

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. 38/19

Date to Members: 20/09/2019

Member's Deadline: 26/09/2019 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

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

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

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

a) Referring Member:

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

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

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

Date:

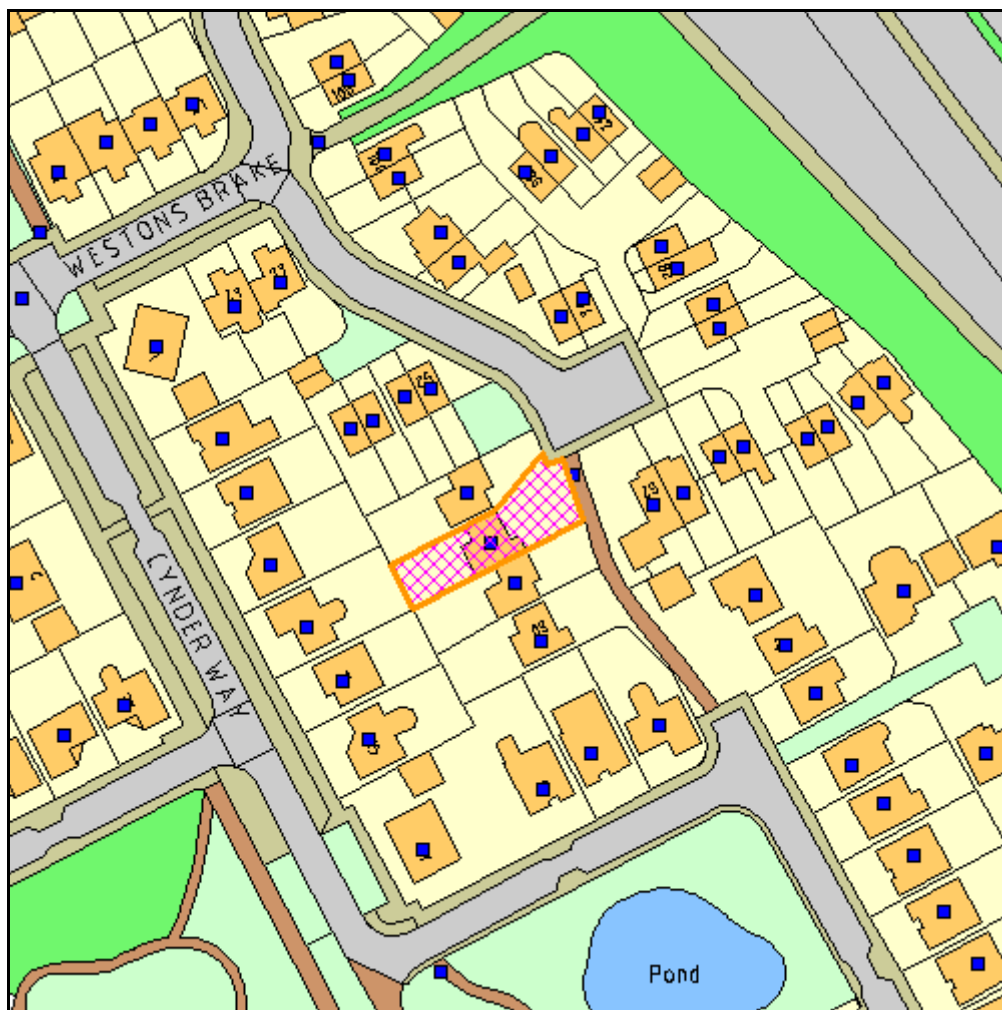
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 20 September 2019

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/10235/F	Approve with Conditions	56 Westons Brake Emersons Green South Gloucestershire BS16 7BP	Emersons Green	Emersons Green Town Council
2	P19/3094/F	Approve with Conditions	Homebase Aldermoor Way Longwell Green South Gloucestershire BS30 7TX	Longwell Green	Oldland Parish Council
3	P19/5301/F	Approve with Conditions	51 Wavell Close Yate South Gloucestershire BS37 5UN	Yate North	Yate Town Council
4	P19/8112/F	Approve with Conditions	The Annexe 114 Beach Road Severn Beach South Gloucestershire BS35 4PQ	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
5	PK18/6606/F	Approve with Conditions	Willow Cottage Nursing Home 127 Station Road Yate South Gloucestershire BS37 5AL	Yate Central	Yate Town Council

CIRCULATED SCHEDULE NO. 38/19 – 20 SEPTEMBER 2019

App No.:	P19/10235/F	Applicant:	Mr Dave Paton
Site:	56 Westons Brake Emersons Green Bristol South Gloucestershire BS16 7BP	Date Reg:	7th August 2019
Proposal:	Erection of two storey front and side extension with single storey rear extension to form additional living accommodation.	Parish:	Emersons Green Town Council
Map Ref:	366382 178235	Ward:	Emersons Green
Application Category:	Householder	Target Date:	27th September 2019



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P19/10235/F

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

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from Emersons Green Town Council, the concerns raised being contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The proposal seeks to erect a two-storey front and side extension with a single-storey rear extension, to provide additional living accommodation. A new bedroom, extended bedroom and new en-suite would be provided at first floor level, with a new utility room and extended kitchen/diner at ground floor level.
- 1.2 The host dwelling, no.56 comprises a modern 20th C two-storey, gable-ended, linked-detached house, situated within a cul-de-sac in the heart of the Emersons Green Estate. The property is flanked by houses of identical scale and design whilst No.60 to the south has a hipped roof and has been extended in the past (see section 3 below). The four houses nos. 54-60 form a smaller cul-de-sac accessed off the hammerhead at the end of Westons Brake. The site is enclosed by detached and semi-detached houses of a similar age and design.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP21 Environmental Pollution and Impacts
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space

2.3 Supplementary Planning Guidance

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Design Checklist SPD (adopted) August 2006

3. **RELEVANT PLANNING HISTORY**

3.1 No relevant history relating to this property.

Nearby Site (60 Westons Brake)

3.2 PK13/0575/F - Erection of two-storey side extension to incorporate existing garage and single-storey rear extension to provide additional living accommodation.
Approved 12th April 2013

4. **CONSULTATION RESPONSES**

4.1 Emersons Green Town Council
Objection, based on the overdevelopment of the site and the negative impact this will have on neighbouring properties.

4.2 Other Consultees

Transportation D.M.
No objection

Archaeology Officer
No comment

Other Representations

4.3 Local Residents
No responses

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development
Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states that development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan is supportive in principle of development within the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and that it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation.

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Design and Visual Amenity

- 5.2 The proposal seeks to erect a two-storey front & side and single-storey rear extension. The two-storey element would have a gable end similar to that of the host dwelling and would incorporate the existing garage at ground floor level. Furthermore, the two-storey extension would include a small gable frontage at first floor level. As a result the first floor element of the two-story extension would protrude 0.7m beyond the existing front elevation of the house, with eaves and ridge heights at the same levels as the existing house. To the rear, the single-storey extension would be 8.2 m wide i.e. the full width of the plot and would extend the built development 2.732m beyond the existing rear elevation of the house. The application indicates that all materials to be used in construction would match those of the existing house.
- 5.3 Officers consider that, the extensions would appear sufficiently subservient to the form and scale of the host dwelling. The gable frontage ensures that the two-storey element would be read within the street scene as an extension. The rear single-storey extension would have a mono-pitch roof and would not be visible from the public realm.
- 5.4 Officers do have some concerns about the terracing effect of filling part of the gap between no.56 and the property to the north i.e. no. 54. Officers are however mindful that the application site (no.56) is not in a prominent position within the street, being tucked away up a side cul-de-sac and is not readily visible within the wider public realm. Furthermore, planning permission was granted in 2013 for similar extensions at no.60.
- 5.5 Overall, it is considered that the proposed extensions would not significantly harm the character or appearance of the area and as such are considered acceptable in terms of visual amenity. The use of matching materials and roof tiles will ensure that the extensions integrate successfully with the host dwelling. Therefore, it is judged that the proposal achieves an acceptable standard of design and is considered to accord with policies CS1 of the South Gloucestershire Local Plan Core Strategy and PSP38 of the Policies Sites and Places Plan.

Residential Amenity

- 5.6 PSP38 states that proposals should not prejudice the residential amenity (through overbearing impact, loss of light or loss of privacy) of neighbouring occupiers, nor prejudice the retention of adequate private amenity space for the host dwelling.
- 5.7 The host dwelling is link-detached and the proposal is sufficiently modest in scale and form. Given that there are no windows proposed for the side elevations of the extensions and there are no windows in the facing side walls of the neighbouring properties, there would be no inter-visibility issues to the sides.
- 5.8 The proposal would bring the two-storey built element up to the boundary with no.54 and to some extent would result in some overshadowing and loss of light

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to the side of no.54. The amount of harm is however not considered to be significant, especially given that the main body of no.54 is set back with only the single-storey garage set adjacent to the boundary with no.56.

- 5.9 The rear garden of no.56 is well enclosed by high boundary treatments. The proposed rear extension would only be 2.396m to eaves and 3.6m to the highest point of the mono-pitch roof and as such, would have little impact on the neighbouring properties.
- 5.10 As regards overlooking of neighbouring gardens from first floor windows; this is only to be expected in densely populated urban locations, especially if the most efficient use of land for residential purposes is to be achieved, as required by the NPPF. The level of overlooking in this case would not be excessive and would not be justification for the refusal of planning permission. Properties to both the front and rear of no.56 are set well back, so there would be no inter-visibility issues between habitable room windows in these directions.
- 5.11 The resultant dwelling would have 4no. bedrooms for which Policy PSP43 requires a minimum of 70 sq.m. of private amenity space; the proposal would retain 73.8 sq.m. of private garden space to the rear of the house. The proposal does not therefore represent an overdevelopment of the site.
- 5.12 Given the scale and location of the proposed development, it is not considered that there would be any significant detrimental impact to the residential amenities of neighbouring occupiers. The proposal will utilise a relatively modest proportion of outdoor amenity space and sufficient amenity space would remain to serve the property following development. There are therefore no objections on residential amenity grounds.
- 5.13 Environmental Issues
The site is not subject to flood and does not lie within an area at risk from coal mining. Whilst there may be some disturbance during the development phase, this would be for a temporary period only and an appropriate condition can be imposed to control the hours of working.
- 5.14 Sustainable Transport and Parking Provision
The development will take place to the side and rear of the host dwelling. The existing garage space would be reduced to provide a store, however two off-street parking spaces would be retained on the hard-standing to the front; this level of parking provision complies with the Council's minimum parking standards. The existing access arrangements would be retained. As such there is no objection to the proposal in relation to highway safety or parking provision.
- 5.15 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general

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equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

Planning Balance

- 5.17 The scheme is appropriately designed and would retain adequate private amenity space to serve the dwelling. There would be no adverse impact on neighbouring residential amenity and there would be no adverse transportation impacts. Any harm to visual amenity due to the terracing effect is outweighed by making efficient use of land for additional living accommodation, within a sustainable location within the urban area.

