately to the west of the site. The sports pitch and associated sports pavilion are leased to AEK Boco Football Club, whose senior men's team currently plays in the MARCLIFF Gloucestershire County Football League (step 7 of English non-league football system). The AEK Boco Ladies first team currently play in the South West Women's Football League – East Division. The club is also made up of a further two men's teams, as well as 35 junior boys and girls teams; ranging from u6s to u18s.
- 1.3 One of the key aims of the development is to allow for men's senior team to progress to the next tier of the English non-league football system (Toolstation Western League Premier Division/Division One – steps 5 and 6 of the system). The proposals would also allow the ladies team to progress to the next tier of their respective football pyramid. The provision of floodlights would also allow for the club to enter a team in the Somerset Floodlit League for u18s.
- 1.4 The proposed floodlights would each extend to a height of 18.29m, and would be positioned towards each of the four corners of the pitch. The proposed spectator stands would be situated immediately to the north of the existing sports pavilion, and would have external dimensions of approximately 3m x 6m. The stands would extend to a maximum height of approximately 3.4m. The proposed fencing would consist of mesh panel fencing, which would measure 1.8m in height. It is also proposed to install a concrete footpath around the perimeter of the pitch.
- 1.5 A revised proposed block plan and elevational plan were submitted during the course of the application process. However the amendments only sought to address inaccuracies in terms of labelling, and did not make any alterations to the scope of the proposal. As such, the changes to labelling were not considered to trigger a further round of consultation.

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
CS9	Managing the Environment and Heritage
CS23	Community Infrastructure and Cultural Activity
CS24	Green Infrastructure, Sport and Recreation Standards
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
PSP2	Landscape
PSP5	Undesignated Open Spaces within Urban Areas and Settlements
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environment Pollution and Impacts
PSP44	Open Space, Sport and Recreation

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

3.1 PK16/0658/F

Erection of seating stand for 50no. spectators and 2no. dugouts.

Withdrawn: 08.03.2016

3.2 PK15/5492/F

Erection of 6no floodlights with associated works.

Withdrawn: 08.03.2016

3.3 **PK11/0547/RVC**

Variation of condition 10 attached to planning permission PK08/3152/F for hours of working to be restricted to 0730 to 1830 hours Monday to Friday.

Approved: 05.04.2011

3.4 **PK08/3152/F**

Erection of new sports pavilion to replace existing building. Extension of car park.

Approved: 23.01.2009

3.5 **PK07/0716/R3F**

Erection of single storey side extension and alterations to existing building to raise roof height to 5.5 metres to form extended sports pavilion including covered walkway. Construction of extended car parking area. (Resubmission of PK06/0639/R3F).

Deemed Consent: 29.10.2007

3.6 **PK06/0639/R3F**

Erection of single storey side extension and alterations to existing building to raise roof height to 5.5 metres to form extended sports pavilion including covered walkway. Construction of extended car parking area.

Refused: 24.04.2006

4. **CONSULTATION RESPONSES**

4.1 Hanham Parish Council

- Objection – height of masts and over-spill of light will result in detrimental impact for local residents. Proposal will affect residential amenity and is out of character and not in keeping with area.
- Insufficient parking within club grounds leading to increase in on-street parking.
- Proposals will result in late night matches with increased noise and general disturbance for local residents.

4.2 Internal Consultees

Streetcare Lighting Engineer

- Following submission of additional information, no objection. Can confirm that the calculated obtrusive light figures are within the threshold set by ILP Guidance for the given Environmental Zone for pre-curfew.
- Would recommend that hours of operation be restricted.

Environmental Health

- History of noise complaints associated with premises from 2013 to present day; including in relation to noise from events.
- Previously raised concerns with previous application. Had concerns that lighting would affect neighbouring residents, and about how noise levels associated with higher league games and more matches would be controlled.
- From an EH perspective, any further intensification of activity is likely to give rise to further complaints.
- In terms of lighting specifications, the applicant has taken previous comments and suggested conditions and have designed a lighting system that will achieve the Lux levels at all surrounding residential windows of less than 5Lux (the maximum designed/predicted to be 1.92), which in terms of nuisance would be acceptable.
- Would recommend a condition that limits the timing that the lighting system is in use to ensure it is restricted and further intensification than that applied for could not occur without a new application/consultation.
- EH note times for use as suggested by applicant. However not clear whether this includes cup matches where extra time/penalties required.
- Application suggests one small pitch will be relocated to another site. Not clear whether this is actually a positive step in reducing noise levels.

Sustainable Transport

- No objection subject to condition.
- Mindful that football pitch is already established and has been used for many years by football club.
- Given nature of proposal which are considered to be ancillary facilities that support principal use of site, satisfied that proposals are unlikely to attract significantly more visitors to site as to justify reason for refusal on transport grounds.
- Site located in residential area with good access on foot and by cycling. Good public transport facilities, and as such site is sustainable location. Footway and cycle facilities will also be improved as part of nearby residential development.
- Note that no details of parking have been submitted. However mindful that there is a sizeable car park with approximately 57no. parking space on site. Also cycle parking on site. Car parking arrangement will not change as part of proposal. However local residents' concerns regarding parking on residential roads during match-days is noted. Therefore recommended that travel plan be submitted in order to manage potential overspill of visitor parking.

Ecology Officer

No objection subject to condition confirming lighting timings.

Lead Local Flood Authority

No objection subject to confirmation of method of surface water disposal.

Highway Structures

No comment

4.3 External Consultees

Sport England
No objection

Coal Authority
No objection subject to informative note.

Other Representations

4.4 Local Residents

A total of 125 letters of objection were received during the statutory consultation period. The main concerns raised are summarised below, with full copies of all objection comments available on the Council's website:

Noise Pollution

- Already many complaints by local residents regarding foul language.
- Also late night noise at time of bar closing.
- Proposal will result in more fans attending matches and therefore more noise. Anticipated spectator numbers provided as part of application are misleading.
- Noise can be heard from within neighbouring houses which affects residential amenity.
- Part of lease requires Tenant not to become annoyance or nuisance to occupiers of adjoining properties.
- Situation exacerbated by late night games under floodlights with more consumption of alcohol at clubhouse.
- Amount of football played has increased over time. Initially during weekends but now also training during week. Makes neighbouring gardens unusable due to high levels of noise and foul language. Proposal will make situation worse.
- Noise Assessment should be carried out.
- Restrictions and obligations made regarding club house now being ignored.
- Complaints have already been made to Council.
- Previous decisions made by Council indicate that further development of site would unacceptable impact neighbours.

Light Pollution

- Floodlights will illuminate all houses on Greenbank Road.
- Lights will illuminate rear gardens and be visible from windows.
- No reference made to secondary glow that will reflect off surfaces.
- Light will also have greater impact during periods of poor weather.
- Assume that any restrictions on use of floodlights will be ignored.
- Lighting assessment provided. Concludes that impact of lighting will be unacceptable and weather conditions will cause additional glare.

Visual Impact

- Floodlights will be visible from much of surrounding area and will be blot on landscape.
- Floodlights will tower over adjacent properties and will have overbearing impact on immediate neighbours.
- Outlook from neighbouring properties over recreation ground will change significantly from dark environment to well-lit.
- Fence will be an eyesore.
- Stands are of poor design and will detract from open and green appearance of playing fields.
- Visual representations of proposed floodlights submitted.
- Limited information regarding materials provided.

Parking and Highway Safety

- Car park not just for football club.
- Car park often full during junior matches.
- No extra parking proposed. Stands will lead to increased visitor numbers.
- Will place increased parking pressures on area. Compounded by 77 home development on Greenbank Road.
- Glare from floodlights will distract passing motorists.
- Further increases in traffic and parking needs will also lead to higher potential accident and road rage risks.
- Regularly see drivers mounting kerbs outside playing fields.

Accessibility to Public Areas

- Boco License Statement outlined that the licensee will maintain land for public to have free and uninterrupted use of recreational area. Erection of enclosure will contravene this.
- 1.8m high fence will prevent users from doing full circuit of field.
- Social character of area would be negatively affected by proposed fencing.
- Locals already often kicked off parts of the field in rude manner. Proposals will make field even less accessible.

Ecology

- Wildlife such as bats will be disturbed from their habitat.
- Information submitted is inadequate – only refers to outdated bat survey done by Bellway for adjoining development.

Drainage

- Drainage serious problem at Greenbank Road with pitch often waterlogged.
- If Boco abide by SGC ecology report, week matches can only be played from November 1st to March 31st – worst times for waterlogging.

Other Matters

- Inaccurate information provided within Design and Access Statement.
- Differences between red line boundary on proposed and existing block plans. Proposed plan shows it extending right up to boundary hedge.
- Lighting columns would in fact be 18.29m tall as opposed to 18m.
- Insufficient information provided regarding proposed path around pitch.
- New houses at adjacent site should be shown on plans.
- Council have duty of care to mitigate any loss arising from claims made against them.
- Proposal will devalue properties. Have been advised that this could drop value of neighbouring houses by 10% to 20%.
- Other sites are available for Boco which are more suitable.
- Do not want to live next to a football stadium.
- Proximity of lighting and stands to properties ignores FA guidelines.
- Moving pitch to another site reduces facility for a section of juniors. Same amount of football will still take place at Greenbank site.
- Even with floodlights applicants would not be able to play at level 6, as condition on use of floodlights will prevent games in 4 months out of 9.
- Application only being considered due to poor decision by council to gift public facilities to football club many years ago.
- No confidence that application has been administered correctly.

A total of 240 letters of support were received during the statutory consultation period. The main points raised are summarised below, with full copies of all support comments available on the Council's website:

- Proposals vital for sustaining future of club.
- Club does a lot for community. Hold many charitable fundraising events.
- Improvements will allow for club to progress to next level.
- Will allow senior teams to progress up their respective tiers of football.
- Will allow for young players to continue developing, and will give them something to aspire to.
- Club gives young children and teenagers opportunity to take part in team sport and physical activity.
- Not allowing club to expand may result in current players giving up sport.
- 80% of members live within 3 mile radius.
- Club not looking to become semi-professional club.
- Object to scaremongering – many objections consist of unsubstantiated anecdotal evidence of impact.
- Lights will only be used for a few Saturday and Wednesday evenings each year.
- Football was being played regularly on Greenbank before surrounding houses were built.
- Would not devalue properties, would in fact add to value of area.

- Development of site has positive impact on whole of Hanham, including High Street which is full of local traders.
- Not allowing may push Boco elsewhere. Could lead to loss of greenspace through housing etc.
- Greenbank Rd Playing Fields have seen vast improvements since Boco moved in.
- Since Boco moved in, crime has reduced and club has helped thousands of children and adults to play local football.
- Grass-roots football should be supported.
- Boco have significantly improved security of area. Previously there was hooliganism, fights, drug use and crime.
- The objections are from a few people who chose to live next to a sports ground.
- Anyone with reservations about floodlights should visit those installed at Lockleaze Sports. Due to technology, no light spill.
- Lights are very directional so should not impact surrounding residents.
- Sufficient amenity space would be retained for dog walkers etc.
- Fences will be sympathetic.
- If you buy a house near a community facility you should be aware that things can change and it may impact somewhat on your life.
- Live near floodlights which are often left on all night. These have no impact on me.

3 letters, which neither objected to nor supported the proposal, were also received. The main points raised are summarised below:

- Think proposal is needed in a footballing sense.
- Not over the moon about fence but not worried about lights as there will be no type of pollution from these types of lights.
- Reference made to LPA decision and appeal decision dating from 2003, relating to creation of fully lit all weather pitch at Ridings School, Winterbourne. Application refused due to unacceptable visual impact. Appears that appeal was allowed, but with timing restrictions on use of floodlights. Further conditions related to provision of parking and allowed no amplified noise to be played. However parking is an issue and also high levels of noise.

5. ANALYSIS OF PROPOSAL

- 5.1 The application seeks permission for the erection of 4no. floodlights, 2no. 50 seater stands and a 1.8m high fence.

Principle of Development

- 5.2 Policy PSP44 of the Policies, Sites and Places Plan is supportive of the protection and provision of sporting facilities. Moreover, policies CS23 and CS24 of the Core Strategy are supportive of the provision of additional community infrastructure and outdoor sports facilities. The proposal to provide

floodlights, stands and fencing would represent an enhancement of existing sporting facilities, and the proposal is therefore consistent with the aims of these policies.

- 5.3 The site does not form part of a designated local green space as identified in policy PSP4 of the Policies, Sites and Places Plan. Policy PSP5 is therefore of relevance, which relates to undesignated open spaces within urban areas and settlements. The policy outlines that development proposals on undesignated open spaces will be acceptable provided they do not adversely affect the quality, character, biodiversity, sustainable water management, recreation opportunities, heritage value, amenity or distinctiveness of the locality.
- 5.4 The development proposal is therefore considered to be acceptable in principle. However the development must be assessed against further areas of consideration, in order to identify any potential harm arising from the development. Any identified harm is to be weighed against the benefits of the development. The further considerations in this case are environmental impacts, design and visual amenity, transportation, accessibility, ecology and drainage.

Environmental Impacts

- 5.5 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.

Noise Pollution

- 5.6 One of the main concerns raised by residents is the potential increase in the levels of noise being emitted by users of the site. It is noted that complaints have been made to the Council's environmental health team, in relation to the levels of noise created by both players and spectators, as well as during events. The environmental health officer has also outlined that complaints are likely to continue or increase as a result of further intensification of the site. However to date, no statutory nuisance has been substantiated.
- 5.7 The concerns raised by residents and the existing complaints have been taken in to account. The main area of consideration is the extent to which the proposed development would potentially increase the levels of noise created at the site. This can be broken down in to two areas of assessment; the increased usage of the sports pitch through the provision of floodlights; and the impact of improved facilities in respect of enabling the club to progress to a higher football league. Whilst the provision of stands and a fence would represent an improvement to the facility, it is not considered that these facilities, when considered in isolation, would necessarily result in increased footfall or usage of the pitch.
- 5.8 In terms of the provision of floodlights, the applicant has outlined that it is their intention for these to only be used on Saturday afternoons/evenings and

Wednesday evenings. On Saturdays, it is intended for the lights to be turned on between 14:30 and 15:00, with the lights to stay on for approximately 3 – 3.5 hours. This would however depend on weather conditions and the time of year, with the lights only likely to be required on a Saturday during winter months. On Wednesdays, it is intended for lights to be turned on between 6.30pm and 7pm, and to stay on for approximately 3 - 3.5 hours.

- 5.9 As such, the impact of the provision of floodlights in terms of noise is the potential for additional matches taking place between 2.30pm and 6.30pm on Saturdays (only when required), and between 6.30pm and 10.30pm on Wednesdays. Given that this only represents a relatively small period of time, the overall impact in terms of increased noise pollution is not considered to be severe.
- 5.10 However a condition will be attached to any decision, ensuring that the floodlights are only used during the time periods set out above. Allowing a 4 hour window on both Saturdays and Wednesdays would still allow for cup matches, which may include extra time and penalties, to be concluded within the timeframe. It should be noted that these times will only relate to the months November – March. For ecological reasons as set out later in this report, timings suitable for the operation of the lights during the bat season (April – October), will be agreed by condition.
- 5.11 In terms of the possibility of increased footfall, a comparison of attendances for AEK Boco home games for the season 2018/2019, against the attendances for matches played in Toolstation Western League Premier Division and Division One, has been carried out. Having reviewed both, the attendances for matches in the Toolstation Leagues are largely consistent with those recorded at AEK Boco home games. These generally range from 50 to 120 people, with very few games exceeding attendances of 200 people.
- 5.12 Given the similarities between the attendances, it is concluded that the improved facilities and potential progression of the men's senior team to a higher division would not necessarily result in increased footfall; and therefore materially higher noise levels. It was not possible to gather data relating to attendances for the AEK Boco Ladies team. Nonetheless, officers are satisfied that those impacts would be similar
- 5.13 It is also acknowledged that each Toolstation Western League contains more teams (20), than the current Gloucestershire County League (15), and as such promotion to a higher league could result in a higher number of home matches being played throughout the season. However the number of teams contained within a league can vary from season to season, with the possibility of lower leagues containing large numbers of teams. As such, the provision of improved facilities is not directly considered to directly relate to the number home matches being played throughout the season.
- 5.14 To conclude, it is acknowledged that the Environmental Health Officer (EHO) has investigated noise complaints relating to the site. However, the EHO has found that no statutory noise nuisance has occurred to date. Furthermore, on the basis of the assessment set out above, it is concluded that allowing the

development would not significantly worsen the existing situation; to the extent that the application should be refused on grounds of noise pollution.

- 5.15 It is acknowledged that the Council's environmental health team have been in discussions with the club regarding management measures, to ensure that unacceptable noise levels are not created in association with the use of the sports pitch. Ensuring that effective management measures are in place is considered the most appropriate means of controlling noise impact, rather than restricting the club from improving their facilities.
- 5.16 As such, it has not been identified that allowing the development would likely result in action being required regarding statutory noise nuisance under the Environmental Protection Act 1990. As such, there are not considered to be grounds to refuse the application for reasons of noise pollution.

Light Pollution

- 5.17 It is acknowledged that one of the key concerns raised by residents is the potential for the proposed floodlights creating unacceptable levels of light pollution; to the detriment of the residential amenity of surrounding residents. It is noted that a previous application seeking to erect floodlights was withdrawn, and that this was partially down to issues relating to light pollution.
- 5.18 The scheme has subsequently been amended, and the proposed floodlights have been designed as to create as minimal light spill as possible. In this respect, the Council's senior lighting engineer has confirmed that on the basis of the information submitted, the calculated obtrusive light figures are within the threshold set by ILP Guidance for the given Environmental Zone for pre-curfew.
- 5.19 The environmental health officer has also confirmed that in terms of the lighting specifications submitted with this application, the applicant has taken previous comments and suggested conditions and has designed a lighting system that will achieve the Lux levels at all surrounding residential windows of less than 5Lux (the maximum designed/predicted to be 1.92), which in terms of nuisance would be acceptable.
- 5.20 It is acknowledged that detailed material has been submitted as part of an objection comment, to substantiate the assertion that the proposals would have an unacceptable impact in terms of light pollution. However the proposals have been reviewed by specialist departments within the Council, and it has not been found that the lighting contravenes guidelines or would result in a statutory lighting nuisance.
- 5.21 Whilst the lit pitch would be more visible to surrounding residents and there may be a degree of secondary glow, it is not concluded that this would translate to an adverse impact on living conditions. Furthermore, the lights would only be used for a restricted period of time, as discussed in an earlier section of this report.

Overbearing Impact

- 5.22 It is noted that the proposed lighting columns; most notably those positioned towards the northern end of the site, would be situated in relatively close proximity to residential properties. The proposed north-eastern floodlight would be situated approximately 15m from the southern boundary of the nearest properties along Tyler Close. The north-western floodlight would be situated roughly 21m from the boundary of the 77 dwelling development to the north-west of the site. Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals should not have an unacceptable impact on the residential amenity of nearby properties. Unacceptable impacts can include overbearing and dominant impact.
- 5.23 It is acknowledged that the respective lighting columns would be visible from neighbouring gardens. That said, given their slight form, it is not considered that the structures would result in any significant overbearing or overshadowing impacts. The impact in this respect is considered more of a matter of visual amenity as opposed to an impact on residential amenity. The columns would only very partially restrict views, with any shadowing effects limited. Given their scale and position in relation to neighbouring properties, it is not considered that the proposed stands or fencing would, by virtue of their presence, have any impact on the residential amenity of surrounding residents.

Summary

- 5.24 On the basis of the assessment set out above, and subject to conditions relating to hours of use, it is concluded that the development would not cause unacceptable levels of environmental pollution, or have an unacceptable impact on residential amenity. The proposal therefore accords with policies PSP8 and PSP21 of the Policies, Sites and Places Plan.

Design

- 5.25 Policy CS1 of the Core Strategy is the Council's principal design policy. This policy requires development to meet the 'highest possible' standards of site planning and design. Development proposals are required to demonstrate that they respect and enhance the character, distinctiveness, and amenity of the site and its context and that the density and overall layout is well integrated into the existing adjacent developments. It is acknowledged that the proposed floodlights, football stands and fencing would be visible from public areas, and as such would have some impact on the character of the site and the visual amenity of the area.
- 5.26 Starting with the proposed floodlights, given the proposed height of 18.29m, it is acknowledged that the columns would be visible from within the site, as well as from surrounding areas. However this does not necessarily translate to an adverse impact on visual amenity.
- 5.27 The floodlights would be associated with an established sports pitch, with the overall design of the columns considered to be reflective of their primary function. Given that the columns would be narrow, it is not considered that they

would appear as overly prominent structures within their setting. Furthermore, the site is located within a predominantly urban area. Whilst it is accepted that there are no apparent structures in the area extending to a height of 18m, the built up nature of the surrounding landscape does off-set the overall visual impact of the development. Were the site located in a predominantly rural landscape, it is likely that the columns would appear as more noticeable features, with the overall visual impact of the development therefore increased.

- 5.28 It is acknowledged that the proposed height of 18.29m exceeds the height of the columns proposed as part of the previously withdrawn application for floodlights (15m). However the increase in height has allowed for the total number of columns to be reduced from 6 to 4. As such, the increase in height is considered to be off-set by the decrease in the number of columns.
- 5.29 In terms of the detailed appearance of the columns, this is considered to be typical of a floodlight column of this nature. Other than the increased height, there is not considered to be any specific detail of the floodlights which would make them significantly more noticeable than a lamppost or other form of street furniture. A suitable colour for the floodlights will be agreed by condition. On the basis of the assessment set out above, whilst the floodlights would certainly be visible, it is not considered that they would appear as overly prominent or unnatural additions to the site. No significant harm relating to visual amenity has therefore been identified in this respect.
- 5.30 In terms of the proposed football stands, the overall appearance is considered to be typical for a structure of this nature. The metal framed structure would contain plastic fold-down seats, with a corrugated metal back and roof. The proposed stands would be positioned in close proximity to the existing sports pavilion.
- 5.31 In terms of the siting of the stands, the positioning in close proximity to existing built form is considered the most appropriate approach, and would reduce the overall visual impact of this element of the proposal. The concerns raised regarding the Council's previous objection to a larger sports pavilion on the grounds of visual impact have been taken in to account. However as the stands would appear as distinctly separate structures, it is not considered that the same issues relating to over-massing would apply.
- 5.32 Overall, it is considered that the stands would appear as natural additions to the established sports pitch. Furthermore, views of the stands from surrounding areas would be limited, and as such it is not considered that their provision would have a significant impact on the character of the wider area.
- 5.33 With regards to the proposed fencing, this would comprise 1.8m tall beam mesh panel fencing. Due to the mesh design, the fencing would be largely see-through. As such, the visual impact would be reduced when compared to substantial fencing such as close board. This type of mesh fencing is commonly seen at sports pitches, and it is not considered that it would appear as an overly prominent or alien addition to the site. The positioning and design of the proposed gates is also considered appropriate. An appropriate colour for the proposed fencing will be agreed by condition.

- 5.34 In terms of the proposed concrete path, it is not considered that the provision of a path would have any unacceptable impact from a visual perspective. However in order to protect existing grassed areas and avoid the provision of excessive levels of hardstanding, a condition will be attached to any decision restricting the width of the proposed path to a maximum of one metre.
- 5.35 On the basis of the assessment set out above and subject to aforementioned conditions, it is concluded that the proposal would not result in a significant adverse impact on visual amenity. It is considered that an acceptable standard of design has been achieved, and the proposal therefore accords with policy CS1 of the Core Strategy.

Transportation

- 5.36 One of the main issues raised during the consultation process was the increased pressure that may be placed on the surrounding transport network and on-street parking in the vicinity through the intensification of the use of the site.
- 5.37 However the transport officer is satisfied that the provision of floodlights, 2no. stands and fencing would not directly lead to such an increase in visitor numbers, that it would result in a highway safety hazard. As discussed in an earlier section of this report, the provision of the proposed facilities themselves would be unlikely to attract a significantly higher number of visitors. The floodlights would only be used for a limited period of time. In terms of the 2no. stands, it is not considered that the provision of the stands would directly result in a significant increase in footfall; rather the stands would enable spectators who would have previously had to stand during a match to sit.
- 5.38 Then issue of the impact of any progression to a higher league on visitor numbers has previously been covered. To add to this, the applicant has outlined that it is only their intention to progress to the next tier (steps 5 & 6) of the footballing pyramid, and that any further progression would require consideration of a new site. They have outlined their willingness for this to be included within any subsequent lease agreement.
- 5.39 As such, the further progression of the club can be controlled through the lease agreement. It is not considered that the provision of additional facilities, thus enabling the club to progress to the next tier in the footballing pyramid, would result in such an increase in footfall that it would result in a significant highway safety issue.
- 5.40 However residents' concerns regarding the existing situation have been taken in to account. As per the recommendation of the transport officer, a condition will therefore be attached to any decision, requiring the applicant to submit a travel plan. This should include measures for managing potential overspill from visitor parking, as to avoid any unsafe on-street parking to the detriment of highway safety.