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** planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction and demolition shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for

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the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8 and PSP21 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the first or second floor side elevations of the side and rear extensions hereby approved.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8 and PSP21 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

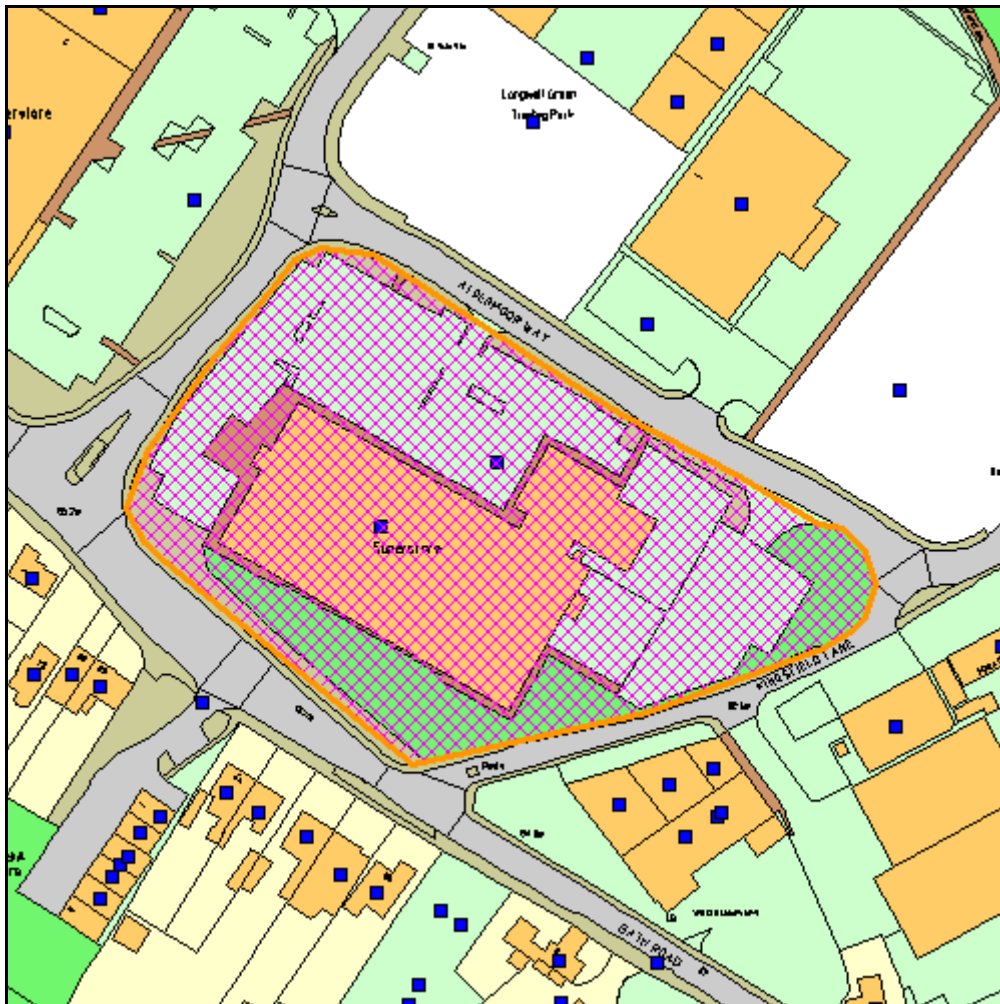
4. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 38/19 – 20 SEPTEMBER 2019

App No.:	P19/3094/F	Applicant:	BAPT LTD
Site:	Homebase Aldermoor Way Longwell Green South Gloucestershire BS30 7TX	Date Reg:	23rd April 2019
Proposal:	Partial demolition existing retail unit (A1) to facilitate subdivision to form 2 No. retail units (Class A1). Erection of rear extension to form delivery access corridor, alterations to shop front, installation of mezzanine floor, erection of new boundary treatment, landscaping and associated works.	Parish:	Oldland Parish Council
Map Ref:	365329 171638	Ward:	Longwell Green
Application Category:	Minor	Target Date:	18th June 2019



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P19/3094/F

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

INTRODUCTION

This application is referred to the Circulated Schedule in accord with procedure as objections have been received that are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for Partial demolition of the existing retail unit (A1) to facilitate subdivision to form 2 No. retail units (Class A1). Erection of rear extension to form delivery access corridor, alterations to shop front, installation of mezzanine floor, erection of new boundary treatment, landscaping and associated works.
- 1.2 The application site comprises a large retail unit with associated parking, servicing areas and landscaping situated between Aldermoor Way and Aldermoor Lane to the west and the east and Kingsfield Lane and A431 to the east and south. The existing single gross floor space for the single unit is 4788sq.m (this includes a garden centre which forms a front extension at the eastern end). The overall site area is 1.35 ha. The main access is on the north-west façade with parking at the western and northern sides and service area is located within a secure area at the south-eastern corner of the building. The site is surrounding on all sides by retail and employment sites apart from to the south where residential properties lies on the south (western) side of A431, where there is a mix of 2 storey residential housing, bungalows and some commercial uses.
- 1.3 The proposal will involve the refurbishment of the existing unit to provide two units (indicated as being for the food supermarket Lidl and the other a toy retailer- Smyths toys). Overall the proposal will result in a reduction of 756sqm. floor space. Works proposed are as follows:
 - Internal subdivision
 - Removal of the existing mezzanine and inclusion of a new mezzanine in the non-food unit
 - A servicing facility for the unit located away from the service yard
 - Removal of the garden centre and its replacement with customer parking
 - Recladding of the building, additional glazing and rendering of some brickwork-area for plant within an enclosed area of hardstanding
 - New customer entrances to each retail unit
 - Regrading of the car park and inclusion of block paving to the supermarket entrance area
 - An increase in car parking spaces from 123 to 179 (Cycle spaces from none to 24)
- 1.4 As shown in the history below the site has bene subject to a number of applications that have allowed unrestricted non-food retail uses but in doing so have prevented the sub-division of the store.

- 1.5 In support of the application aside from a planning statement and plans other documentation has been included, these include: Energy Statement, Flood Risk Assessment, Retail Planning Statement, Transport Statement and Coal Report.
- 1.6 The determination of the application has been delayed in order to allow a new retail report to be submitted by the applicant (the information supplied originally having been deemed inadequate) and in order to allow the submission of improved landscaping proposals.

2.0 POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework Feb 2019
National Planning Policy Guidance March 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS7 Strategic Transport Infrastructure
CS8 Improving Accessibility
CS11 Distribution of Economic Development Land
CS12 Safeguarded Areas for Economic Development
CS14 Town Centres and Retail
CS29 Communities of the East Fringe of the Bristol Area

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP6 Onsite Renewable and Low Carbon Energy
PSP11 Transport Impact Management
PSP16 Parking Standards (cycle parking standards only)
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP31 Town Centre Uses

2.3 Supplementary Planning Guidance

Design Checklist SPD Adopted August 2007
Waste Collection SPD Adopted January 2015

3.0 RELEVANT PLANNING HISTORY

- 3.1 The application site has been the subject of numerous planning application and advertisement consent applications. These are considered to be of most relevance:

K1124/11 Layout of roads and sewers for employment centre on 37.8 Acres (Approved 10th July 1977)

K1124/8 Development as an employment centre construction of new pedestrian access (Approved 15th April 1976)

K1124/78 Erection of DIY Retail Unit and Garden Centre (27th Nov 1984)

K1124/87 Proposed Garden Centre (Approved 17th July 1986) Condition restricts food and drink sales and subdivision of unit

K1124/164 Variation to allow non-food unrestricted sales (Approved 21st March 1994)

K6063/1 Erection of Garden Centre and Service Yard Security Yard Fence (Approved 5th Feb 1996)

PK12/2296/F Change of use of land from car parking to car wash and valeting area (Class Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include erection of canopy and 1 no. cabin with associated works. (Retrospective – Approved 7th Sept 2012)

P19/3016/ADV Display of 1no. internally illuminated totem sign Approved with an hours of illumination condition 2nd May 2019

P19/6057/F Installation of 1 No. electrical meter box. Approve with Conditions 26th June 2019

4.0 **CONSULTATION RESPONSES**

4.1 **Oldland Parish Council**

No objection

Planning Policy Team

This proposal relates to a brownfield site within defined settlement boundaries and includes the subdivision of one retail unit into two. Unit A (Lidl) will measure approximately 1826sqm (GIA), and unit 2 (non-food unit) is proposed to be approximately 1868.9 sqm (GIA). The application site is located adjacent to Longwell Green Employment Area (protected by policy CS12). The sale of convenience goods and subdivision has been restricted by previous planning applications K/1124/164 (Conditions 1 and 2).

NPPF guidance (para 86 to 89) requires the sequential test and impact assessments to be carried out for main town centre uses that are neither in an existing centre, nor in accordance with an up-to-date plan. The site is classified as being “Out of Centre” under policy CS14: Town Centre and Retail policy of the South Gloucestershire Core Strategy (Adopted 2013).

Policy CS14 also states that development will only be required to meet local needs, and of a scale proportionate to the role and function of the centre/parade and where it would not harm the vitality and viability of other centres. Paragraph 9.28 of the Core Strategy further states that ‘the Town Centre and Retail Study does not identify any requirement for convenience

floor space'. As such, no allocations are provided within the Policies, Sites and Places Plan (Adopted November 2017). The sequential test carried out would therefore need to be verified.

In terms of potential impact generated by the development, due to the scale of the proposed development (in excess of 350sqm as highlighted in PSP31 criterion 8(a)), there is a need to ensure that the proposal will not have a significant harm on the vitality, viability and vibrancy of designated centres. As these impacts need to be appropriately assessed, the Strategic Planning Team reserve the right to provide further comments until a review of the submitted sequential and impact assessments has taken place.

Following the receipt of a resubmitted Retail Report from the applicant's consultants White Young Green (WYG) the following comment has been received:

I agree with the assessment that there are no suitable and available (in the short term) sequential sites, and that the trade impact draw would not be sufficient to justify a refusal on this application.

Independent Retail Consultant (Conclusions)

We conclude that the sequential test is passed and there are no retail impact objections to the proposals

Lead Local Flood Authority

Initial Comments

- The reduction in overall surface water run-off is welcomed
-
- It is noted from reviewing the Micro Drainage calculations for proposed Surface Water Catchment 1 that there would still be an occurrence of flooding in the system during the 30 year storm event (PN2.000 – existing pipe to be used). Is there a possibility that this flooding could be removed so as to meet requirement of no flooding on a site in the 30 year storm event.
- A climate change factor of 30% has been used in the Micro Drainage calculations for proposed Surface Water Catchment 1 in the 100 year storm plus allowance for climate change event. Our requirement is that the allowance for climate change be 40% rather than 30%. Calculations will need updating.
- I query who will ultimately be responsible for maintaining the entire surface water drainage system for this site?

Following the submission of additional information the following comments have been received:

Matters appertaining to the consultee comments below from the Lead Local Flood Authority (LLFA) must be directed to the Planning Case Officer in the first instance, including queries regarding the discharge of conditions.

The Drainage & Flood Risk Management Team have *no objection* to this application.

Having reviewed the revised details that have been submitted for this application, I can confirm that the information satisfactorily addresses the issues previously raised by this team as detailed in the comments of the 9th of May 2019.

As such the LLFA comments on this application are '*No Objection*'.

Coal Authority

Initial Comments (summary)

The information submitted fails to fully assess the risks posed by coal mining legacy. The applicant should assess whether or not past mining activity poses any risk to their development proposal and where necessary propose mitigation measures to address any issues of land instability. This could include further intrusive site investigation to ensure that the LPA has sufficient information to determine the planning application.

Following the submission of revised details the following comments have been received:

The Coal Authority therefore recommends that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development (excluding demolition and site clearance).

In the event that the site investigations confirm the need for remedial works to treat the mine entries and areas of coal mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- * The undertaking of appropriate schemes of intrusive site investigations to include locating and assessing the mine entries and the investigation of the potential coal mine workings;
- * The submission of a report of findings arising from the intrusive site investigations;
- * The submission of a scheme of remedial works for approval; to include a remediation strategy for the mine entries, including any foundation designs which may be required for building over the mine entries or within their zones of influence, and the coal mine workings
- * Implementation of the agreed remedial works.

The Coal Authority would be willing to withdraw its objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Sustainable Transport (Summary)

Having considered all the relevant transportation and highway issues relating to this then, we see no highway or transportation reasons to raise objection to this application subject to a condition to secure all the proposed parking spaces both for vehicles and cycles prior to the first use of the building.

Landscape Officer (summary)

Detailed initial comments have been received from the Landscape Officer that can be summarised as follows:

- Additional tree and shrub planting should be included within the car park in order to improve the amenity of the car park and id mitigation. If this is not possible additional tree planting should be included around the perimeter of the site to provide increased canopy cover
- Tree planting needs to be incorporated into the native mix along the rear boundary of the store to compensate for the vegetation removed and help to screen the rear of the building and new retaining walls. The landscape general arrangement drawing should be amended prior to determination.
- We will require a detailed 1:200 scale planting plan as a condition of planning, to include a plant schedule detailing size, type, quantities and specification together with a landscape management plan, to specify the ongoing future maintenance and management of the site to generally increase the biodiversity and ensure good plant establishment is achieved throughout the site.

Following the submission of further details the proposed development is considered acceptable in landscaping terms.

Tree Officer

Please seek the comments of the Landscape Architects on this scheme. There has been wholesale removal of vegetation on the southern side of the building and the proposed landscaping mitigates for this with minimal tree planting on the other aspects of the site but not on the southern side. Here native mixed shrub planting is proposed which is, in my opinion, inadequate.

I would recommend the proposed planting is embellished with more tree planting on the southern boundary to screen the building.