Accessibility to Public Areas

- 5.41 Concerns have been raised relating to the impact of the development on the ability of local residents to access the entirety of Greenbank Playing Field site. It is acknowledged that the provision of fencing would restrict access to the main sports pitch.
- 5.42 However it has been outlined as part of the submission that the access gates situated at several points around the perimeter of the pitch would only be locked shut during Toolstation Western League matches as this is a league requirement. During all other times, the gates would be locked open as to allow public access on to and across the pitch.
- 5.43 Given that access across the pitch would be generally be restricted during match times anyway, it is not considered that the provision of a fence would have a significantly greater impact in terms of accessibility than the current arrangement. The main impact would be the blocking off of public access across the northern perimeter of the pitch. However given that an access gate would be situated to the north-eastern corner of the pitch, access would only be restricted for a limited time during Toolstation Western League matches. As this would only represent a small period of time (approximately 20 home matches per season), the overall impact in this respect is not considered severe.
- 5.44 On this basis, it is not considered that the provision of the proposed facilities would have a significantly greater impact on accessibility than the current arrangement. However in order to ensure that the pitch remains accessible at all other times, a condition will be attached to any decision, requiring the gates to only be locked shut during Toolstation Western League matches and to remain open at all other times. Subject to this condition, it is not considered that the proposal would be contrary to policy PSP5 in respect of adversely affecting recreation opportunities.

Ecology

- 5.45 Concerns have been raised that the proposal would have a detrimental on protected species such as bats, and that insufficient ecological information has been submitted in support of the application. However the ecology officer is satisfied with the level of information submitted. Subject to confirmation that the floodlighting can be controlled during the bat active season (April to October), with safeguards to ensure that lighting can never be left on overnight, there is predicted to be no negative impact. A condition will be attached to any decision, requiring the permitted times for the use of the floodlights during the bat season to be agreed with the Local Planning Authority.

Drainage

- 5.46 It is acknowledged that there are existing drainage issues at the site. However it is unlikely that the provision of additional facilities would have any significant impact on site drainage. Notwithstanding this, further details of the proposed method of surface water disposal will be requested by condition.

Impact on Equalities

- 5.47 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.
- 5.48 With regards to the above this planning application is considered to have a neutral impact on equality.

Other Matters

- 5.49 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:
- 5.50 In terms of any inaccuracies identified within the submitted Design and Access Statement, these are noted. However the submitted plans are considered to be sufficiently accurate and detailed, as for officers to make an informed assessment of the merits of the application. Any minor inaccuracies within the Design and Access Statement are not considered to have significantly altered the assessment of the application.
- 5.51 The concerns raised relating to parts of the proposal falling outside of the formal application site boundary have been acknowledged. It is noted that an area of proposed fencing does fall outside of the 'red edge', as shown on the existing block plan. However the entire development does fall within the red edge as shown on the submitted site location plan. The site location plan is used to determine the official application site, and as such the entire development does fall within the application site boundary.
- 5.52 It is acknowledged that a number of concerns have been raised regarding the impact of the development on house prices in the locality. Property values are not a material planning consideration, and can be affected by a variety of factors. As such, any predicted impact on house prices has no bearing on the assessment of the planning application.
- 5.53 Comments have been made outlining that developing another site leased to the club instead of Greenbank Road would be more appropriate (Tennis Court Road and Fisher Road). However on the basis that no unacceptable socio-environmental harm has been identified, it would be unreasonable to request that the main pitch with associated facilities are relocated to another site.
- 5.54 In terms of FA guidelines, it is acknowledged that concerns have been raised regarding compliance with FA guidance; specifically part of the FA Guide to

Floodlighting Document (2013). Within this, it is outlined that installation of floodlights can result in overuse. However in this instance and as set out in the main body of the report, the floodlights would only be used for limited time periods. As such, the impact of the floodlights in respect of the condition of the pitch would not be significant.

- 5.55 The references made to a previous Local Authority decision and subsequent appeal decision have been taken in to account. However given that these decisions are dated and relate to an entirely different scheme within a different context, they are not considered to have any bearing on the assessment of this application.
- 5.56 It has also been questioned whether the applicants would be able to progress to step 6 even with floodlights, due to potential conflicts with condition regarding use of floodlights. The use of the floodlights during the bat season is a matter that will be agreed by condition.

Overall Planning Balance

- 5.57 The National Planning Policy Framework (NPPF) promotes healthy and safe communities. National policy is supportive of and encourages the provision of social, recreational and cultural facilities to service community needs. In particular, paragraph 92 sets out that planning decisions should plan positively for sports venues and encourages the retention of them.
- 5.58 The improvement of the facilities on Greenbank Road would allow both men's and ladies teams to progress to the next tier of their respective football pyramids. The provision of floodlights would also allow for the club to enter a team in the Somerset Floodlit League for under 18s. The provision of enhanced facilities is considered to aid in the sustainability of the club, which given the number of players and members, is considered to represent a valuable community asset. The development would also prologue the viability of the community asset and make a positive and continued contribution to the health and vitality of the surrounding communities, whilst being located in a sustainable location. This is consistent with the broad scope set out in the NPPF, and officers attribute significant weight to this factor.
- 5.59 In terms of identified harms, officers are satisfied that these are adequately addressed by the application of appropriate planning conditions (such as restricting the timing of use of the proposed floodlights) in the event that planning permission is granted. It is not considered that the development proposal would result in a significantly greater level of noise generation. Accordingly, officers conclude that no unacceptable socio-environmental harm has been identified and modest weight is attribute to potential identified harms.
- 5.60 The development proposal is consistent with local development plan policies relating to sporting facilities; and the NPPF. The benefits of the development are considered to significantly outweigh any identified harm; and as such the granting of planning permission (subject to conditions) is recommended.

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 set out below.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

2. Between the months November - March, the floodlights shall only be switched on during the following time periods.

Saturdays: 14.30 - 18.30

Wednesdays: 18.30 - 22.30

The floodlights shall be switched off at all other times.

Reason

To avoid causing unacceptable disturbance to neighbouring residents, to accord with Policies PSP8 and PSP21 of South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. Prior to the first use of the floodlights, timings for the operation of the floodlighting during the bat season (April - October), shall be submitted to the Local Planning Authority for agreement in writing. The floodlights shall then be operated strictly in accordance with the agreed timings.

Reason

To avoid any significant negative impact on the local bat population, to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

4. Prior to the installation of the floodlights, details of the proposed external finish for the floodlighting columns shall be submitted to the Local Planning Authority for approval in writing. The development shall then be carried out in accordance with the approved details and thereafter retained as such.

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.

5. Prior to the installation of the 1.8m high mesh fencing, details of the proposed external finish for the fencing shall be submitted to the Local Planning Authority for approval in writing. The development shall then be carried out in accordance with the approved details and thereafter retained as such.

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. The concrete path to be constructed around three sides of the football pitch shall not exceed 1 metre in width.

Reason

To protect existing grassed areas and avoid the provision of excessive levels of hardstanding, to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP5 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

7. Prior to the first use of the floodlights and football stands, a 'Travel Plan' comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use shall be prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan targets to the satisfaction of the Council.

To deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling, to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

8. Any gates included within the areas of mesh fencing shall only be locked shut for the duration of Toolstation Western League football matches. The gates shall remain locked open at all other times.

To provide public access across the site, to accord with Policy PSP5 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

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

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 Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This is required to be agreed prior to the commencement of development to avoid any unnecessary remedial action in the future.

10. The development shall be carried out in accordance with the plans identified below:

Site Location Plan (Drawing no. GRPAEKBOCO 001 A)
Existing Block Plan (Drawing no. GRPAEKBOCO 002)
Floodlight Elevations (Drawing no. GRPAEKBOCO 003)
Proposed Works Plan
(Received by Local Authority 28th January 2019)

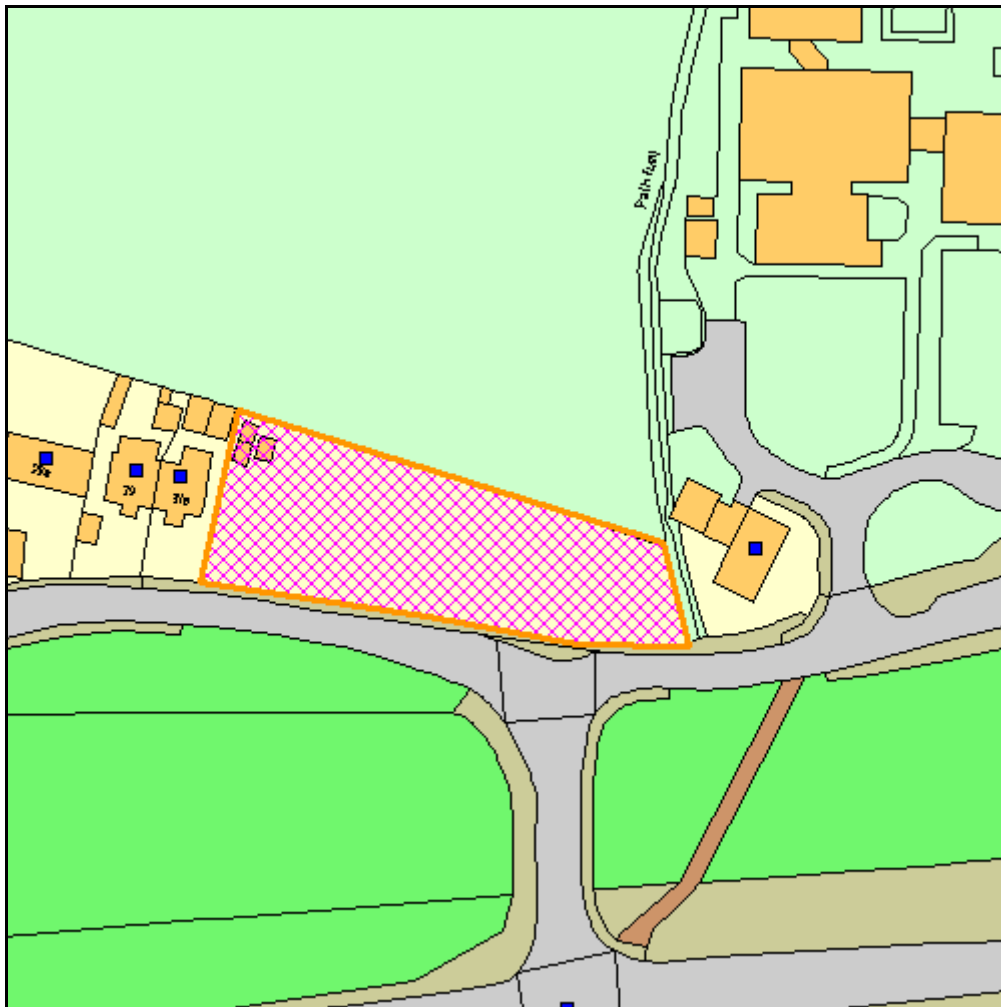
Proposed Block Plan (Drawing no. GRPAEKBOCO 002 B)
Proposed Plans and Elevations (Drawing no. GRPAEKBOCO 008)
(Received by Local Authority 10th April 2019)

Reason

In the interests of proper planning and for the avoidance of doubt.

CIRCULATED SCHEDULE NO. 20/19 – 17 MAY 2019

App No.:	PK18/3888/F	Applicant:	Mr C Ross Ro Ho Ltd
Site:	31A Broad Lane Yate Bristol South Gloucestershire BS37 7LB	Date Reg:	6th September 2018
Proposal:	Erection of 7 no. dwellings with access and associated works.	Parish:	Yate Town Council
Map Ref:	370496 183739	Ward:	Yate North
Application Category:	Minor	Target Date:	29th October 2018



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PK18/3888/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 APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure, following objections from Yate Town Council.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 7 no. dwellings with access and associated works at Broad Lane, Yate.
- 1.2 The site comprises of vacant land and is situated within the settlement boundary of Yate, and is within an area known for coal mining in the past.
- 1.3 The site forms part of the North Yate New Neighbourhood allocation, however the masterplan does not propose any development on this site as part of the NYNN.
- 1.4 During the course of the application, the number of houses proposed was reduced from eight to seven in order to address concerns regarding overdevelopment which affected highway safety, parking, amenity and design issues. A period of re-consultation took place for the revised layout.
- 1.5 Additional supporting information was also received during the course of the application in the form of an ecological appraisal, revised drainage strategy and a ground investigation report regarding the coal mining legacy at the site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework Feb 2019
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1 Local Distinctiveness

PSP5 Undesignated Open Spaces within Urban Areas and Settlements
PSP8 Residential Amenity
PSP16 Parking Standards
PSP22 Unstable Land
PSP38 Development within Residential Curtilages
PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007
South Gloucestershire Residential Parking Standard SPD (Adopted) 2013
South Gloucestershire Waste SPD (Adopted)
Residential Amenity Technical Advice Note (Adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 P19/1802/HED Approve 28/3/2019
Removal of two sections of hedgerow (each 10 metres in length) to enable Wessex Water to lay a new sewer main. Hedgerows fully replanted upon completion of the works.
- 3.2 *Relates to adjacent land to the west*
PK18/4577/F Approve with conditions 18/12/2018
Subdivision of existing dwelling into 2 no. dwellings
- 3.3 *Relates to the North Yate New Neighbourhood*
PK17/4826/RVC Approve with conditions 1/11/2018
Variation of conditions 12, 19 and 41 attached to outline planning permission PK12/1913/O to rationalise and validate amendments to conditions previously granted under application reference numbers PK15/5230/RVC, PK16/2449/RVC, and PK17/0039/NMA.
- 3.4 *Relates to the North Yate New Neighbourhood*
PK12/1913/O Approve with conditions 16/07/2015
Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved.

4. **CONSULTATION RESPONSES**

- 4.1 Yate Town Council
Objection:

Deeply concerned about drainage from the site, and the impact of this development on sites down hill from it, including the adjoining old properties and the school fields. We compare the drainage plans here, with those being required from the major development to the north in terms of levels and dater flows.

Object on highways grounds. These properties are providing tandem parking which will result in all vehicles reversing onto the street on a busy junction, which is very well used by school children and vehicles accessing the school and YOSC, and will cause significant additional highway risks on the corner. A safer approach would be to incorporate a layby to reduce the need for reversing directly onto the road and would also provide visitor parking.

No proposed highways works are shown. The junction is effectively a mini roundabout and this plan proposes reversing out onto this busy bend, it does not comply with parking standards either.

Object to destruction of mining archaeology without full archaeological excavation and documentation, as this was an important site, with the pub next door. We are surprised the report has not revealed direct immediate evidence, and consider it essential further advice is sought.

Additional objections received 31/10/2018:

Coal report has been sent to another coal mining expert, who advises there are seams and may be shafts directly beneath the site, and there may be bell pits from early works. Examples have been found in similar situations nearby and reports of collapses have been recorded in the immediate locality for shafts and workings not recorded.

We would like to reiterate our earlier concerns.

The local mining history expert previous expressed comments of concern within our previous objections. These should be kept on file and considered when any decision takes place.

Additionally, the revised parking courtyard does not solve the issue of on-street parking at a very dangerous location.

4.2 Other Consultees

Highway Structures

No comment.

Drainage

I have reviewed the revised version of the Drainage Strategy and the O&M documents produced for the site and I can confirm that they are of an acceptable standard to us. I have no further comments to make on either document. As the O&M documents covering the surface water drainage system for the site satisfy our requirements, I can confirm that there is no need for a condition to be applied in order to obtain this information.

Sustainable Transport

Access – there are highway safety issues with the proposed access/accesses for this development. None of proposed accesses for this development incorporate turning area on site so that vehicles can turn before joining the public highway in forward gear. Among the five individual accesses proposed for this; three are close to the blind corner near Broad Lane junction (and where

forward visibility is restricted) - and one access is in proximity to Broad Lane junction near a school entrance. All reversing manoeuvres by vehicles that would inevitably occur as the result of new access arrangement would potentially add to risk of accidents at this location all to detriment of road safety and travelling public.

Broad Lane is part of 'safe route to school' and as such, this road is generally busy during the school period. There is also greater number of pedestrians traffic on this route including parent and children walking to and from the nearby school – Broad lane is also part of "Avon cycle route". With this in mind, transportation officer considers necessary that suitable off-street turning area (independent of parking space) is provided with any new access to serve new development on this site if road safety is to be maintained at this location.

I also note that the new driveways are narrow - presumably in order to increase development density on site. Accessing parking spaces through a narrow driveway may prove to be challenging particularly if there are parked vehicles on the neighbouring driveway. It is noted that the applicant has not submitted any auto-track detail to prove access.

Parking - There are parking issues with this scheme. I consider the proposed parking arrangement for the plots no. 1, 2, 3,4, 5, 6 and 7 to be cramped in and without some alteration, this layout could cause on street parking due to tight spaces. Width of parking spaces that flanks boundary wall/fence ought to be minimum of 3m wide (in order so that the driver can open the vehicles' door) rather than 2.4m wide as shown. It is also noted that all parking spaces for this development are in form of tandem parking arrangement where access to one vehicle may depend on moving the second car in front. I am concerned that such parking arrangement can lead to more than necessary the need to shuffle vehicles to and from the site ultimately leading to more on street parking on the road outside.

Furthermore, I note the scheme does not propose for any visitors' parking on site. SG Council residential parking standard requires visitors' parking for new development at the rate of 0.2 per house. With 8no. new dwellings being proposed then, minimum of two visitors' spaces are required - None are provided on site. The proposed development therefore, would result in additional parking along Broad Lane near these properties.

With increased on street parking being more likely as the result of the development then, this could potentially increase the conflict at this location. Critically, I am mindful that vehicles are parked on the opposite side to the development and this would increase risk of 'shunt' type accident where forward visibility is restricted.

Revised comment received 01/11/2018:

Some of parking spaces (as shown on the revised plan) are slightly removed from the proposed houses. However, given the existing constraints of this proposal including the site location then, I am with the view that achieving a perfect design for access, parking and off street turning area on site may not be possible unless the development proposed density is significantly reduced.

The proposed revised layout seems a compromise solution that is trying to address the concerns that were raised in my earlier comments. However, I am still with the view that 'waiting restriction' on the road must be reviewed by way of implementing appropriate 'Traffic Regulation Order' (TRO) and the applicant ought to meet the cost of this.

Strategic Major Sites Team

The approved parameter plans and masterplan for the NYNN do not secure an access to the open space through your application site. There is an existing field gate to the southwest of the field that could be used as a construction access, and given that the masterplan/parameter plans do not secure any parking or changing facilities, it is most likely that it was envisaged that the playing fields would function as ancillary to YOSC or Brimsham Green forming an extension to the existing facilities with access through the northern boundary.

Tree Officer

No comment.

Ecology Officer

An Ecological Assessment (Ethos Environmental Planning, November 2018) has been submitted alongside this application. No objection subject to a condition ensuring the mitigation measures are complied with.

Archaeology Officer

No comment.

Private Sector Housing

No comment.

Public Open Space

The above application for the erection of 8no dwellings currently falls below our threshold for requiring provision of and or contributions towards public open space.

No open space is provided onsite as part of the application therefore we have no comments to make.

The Coal Authority

The Coal Authority concurs with the recommendations of the Interpretative Report on a Ground Investigation; that coal mining legacy potentially poses a risk to the proposed development and that further intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and to inform any remedial measures necessary to ensure the safety and stability of the proposed development.

Should planning permission be granted for the proposed development, a condition should therefore require the following prior to the commencement of development:

- * The undertaking of a scheme of further intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;
- * The submission of a report of findings arising from the further intrusive site investigations and a scheme of proposed remedial works for approval; and
- * The implementation of those remedial works.

The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition to secure the above.

Revised comment 12/04/2019:

You will recall from our previous consultation response letter of 31 October 2018 that the Coal Authority withdrew its objection to this planning application. This was subject to the imposition of a condition on any permission granted requiring further investigative works within the site in order to establish whether localised working of the outcropping coal seam has taken place, as recommended in the applicant's Interpretative Report on a Ground Investigation (November 2017, prepared by Nicholls Colton).

We note that the applicant has now submitted additional information in support of their application in the form of a Supplementary Coal Mining Risk Assessment (29 January 2019, prepared by Ground Investigation Limited) which indicates that these further investigatory works have now been carried out.

The applicant's technical consultants confirm that none of the trial trenches appeared to encounter any workable thicknesses of coal, or any other evidence of voids and/or workings. As such, and in light of the findings and conclusions of previous reports, no measures are proposed to remediate coal mining legacy, however we note and welcome the suggestion within the Supplementary Coal Mining Risk Assessment that the foundations of the buildings can be reinforced as a precautionary measure against any coal mining related ground movement. Subject to consideration of this mitigatory measure, the report author is able to conclude at Section 5.2 that they are satisfied that the potential subsidence risks at the site are very low and are acceptable in the context of the proposed development.

On the basis of the additional information which has now been submitted, the Coal Authority wishes to revise its recommendation as follows:

The Coal Authority considers that the content, conclusions and recommendations of the initial Interpretative Report on a Ground Investigation and subsequent Supplementary Coal Mining Risk Assessment are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development. However, further more detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent building regulations application.

National Grid

No comment.

Wales and West Utilities

No comment.

Environmental Protection

There is information to suggest historic use of the site and land adjacent to the site as a coal pit/filled ground may have caused contamination which could give rise to unacceptable risks to the proposed development. In order to ensure that the site is suitable for its proposed use and in accordance with The National Planning Policy Framework, the following conditions are recommended for inclusion on any permission granted.

- A) **Desk Study** - Previous historic uses of the site and land adjacent to the site may have given rise to contamination. No development shall commence until an assessment of the risks posed by any contamination shall have been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.
- B) **Intrusive Investigation/Remediation Strategy** - Where following the risk assessment referred to in (A), land affected by contamination is found which could pose unacceptable risks, no development shall take place until detailed site investigations of the areas affected have been carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems.

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

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

- C) **Verification Strategy** - Prior to first occupation, where works have been required to mitigate contaminants (under condition B) a report providing details of the verification demonstrating that all necessary remediation

works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

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

Revised Comment 07/05/2019:

We have reviewed the email submitted from Tim Gillbanks dated 29th March 2019 and have the following comments:

Gas Monitoring

With reference to whether a gas membrane can be installed instead of further monitoring, the following condition is recommended:

- *Gas protection measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement must be incorporated within the foundations of the proposed structures. Following installation of these measures, and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority.*

Informatives relating to gas monitoring are also recommended.

Soil Contamination

With regards to the elevated metal concentrations in the soil, the applicant needs to demonstrate that they do not pose a risk to human health. Evidence of the physiologically based extraction tests (PBET) on the topsoil i.e. method, sampling plan and results need to be provided to prove the suitability of the soils for their intended use, as well as evidence of the removal of the septic tank and the bituminous stockpile.

If the PBET find that the human health risks cannot be discounted the following condition is recommended:

Condition - Tiered Investigation

- A. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- B. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
- C. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
- D. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Pre-commencement conditions for contaminated land risk assessment are considered necessary for the following reasons:

- There is potential for contamination to exist on the site. The degree and extent of contamination is currently unknown. More information relating to ground conditions is required to determine whether or not remediation will be required (prior to any construction work commencing).
- Where remediation is necessary, this remediation may involve work/techniques that need to be completed before any development is commenced, for example the removal from site of contaminated soils/underground structures, the design and incorporation of gas protection measures in any buildings etc. To carry out such work after construction has started/been completed, may require potentially expensive retro-fitting and in some cases the demolition of construction work already completed.

Other Representations

4.3 Local Residents

Two local residents have objected to the development:

Design

- Proposed development will dominate lane
- Appears overdeveloped and crowded, out of scale and character with existing houses
- Set forward of existing houses
- Landscaping required for small garage – this is not in keeping with semi rural appearance of lane

Residential Amenity

- Overbearing and overshadowing
- House is being built to boundary up to two storeys – why did adjacent garage have to be set back?
- Garden grabbing
- Will cause noise and pollution issues

Transport

- 16 additional vehicles is too much for a small area
- Driveways too narrow and will lead to parking in the road
- Road has limited parking
- Single white line existing, how is this being considered within the proposed plan?
- Path recently installed to assist school children, access to new development would cross this path
- Path used by cyclists, runners, walkers, horse riders
- Blind bend with restricted view for pedestrians due to parked cars
- Revised plans still show inadequate visitor parking
- Can double yellow lines be put in to prevent parking restricting visibility in and out of the parking courtyard?

Other Issues

- Are the plans scaled correctly – development does not match scale of land
- Bats in the area
- Watery Lane floods and so does 29A, there is not adequate drainage, this will exacerbate it
- Will reduce telephone and internet service due to demand
- How will houses be heated? If by oil, where will they be situated?
- Cable runs across site, will this be re-positioned?
- Will Oak trees to rear of site be affected?
- Who is now developing Rowley Fields to the rear?

One local resident has written to support the development:

- We walk past here everyday on our way to work what is taking so long with this application why is it taking so long this place is crying out for some lovely houses. And will tidy this area up

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies within the existing settlement boundary of Yate. Under policy CS5 which establishes the locational strategy for development, the site is considered to be a suitable site for development subject to site specific considerations and would therefore be supported in principle.

5.2 Policy CS17 would also allow for development within existing residential gardens and curtilages subject to an assessment on the impact of the development on the character of the area, transportation, and residential amenity.