Environmental Protection

No objection subject to standard conditions and advices being applied that relate to construction sites

Highway Structures

No comment

Other Representations

Local Residents

There have been 7 letters of objection. The grounds of objection can be summarised as follows:

A budget supermarket is not needed (too many food retail stores in Longwell Green)
Trees and shrubs were removed without permission to the detriment of visual amenity particularly on the Bath Road elevation
Concern over additional traffic – both in terms of pollution and safety
Concern over delivery hours
Illuminated Signage would be obtrusive

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 Full planning permission is sought for Partial demolition existing retail unit (A1) to facilitate subdivision to form 2 No. retail units (Class A1). Erection of rear extension to form delivery access corridor, alterations to shop front, installation of mezzanine floor, erection of new boundary treatment, landscaping and associated works.

The National Planning Policy Framework in Para 11 sets out that the presumption in favour of sustainable development which accords with an up to date development plan without delay unless there is a clear reason for refusing it.

Specifically in relation to retail development Section 7 of the NPPF seeks to ensure the vitality of town centres. Paragraph 85 requires among other criteria that the Local Planning Authority (LPA) defines a network of town centres and promotes their long term vitality and viability.

Having allocated sites as town centres in the plan, Para 86 indicates that the LPA should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with the development plan. *Main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*

Para 89 states that:

When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up to date development plan, such applications need to be supported by an impact assessment

Paragraph 90 states with regard to the sequential test (set out in para 86) that:

Where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on the town centre (in terms of its vitality or viability) it should be refused.

Turning to the Development Plan, the South Gloucestershire Local Plan Core Strategy 2013 (CS), defines the retail hierarchy in CS14 setting out the town centres and in

terms of the East Fringe of Bristol these areas are, Emersons Green, Staple Hill, Kingswood, Hanham and Downend.

Policy CS29 specifically considering communities of the East Fringe states that it is the objective to

Improve the viability and vitality of Emersons Green, Staple Hill, Kingswood, Hanham and Downend to enhance their role as service centres for the urban and surrounding rural areas and provide for additional comparison floor space as appropriate

The South Gloucestershire Local Plan: Policies Sites and Places Plan 2017 (PSP) directs proposals for main town centre uses to town centres and makes provision for new comparison goods retail floor space in centres until 2021.

The application site is not within one of the centres identified above and in these circumstances PSP 31 indicates as per the NPPF requirements set out above that out of centre proposals will only be acceptable where no centre or edge of centre sites are available and the location is accessible on foot, cycle and public transport. Furthermore the policy indicates that a retail impact assessment will be required for retail developments in excess of 350 sq.m.

In summary in assessing the principle of development, the key issues in terms of retail planning policy are those set out in policies CS14 and PSP 31 i.e. the sequential and impact tests, the appropriateness of the scale of the development in this location and the sites accessibility. Although the latest NPPFs post-date the adopted development plans, there are no substantial changes to the NPPF documents with regard to retail planning which would indicate that the policies are out of date. It is therefore necessary to undertake these assessments.

A Retail Report was submitted to justify the application having regard to the National and Local Planning Policies as set out above. The initial report was deemed inadequate and a more detailed submission has been made that has been viewed by an Independent Consultant commissioned by the Local Planning Authority. Subject to consideration of the above matters the proposed development is considered acceptable in principle.

5.2 Sequential Assessment

As set out above the site lies outside of the retail centres identified in Policy CS14. The nearest sites as identified in the applicant's retail report that would fall within a centre and are of an appropriate size would be those at the former Kleeneze site and the Community Centre Hanham and the Centre of Keynsham.

This "catchment area" is accepted and it falls to consider each of these potential locations in turn.

The Kleeneze site has a long planning history associated with an employment use however consent was given in November 2012 for a foodstore (2,918 m²). The site has not been developed, but is owned by Tesco and it is understood is subject to a number of abnormal costs relating to mining activity/contamination. The site is an allocated employment site. It is important to note however that while a medium size store could be accommodated at the site, it is unlikely to be available for this purpose. As part of the Council's Urban living agenda the preference would be for a mixed use development that would incorporate a high density residential development. To this end it is understood that there is interest in the site from Homes England (the site is undergoing assessment as part of the HELAA process). In summary it is considered that while the development of the site solely in a residential use would be resisted, the inclusion of the site for a store of the size proposed with the necessary associated parking area would be problematic. It is considered that there is sufficient uncertainty about the availability of the site to allow Officers to conclude that it is not an option.

The Community Centre Site in Hanham covers an area of approximately 0.95 hectares. The applicant has indicated that the site would be too small for the needs of this applicant. Notwithstanding this factor, it is considered that the site is currently "protected by" Policy CS23 that seeks the retention of community facilities. In order to justify the loss of the facility any applicant would have to demonstrate that the use had ceased and there is no longer a demand or it is not fit for purpose and that there is a suitable alternative provision within easy walking distance that is of the required standard. In summary therefore there is uncertainty as to whether an alternative future use of the site would be justifiable in planning policy terms and as per the Kleeneze site Officers conclude it is not a current option.

Turning to Keynsham Town Centre, this area is over 5 minutes distant by car and as such the applicant indicates that this is outside the primary catchment area of the proposed store. It is understood from the report (WYG) that the applicant themselves have been looking for a site in Keynsham without success, however the identity of the retailer is not considered relevant within the context of the sequential test and it is still appropriate to ask whether there are sites that could accommodate the development in Keynsham town centre. The relevant development plans (the Bath and North-east Somerset Core Strategy and place-making plans for Keynsham do not identify any sites for retail or mixed use redevelopment in the town centre. A development site is identified which is known as the Riverside/Fireside site however there is already an approval for the conversion of the upper floors from the current office use to residential. This work is currently underway. The remaining Fire Station is not part of this development but is not considered to be of an appropriate size to accommodate both the retail store and the associated car parking. A visit by the Council's consultant and a review of aerial photography and the relevant policy plans in particular a recent Keynsham Place- Making Plan lead to the conclusion that it is unlikely that there are any suitable sites that are on the edge of or in the town centre of Keynsham.

In summary therefore, when considering the Sequential Test, it is considered that there is no evidence to suggest that there is a suitable available site within Keynsham or on its edge. In terms of the two other nearest sites within a catchment area of the proposed site in Hanham as set out above there is uncertainty as to whether these sites would be acceptable and at the Kleeneze site a housing use is being considered. Notwithstanding any planning judgement as to whether such a use would be acceptable it is considered unlikely that that the sites would be deemed appropriate or perhaps more importantly become available for a retail use within the timescale that this current proposal could be implemented ie within a reasonable period of time.

It is therefore considered that the sequential test has been passed.

5.3 Retail Impact Assessment

Turning to the requirement to assess the impact on the existing Town Centre(s) as set out in 5.1 above.

The applicant has submitted a retail impact assessment (available on the Council website). The study area has been divided into 6 zones and gives an estimate of their turnovers. A household survey has been undertaken by the applicant to find shopping habits. The turnover of each area is of course an estimate but it is found by multiplying the available retail expenditure by the market share that has been identified in the survey. The area studied extends from the M4 in the north to Keynsham in the south and includes areas on the eastern fringe of Bristol but not rural areas. The impact is assessed in terms of convenience shopping.

The applicant has assessed the estimated turnover of the proposed new store at £8.9m and this is a figure that is considered appropriate. The Centres and food stores likely to be impacted is found from the results of the household survey previously mentioned. Those identified are Aldi Longwell Green, Tesco Keynsham, Asda Longwell Green and Lidl Hanham. The full details of the turn overs of these stores is set out in the retail report (on the Council website) and while these figures must be treated with caution it is considered that they are reasonable.

The trade draw figures identified by the applicant from the existing stores to the proposed one are not entirely accepted. The estimated draw from the applicants report from Aldi Longwell Green is 15% of the proposals turnover, with 45% of the turnover from Asda. 10% would be from the Lidl Hanham turnover. The overall impact on the Longwell Green Centre would be 4.6%, Asda 6.9%, Aldi 5.2% (this figure is considered low and the Council's consultant considers this could be 10 to 15%). It is considered that existing stores are trading well, in terms of Aldi at Longwell Green, (the in-centre site – Asda and Lidl being out of centre) while there would be some impact on the Longwell Green Centre, many of the stores there are not dependent on

the footfall generated by the Aldi. Thus it is concluded that any impact from the new store on the Longwell Green Centre (4.6%) could not be considered significant. The Council's consultant has carried out a similar exercise for Kingswood and Keynsham and concludes that trade diversion at the former would be 5% on convenience goods and 2% from Keynsham.

The conclusion is therefore that while any new development of this type will have an impact upon existing stores and centres it is not considered that the available evidence demonstrates that this impact would be significant and therefore there are no grounds for objecting to the proposal on retail impact grounds.

Having considered the sequential test and retail impact it is concluded that the proposed development is acceptable in principle and the report will now consider the proposal in terms of the detailed material planning considerations.

5.4 Sustainable Transport

Policy CS8 has the objective of improving accessibility, supporting development that generates a significant demand for travel more favourably the nearer they are located to existing and proposed public transport infrastructure and where the promotion of sustainable travel options is promoted. PSP11 in more detail indicates that development will be acceptable where it would not: create or contribute to severe congestion, severely impact on the amenities of communities and surrounding roads or impact upon highway safety. A site would be expected to provide sufficient parking spaces for the use however there are no parking standards that apply to non-residential development.

In support of the application the applicant has submitted a Transport Assessment (TA) The site is located in an established retail and employment area at Longwell Green. Officers note in considering the impact of the proposed development that an open non-food retail consent can restart again without a need for a formal planning application. Also of consideration is the context of the site

The site is in a sustainable location. There are very good network of footway and cycle links in the area and the site is on a bus route with bus stops on Bath Road and Aldermoor Way. In this context, the officer agrees with the findings as contained within the submitted TA that the site is transport sustainably located with a range of facilities within a reasonable walk or cycle of the site that would encourage the use of more sustainable modes of transport. Furthermore, we accept that the proposed redevelopment of this site (being within an area with an established retail park and employment opportunities) will inevitably facilitate an increase in the number of potential linked trips with opportunities to visit either of the units which will complement the local retail offer.

A Transport Statement (TS) prepared by the applicant and submitted with this application has examined the existing traffic conditions, traffic attraction, and impact and has compared the findings of this assessment with national and local policy as well as comparison with the fall-back position which is the reuse of the existing

building with the extant [DIY retail] use. In traffic terms and in this instance, it is felt that the previous lawful use for DIY retailing is highly material. The TS considers a fall-back position of DIY retailing with that proposed supermarket/non-food use proposal. Using standard TRICS data, it is noted that the new food store has potential to add some extravehicular traffic movements to the highway network compared to the extant use of the building as DIY store. However, the officer is satisfied that the likely increase resulting from this would be small and it would not affect road safety or have no material impact on adjoining junctions' capacity.

There are two existing vehicular accesses onto Aldermoor Lane on to the site. The access to the west is for customer use, and the access to the east is used by service vehicles for accessing the service yard plus some staff parking area. From Aldermoor Lane vehicles can move northwards to Marsham Way, and to the south towards the A431 Bath Road. There is no proposal to alter any of these points of vehicular accesses, and similarly no alterations to the existing and proposed levels of visibility splays from either of the two vehicular accesses. Existing vehicular access arrangement is considered acceptable for the proposed use. Pedestrian access to the store is achieved from Aldermoor Way and Aldermoor Lane leading to other retail opportunities locally. There would be no change to the pedestrian accesses to the site to those existing. In respect to parking; and as part of this development, it is proposed to increase the overall levels of car parking from the existing 123 spaces to 179 spaces and this includes 11no. disabled persons parking spaces and 17no. parent & child parking spaces. Additional to car parking provision on site, the proposal also provides for 24no. cycle spaces. The proposed level of car/cycle parking is considered satisfactory.

In the light of the above, it is considered that the proposal is acceptable when considered against the aims and objectives of development plan policy. It is considered that a condition is necessary to ensure that all the proposed parking spaces for both vehicles and cycles are provided prior to the first use of the building.

Conclusion: Having considered all the relevant transportation and highway issues relating to this then, we see no highway or transportation reasons to raise objection to this application subject to a condition to secure all the proposed parking spaces both for vehicles and cycles prior to the first use of the building.