- 5.3 Having established the principle is acceptable, the impact of the proposed development should also be carefully assessed and this is set out in the remainder of this report. The overall design and impact on the character of the area is an important element of the assessment (Policy CS1); the impact on the existing residential amenity of the area (policy PSP8); and the transport implications (policy CS8 and PSP11/PSP16).
- 5.4 The proposal is for the erection a new dwelling within an established residential area within the town of Yate. Both national and local planning policy are supportive of such development and weight can therefore be given to it being an acceptable form of development, subject to a detailed assessment below.
- 5.5 Impact on North Yate New Neighbourhood
The site is included within the strategically allocated site for the North Yate New Neighbourhood (PK12/1913/O and PK17/4826/RVC), which proposes an extension to the existing sports facilities to the north of this application site. Access to these sports facilities has not been secured through this site as part of the parameter plans or masterplan for the NYNN, and it is envisaged that the new facilities will be accessed through the existing Yate Outdoor Sports Centre facilities or Brimsham Green. The development of this site for housing therefore does not conflict with the delivery and infrastructure requirements of the NYNN.
- 5.6 Design and Visual Amenity
The site is situated in between the caretakers dwelling at Brimsham School to the west and no. 31A Broad Lane to the east. No 31A comprises a two-storey semi-detached house with an existing two-storey side extension, with rendered elevations and pitched tiled gable rooflines. Application ref PK18/4577/F recently approved the conversion of the neighbouring house (no. 31A) into 2 no. two-bedroom dwellings, including the demolition of the existing extensions. There is a stone wall bordering Broad Lane to the front of the site. To the rear are open fields which form part of the NYNN allocation, and are intended for the extension to the sports facilities to be secured as part of the new neighbourhood.
- 5.7 The proposed development consists of three semi-detached pairs and a detached unit, all with gable rooflines with pitched dormer windows to the rear. The detached property has a rear projecting gable instead of a dormer window. The semi-detached properties are closer to no. 29 and 31A which are also semi-detached gable properties. The properties are proposed to be taller than the existing but at 8m in height, are not considered to be excessive given the location within the town of Yate. They are also consistent in height and density with the large development under construction 120 metres to the east, on the southern side of Broad Lane. Turning to the finish of the dwellings, half are proposed to be finished in a mix of render and brick, with double roman tiles and grey UPVC, whilst the others are finished in rubble stone, brick and render with grey tiles and white UPVC. This is acceptable given the render finish on the three properties to the east, whilst the stone is reflected in the boundary treatments in the area. The variety in materials prevents a uniform finish and the subject to a condition ensuring samples are submitted for approval, the material palette is considered acceptable.

- 5.8 In terms of layout, each property has access to a rear garden, bike storage, bin storage area and shared parking court. This is with the exception of plot 7, which benefits from its own driveway. Comments have been received stating that the site is overdeveloped and not reflective of the surrounding semi-rural density. This point has been considered, however given that there is only 3 no. dwellings on this stretch of Broad Lane with differing plot sizes and layout arrangements, it is not considered that there is a particular pattern that must be adhered to, and there is high density development under construction to the east along Broad Lane. It is noted that the building line proposed is stepped forward of no. 29 and 31, however the properties still have access to small front gardens and the development will not appear cramped. The retention of the stone walls along the front of the site is welcomed and will enable the new buildings to blend with the existing environment in a sympathetic manner. The development accords with policy CS1 of the Core Strategy.
- 5.9 Residential Amenity
Initially 8 no. dwelling were proposed, however this raised concerns regarding lack of private amenity space. A reduction to 7 no. dwellings has alleviated these concerns and all three bedroom properties have access to between 60 sqm and 87 sqm of amenity space. Plot 8 has four-bedrooms and 80sqm of amenity space, and so all plots accord with policy PSP43.
- 5.10 Turning to the impact on neighbouring properties, only secondary windows or those serving bathrooms are proposed on the western elevation facing towards no. 31. Due to the building line, these windows will only overlook the driveway and front garden and not facing windows or private amenity space. Similarly, overshadowing would primarily affect the front garden of the neighbour and would not be detrimental to amenity. All other proposed openings provide only indirect or long distance views into neighbouring gardens, including between the plots proposed. To the east, no windows face towards the caretaker bungalow at Brimsham School, although this would not be a concern due to the significant vegetation along the boundary. The development is in accordance with policy PSP8.
- 5.11 Landscaping and Vegetation
The oak trees in the field to the north will not be affected by the development, and the site has mostly been cleared of vegetation. There is an existing hedge to the rear of the site which will enable the development to better blend in with its surroundings, however sections of it are to be removed to facilitate laying of sewers for the North Yate New Neighbourhood. This was approved under hedgerow application P19/1802/HED, where officers found the hedgerow was not 'important' in terms of the hedgerow regulations and there was no ecological objection to its removal. From a landscaping perspective, due to the location of the development backing onto the open countryside, a landscaping condition is necessary to ensure the replacement of the hedgerow and planting of new hedgerows, as well as the planting of trees shown on the Proposed Block Plan and details of boundary treatments and the materials used for the large areas of hardstanding proposed for parking. This will be a condition on the decision notice.

5.12 Transport

The application as originally submitted proposed 5 no. accesses without turning areas, including three close to the blind corner near the Broad Lane junction, and would have had a severe impact on highway safety, particularly considering the location on a bridleway, Avon cycle route and 'safe route' to the adjacent Brimsham School. Many of the parking spaces were tandem in arrangement, which would lead to increased levels of reversing onto the highway from the five new accesses created.

- 5.13 Following an objection from the Transport officer, the applicant submitted a new layout showing a shared parking court to the centre of the development to serve units 1-6, including a turning head, whilst plot 7 has access to two tandem parking spaces with its own turning head. This reduces the number of new accesses proposed from five to two. Each property has two parking spaces allocated to it and, in combination with the two visitors spaces proposed, the development meets the parking standards with policy PSP16. Regarding the accesses, as they both have turning heads so vehicles can access and egress in a forward gear the risk to highway safety is reduced.

- 5.14 Concerns have been raised about parking issues near the development creating visibility issues from the new accesses, and potential parking close to the blind corner on Broad Lane. Currently, there are advisory keep clear markings (white lines) advising people not to park near this junction, however with the new development in place, parking at this location would represent an increased highway safety issue to all road users, and this would be severe with regards to paragraph 109 of the NPPF. In order to address this, the applicant has agreed to make a financial contribution to the implementation of a Traffic Regulation Order (TRO) to impose waiting restrictions within the vicinity of the site. This has been costed at £10,000 and the principle has been agreed, subject to a legal agreement (S278). Subject to the legal agreement being signed and the receipt of the financial obligation, there would be no transportation objection to the development.

- 5.15 Should the development be approved, then a condition to ensure the vehicular and cycle parking and turning areas are maintained for such a purpose thereafter will be added to the decision notice.

5.16 Coal Mining Legacy

During the course of the application, the applicant submitted additional information in support of their application in the form of a Supplementary Coal Mining Risk Assessment (29 January 2019, prepared by Ground Investigation Limited) which indicates that these further investigatory works have now been carried out.

- 5.17 The Coal Authority considers that the content, conclusions and recommendations of the initial Interpretative Report on a Ground Investigation and subsequent Supplementary Coal Mining Risk Assessment are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdrew its objection and the development is in accordance with policy PSP22.

5.18 Environment

Contamination

During the course of the application, the applicant submitted an Interpretive Report on a ground investigation for a proposed residential development on land off Broad Lane, ref: G17204-IR, dated November 2017 and prepared by Nicholls Coulton. This report identified a number of potential contaminative sources which do not appear to have been considered further as part of the conceptual model for the site or during the site investigation carried out by the consultant. These potential sources of contamination include

- An unspecified record of potentially infilled land recorded at the development site
- A septic tank reportedly present on site
- A large mound of fragmented bituminous surfacing material to the south east corner of the site

5.19 These issues required further consideration, and a further assessment was required into the contents of the top soil at the site.

5.20 Further information was submitted on 29th March 2019, showing that elevated metal concentrations were found within the soil and these may pose a risk to human health. Evidence of the removal of the septic tank and bituminous stockpile is also required. In the absence of this, a pre-commencement condition requiring remediation works will be required on the decision notice in the event the application is approved.

5.21 *Gas Monitoring on Site*

Due to the potential previous use as a landfill site, gas protection measures are required at the site including the installation of a gas membrane. These gas protection measures have been agreed with the applicant and will be conditioned in the event the application is approved.

5.22 *Drainage*

A surface water drainage system has been submitted for approval as part of the application, and so there is no need for a SUDS condition prior to development commencing. The Lead Local Flood Authority are satisfied that the development will not increase flooding within the vicinity of the site.

5.23 Ecology

An Ecological Assessment (Ethos Environmental Planning, November 2018) has been submitted alongside this application, and despite comments from local residents to the contrary, the site offers negligible bat roosting potential. Any potential for foraging and commuting bats, as well as the potential for reptiles or amphibians within the rubble piles has been considered within the ecological assessment and provided the development takes place in strict accordance with the Mitigation Measures provided in Chapter 8 of the assessment, there is no ecological objection to the works.

5.24 Other Issues

General queries of a civil nature have been received however they do not affect the determination of this planning application, such as who is developing fields to the north, and how the houses will be heated.

5.25 Consideration of likely impact on Equalities

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

5.26 The proposal is considered to have a neutral impact on equalities.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is **GRANTED** subject to the conditions on the decision notice, and in conjunction with the S278 agreement seeking £10,000 towards a Traffic Regulation Order which is currently being drafted.

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior first occupation of the development hereby approved, a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, proposed planting (and times of planting); boundary treatments and materials proposed for areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in strict accordance with the agreed details.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP2 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

4. The development shall proceed in strict accordance with the Mitigation Measures provided in Chapter 8 of the Ecological Assessment (Ethos Environmental Planning, November 2018).

Reason

In order to mitigate against any potential harm to ecology at the site and to accord with policy PSP19 of the Policies Sites and Places Plan (Adopted) November 2017.

5. Prior to commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and submitted to the Local Planning Authority for written approval. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority.

Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the written approval of the Local Planning Authority prior to the first occupation of any of the approved units.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the written approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason

To identify the degree and extent of contamination at the site and provide remediation works if necessary in order to accord with policy PSP21 of the Policies Sites and Places Plan (Adopted) Nov 2017, policy CS9 of the Core Strategy (Adopted) December 2013 and the NPPF. This information is required prior to commencement because, where remediation is necessary, this remediation may involve work/techniques that need to be completed before any development is commenced, for example the removal from site of contaminated soils/underground structures, the design and incorporation of gas protection measures in any buildings etc. To carry out such work after construction has started/been completed, may require potentially expensive retro-fitting and in some cases the demolition of construction work already completed.

6. Development must proceed in accordance with Gas Protection Measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement, and these measures must be incorporated within the foundations of the proposed structures. Following installation of these measures, and prior to first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To protect the public from the risks associated with landfill gas, and to comply with policy CS9 of the Core Strategy (Adopted) December 2013 and policy PSP21 of the Policies Sites and Places Plan (Adopted) November 2017, and the National Planning Policy Framework.

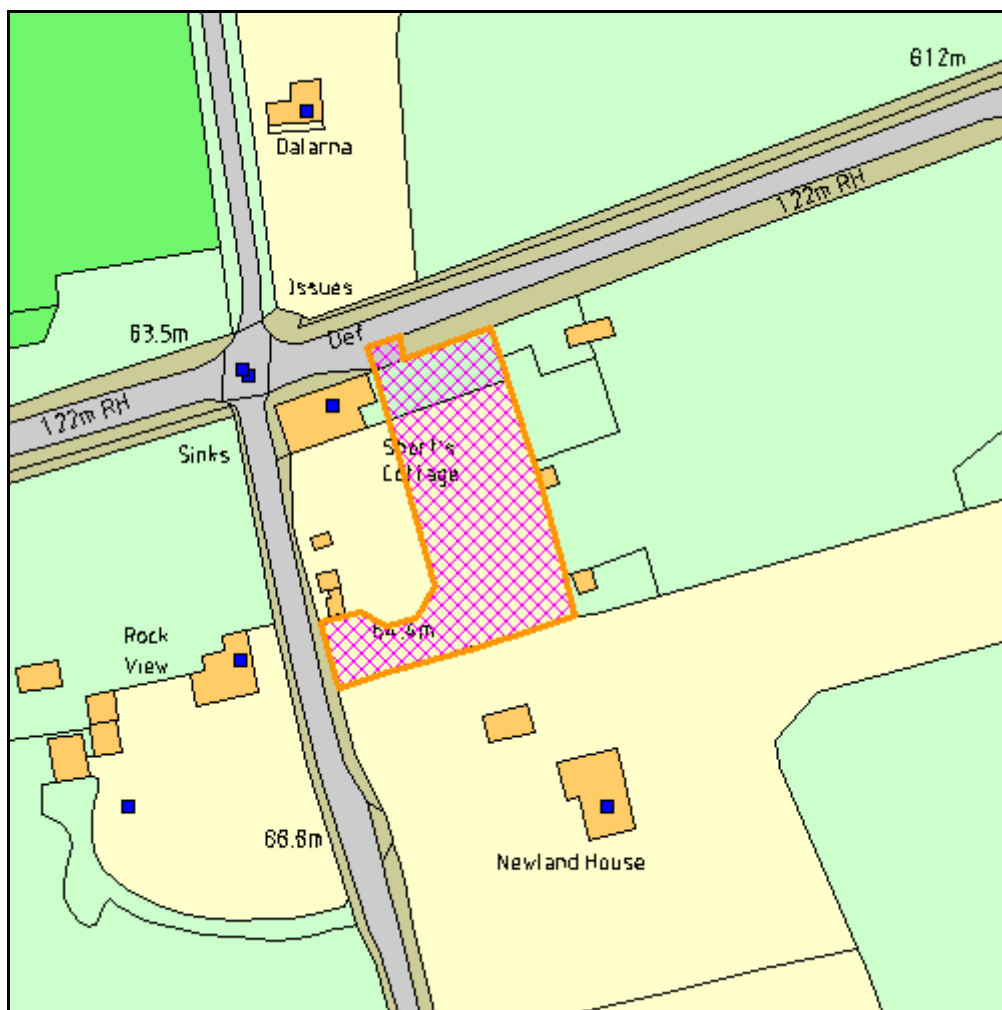
7. Prior to first occupation of the development hereby approved, the parking and turning facilities on site shall be implemented and maintained for such a purpose thereafter.

Reason

To ensure adequate parking provision and in the interests of highway safety, in accordance with policy PSP11 and PSP16 of the Policies Sites and Places Plan (Adopted) Nov 2017 and CS8 of the Core Strategy (Adopted) Dec 2013 and the NPPF.

CIRCULATED SCHEDULE NO. 20/19 – 17 MAY 2019

App No.:	PK18/5500/O	Applicant:	Mr Whittard and Mrs Purchase
Site:	Conifers 28 Engine Common Lane Yate Bristol South Gloucestershire BS37 7PX	Date Reg:	28th November 2018
Proposal:	Erection of 2no dwellings with new access and associated works (Outline) with access to be determined, all other matters reserved.	Parish:	Iron Acton Parish Council
Map Ref:	370058 185059	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	21st January 2019



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 100023410, 2008. N.T.S. PK18/5500/O

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.

1. THE PROPOSAL

- 1.1 This application seeks an outline planning permission for an erection of 2 no. 4-bed dwellings at Conifer 28 Engine Common Lane, Yate. Access is to be determined with all other matters reserved. The agent submitted drawings showing an indicative housing design and street scene. The proposed two-storey dwellings would be located within the residential curtilage of Conifer sitting at junction of Engine Common Lane and Tanhouse Lane. The development site is approximately 0.12 hectare in size.
- 1.2 The applicant also submitted the following documents with the application:
- Coal Mining Risk Assessment
 - Tree Survey and Arboriculture Assessment
 - Ecological Assessment
 - Supporting Statement
- 1.3 The site is located within the open countryside, but is not within any land-use designations, e.g. Green Belt, ANOB or conservation areas. The existing garage would be demolished to make way for the proposed development. A new access is proposed via both Tanhouse Lane and Engine Common Lane to serve each new dwelling. The existing access via Tanhouse Lane for the existing dwelling will remain unchanged.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework February 2019
National Planning Practice Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Landscape
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Drainage
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Standards

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

The South Gloucestershire Residential Parking Standards SPD (adopted)

Waste Collection: Guidance for New Developments (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P95/1672 Demolition of existing single garage and erection of double detached garage. Approved 12.06.95

4. CONSULTATION RESPONSES

4.1 Iron Acton Parish Council

Concerns over extra traffic on Engine Common Lane.

4.2 Coal Authority

No objection subject to planning condition.

4.3 The Ecology Officer

No objection subject to planning condition.

4.4 The Arboricultural Officer

Concerns about the potential impact upon the existing trees, given that the proposed new access would be within the proximity to the existing trees.

4.5 Sustainable Transport

Query about the visibility splays for plot 2. No objection to the proposed parking provision.

4.6 Drainage Engineer

No objection in principle.

Other Representations

4.7 Local Residents

2 letters of objection and 6 letters of support have been received and the residents' comments are summarised as follows;

Objection comments:

- Out of keeping
- Overlooking
- The proposed houses are extremely intrusive on my property
- Plot 2 shows the driveway and house being absolutely on the north boundary to the point that the proposers have used our trees and vegetation as a good reason for giving us privacy
- We feel the hedge is in keeping with the area and now suddenly number 28 are using our hedge as a reason to build right on top of us.
- Engine Common Lane is being overburdened with unnecessary houses.
- To create a new entrance onto Engine Common Lane for plot 2 is an unnecessary hazard for the joggers, walker and horse riders that constantly frequent this lane and the road is just not wide enough to take anymore excess traffic.
- We have already shown deep concern over the proposed entrances being created by Rock View and it makes absolutely no sense to create another access on this very small lane to yet another house.
- It is clear there is some interaction between the two properties to try to force entrances on this quiet lane while Tan House Lane would always appear a more sensible access point as the council have indicated at every stage of developments.
- The entire proposed development is extremely cluttered
- Impact on the wildlife within our boundary and in the immediate area.
- We already have a small breeding family of deer living on our land. These and many of other wildlife will disappear with the concentration of housing on such a small plot.

Supporting comments:

- There is still a housing need for South Gloucestershire
- I would rather see the odd cluster of houses being built in gardens than 100s being built on Greenbelt.
- The houses here benefit from large plots and the spacious qualities of the area would not be eroded by suitable schemes such as this.
- The scheme is very well laid out and would sit well on the plot.
- This area has been proved to be sustainable, being so close to Yate, and the roads can accommodate the additional houses.

- I have not seen or heard any trees on their land being cut down. Also the plot to the south of Mr & Mrs Dodge has been clearing the site for many weeks for planning application no pk18/3105/0.
- The design is in keeping with the surrounding area
- The scheme appears attractive and can only enhance the character of the lane.
- The small scale of development proposed is appropriate for the village location and is preferable to large scale developments seen across South Gloucestershire
- The increase in traffic associated with the small number of dwellings proposed will have no noticeable impact.
- See no reason why the applicants should not be granted consent in light of other developments that have been approved recently in the vicinity.
- This scheme is in keeping with the area and not to its detriment and in addition will allow new families to enjoy the benefits of this location.
- I keep my horses locally and regularly ride these lanes. I have not found the accesses on to the lanes an issue and have never had any incidents to cause me concern.
- The new access onto the lanes would not be a problem.
- Rural areas such as this need new housing.
- Provided the design and materials used are in keeping with the area then the much needed housing can actually enhance the area as a whole.

5. **ANALYSIS OF PROPOSAL**

5.1 The application seeks planning permission for the demolition of an existing garage and the erection of 2 new dwellings at Conifers 28 Engine Common Lane. The site is located outside of any defined settlement boundary and is therefore in the open countryside.

5.2 Principle of Development

Policy CS5 of the Core Strategy establishes the spatial strategy for development in the district. Under this policy, new development is directed to the existing urban areas, market towns, and defined rural settlements. Residential development outside of these locations is strictly controlled. Furthermore, policy CS34 of the Core Strategy seeks to protect the character of the rural areas, with residential development outside of a defined settlement resisted. Policy PSP40 of the Policies, Sites and Places Plan allows only for the following specific forms of residential development in the open countryside. Given the nature of this proposal, it is considered that the proposed dwelling does not fall within any of these allowable forms of development contained within policy PSP40.

- (1) rural housing exception initiatives*
- (2) rural workers dwellings*

- (3) the replacement of a single existing dwelling, where it is of a similar size and scale to the existing dwelling, within the same curtilage, and of design in keeping with the locality, and minimises visual intrusion in the countryside*
- (4) the conversion and re-use of existing buildings for residential purpose*

5.3 Five Year Housing Land Supply

Paragraph 11a of the NPPF (February 2019) states plans and decisions should apply a presumption in favour of sustainable development. In December 2018 the Council published the extract of the Annual Monitoring Report along with the associated explanatory documents. The Report sets out South Gloucestershire Council's land supply position as at 14 December 2018 and confirms that South Gloucestershire currently does have over a 5 year housing land supply. As such, the requirement of policy CS5 and CS34 directing development to the existing urban areas and defined settlement boundaries should no longer be considered out of date and therefore should be afforded full weight in decision taking. In this instance, the titled balance within paragraph 11 of the NPPF should no longer be applied on this proposal.

5.4 Location of Development – Relationship with Nearest Defined Settlement

As stated in Policy CS5 (5e) of the adopted Core Strategy, new development will be strictly limited in the open countryside and outside the Green Belt.

- 5.5 The site is not situated within the Green Belt or any other particular land-use designations. In terms of the relationship with the nearby defined settlement, the site is located at a distance of approximately 300 metres from North Yate New Neighbourhood and approximately 555 metres from the nearest defined settlement boundary of Engine Common. In this instance, it is considered that it does not particularly well related to neither of these settlements. Furthermore, the site does not lies close to the edge of these settlement boundary and does not has direct relationship, which could be read as a naturel extension to the settlement boundary. In addition, the build form at this location does not represent a village. It is therefore considered that the proposal does not form one of the few cases where could be supported and the development should be resisted. However, the other impacts of the proposals should still be considered, this analysis is set out in the sections below.

5.6 Density and Affordable Housing

The proposal is to erect two detached dwelling on the ground of approximately 0.12 hectare, this would equate to a density of approximately 16 houses per hectare. Given that the density is relatively low, it is therefore necessary to consider whether this represents the most appropriate approach to this site. There are a number of residential properties nearby, namely Newland House, Rock View and Dalarna. It is also noted that planning permission was granted for 4 no. detached dwelling at Rock View. The submitted street scenes show that the proposed two-storey detached dwellings would be similar to these neighbouring properties in terms of its height (it is noted that the ground level of plot 2 would be slightly higher than the host dwelling) Furthermore, given the close proximity to the adjacent properties, it is considered that any higher density development would likely result in an unreasonable adverse impact

upon the amenity of the adjacent properties. In this instance, officers are satisfied with this design approach.

- 5.7 A further reason for questioning the appropriateness (or otherwise) of the density is in relation to whether there is an attempt to avoid affordable housing triggers. This is clearly not the case here as the site area for the new dwelling would fall below the threshold, which is 0.2 hectare irrespective of the number of dwellings. Even taking into consideration the applicant's entire site, the area would still be lower than the threshold, as such, no affordable housing is required from this site.

Assessment on other main issues

- 5.8 The main issue to consider in this instance is whether or not the proposal would affect the appearance/form of the proposal and the impact on the character of the area, the impact on the residential amenity of neighbouring occupiers, whether the proposal provides a sufficient level of private amenity space and transportation effects.

5.9 **Landscape & Visual Amenity**

The site is located within the curtilage area of a two storey detached cottage. The existing detached garage would be removed to make way for the proposed development. It is outside the settlement boundary of Engine Common or the nearest settlement of Yate, but it is not within the green belt or any land-use designation. A number of mature trees are growing within the site and along the boundary. A Tree Survey and Arboricultural Impact Assessment Report was submitted with the application. The Council's Arboricultural Officer has reviewed the submitted details and advised that a Tree Protection Plan and an Arboricultural Method Statement in accordance with BS5831:2012 is required to provide details of how the existing trees that are to be retained and protected throughout the development. Officers also noted that a new vehicular access onto Engine Common Lane is proposed to the proximity of the neighbour's trees along the southern boundary. Officers are concerned that the proposed access would be within the Root Protection Areas of these trees. Without precise arboricultural details showing how these trees are adequately protected, officers consider that the proposed access would cause an adverse impact upon landscape character.

5.10 **Design**

The locality is characterised by a group of two-storey detached dwellings with different design and scale along Engine Common Lane and Tanhouse Lane. It is noted that the proposed new dwelling at plot 1 would be more visible from the public domain and the new dwelling at plot 2 would be significantly set back from the main road. Regarding the detailed design of the proposed dwelling, the agent submitted an indicative housing design and the proposed street scene. At this stage the proposal is an outline planning application with only access to be determined, the detailed design of the proposed dwelling will be fully assessed at the later reserved matters stage. It is therefore considered that the proposal would not cause unacceptable harm to the rural character of the locality.

5.11 Residential amenity

The proposal is to erect 2 no. detached two-storey dwelling with new parking spaces within the residential curtilage of No. 28 Engine Common Lane. The nearest residential properties to the proposed new dwellings would be the host dwelling and Newland House, which is located to the south of the application site. Other nearby properties, such as Rock View and Dalarna, are located further away from the application, therefore the potential adverse impact would not be so significant.

- 5.12 The new dwelling at plot 1 would be located to the east of host dwelling and a new access is proposed adjacent to the existing access. The proposed dwelling is significantly set back from the frontage of No. 28. The submitted street scene shows the relative height of the proposed dwelling and the host dwelling, and they would be very similar in height. The submitted site layout plan also shows that the rear elevation of the new dwelling at plot 1 would be approximately 11 metres from the boundary of plot 2. Officers consider that the proposal would allow a reasonable distance among the existing and new properties. Provided that no primary window on the first floor west elevation on the proposed dwelling, it is considered that plot 1 would not cause an unacceptable overlooking or overbearing impact.