5.5 Coal Mining

Policy PSP 22 considers development in the light of unstable land and indicates that development in such circumstances will be acceptable where adequate remedial, mitigation or treatment measures are taken to ensure that the site is safe, stable and suitable for the proposed area and will remain so (this accords with para 178 and 179 of the NPPF).

The application site is in an area that is known to have been subject to Coal Mining. The Coal Authority have indicated that the undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is

available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site.

For this reason a condition will be attached to the decision notice requiring that prior to the commencement of development and appropriate scheme of intrusive site investigation should be undertaken to determine the level of activity and a report submitted. A scheme of remedial works for approval will be required depending on what is found through the initial investigation and appropriate mitigation measures undertaken.

5.6 Landscaping/Trees

Policies CS1, CS2 and CS9 of the Core Strategy and PSP2 and PSP3 of the Policies Sites and Places Plan indicate that all development should conserve and enhance the character, quality, distinctiveness and amenity of the landscape.

It is important to note that prior to the submission of this planning application areas of landscaping in particular along the frontage of the site but also elsewhere were removed. Concerns regarding this move are reflecting in comments that have been made by the public following the public consultation.

Officers have therefore considered it essential that an appropriate landscaping scheme is submitted. The area to the south of the site along the Bath Road is of most concern. This frontage lies opposite residential properties and is obviously the most visible boundary for users of the main A road. It is proposed to provide 9 no. standard trees along this boundary of an appropriate size to provide screening. Additional planting including trees will be provided on the other boundaries, in particular along the northern frontage of the site. It is unfortunate that planting will not be included within the car park however given the scale of boundary planting it is considered that the landscaping scheme being provided is acceptable both in terms of the amount (the tree planting will exceed that previously removed on the southern boundary and be of a better quality), but also through the use of native species of an appropriate size to provide fast screening.

Subject to a condition being attached to the decision notice to secure the proposed landscaping scheme prior to the first use of the building, the proposal is considered acceptable in landscaping terms

5.7 Drainage/Flood Risk

Policy CS1 and CS9 of the Core Strategy and PSP20 require development to reduce and manage the impact of flood risk through location, layout, design, choice of material and use of Sustainable Drainage systems. The site is located in Flood Zone 1 so is not at a significant risk from flooding however it is necessary for the development to demonstrate how it demonstrates that it can effectively manage water run-off as per the above policy requirement.

The applicant has submitted a detailed flood risk and drainage strategy which has been the subject of further negotiations with the Lead Local Flood Authority. Agreement has been reached and subject to a condition to ensure that the development proceeds fully in accord with the strategy the proposal is considered acceptable in drainage/flood risk terms.

5.8 Residential Amenity/Environmental Protection

Given the location of the development in relation to adjoining properties and given the presence of the existing building, it is not considered that the physical changes to the building are considered to have an adverse impact upon the amenity of the nearest residential properties that lie on the opposite side of Bath Road.

As indicated the building, is surrounded to the north, east and west by large industrial units. The site is separated by the busy A431 as well as Kingsfield Lane from residential properties that lie to the south. A loading dock with enclosed loading corridor lies on the southern elevation with the ramped loading area alongside Kingsfield Lane. No objection to the proposal has been raised to the proposal by Environmental Protection Officers (either with regard to noise or pollution). Some concern has been raised regarding the development in these terms by neighbouring occupiers however, and it is considered appropriate to restrict the hours of opening and of deliveries accordingly. The condition will restrict opening hours to between 07.00 and 23:00 hours Monday to Sunday and for deliveries from 07.00 to 2300 Monday to Saturday and 0800 to 2200 on Sundays and Bank Holidays.

5.9 Other Issues

Concern has been raised regarding the brand of store that will occupy the unit. While a full assessment has been made regarding the impact of the development upon the existing centre and stores as well as whether an appropriate “in centre” location is available within the catchment area of the proposed unit, the actual companies to occupy the site is not a material planning consideration.

Concern is noted regarding the impact of any illuminated signage however this matter is dealt with by a previously granted advertisement consent P19/3016/ADV. A condition attached to this consent restricts the use of illuminated signage to business hours.

5.10 Consideration of likely impact on Equalities

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

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

The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have a neutral impact as equality matters have duly been considered in planning policy.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission is granted subject to the conditions set out on the decision notice.

Contact Officer: David Stockdale
Tel. No. 01454 866622

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. All works shall take place in accord with the Flood Risk and Drainage Strategy (PCS Consulting Engineers Ltd - Rev A dated 21st June 2019).
For the avoidance of doubt the approved Flood Risk and Drainage Strategy includes the following appendices:

- Appendix A: Existing Sewers (Wessex Water records drawing)
- Appendix B: Topo drawing and services trace drawing
- Appendix C: Existing on site drainage system (drawing)
- Appendix D: Existing Drainage System Microdrainage Calculations
- Appendix E: Proposed Surface Drainage System drawing (Drawing number 901 Rev. A as revised and received 25th June 2019)
- Appendix F: Proposed Drainage System: Microdrainage Calculations - (as revised and received 25th June 2019)

Reason

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

3. All works shall take place fully in accord with the Landscape General Arrangement shown on BMD.18.033.DR.P101 Rev B (received 20th June 2019). The works shall be carried out prior to the first use/opening of any part of the development and retained as such thereafter.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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

Reason

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

5. Prior to the commencement of development, intrusive site investigation works to establish the coal mining legacy on the site shall be carried out. A scheme of intrusive site investigations shall be prepared, submitted and approved in writing by the local planning authority. The approved scheme of investigation shall then be carried out in full.

Reason

To ensure that the risk posed by the past coal mining activity in the area is adequately identified and where necessary mitigated and to accord with Policy PSP22 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

Reason for pre-commencement

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

6. The hours of working on site during the period of construction shall be restricted to
Monday - Friday.....7:30am - 6:00pm
Saturday.....8:00am - 1:00pm
No working shall take place on Sundays or Public Holidays.

The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework.

7. The development shall only be open to the public during the following hours:

0700 to 2300 hours Monday to Sunday

Reason

To minimise disturbance to occupiers of nearby properties and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework

8. All deliveries to the development hereby approved shall be restricted to the following hours:

07.00 to 2300 hours Monday to Saturday

0800 to 2200 hours Sundays

Reason

To minimise disturbance to occupiers of nearby properties and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework

9. This decision relates only to the plans identified below:

Received 19th March 2019

001	REV B	TREE CONSTRAINTS PLAN
1938-P-31		SITE LOCATION PLAN
1938-P-32	A	EXISTING SITE PLAN
1938-P-33		EXISTING FLOOR PLAN
1938-P-34		EXISTING ROOF PLAN
1938-P-35		EXISTING ELEVATIONS
1938-P-36	C	PROPOSED SITE PLAN
1938-P-37	C	PROPOSED FLOOR PLAN
1938-P-38		PROPOSED ROOF PLAN
1938-P-39	B	PROPOSED ELEVATIONS

Received 25th March 2019

1938-P-44	PROPOSED UNIT B MEZZANINE FLOOR PLAN
1938-P-45	EXISTING AND PROPOSED BUILDING SECTIONS

Received 20th June 2019

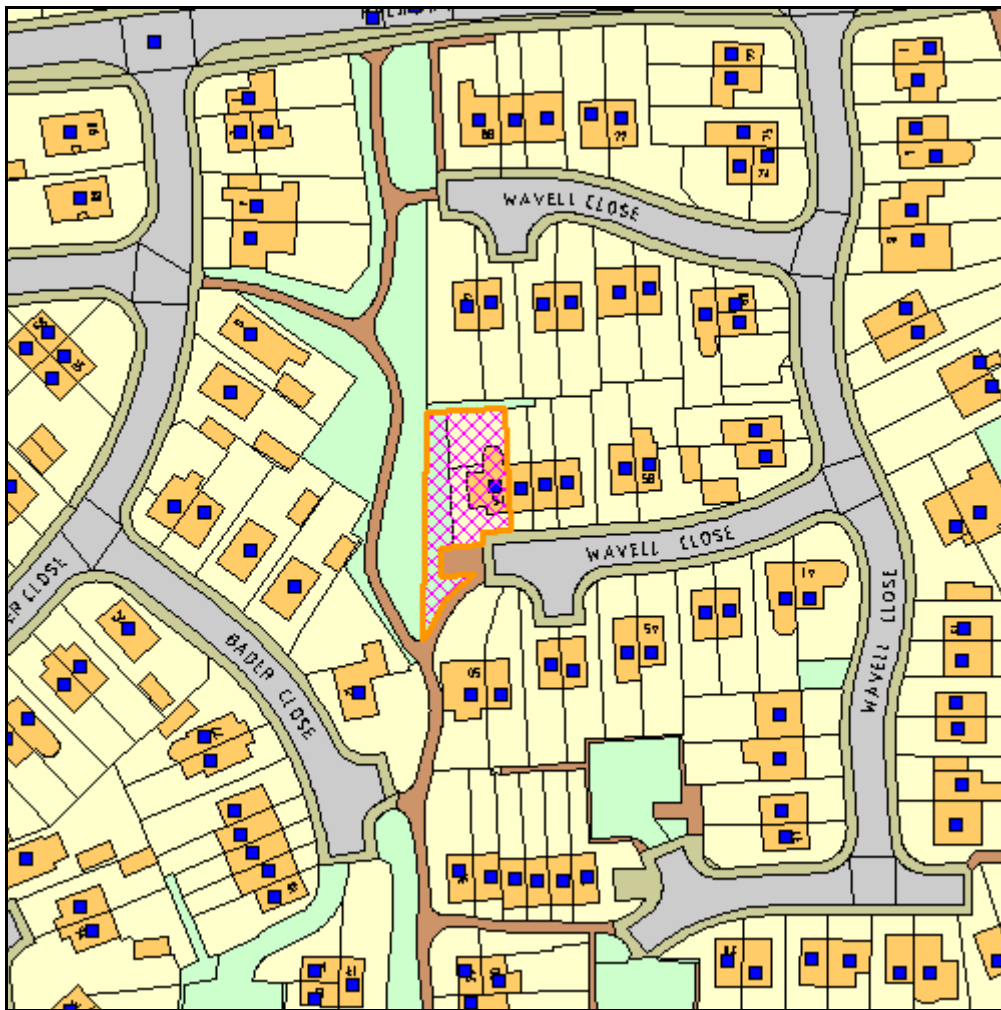
BMD.18.033.DR.P101 Rev B LANDSCAPE GENERAL ARRANGEMENT

Reason:

For the avoidance of doubt

CIRCULATED SCHEDULE NO. 38/19 – 20 SEPTEMBER 2019

App No.:	P19/5301/F	Applicant:	Mr A Spratt
Site:	51 Wavell Close Yate Bristol South Gloucestershire BS37 5UN	Date Reg:	17th May 2019
Proposal:	Erection of 1no. detached dwelling with pedestrian access, parking and associated works (resubmission of P19/0734/F).	Parish:	Yate Town Council
Map Ref:	370844 183457	Ward:	Yate North
Application Category:	Minor	Target Date:	10th July 2019



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100023410, 2008.

N.T.S.

P19/5301/F

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

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of 1no new dwelling an associated works at 51 Wavell Close, Yate. An attached single garage would be demolished to facilitate the proposal.
- 1.2 The application site is located at the end of a cul-de-sac, on land adjacent to a two storey end terrace property (no.51) and is within the defined settlement boundary of Yate.
- 1.3 The application is a re-submission of a previously withdrawn application, reference P19/0734/F, for which the Officer raised concerns with design and layout.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS30 Yate and Chipping Sodbury

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 P19/0734/F
Erection of 1no new dwelling and associated works.
Withdrawn: 14/03/2019
- 3.2 PK04/1098/F
Erection of two storey side extension to form additional living accommodation.
Re-siting of existing garage.
Approved: 07/05/2004
- 3.3 PK00/2802/PDR
Erection of detached garage.
Approved: 12/01/2001

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Objection- Parking
- 4.2 Sustainable Transport
No objection following revised plans.
- 4.3 Lead Local Flood Authority
No objection.
- 4.4 Highway Structures
No comment.
- 4.5 Tree Officer
No comments received.
- 4.6 Landscape Officer
No comments received.

Other Representations

- 4.7 Local Residents
Objection comments received from 2no local residents, summarised as follows;
- Works will cause disruption.
 - Shading/loss of daylight.
 - Loss of privacy.
 - Insufficient parking and vehicle access.
 - Loss of trees.

- Out of keeping.
- Incorrect site boundary.
- Overdevelopment.