- 5.13 The new dwelling plot 2 would be significantly set back from Engine Common Lane. Given that the proposed dwelling would be situated at a considerable distance of approximately 26 metres from the main dwelling at Newland House, it is considered that there would not be an unreasonable overbearing cause upon this neighbouring property. Regarding the privacy issues, a planning condition could be imposed to restrict the number and location of new openings to safeguard the privacy for the neighbouring property. Regarding the boundary treatment, a condition could also be imposed to secure the height of new boundary fence.

5.14 Provision of Amenity Space

Policy PSP43 states that all new residential units will be expected to have access to private amenity space. Private and communal external amenity space should be functional and safe, easily accessible from living areas, orientated to maximise sunlight, and of a sufficient size and functional shape to meet the needs of the likely number of occupiers, and designed to take account of the context of the development, including the character of the area. The PSP also set out the guidance for the size of the amenity space relative to the size of the dwellings, for a 4-bed dwelling, 70m² of outdoor amenity space should be provided. The proposed site plan shows the outdoor amenity space for the new dwellings would be over 160 square metres for each property. Furthermore, there would be adequate amenity space to be retained for the host dwelling. As a result, the proposed amenity space is adequate and acceptable.

5.15 Transportation

It is noted the concerns regarding the public highway safety of the proposal. Paragraph 109 of the NPPF states that 'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe.

5.16 Highway and Transportation

Sustainability

Officers note that the walking distances to the majority of local facilities are beyond the appropriate distances set out in SGC Policy PSP11. There is a local bus service to Yate and Thornbury (with frequencies consistent with the minimum set out in SGC Policy PSP11) from bus stops located some 325m away on North Road. The route to the bus stops is along Tanhouse Lane which is a relatively quiet country lane without footways. Although the mode of commuter travel is likely to be the private car, there are opportunities to walk, cycle and use public transport to access local facilities and in particular employment areas which are within the appropriate distance of 2,000m set out in PSP11. As such on balance the Highway Officer raised no objection on grounds of sustainability.

5.17 Local Access roads

Tanhouse lane is narrow in places, however there are opportunities for vehicles to pass one another between the site and North Road where the network of wider two lane carriageways with separate footways starts. The two new dwellings would generate approximately 10 - 12 vehicle trips a day which would not have significant impact on Tanhouse Lane or Engine Common Lane.

5.18 Access

The access to plot 1 would be provided with adequate visibility splays. Regarding the proposed new access for plot 2, it is unclear whether adequate visibility splays of 2m x 20m in both directions to the nearside road edge can be provided, especially as the land to the south appears to be outside of the application site. Furthermore, the proposed access would be situated within a close proximity to a group of mature trees which are growing on the neighbouring property. Without the precise details regarding the visibility for this plot, officers are concerned that the proposed access would have an adverse impact upon the highway safety.

5.19 Parking

There is sufficient space to provide either two spaces for 4 bed houses or three spaces for 5 bed plus houses. Details can be included and considered in a reserved matters application. The Highway Officer also advised that plug-in facilities for electric vehicles or other ultra-low emission vehicles should be provided and this can be secured by a suitable condition. Two covered and secure cycle parking spaces will also be required and that can also be secured by a planning condition.

5.20 Drainage

The site itself is not subject to a high risk of flooding. The Council Drainage Engineer has considered the proposal and raised no objection to the principle of the development subject to condition seeking details of sustainable drainage system to prevent the site from flooding and pollution. No details are submitted relating the foul sewage method. Given that there is no public foul system located in this area, further details are required and could be considered at the reserved matter stage.

5.21 Planning Balance

The proposed development, by virtue of its nature and location, would fail to meet the criteria set out in Policy CS5 and CS34 of the adopted Core Strategy and Policy PSP40 of the adopted Policies, Sites and Places Plan. In addition, the site for the proposed dwelling, in terms of the location, does not well related to either existing settlement area of Yate or Engine Common. As such, it would be contrary to the key spatial strategy of South Gloucestershire to create sustainable communities. This has been given considerable weight against the proposal.

5.22 It is noted that proposal would make a modest contribution towards housing supply in South Gloucestershire. This matter is material consideration. However, it is considered that such benefits would not be significant to outweigh the harm caused by the proposal given the location of the development, in particular, given the Council's current housing land supply position. Therefore, this proposal should be refused.

5.23 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.

5.24 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 **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

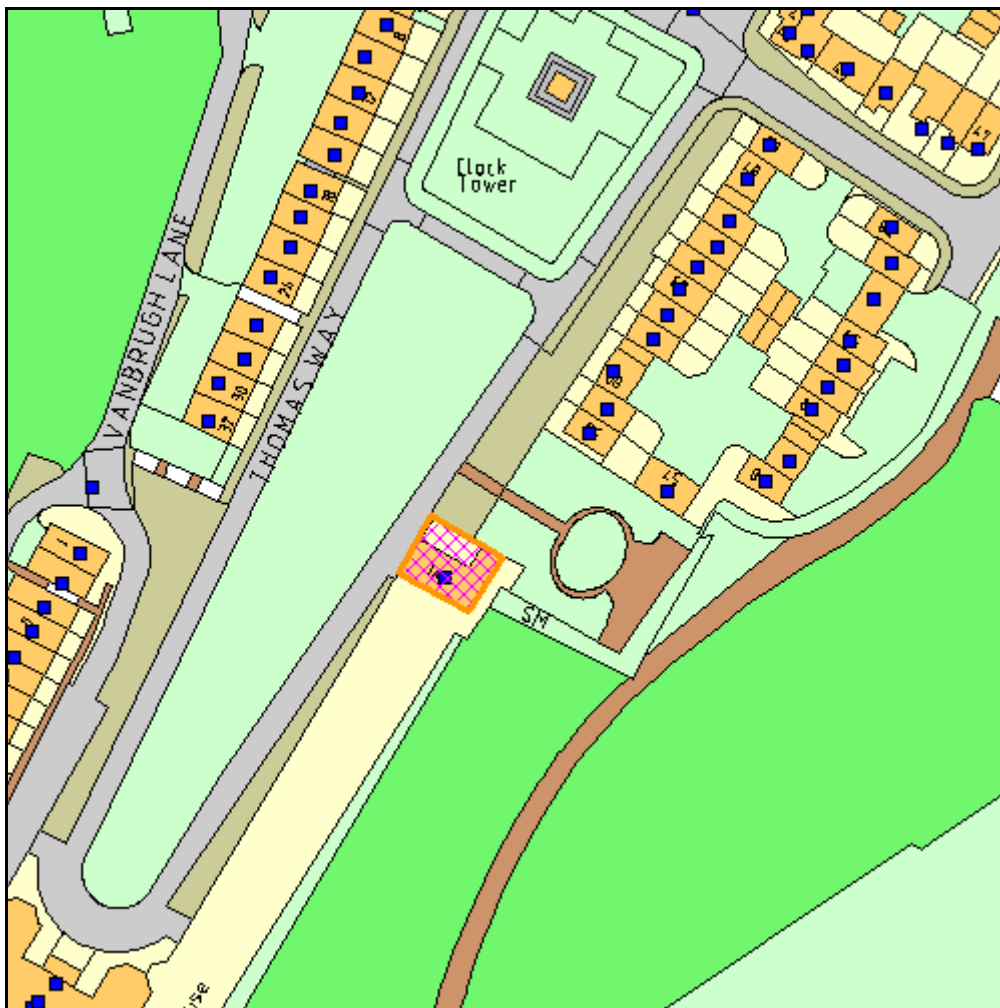
7.1 That the application be **REFUSED** for the following reasons:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

1. Policy CS5 of the South Gloucestershire Local Plan: Core Strategy adopted December 2013 states that new development will be strictly limited in the open countryside. The application site is outside of any defined settlement and therefore in the open countryside. Defined settlements establish locations which the local planning authority consider suitable for sustainable development. The proposal, given its location, would conflict with the spatial and locational strategy, which is to create sustainable communities in South Gloucestershire. Also, the site itself is not considered to well relate to any defined settlements, and the proposal does not contain any of the limited forms of residential development acceptable in the open countryside. The proposal therefore does not represent a sustainable form of development and conflicts with policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework February 2019.
2. The development, if approved, would create an additional vehicular access onto Engine Common Lane. There is insufficient information to determine whether there is adequate visibility given the proximity to the existing trees growing along the boundary shared with the neighbouring property, Newland House. It is considered that the deficiencies in site access would represent a severe highway safety concern to the contrary of Policy CS1 and CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013, Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, the Waste Collection SPD (Adopted) January 2015 (updated March 2017), and the provisions of the National Planning Policy Framework February 2019.
3. A number of trees are growing within the site and along the shared boundary of Newland House. Whilst an arboricultural report has been provided with the application, it is unclear whether the proposed vehicular access onto Engine Common Lane are to be removed or harmed to facilitate the proposed works, nor are any mitigating or protective measures proposed. Given that these trees are considered to make a positive contribution to the rural character of the locality, it is considered that their removal would be harmful to the visual amenity of the area and the rural character of Engine Common, to the contrary of Policies PSP2 and PSP3 of the Policies Sites and Places Plan (Adopted) November 2017, policies CS1 and CS9 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework (February 2019).

CIRCULATED SCHEDULE NO. 20/19 – 17 MAY 2019

App No.:	PT18/4714/F	Applicant:	Mr Ross Primmer
Site:	The Orangery Parnell Road Stoke Gifford Bristol South Gloucestershire BS16 1ZS	Date Reg:	8th November 2018
Proposal:	Erection of single storey side and front extension to provide additional living accommodation.	Parish:	Stoke Gifford Parish Council
Map Ref:	362300 177328	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	2nd January 2019



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PT18/4714/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 as comments of objection have been received.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey side and front extension to 'The Orangery'. This will provide an extra bedroom.
- 1.2 The application site is a grade II listed converted chapel in Stoke Gifford which was formerly part of the Dower House estate (the house is grade II* listed and the grounds are registered as grade II). Furthermore, there is a line of protected Yew trees outside the site, to the southwest.
- 1.3 The application is accompanied by an application for listed building consent, PT18/4715/LB.

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 (NPPF) February 2019
National Planning Practice Guidance
Historic England's Good Practice Advice in Planning Notes 2 and 3(v2)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS25	Communities of the North Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP21	Environmental Pollution and Impacts

PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD
Residential Parking Standards SPD

3. **RELEVANT PLANNING HISTORY**

- 3.1 PRE18/0525
Advice on internal works to the dwelling to convert it into a 3 bedroom dwelling.
19.07.2018
- 3.2 PT03/0342/F
Conversion of existing house to form 13 no. residential units and garages and conversion of Orangery to form further unit (in accordance with amended plans received by the Council on 8 and 19 June 2006).
Approval
29.06.2006
- 3.3 PT03/0343/LB
Renovation, refurbishment and conversion of existing house to form 12 no. residential units and garages and conversion of Orangery to form further unit.
Approval
14.03.2006

4. **CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council
Objection
- lack of written advice from Historic England or SGC Conservation Officer
- 4.2 Other Consultees
- Sustainable Transport
No objection
- Environmental Protection
No objection
- standard construction sites informative recommended
- Tree Officer
No objection
- Conservation Officer
No objection
- attach conditions securing details and samples
- Archaeology Officer
No objection

National Amenity Societies

No comment

Avon Gardens Trust

No comment

Historic England

Do not wish to comment

The Gardens Trust

Do not wish to comment

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of a single storey side and front extension at a listed building in Stoke Gifford.

5.2 Principle of Development

Extensions and alterations to existing properties are generally supported by policy PSP38. However, the site is within a sensitive historic area and therefore the development is only acceptable in principle if it does not have a harmful impact on the heritage designations.

5.3 Design, Visual Amenity and Heritage

The Orangery is a grade II listed former chapel (circa 1700), designed in the classical style with key architectural features being the fluted Corinthian pilastrade supporting an entablature with limited projection. As part of the Dower House estate, the building is located to the northeast of the grade II* house, is set out a NW/SE axis with the principal elevation facing SW back towards the main house with the views of the intervening wall garden enclosed on both sides by listed garden boundary walls. The 3rd Edition of the OS map also shows that in the early 20thC the chapel was connected to a substantial hospital complex to the north via a long building range to its NE corner – the location of the extension approved in 2006 as part of its residential conversion.

5.4 The application follows a pre-application with a number of options seeking to provide additional accommodation through levels of subdivision to the chapel itself. Almost as a matter of principle, it was considered that this would have result in a level of change to the character and proportions of the listed former chapel that would have caused substantial harm to its significance.

5.5 The proposals contained within this application can be considered to be informed by this previous advice, in that it is only proposing to provide additional living accommodation by extending the existing rear/side extension constructed in 2006.