3no. additional comments were received, however they were submitted anonymously and cannot therefore be considered.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning permission is sought for the erection of 1no detached dwelling. The site is located within the defined settlement boundary of Yate.

Policy CS5 of the South Gloucestershire Core Strategy outlines the locations at which development is considered to be appropriate; new development is directed towards the existing urban areas and defined rural settlements. As such, based solely on the location of the site, the principle of development is acceptable.

In principle the development is acceptable under the provisions of policy CS5, and it is acknowledged that the provision of one additional dwelling towards housing supply would have a modest socio-economic benefit. However, the impacts of the development proposal must be further assessed against relevant policy in order to identify any potential harm. The further areas of assessment are discussed below.

5.2 Design and Visual Amenity

The proposal relates to a two storey, two bedroom detached dwelling, located in the residential area of Yate. The application site is located at the end of a cul-de-sac in Wavell Close. The surrounding area is characterised by a mixture semi-detached, detached and terraced two storey dwellings; the host dwelling forms an end terrace within a terrace of three properties.

5.3 The proposed dwelling would be positioned to the side of the existing terrace, on land currently accommodating a single garage and hardstanding used for off-street parking. The proposed dwelling is designed with a dual pitched roof and brickwork elevations. It is acknowledged that the proposal would be broader than the neighbouring properties within Wavell Close, however this is to be expected of a detached property. Furthermore, the eaves and ridge height of the proposal would match the neighbouring properties; and although the proposal would be set back marginally from the neighbouring terrace, there is no defined building line within the cul-de-sac. Given consideration to all the above, the proposed dwelling is thought to be of an appropriate size and scale and would not be out of keeping or result in material harm to the character of the area.

5.4 In terms of layout, the proposed dwelling would be sited in the far corner of the cul-de-sac; the application site also includes land at the end of the cul-de-sac, located beyond an existing hardstanding area currently not within the ownership of the applicant. Given the unusual shape of the land in question, the layout of the proposal is of particular importance. The proposed parking for

the new dwelling and no51 would be set at a right angle forward of the new dwelling. Although the proposed parking layout is not ideal, it is a vast improvement on the previously submitted application and is thought to have a better relationship with the subject properties, with vehicles no longer having to cross third party land. The proposal also includes access to the pedestrian lane to the rear which is used for means of access to the respective rear gardens of no.51, 52 and 53 Wavell Close. Given consideration to all the above, on balance, the proposed layout is deemed to be acceptable.

- 5.5 Having regard to the assessment above, and on balance, it is considered that the appearance and layout of the development sufficiently respects the character of the surrounding area and would not cause a material degree of harm to visual amenity in order to warrant a refusal. A condition will be included on the decision notice to ensure the proposed development is carried out in accordance with the approved plans. As such, the proposal is deemed to comply with Policy CS1 of the Core Strategy.

5.6 Residential Amenity

Policy PSP8 of the PSP Plan (November 2017) sets out that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from; loss of privacy, and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

- 5.7 Concerns have been raised from the neighbouring property to the north regarding a loss of light and overlooking impact. The proposed dwelling would be located approximately 21m from the property in question, separated by the respective rear gardens. Given the significant separation distance it is not considered by the Officer that the proposal would result in a significantly detrimental impact to the residential amenity of the neighbours to the rear. The host property, no.51 Wavell Close already suffers a degree of overlooking from neighbouring occupiers which is expected within a built up residential area such as this. The property would sit adjacent to the host property and as such, the proposal is not thought to materially alter the existing levels of privacy, nor is it deemed to be overbearing or significantly alter the existing levels of light afforded to the neighbouring occupiers.

- 5.8 The proposed amenity space for the proposed property would be an acceptable size for a two storey dwelling to comply with policy PSP43 of the PSP Plan. The existing dwelling would benefit from a functional rear garden which is of a size comparable with the neighbouring properties within the terrace.

- 5.9 Overall, it is considered that the proposal would not have any unacceptable impacts on residential amenity and is therefore deemed to comply with Policy PSP8 of the PSP Plan.

5.10 Landscape and Trees

In terms of landscaping, the proposed hardstanding area would remove an area of vegetation which provides a visual gap and makes a positive contribution to the general character of the area. That said, the submitted plans indicate that the area of land to the south of the hardstanding has been allocated for landscaping, details of which are to be confirmed. This is an opportunity to enhance the existing landscaping which is currently neglected. As such, on balance and subject to a condition, no objections are raised in terms of landscaping.

- 5.11 A number of established trees are present within the existing hedgerow along the west boundary of the site. These trees are to be retained and subject to a condition for the works to be carried out in accordance with the submitted arboricultural report, no objections are raised.

5.12 Sustainable Transport and Parking Provision

The proposed dwelling and existing dwelling would both consist of two bedrooms; Policy PSP16 of the PSP Plan states that two bedroom properties should provide one space for each dwelling with the remainder of the requirement provided as unallocated visitor parking. The proposal includes two spaces side-by-side, in front of the new dwelling. This is considered to be adequate to comply with PSP16 with visitor parking satisfied by on-street parking in the surrounding area. Although initial concerns were raised with access to the proposed parking spaces, evidence was submitted which demonstrates vehicles can enter and exit the site without crossing third party land. As such, no objections are raised in terms of transport.

5.13 Equalities

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

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

5.14 Other Matters

Concern has been raised that the red line site boundary is incorrect. The applicant has indicated that all land within the red line is under their ownership, should this not be the case it is expected that the applicant gains relevant certificates. Any positive decision should not be construed as granting rights to carry out works on, or over, land not within the ownership, or control, of the applicant.

5.15 It is acknowledged that the erection of a new dwelling would cause some disruption to neighbouring residents, however this would be limited to the construction period and is therefore not a reason for refusal. It is hoped that the applicant and contractors would be considerate to the neighbouring occupiers during this time.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: James Reynolds
Tel. No. 01454 864712

CONDITIONS

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

Reason

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

2. The development shall be implemented strictly in accordance with the following documents:

Received by the Council on 15th May 2019:
Site Location & Block Plan (149 AS-001)
Existing Elevations (AS EP001)
Proposed Elevations (AS PA002A)
Proposed Floor Plans (AS PA003A)

Received by the Council on 2nd June 2019:
Parking Plan (149AS-004 Rev C 21.06.19)
Swept Path Analysis (1952-001)

Received by the Council at 27th August 2019:
Existing Floor Plans

Reason

For the avoidance of doubt.

3. Prior to the commencement of development a scheme of landscaping, which shall include proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. Works shall be carried out in accordance with the approved Arboricultural Report and Tree Protection Plan compiled by Silverback arboricultural consultancy ltd, received on 15th May 2019.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013.

5. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. The ownership of each proposed parking space shall be clearly marked for the respective dwellings.

Reason

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

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

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

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

No working shall take place on Sundays or Public Holidays

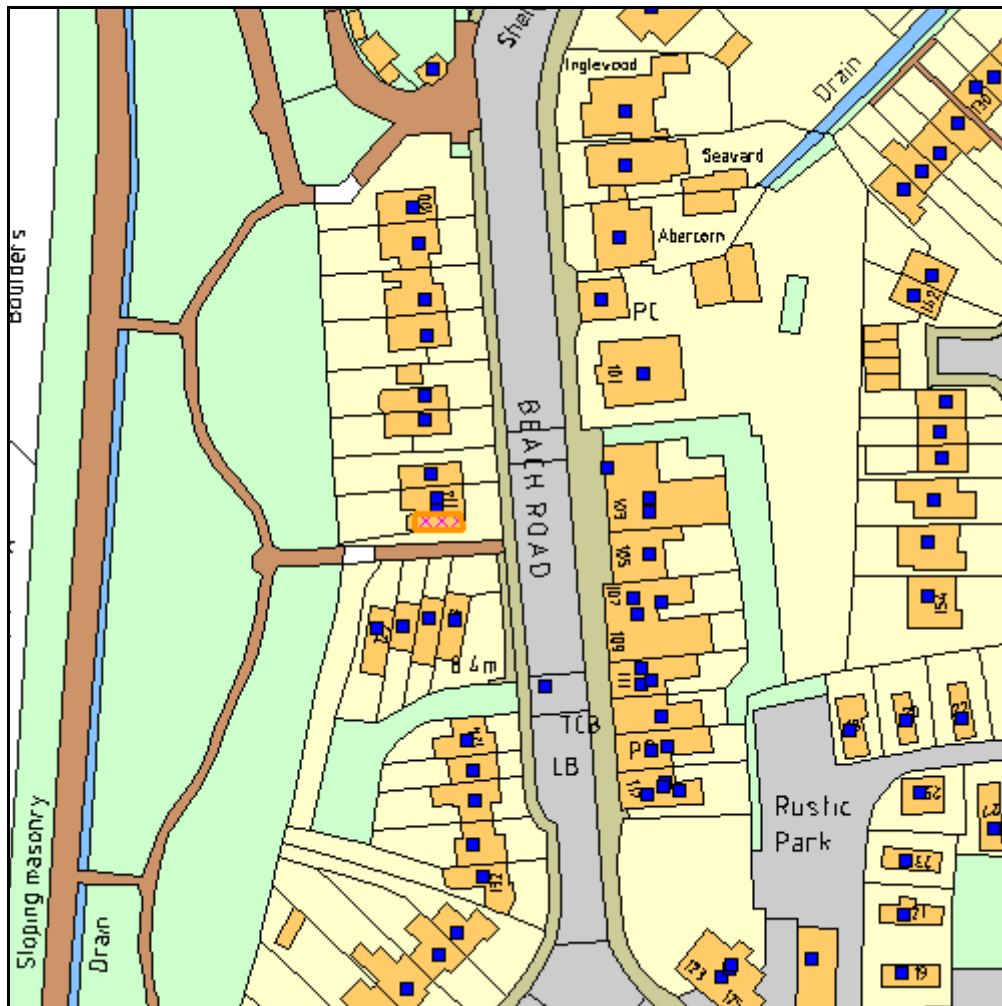
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

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

CIRCULATED SCHEDULE NO. 38/19 – 20 SEPTEMBER 2019

App No.:	P19/8112/F	Applicant:	Mr Stephen Jeffs
Site:	The Annexe 114 Beach Road Severn Beach Bristol South Gloucestershire BS35 4PQ	Date Reg:	5th August 2019
Proposal:	Change of use of 1 no. residential annexe (Class C3) to takeaway shop (Class A5) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	353924 184939	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	25th September 2019



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P19/8112/F

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

CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following a large number of objection comments and a large number of support comments from local residents. An objection has also been received from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the change of use of 1 no. residential annexe (Class C3) to takeaway shop (Class A5) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site relates to The Annexe attached to 114 Beach Road Severn Beach located in a residential area within the settlement boundary.
- 1.3 During the course of the application additional information was requested of the applicant regarding parking provision for the main house.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019
National Planning Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS14	Town Centres and Retailing
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP21	Environmental Pollution and Impacts
PSP31	Town Centre Uses
PSP32	Local Centres
PSP35	Food and Drink Uses
PSP39	Residential Conversions, Subdivision, and HMOs

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007)
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 2015
South Gloucestershire Council Waste Collection: guidance for new
developments SPD (Adopted) Jan 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/0925/F Erection of single storey side extension to form hall, bedroom, ensuite facilities and kitchen/lounge.
Approved 15.4.04
- 3.2 PT01/2101/F Erection of two storey side extension to form granny annexe with lounge, kitchen and bedroom above.
Approved 15.10.01

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
Objection:
Pilning & Severn Beach Parish Council support the need for this facility in the Parish but do not support the location of this application.

The application site is within a residential area and will cause issues relating to litter, vehicles, noise and smell to at least the four immediate neighbours.

Internal Consultees

- 4.2 Economic development
No objection
- 4.3 Environmental protection
No objection subject to a condition

Statutory / External Consultees

- 4.4 Transport
No objection in principle to this proposal I would like to see details of the existing and proposed parking for the residential unit of 114 Beach Road. My understanding is that the conversion to the Take away is from a granny annex, but it is unclear how the proposals will impact upon parking provision for host unit.

Updated comments:
New access onto Beach Road to be conditioned

Other Representations

4.5 Local Residents

29 objection representations have been received the comments are summarised as:

- Noise late at night
- Parking problems for the road; potential to obstruct emergency vehicles
- Anti-social behaviour
- Nuisance and lack of peace for residents
- Existing parking issues will be exacerbated
- Cooking smells and litter not welcome in a residential area
- Plenty of other choice at pub in Pilning, the Tea Cottage, The bakery and Shirley's café
- Beach Road is quiet, especially in evenings and needs to stay that way
- Should go into an existing commercial property, not amongst other residential dwellings
- Close proximity of existing residential properties
- Concerned about re-sale value of house
- Increase in carbon emissions
- Bins already overflow; attract rats off seafront; health hazard
- Delivery times for existing shops cause nuisance to neighbours
- Not in the right location

130 support representations have been received the comments are summarised as:

- Severn Beach needs this facility
- Will be used by visitors and locals
- A pub should be next on the list
- No need to get in car to drive miles
- Last fish and chip shop was converted into a bungalow – currently no hot food in Severn Beach after 5 pm
- People can walk to it
- Support local businesses
- Ask that any disposables are recyclable
- I live in Redwick but would support this business
- Nearest takeaways are in Avonmouth, Chepstow and Patchway
- A possible catalyst for other businesses
- Will provide jobs for local people
- Will not affect café as completely different fare being offered
- Modern equipment will reduce any smells

5. **ANALYSIS OF PROPOSAL**

5.1 The application is for a fish and chip shop in Severn Beach.

5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. The site is located within the settlement boundary of Severn Beach opposite a small area of local shops. It would be the conversion of an existing building to another use and as such the principle of development is acceptable but other matters to consider include:

- Impact on character of the area

- Impact on residential amenity
 - Impact on public safety
- 5.3 Character of the area/design:
The application site is currently a residential annexe serving 114 Beach Road, Severn Beach. This side of Beach Road is purely residential with modest two-storey properties for the most part fronting Beach Road, save for a terrace immediately to the south of the application site which are side onto the site around 9.6 metres away.
- 5.4 Directly opposite the application site are local shops, McColls, and Down's Bakery. These form the ground floor of two-storey buildings with residential accommodation above. Attached, is a three storey terrace. This block once had shops along its ground floor but it is noted many have been converted to residential. Although there would be changes the introduction of a new retail element in this part of Severn Beach would not be unacceptable. There are no other similar takeaway food and drink uses in close proximity to the application site.
- 5.5 With regards to the main house, the proposed change of use would mean alterations to the internal configuration of the ground floor of the annexe to convert it to a public/shop area, chip fryer and kebab area with preparation and storage area to the rear. There would be no change to the external appearance or to the first floor level. It has been confirmed that the first floor would remain accommodation for the main house and would be accessed from this upper floor.
- 5.6 Residential Amenity:
The Annexe is part of 114 Beach Road and shares the rear garden. Plans indicate that there would be no change to this arrangement. It is understood the owner and occupant of 114 Beach Road would be the proprietor of the fish and chip shop. As such there would be no adverse impact on the amenity of this dwelling.
- 5.7 A number of concerns have been raised regarding potential negative impacts on the amenity of closest neighbours in the rank of houses 118-122 which run perpendicular to the highway and immediately opposite the side elevation and garden of 114 Beach Road.
- 5.8 Some of these concerns, such as noise and disturbance will be dealt with under alternative legislation and are discussed more in the below section.
- 5.9 Environmental protection:
A number of residents have expressed concern regarding the potential for disturbance resulting from noise, smells, litter and possible anti-social behaviour. An appropriate condition will request full details of the proposed extraction and odour abatement systems and a schedule of their maintenance/upkeep, and a further condition will require details of predicted noise levels from the extraction system. These details must be supplied and approved prior to first occupation of the fish and chip shop. It is therefore

considered that appropriate measures can be introduced to minimise the impact of smells and noise from the equipment.

5.10 Other comments have indicated concern regarding noise levels and disturbance from customers particularly late in the evening and from the potential for littering and loitering. The application has given the proposed opening times as being 12-2pm and 5-10pm Monday to Sunday. The shop is within a residential area, and therefore a condition will reflect these hours. In addition deliveries to the site will also be time restricted due to the proximity of residential properties and the potential for added disturbance.

5.11 Some of these areas of concern/issues raised are covered by different legislation outside of planning regulations such as the noise and disturbance and should these become unacceptable the situation should be reported to the appropriate authorities for action.

5.12 With regards to the potential for litter, it is reasonable that the owner take some responsibility for the provision of a bin directly outside the premises which he would then be required to empty on a regular basis. This is to ensure waste cannot blow around. An appropriate condition can be attached to the decision notice to ensure this provision.

5.13 Transport

A single parking space is directly outside The Annexe currently serving 114 Beach Road. Further details were requested of the applicant to clarify the proposed parking situation. The applicant has explained that the existing parking space directly outside The Annexe would be the entrance to the shop and a new parking space would be created outside the main house. The revised plan is very basic but it appears there would be room to accommodate a path and a parking space could be accommodated side by side. It would be better for the entrance door into the shop to be swapped with the existing window to allow easier access and to accommodate the on-site parking. An appropriately worded condition will be attached to the decision notice. Given that Beach Road is classified a condition for approval of the details of the proposed vehicle cross over and dropped kerb will be required, prior to the first opening of the takeaway. Permission will be required from the Streetcare department regarding the necessary specification and license to undertake the works.

5.14 Overall conclusion

The proposed development is considered to accord with policy PSP35 and can therefore be recommended for approval.

5.15 Other matters:

The applicant has agreed to the prior to commencement conditions.

5.16 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination;

advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

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

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

5.19 Other Matters

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

5.20 Property value – this is not a planning matter and therefore cannot be considered under application.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. Prior to occupation full details of the proposed extraction and odour abatement system should be provided. This should include details on the specification and location of all fans, filters, plant and flues, including a detailed schematic diagram of the ventilation system and its location inside and outside the building. The plan should also show scaled details of where the flue will terminate in relation to adjoining premises (residential and commercial).

The odour abatement system shall comply with the principles of best practice contained within the EMAQ report, Control of Odour and Noise from Kitchen Exhaust Systems, an update to the 2004 report prepared by NETCEN for the Department of the Environment.

It is recommended that the flue should not terminate less than 1m above the roof ridge of any building within 15m of the building housing the commercial kitchen, and discharge vertically upwards. Additional odour control measures may still be required depending on the cooking type and frequency. If this cannot be complied with for planning reasons, then the extracted air shall be discharged not less than 1m above the roof eaves or dormer window of the building housing the commercial kitchen and additional odour control measures may be required. If neither of these can be complied with for planning reasons, then an exceptionally high level of odour control will be required*.

Any canopy above a wood burning appliance shall be designed in line with current guidance*. Solid fuel appliances should be considered separately when designing a safe and efficient ventilation/control system.

The system shall be operated and maintained in accordance with written approval.

*Guidance on the above can be obtained in the EMAQ report, Control of Odour and Noise from Kitchen Exhaust Systems, an update to the 2004 report prepared by NETCEN for the Department of the Environment. It is available at <https://ee.ricardo.com/downloads/air-quality/control-of-odour-and-noise-from-commercial-kitchen-exhaust-systems>.

Reason

To protect the amenity enjoyed by those living in the locality to accord with Policies PSP8, PSP21 and PSP35 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the provisions of the National Planning Policy Framework.

3. Prior to commencement a maintenance/cleaning schedule of the proposed extraction and odour abatement system, written in accordance with the manufacturers' instructions and recommendations, should be incorporated as part of the application. A written recording system should be retained thereafter to demonstrate when all such work is carried out for the duration of its use. Development shall proceed in accordance with the written approval.

Reason

To protect the amenity enjoyed by those living in the locality to accord with Policies PSP8, PSP21 and PSP35 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the provisions of the National Planning Policy Framework.

4. Prior to commencement details on predicted noise levels from the extraction system (fan and air movement, through and leaving the ducting) should be incorporated as part of the application. Flues should be well insulated and sited to minimise the effects of vibration transmission and noise to any adjacent building. It may be necessary to install anti vibration mounts, flexible couplings, silencers etc. Full details should be provided to show how any potential noise nuisance will be prevented through the design.

The Rating Noise Level of any plant associated with the extraction system shall not exceed the pre-existing LA90 Background Noise Level when measured and assessed in accordance with the British Standard 4142 as amended.

In addition the following information should be taken into consideration:

Approval of this application does not imply compliance with Food Safety or Health & Safety at Work Legislation. You are therefore advised to contact the Food, Health and Safety Team to discuss these matters, as well as the suitability of access for disabled people, before work commences.

Reason

To protect the amenity enjoyed by those living in the locality to accord with Policies PSP8, PSP21 and PSP35 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the provisions of the National Planning Policy Framework.

5. The use hereby permitted shall not be open to customers outside the following times 12-2pm and 5-10pm Monday to Sunday.

Reason

To protect the amenity enjoyed by those living in the locality to accord with Policies PSP8, PSP21 and PSP35 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the provisions of the National Planning Policy Framework.

6. Where the site is adjacent to residential no deliveries shall take place outside the hours of;

Monday - Friday.....7.30 - 18.00
Saturday.....8.00 - 13.00.
No deliveries on Sundays or Bank Holidays

Reason

To protect the amenity enjoyed by those living in the locality to accord with Policies PSP8, PSP21 and PSP35 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the provisions of the National Planning Policy Framework.

7. Prior to first operation details and location of an appropriate sized litter bin to be provided outside the premises for the use of customers during opening hours shall be submitted to the LPA for approval in writing. The bin shall remain available for the use of customers for as long as the fish and chip shop is in operation.

Reason

To protect the amenity enjoyed by those living in the locality to accord with Policies PSP8, PSP21 and PSP35 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the provisions of the National Planning Policy Framework.

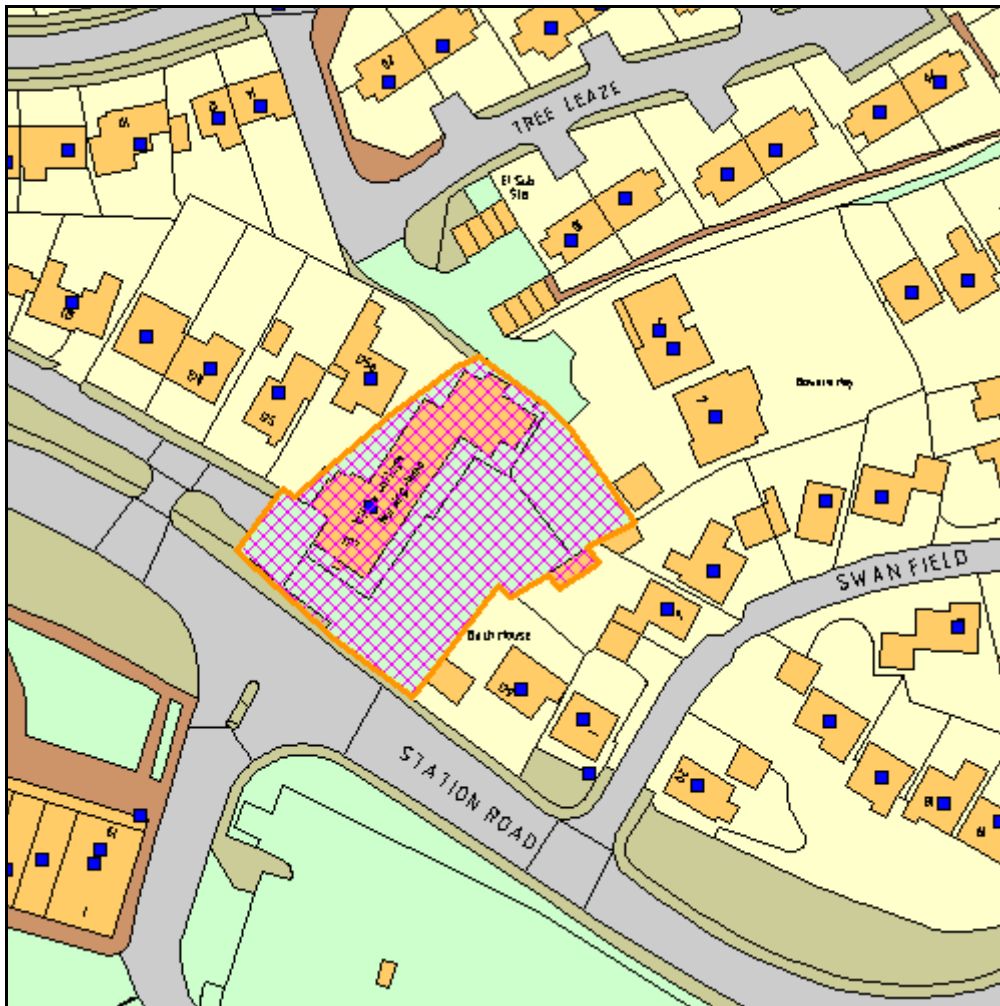
8. Prior to commencement of sales at the takeaway, a scaled plan showing the revised position of the entrance door together with footway and car parking space and full details of the proposed vehicle cross over and dropped kerb position will be required to be submitted to the LPA for written approval. The parking space shall be maintained thereafter for use of the occupants of 114 Beach Road.