- 5.6 The proposals will see the existing rear extension effectively doubled in width with the kitchen it currently houses incorporated into the main building and the ground floor of the existing extension and the new extension providing two bedrooms with the lower basement providing the bathroom. A new wood-burner stove is also to be inserted into the main building and so will require an external flue.
- 5.7 The application is supported by a heritage statement which provides evidence on both previous levels of extension and the use of lantern lights.
- 5.8 As noted above, the previous extension is considered to be a substantial hospital wing and so the relevance of this is not considered to be of any material significance. The presence of lantern lights within a hospital structure is also of limited relevance.
- 5.9 Notwithstanding these points, it is considered that by virtue of its modest scale and simple design and form, the cumulative impact of the level of extension to this building would importantly remain subordinate in scale and massing. The design of the extension would also retain its existing simplicity and so would remain correctly deferential in character to its historic host.
- 5.10 The prominence of the listed chapel both would therefore remain intact both in regard to scale and architectural appearance. It is therefore considered that the proposals would ensure that the special architectural and historic interest of this designated heritage asset would be preserved. Officers would also agree that a roof lantern would be an appropriate style of opening regardless of historic precedent.
- 5.11 Although there would be co-visibility of the extension and the Dower House in views from the north, in the key direct views of inter-visibility between the two, the extension would have little or no impact and so there are no concerns regarding the impact on the setting of the grade II* building.
- 5.12 The insertion of a wood burner is also considered to be acceptable but details of the impact on the existing roof structure are required.
- 5.13 In conclusion, the scheme represents a considered and controlled response to the need to provide some additional accommodation. The proposal is considered to achieve the key objectives of preserving what can be considered the special architectural and historic character of the building while improving its residential, which could help provide it with a sustainable future.
- 5.14 In the context of the Framework, the significance of this listed building would therefore be preserved and so there are no objections.
- 5.15 There are, however, some matters of detail that will need to be agreed, such as the roof lanterns but also confirmation of vents and the impact of the flue for the wood burning stove.

5.16 Residential Amenity

It is not considered that the proposal will harm neighbour amenity and although there is conflict with the private amenity space standards set out in policy PSP43, Stoke Park is only a short walk away.

5.17 Transport and Parking

The proposal would create two bedrooms and as such one off-street parking space is required. However, adequate room for the single space is provided, therefore, there is no transportation objection.

5.18 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.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

2. Prior to the commencement of the relevant 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. Lanterns
 - c. All new doors (including frames and furniture)
 - d. All new vents and flues
 - e. Eaves (including rainwater goods), verges and ridges

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, this 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. A sample panel of the render indicating colour and texture, 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, this 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 works, details of the materials for the alternating quoins are to be submitted and approved in writing by the local planning authority. 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, this 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 relevant works, through existing survey plans and elevations (of the roof structure in particular), the details of the impact of the flue for the wood burner are to be submitted and approved in writing by the local planning authority. 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, this 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. The development shall be implemented strictly in accordance with the following plans:

Received 22.10.2018:

Site Location & Existing Roof Plan (ORG/E01)

Existing Elevations (ORG/E02)

Existing Floor Plans (ORG/E03)

Proposed Elevations (ORG/PL03)

Proposed Roof Plan (ORG/PL04)

Received 06.11.2018:

Proposed Internal Elevation showing Stove and Flue

Existing Block Plan (ORG/E05)

Proposed Block Plan (ORG/PL05)

Proposed Window Details (ORG/PL09)

Received 07.11.2018:

Existing Section A-A (ORG/E06)

Existing Section B-B (ORG/E07)

Proposed Section A-A (ORG/PL06)

Proposed Section B-B (ORG/PL07)

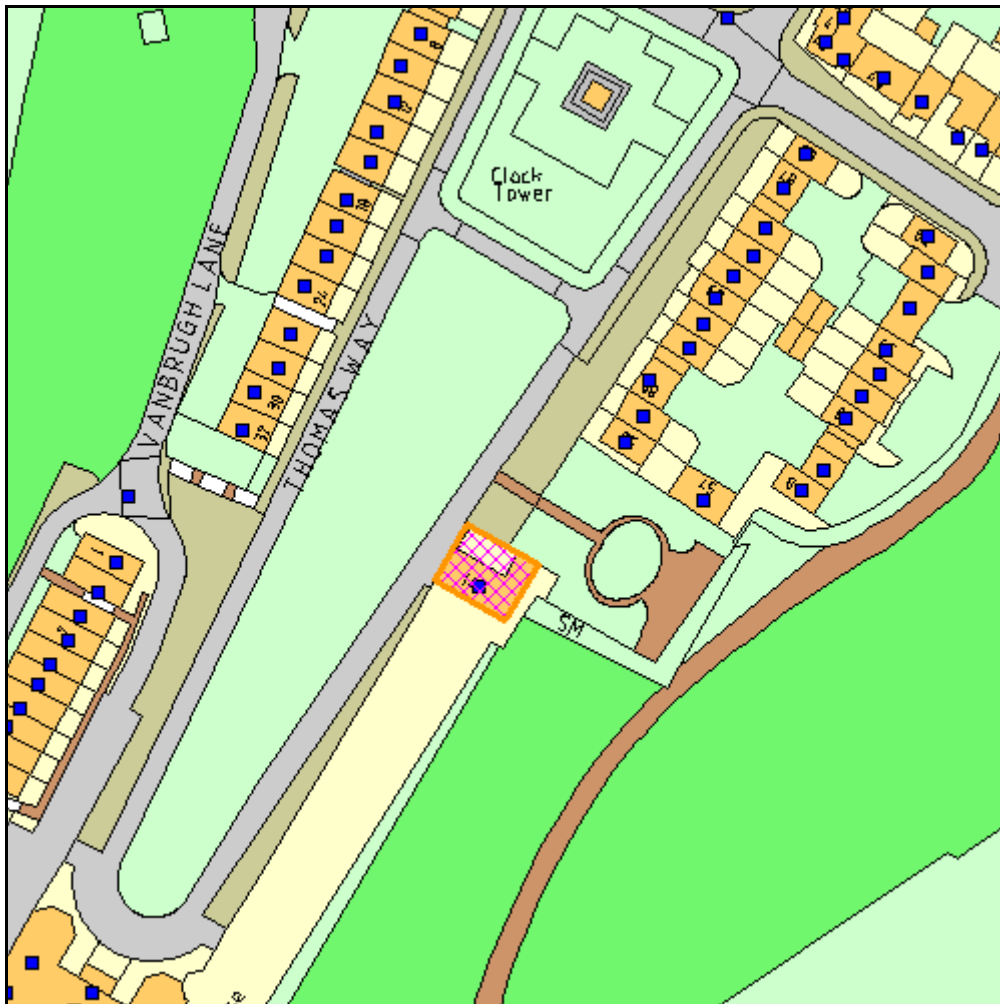
Proposed Floor Plans (ORG/PL02/B)

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 20/19 – 17 MAY 2019

App No.:	PT18/4715/LB	Applicant:	Mr Ross Primmer
Site:	The Orangery Parnell Road Stoke Gifford Bristol South Gloucestershire BS16 1ZS	Date Reg:	8th November 2018
Proposal:	Internal and external alterations to include alterations to roofline to facilitate erection of single storey side and front extension with 2no. roof-lights, installation of wood burning stove and relocation of kitchen.	Parish:	Stoke Gifford Parish Council
Map Ref:	362236 177240	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	2nd January 2019



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PT18/4715/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 as comments of objection have been received.

1. THE PROPOSAL

- 1.1 This application seeks listed building consent for internal and external alterations to 'The Orangery' to facilitate the erection of a single storey side and front extension with two rooflights, installation of a wood burning stove and relocation of the kitchen.
- 1.2 The application site is a grade II listed converted chapel in Stoke Gifford which was formerly part of the Dower House estate (the house is grade II* listed and the grounds are registered as grade II). Furthermore, there is a line of protected Yew trees outside the site, to the southwest.
- 1.3 The application is accompanied by an application for planning permission, PT18/4714/F.

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 (NPPF) February 2019
National Planning Practice Guidance
Historic England's Good Practice Advice in Planning Notes 2 and 3(v2)

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 PRE18/0525
Advice on internal works to the dwelling to convert it into a 3 bedroom dwelling.
19.07.2018

- 3.2 PT03/0342/F
Conversion of existing house to form 13 no. residential units and garages and conversion of Orangery to form further unit (in accordance with amended plans received by the Council on 8 and 19 June 2006).
Approval
29.06.2006
- 3.3 PT03/0343/LB
Renovation, refurbishment and conversion of existing house to form 12 no. residential units and garages and conversion of Orangery to form further unit.
Approval
14.03.2006

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Objection
- lack of written advice from Historic England or SGC Conservation Officer
- 4.2 Other Consultees
- Conservation Officer
No objection
- attach conditions securing details and samples
- Historic England
Do not wish to comment
- National Amenity Societies
- The Georgian Group*
No comments to offer

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks listed building consent for works to a grade II listed building in Stoke Gifford to create additional living accommodation.
- 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

- The Orangery is a grade II listed former chapel (circa 1700), designed in the classical style with key architectural features being the fluted Corinthian pilastrade supporting an entablature with limited projection. As part of the Dower House estate, the building is located to the northeast of the grade II* house, is set out a NW/SE axis with the principal elevation facing SW back towards the main house with the views of the intervening wall garden enclosed on both sides by listed garden boundary walls. The 3rd Edition of the OS map also shows that in the early 20thC the chapel was connected to a substantial hospital complex to the north via a long building range to its NE corner – the location of the extension approved in 2006 as part of its residential conversion.
- 5.4 The application follows a pre-application with a number of options seeking to provide additional accommodation through levels of subdivision to the chapel itself. Almost as a matter of principle, it was considered that this would have result in a level of change to the character and proportions of the listed former chapel that would have caused substantial harm to its significance.
- 5.5 The proposals contained within this application can be considered to be informed by this previous advice, in that it is only proposing to provide additional living accommodation by extending the existing rear/side extension constructed in 2006.
- 5.6 The proposals will see the existing rear extension effectively doubled in width with the kitchen it currently houses incorporated into the main building and the ground floor of the existing extension and the new extension providing two bedrooms with the lower basement providing the bathroom. A new wood-burner stove is also to be inserted into the main building and so will require an external flue.
- 5.7 The application is supported by a heritage statement which provides evidence on both previous levels of extension and the use of lantern lights.
- 5.8 As noted above, the previous extension is considered to be a substantial hospital wing and so the relevance of this is not considered to be of any material significance. The presence of lantern lights within a hospital structure is also of limited relevance.
- 5.9 Notwithstanding these points, it is considered that by virtue of its modest scale and simple design and form, the cumulative impact of the level of extension to this building would importantly remain subordinate in scale and massing. The design of the extension would also retain its existing simplicity and so would remain correctly deferential in character to its historic host.
- 5.10 The prominence of the listed chapel both would therefore remain intact both in regard to scale and architectural appearance. It is therefore considered that the proposals would ensure that the special architectural and historic interest of this designated heritage asset would be preserved. Officers would also agree that a roof lantern would be an appropriate style of opening regardless of historic precedent.

- 5.11 Although there would be co-visibility of the extension and the Dower House in views from the north, in the key direct views of inter-visibility between the two, the extension would have little or no impact and so there are no concerns regarding the impact on the setting of the grade II* building.
- 5.12 The insertion of a wood burner is also considered to be acceptable but details of the impact on the existing roof structure are required.
- 5.13 In conclusion, the scheme represents a considered and controlled response to the need to provide some additional accommodation. The proposal is considered to achieve the key objectives of preserving what can be considered the special architectural and historic character of the building while improving its residential, which could help provide it with a sustainable future.
- 5.14 In the context of the Framework, the significance of this listed building would therefore be preserved and so there are no objections.
- 5.15 There are, however, some matters of detail that will need to be agreed, such as the roof lanterns but also confirmation of vents and the impact of the flue for the wood burning stove.

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. Lanterns
 - c. All new doors (including frames and furniture)
 - d. All new vents and flues
 - e. Eaves (including rainwater goods), verges and ridges

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, this 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. A sample panel of the render indicating colour and texture, 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, this 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 works, details of the materials for the alternating quoins are to be submitted and approved in writing by the local planning authority. 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, this 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 relevant works, through existing survey plans and elevations (of the roof structure in particular), the details of the impact of the flue for the wood burner are to be submitted and approved in writing by the local planning authority. 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, this 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. The development shall be implemented strictly in accordance with the following plans:

Received 22.10.2018:

Site Location and Existing Roof Plan (ORG/E01)

Existing Elevations (ORG/E02)

Existing Floor Plans (ORG/E03)

Proposed Elevations (ORG/PL03)

Proposed Roof Plan (ORG/PL04)

Received 06.11.2018:

Proposed Internal Elevation showing Stove and Flue

Existing Block Plan (ORG/E05)

Proposed Block Plan (ORG/PL05)

Proposed Window Details (ORG/PL09)

Received 07.11.2018:

Existing Section A-A (ORG/E06)

Existing Section B-B (ORG/E07)

Proposed Section A-A (ORG/PL06)

Proposed Section B-B (ORG/PL07)

Proposed Floor Plans (ORG/PL02/B)

Reason

For the avoidance of doubt.