Reason

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

CIRCULATED SCHEDULE NO. 38/19 – 20 SEPTEMBER 2019

App No.:	PK18/6606/F	Applicant:	Mr Sats Ahluwalia
Site:	Willow Cottage Nursing Home 127 Station Road Yate Bristol South Gloucestershire BS37 5AL	Date Reg:	9th January 2019
Proposal:	External alterations to facilitate change of use from nursing home (Class C2) to 9 No. flats (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Yate Town Council
Map Ref:	371534 182604	Ward:	Yate Central
Application Category:	Minor	Target Date:	6th March 2019



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ITEM 5

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

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

A representation has been made by the parish council, which is contrary to the findings of this report. Furthermore, 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. 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 external alterations to facilitate the change of use of a building from a nursing home (Class C2) to 9 No. flats (Class C3). The application relates to Willow Cottage Nursing Home, 127 Station Road, Yate.
- 1.2 The application site comprises a large building set within a site extending to 0.19ha. The site is located along Station Road, within the defined settlement boundary of Yate. The current lawful use of the building is as a care home, with planning permission granted for this use in 1983. However the care home was closed in early 2018, and the building has since remained unused.
- 1.3 Revised plans were received on 5th July 2019. The revisions to the scheme involved the removal of proposed office space, and the subsequent increase in the number of flats to be provided from a total of 8 to 9. The changes to the scheme were considered to be material, and as such triggered an additional round of consultation. This was undertaken from 5th July 2019 – 19th July 2019.

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
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS20	Extra Care Housing
CS23	Community Infrastructure and Cultural Activity

ITEM 5

CS30 Yate and Chipping Sodbury

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP39	Residential Conversions, Sub-Divisions and Houses in Multiple Occupation
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

Waste Collection Guidance for new Developments SPD (Adopted) 2015

3. RELEVANT PLANNING HISTORY

3.1 **P89/2965**

Erection of two storey extension to existing elderly persons home to provide staff and residents accommodation.

Approved: 04.07.1990

3.2 **P89/2507**

Erection of extension to elderly persons nursing home to provide staff accommodation and four residents bedrooms.

Refused: 13.09.1989

3.3 **P88/1997**

Erection of two storey extension to existing elderly persons home to provide staff and residents accommodation.

Withdrawn: 21.07.1989

3.4 **P86/2092**

Erection of garden shed and external w.c.

Approved: 06.10.1986

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3.5 **P84/1617**

Erection of two storey extension to rear of elderly persons home to provide 2 bedroomed flat and 9 additional bedrooms; construction of new access drive and additional car parking area.

Approved: 06.06.1984

3.6 **N651/5**

Change of use from private dwelling to Elderly Persons residence.

Approved: 20.10.1983

4. **CONSULTATION RESPONSES (FIRST ROUND OF CONSULTATION)**

4.1 Yate Town Council

Objection on following grounds:

- Too many flats proposed.
- Provision of offices allow for developer to remain under Affordable Housing threshold.
- Proposal will have unacceptable impact on residents of Bowers Hey to rear of site. This comprises a very small cul-de-sac.
- Conditions were attached to a consent for a rear extension at the care home. These restricted parking and manoeuvring on highway to rear of site, and outlined that the extension shall remain incidental to care home. Parking/manoeuvring condition should be re-applied.
- Bowers Hey not named on plans.
- Transport Statement does not assess impact of vehicle movements in evening. Extra movements will have adverse impact on security and amenity impacts on neighbours to rear.
- No informal parking area to front – will lead to possible parking on highway to rear.
- Shortage of parking spaces to front.
- No space for on-site turning in rear car park. Turning only possible when one parking space empty.
- Bowers Hey is very narrow – difficult for vehicles to manoeuvre.
- Only 5 spaces should be provided to rear of site.
- If consent is to be granted, request that conditions be attached restricting insertion of new windows, and parking and manoeuvring of vehicles to rear.

4.2 Other Consultees

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Conservation Officer

No objection

Ecology Officer

No objection subject to condition

Economic Development

No objection

Highway Structures

No comment

Landscape Officer

Submitted landscape documents largely acceptable. Some queries regarding loss of tree, height of stone wall, possible planting of additional tree and provision of additional planting in rear parking area.

Lead Local Flood Authority

No objection

Sustainable Transport

Traffic Generation

- Proposal primarily involves conversion of existing building into smaller units – there is no proposal to increase the footprint of the existing building.
- Existing building is to be converted in to 8no. flats and it is further proposed to use part of this building (i.e. 256m² floor space) as an office. Must be emphasised that footprint would not increase.
- Transport Statement submitted with application. Clear that proposed use would generate slightly more vehicular trips compared to the former care home use of the site during peak hours and 12 hour time period. Increase of about 8 movements in AM hour and 5 movements in PM hour.
- Satisfied that the transport impact of the development would not be significant, and as such any refusal of the application on traffic grounds alone would be unreasonable.
- Site located in very sustainable location in Yate town centre. Position of site makes it ideal for reduced private vehicle reliance and provides opportunity to encourage alternative means of travelling.

Access

- Currently two vehicular access points to this building; one from a spur off the B4060 Station Road and one from Tree Leaze to the rear of the property. As part of this proposal; it is intended to utilise both existing accesses to serve the development.

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- Concerns raised regarding the ownership of land are noted. However consider that both accesses are existing and lawful, and are currently used by applicant.
- Auto track details indicate that most vehicles could enter and exit site in forward gear. Whilst some may have to reverse, this would be on to quiet residential cul-de-sac, and as such risk to highway users is low.
- In terms of land ownership issue, of the view that presence of the existing accesses themselves gives them legitimacy to operate as they are, regardless of whether the building is being used as a care home, residential or as an office.
- Satisfied that nature and type of vehicle using accesses would not be significantly different between existing and proposed uses.
- Given the fact that the level of traffic from new use would not significantly increase compared to extant use, it would be difficult to refuse application on any access issue.

Parking

- Council's parking standards as set out in policy PSP16 of Policies, Sites and Places Plan require 1 parking space for a one-bed dwelling, 1.5 for a two-bed dwelling and 2 spaces for a 3-bed dwelling. Visitor parking required at 0.2 spaces per dwelling.
- Old parking standards indicate that for office use, one parking space should be provided per 35m² of floor area.
- Plans show 21no. parking spaces to be provided. This is considered adequate for proposed use. Also take comfort from fact office parking unlikely to be used during evening and when office is closed.
- Cycle parking provided which meets Council's minimum cycle parking requirement.

Conclusion

- In view of the above, no highway objection to this application. Recommend that a suitable planning condition is imposed to ensure that applicant provides off street car and cycle parking plus manoeuvring area on site in accordance with approved plans, with all to be maintained satisfactorily thereafter.

Tree Officer

No comment

Other Representations

4.3 Local Residents

3 letters of objection were received during the first round of consultation. The main concerns raised are summarised below:

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- Insufficient levels of parking provided to serve the number of apartments and offices.
- Use as apartments will result in far more vehicular movements than care home – only ever 8 or 9 vehicles parked.
- Vehicular access points to site and on to main highway are substandard.
- Road to the rear of the site was paid for by residents to rear as well as owners of residential home.
- Query whether covenant will be placed on developer to keep road to rear clear at all times during development.
- Query whether developers will be responsible for any damage to road, boundary walls and fences.
- Query whether boundary lighting will be provided for security.
- Number of apartments should be reduced and offices removed from scheme. Current proposal is excessive for building.
- Mix of offices and flats seems forced and contrived.
- Addition of windows will affect privacy of neighbours to front and rear.
- Unclear on who will be responsible for upkeep.
- Informal change of use from nursing home to staff usage has already taken place.
- Unclear where refuse bins will be stored and collected.
- No turning circles shown for proposed parking.
- Would prefer building to remain as nursing home.
- Creation of additional parking spaces may affect root protection area of protected trees.
- Submitted ecological survey is insufficient.

5. **CONSULTATION RESPONSES (SECOND ROUND OF CONSULTATION)**

5.1 Yate Town Council

- Still too many flats for context of parking and access. Applicants have gone for 9 flats including a number of 3 bed flats to deliberately sit below affordable housing threshold.
- Deeply concerned about rear of site and impact of traffic on amenity of residents.
- Three bed flats will either become HMOs or adult families, and will result in parking in excess of the planned amount in parking SPD. Will result in on-street parking issues.
- Concerned that applicants have not recognised issues about access via Bowers Hey.

5.2 Other Consultees

Conservation Officer

No objection

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Ecology Officer

No objection subject to condition

Economic Development

No objection

Highway Structures

No comment

Landscape Officer

Some recommendations have been incorporated in to scheme, however some remain outstanding.

Lead Local Flood Authority

No objection

Sustainable Transport

- There is no increase to footprint proposed – the changes are primarily internal with some external alteration.
- Site is in a sustainable location
- It is still intended to utilise both accesses to front and rear of site. Pedestrian access would be provided from Station Road and Treeleaze as per existing.
- As accesses are existing, it would not be appropriate for Council to limit their use as part of this proposal - any restriction of use of the existing accesses may only be achieve if the applicant agrees voluntarily to this, otherwise imposing conditions to limit the use would not meet the test of a planning condition.
- In terms of parking, proposal provides 19no. spaces on-site. This more than adequately caters for development.

Tree Officer

No objections in principle. There does appear to be a significant amount of no dig construction proposed which can often be problematic. For this reason it will be necessary for there to be an arboricultural watching brief for all no dig construction and also for the installation of the cellular confinement system. Other than that provided that all works are in accordance with the submitted Arb report there are no objections.

Other Representations

5.3 Local Residents

Two letters of objection were received during the second round of consultation. The main concerns raised are summarised below:

- Changes made to proposal are not entirely clear.
- Protected tree situated to front of site is contained within application.
- Number of parking spaces still insufficient.

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- Outside office space still available, could be used as parking.
- Previous queries not answered by revisions.
- Would challenge legality of applicant using road to rear without a change to Deeds.
- Owners of bungalows to rear will not accept increased usage of road.
- Poor visibility at access to rear.
- Object to tree being planted close to neighbouring boundary.
- Protected tree would be impacted by proximity of parking.
- Noticed increase in bat activity since home became empty. Believe new ecology survey should be undertaken.
- Have not seen site notice posted for application so some residents may not be aware.
- No parking for outside office space.

6. **ANALYSIS OF PROPOSAL**

6.1 Principle of Development

The application seeks to convert a disused nursing home into no. 9 residential apartments. The application site is located within the defined settlement boundary of Yate. Policy CS5 of the Core Strategy outlines the locations within the district at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area, and within the defined boundaries of settlements. The application site is located within the defined settlement boundary of Yate. As such, based solely on the location of the site, the development is acceptable in principle.

- 6.2 In terms of the loss of the nursing home facility, policy CS23 of the Core Strategy relates to community infrastructure and cultural activity. Community infrastructure includes health and social care facilities; a category that a nursing home falls into. CS23 outlines that existing community infrastructure will be retained, unless it can be demonstrated that:

3. the use has ceased and there is no longer a demand; or
4. the facility is no longer fit for purpose; and
5. suitable alternative provision is available within easy walking distance to the required standard.

- 6.3 The applicant has submitted a statement, seeking to demonstrate that the above criteria are met. Within this statement, it is outlined that following a number of interventions by the Council and the Care Quality Commission (CQC), the home was closed.

- 6.4 The CQC inspected the home in January 2018, following which they rated the home as inadequate and put the home into "Special Measures". This was largely on the basis that room sizes were not to the standard expected of more modern care homes. This saw a significant number of residents leave and take places at much larger, better equipped homes within a mile of the site. An

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embargo was also placed on the home by the Council, stopping the home taking on new residents.

- 6.5 Following the above interventions and the fact that the home could not take on new residents, the owner found the business to be financially unviable, and as such decided to close the home. The above account of events is confirmed within a newspaper article provided to the LPA, and there is no evidence to the contrary. As such, it is reasonable to conclude that the facility is no longer fit for purpose.
- 6.6 In terms of alternative provision, the applicant has cited The Meadows Care Home and the Oak Tree Care Home. Both provide much larger, more modern facilities, and are located within one mile of the site. It is also noted that there are other care home facilities available within Yate.
- 6.7 As such, whilst the Local Planning Authority generally seek to retain care home facilities where possible, and the loss of the facility is regrettable, it is accepted that in these circumstances, the facility is no longer fit for purpose and the business no longer viable. As such, the conversion of the building to provide residential apartments is considered to meet the requirements of policy CS23, and the development is therefore acceptable in principle.
- 6.8 The development represents a sustainable location for development and the conversion is considered to be acceptable in principle. It is also acknowledged that the addition of 9no. new residential apartments to add to the overall supply of housing in the district would have notable socio-economic benefits. However the development is to be assessed further as to identify any potential harm which would arise from the development. The harm will then be balanced against the benefits of the development. As such, the application will be determined against the matters set out below.
- 6.9 Design, Visual Amenity and Site Landscaping
Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF.
- 6.10 The existing building extends to three stories at its principal elevation, with this portion of the building dating from the 1750s. This section of the building is finished in natural stone, and is considered to form a prominent feature within the Station Road streetscene. A two-storey section, which appears to be a slightly later addition, is attached to the rear of the principal section. A more modern construction, erected in the 1980s, is attached further to the rear.
- 6.11 In terms of the character and appearance of the building, the only external alterations proposed as part of the development would be the upgrading of a small flat roof area, as well as the in-filling of a set of doors. Overall, it is not considered that the minor alterations would fundamentally alter the character or appearance of the building. It is also not considered that the change in use

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from a care home to self-contained apartments would significantly detract from the overall character of the building.

- 6.12 The main impact of the development in terms of the character of the site would be the provision of parking areas and areas of landscaping. In terms of the provision of parking areas, it is acknowledged that the parking areas would be larger than those currently provided; with an extended parking areas created towards the frontage of the site. However it is not considered that the provision of the additional parking area would significantly degrade the overall character of the site.
- 6.13 A large area between the two parking areas would be retained as shared amenity space. Existing sheds would also be retained to provide cycle storage areas. Overall the retention of an area of open amenity space is welcomed, and is considered to break up the somewhat harsher appearance of the two parking areas.
- 6.14 In terms of landscaping features, it is noted that much of the existing vegetation and planting at the site would be retained, including a protected Yew Tree. An existing Cypress Tree would be removed, however the removal of this would be off-set by the planting of a new semi-mature tree to the south-western corner of the site. It is also noted that an additional hedgerow would be provided. Overall, the proposed scheme of landscaping is considered to be satisfactory, with the current appearance of the site in this respect largely retained. A condition will be attached to any consent, requiring the proposed scheme of landscaping to be carried out in accordance with the submitted landscape plan.
- 6.15 Subject to this condition, there are no concerns with the proposal in terms of any impact of the development on the visual amenity and character of both the site and surrounding area. As such, the proposal is considered to comply with policy CS1 of the Core Strategy and PSP2 of the Policies, Sites and Places Plan.
- 6.16 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 6.17 It is noted that residential properties are situated immediately to north, east and west of the site. In terms of the proposed external alterations, given their extremely minor nature, it is not considered that the alterations would have any impact on the amenity of surrounding residents.
- 6.18 It is also not considered that the change in use of the building from a care home to self-contained residential apartments would have any greater impact on the amenity of neighbours. Any potential sense of overlooking from first and

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second floor windows on to neighbouring properties would be no greater than that caused by the current, lawful use.

- 6.19 The suggestion that no new windows should be inserted in to the building is noted. However the building is well served by existing windows, and there is no reason to assume that future residents would seek to insert additional windows. In any case, it is not considered that any additional windows inserted in to the building would result in any significant privacy issues, and as such it is not considered reasonable or necessary to restrict the future insertion of windows in to the building by condition.
- 6.20 In terms of the amenity of future occupants, it is considered that sufficient internal space would be provided for each of the 9no. apartments. In terms of external space, it is noted that several ground floor apartments would be served by their own small areas of private amenity space. All other apartments would have access to the area of shared amenity space, which is considered to be sufficiently large as to serve the anticipated number of residents.
- 6.21 Whilst the building would not be extended, it is acknowledged that its conversion, together with any associated works to the remainder of the site, would require a considerable amount of building work. Therefore in order to protect the amenity of surrounding residents, a condition will be attached to any consent, restricting the permitted hours of operation during the construction period. Subject to this condition, it is not considered that the development would have any significant adverse impact on residential amenity. The proposal therefore complies with policy PSP8.
- 6.22 Transport
Policy CS8 of the Core Strategy outlines that vehicular access to a site should be well integrated and situated so it supports the streetscene and does not compromise walking, cycling, public transport infrastructure and highway safety. Policy PSP11 of the Policies, Sites and Places Plan outlines that appropriate, safe, accessible, convenient and attractive access should be provided for all mode trips arising to and from a particular development.
- 6.23 On-site parking areas are to be provided to the front and rear of the site. Vehicular access to the site is to be gained off existing access points to the front (from a residential road accessed off Station Road), and the rear (via Bowers Hey off Treeleaze).
- 6.24 The concerns raised in relation to the proposed means of access are noted. However the transport officer is satisfied that, whilst the number of vehicular trips arising from the proposed use would increase when compared to the extant use, this would not result in any significant highway safety impacts.
- 6.25 In terms of the safety of the proposed means of access, the existing access points would be utilised, and on the basis that these are already in-situ, the transport officer has not identified any significant issues in respect of the continued use of the access points to serve the proposed apartments.

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- 6.26 It is also not considered that the minor increase in the use of the site would result in any significant adverse impact on the amenity of surrounding residents, above and beyond any impact that would be caused by the continued use of the site as a care home facility. As such, there are no fundamental concerns regarding the continued use of the existing access points. The concerns raised regarding the legality of this are noted, however as the access points already serve the site, there is no reason to believe that the accesses could no longer be used. As such, this issue would not prevent the granting of planning permission, and any issues regarding ownership should be dealt with outside of the planning process as a civil matter.
- 6.27 In terms of parking, it is proposed to provide 19 parking spaces. Under policy PSP16 of the Policies, Sites and Places Plan, one-bed properties should be served by one parking space, two-bed properties by 1.5 spaces, and three-bed properties by 2 spaces. The development would consist of 6x three-bed apartments, 2x two-bed apartments, and 1x one-bed apartment. As such, the required provision for the proposed apartments is 16 parking spaces. In terms of visitor spaces, a total of 0.2 spaces should be provided per unit (to be rounded to nearest whole number). For 9 apartments, this therefore equates to 2 visitor parking spaces. As such, the total required parking provision for the development is 18 parking spaces, and the provision of 19 spaces therefore accords with the Council's parking standards as set out in PSP16. The transport officer is also satisfied with the proposed arrangement, and considers that sufficient space is provided on-site as for the proposed parking spaces to be accessed.
- 6.28 The transport officer is also satisfied with the proposed cycle parking facilities and bin storage and collection arrangements. Subject to a condition requiring the proposed parking spaces, cycle storage and waste collection facilities to be provided prior to the occupation of the apartments, there are no concerns with the development proposal in this respect.
- 6.29 On the basis that sufficient on-site parking is to be provided, it is not considered that the development would directly lead to increased on-street parking in the locality. It should also be noted that the site is located in a highly sustainable location, in walking distance of a number of key services and facilities, as well as public transport facilities. As a consequence, prospective occupants are far less likely to be entirely dependent on private vehicles.
- 6.30 The comments made regarding conditions attached to a previous consent; particularly those relating to the movement of vehicles on the adjacent highway, are noted. However this decision was made almost 30 years ago. It is not considered that the application of a condition restricting any vehicular parking or manoeuvring on any highway land outside the curtilage of the building is reasonable. This is on the basis that sufficient parking space is to provided on-site as to comply with the Council's standards. Any vehicles parking or manoeuvring illegally on the adjacent highway is a matter to be dealt with by the police.

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6.31 Trees

It is acknowledged that a protected Yew Tree is situated within the site, towards its southern boundary. An arboricultural report has been submitted in support of the application, and this has been found to be acceptable by the tree officer. However some concern has been raised regarding the levels of no dig construction proposed. It has therefore been recommended that an arboricultural watching brief be carried out for all no dig construction and also for the installation of the cellular confinement system. A condition to this affect will be attached to any decision.

6.32 Subject to this condition, and a further condition requiring the development to be carried out in accordance with the submitted arboricultural report, it is not considered that the development would cause significant harm to the health of trees. The development therefore complies with policy PSP3 of the Policies, Sites and Places Plan.

6.33 The concerns raised regarding the potential impact of the roots of a proposed tree on a neighbouring boundary are noted. However submitted plans indicate that root barriers would be utilised to protect the boundary wall. In any case, the tree is situated within the site boundary and could be planted without any form of consent, with the future maintenance of the wall considered to be a civil matter.

6.34 Ecology

Ecological surveys have been submitted in support of the application. These have been found to be acceptable by the ecology officer, and subject to a condition requiring the development to be carried out in accordance with the findings of the survey (with bat and bird boxes to be provided), there are no concerns with the development from an ecological perspective.

6.35 The concerns raised regarding whether further survey work should be carried out are noted. However the surveys submitted are considered to be sufficiently recent, and it is unlikely that the ecological value of the site will have changed significantly since the closing of the home.

6.36 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.

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

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6.38 Other Matters

The concerns raised regarding any damage caused during the construction period, as well as the future upkeep of the site, are considered to comprise civil issues which relate to the management of the site. As such, these matters are not considered to have a bearing on the outcome of the planning application.

6.39 The comments made in relation to the absence of a site notice at the site are noted. However under the Council's Statement of Community Involvement, a site notice was not required to be posted for this development proposal at this location.

6.40 The comments made in respect of the later extension remaining ancillary to the predominant use of the building are noted. However this condition would be superseded in the event of planning permission being granted for the change of the use of the building as a whole.

6.41 Overall Planning Balance

On the basis of the assessment set out above, it is not considered that the development would result in any significant socio-environmental harm, which would outweigh the considerable socio-economic benefits of providing 9 new apartments at a sustainable location. Any issues that remain unresolved can be sufficiently addressed by condition. The proposal therefore succeeds and it follows that planning permission should be granted.

7. CONCLUSION

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

7.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the 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.

8. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

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Reason

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

2. The landscaping proposals for the site shall be completed in accordance with the details shown on the approved landscape plan (Drawing no. 713-LA-P-01 C - Received on 5th July 2019) and the approved landscape strategy (Drawing no. 713 A - Received on 5th July 2019). The scheme of landscaping shall be implemented prior to the first occupation of the apartments hereby approved.

Reason

In the interests of preserving the character and appearance of the site and surrounding area, and to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

4. The vehicular parking, cycle storage and waste storage facilities shall be implemented in accordance with the details shown on the approved site plan (Drawing no. 002 P13 - Received on 5th July 2019). The facilities shall be provided prior to the first occupation of the apartments hereby approved, and thereafter retained as such.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

5. The proposed development shall be carried out in accordance with the submitted Arboricultural and Planning Integration Report and Tree Protection Plan dated December 2018 written by GHA Trees Arboricultural Consultancy.

Reason

To protect the long term health of the trees and the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP3 of the South Gloucestershire

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Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

6. Prior to the commencement of development, an arboricultural watching brief for all no dig construction and for the installation of the cellular confinement system shall be submitted to the Local Planning Authority for agreement in writing. The development shall then be carried out in accordance with the agreed details.

Reason

To protect the long term health of the trees and the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

This is required to be agreed prior to the commencement of development to avoid causing damage to tree roots during groundworks.

7. The development shall proceed in strict accordance with the Mitigation Measures provided in Chapter 6 of the Preliminary Ecological Appraisal (ACD Environmental Ltd., December 2018). Prior to first occupation of the apartments hereby approved, evidence of the installation of bird and bat boxes as recommended in Chapter 6 of the Preliminary Ecological Appraisal (ACD Environmental Ltd. December 2018) shall be submitted to the local planning authority for approval in writing.

Reason

In pursuit of a net gain in biodiversity and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.