

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. XX/XX

Date to Members: 21/06/2019

Member's Deadline: 27/026/2019 (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 - 21 June 2019

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/1925/F	Approve with Conditions	The Chalet Thornbury Hill Alveston South Gloucestershire BS35 3LG	Thornbury	Alveston Parish Council
2	P19/2853/F	Approve with Conditions	56 Courtlands Bradley Stoke South Gloucestershire BS32 9BB	Bradley Stoke North	Bradley Stoke Town Council
3	P19/4291/F	Approve with Conditions	34 Chichester Way Yate South Gloucestershire BS37 5TB	Yate North	Yate Town Council
4	PK18/0799/O	Approve without conditions	North Avon Magistrates Court Kennedy Way Yate South Gloucestershire BS37 4PY	Yate Central	Yate Town Council

CIRCULATED SCHEDULE NO. 25/19 – 21 JUNE 2019

App No.:	P19/1925/F	Applicant:	Mr And Mrs Paddon
Site:	The Chalet Thornbury Hill Alveston Bristol South Gloucestershire BS35 3LG	Date Reg:	22nd February 2019
Proposal:	Erection of single storey side extension and alterations to roofline to facilitate conversion of outbuilding to form 1 No. dwelling with associated works.	Parish:	Alveston Parish Council
Map Ref:	363584 188590	Ward:	Thornbury
Application Category:	Minor	Target Date:	17th April 2019



© South Gloucestershire Council 2007. all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. P19/1925/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 an objection from the Parish council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single storey side extension and alterations to roofline to facilitate conversion of outbuilding to form 1 No. dwelling with associated works.
- 1.2 The application site relates to The Chalet, a large dwelling set within well-maintained gardens. The site is located off Thornbury Hill in Alveston, outside a settlement boundary, in the open countryside and within the Bristol/Bath Green Belt. It is noted that the proposed building is not within an area considered to be part of the residential curtilage of the host dwelling, The Chalet. The application site benefits from two accesses off Alveston Hill.
- 1.3 During the course of the application revised plans were requested to reduce the overall size of the proposed residential curtilage and to significantly reduce the size of the proposed extension.

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
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity

PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP38	Development within Existing Residential Curtilages
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
 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
 SPD: Development in the Green Belt (Adopted) 2007
 South Gloucestershire Council Waste Collection: guidance for new
 developments SPD (Adopted) Jan 2015

3. **RELEVANT PLANNING HISTORY**

This application site has been subject to a number of planning application as follows:

- | | | |
|-----|---------------|---|
| 3.1 | PT18/4368/RVC | Variation of conditions no. 5, 6 and 7 attached to planning permission PT17/0327/F condition 5 to alter the access to enter from the north and south and condition 6 alter to only exit from northern access point and condition 7 alter to say southern entrance for vehicular traffic will have a sign displaying 'Entrance Only' The sign must be clearly visible to users of the highway (Alveston Hill) .
Approved 14.11.18 |
| 3.2 | PT18/4367/RVC | Variation of conditions 5 and 9 attached to planning permission PT17/5652/F to change the access arrangements and substitute plans for drawing A5007M-002 A.
Approved 14.11.18 |
| 3.3 | PT17/5652/F | Erection of 2 no. detached dwellings and associated works
Approved 27.3.18 |
| 3.4 | PT17/0327/F | Erection of single storey extensions and alterations to facilitate conversion of 2no. barns to form 1no. dwelling with associated works. (amendment to previously approved scheme PT16/1881/F).
Approved 24.3.17 |
| 3.5 | PT16/6548/F | Demolition of 2no. storage buildings and erection of 1no. Replacement storage building (sui generis).
Approved 3.3.17 |
| 3.6 | PT16/6938/NMA | Non Material Amendment attached to planning permission PT16/1881/F to add 2 no. openable windows to the North elevation |

	Objection	23.1.17
3.7	PT16/1881/F	Erection of single storey extensions and alterations to facilitate conversion of 2no. barns to form 1no. dwelling with associated works.
	Approved	16.6.16

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objection

Thornbury Town Council

Objection:

Council has a number of concerns regarding this application - overdevelopment of the site, increase in size of the footprint, cumulative effect of a number of applications on that site adversely affecting the green belt and concerns regarding access arrangements to and from the hill.

Internal Consultees

- 4.2 Tree Officer
No objection subject to following methods in Arboricultural report
- 4.3 Highway Structures
No comment
- 4.4 Public Right of Way
No objection subject to an informative being attached to the decision notice

Statutory / External Consultees

- 4.5 Transport
No objection subject to a condition requiring parking area in front of garage being of bound, permeable material
- 4.6 Drainage
No objection

Other Representations

- 4.7 Local Residents
One letter of objection has been submitted by a local resident. The points raised are summarised as:
- A legal right of access to and from The Cote via a shared drive that has been used for over 40 years. Concerned the one-way access would obstruct and prevent continued use of this shared drive
 - Access as modified by recent planning permission and this is not acknowledged in the details. Proposal contradicts conditions attached to

recent permissions attached to PT17/0327/F and PT17/5652/F and conflicts with tree protection plan in PT18/4368/RVC

- Proposal has potential to impact on our access due to reducing access width, limitations on height of vehicular access

5. ANALYSIS OF PROPOSAL

- 5.1 The applicant seeks permission for the erection of a single storey side extension and alterations to roofline to facilitate conversion of outbuilding to form 1 No. dwelling with 4 bedrooms. The outbuilding is single storey with a sui generis storage use. A garage built under permitted development rights sits adjacent to this building and forms part of this application.
- 5.2 Principle of Development
The application stands to be assessed against the above listed policies and all material considerations. Policy PSP40 lists the type of development that is acceptable in the countryside and Policy CS5 establishes the spatial strategy for development in the district. Under this policy, new development is directed to the existing urban areas, market towns, and defined rural settlements. Residential development outside of these locations is strictly controlled. Similarly, Policy PSP2 and CS34 aim to protect the countryside and the designated Green Belt from inappropriate development which adversely affects its natural beauty.
- 5.3 Following the publication in December 2018 of an extract from the Authority Monitoring Report, South Gloucestershire Council can demonstrate a 5 year housing land supply. Policies that restrict the supply of housing are no longer be considered out of date and are afforded full weight in decision taking. The tilted balance – on the basis of housing supply policies – is no longer applied.
- 5.4 Under the spatial strategy set out above, development of this nature should therefore be permitted only in the urban areas or defined settlements. The site is not within a defined settlement and nor does the built form in this location represent a village.
- 5.5 It therefore follows that there is an in principle objection to the proposed development as it does not accord with the spatial strategy as expressed in the Development Plan.
- 5.6 Notwithstanding this, and whilst the majority of applications for new residential development outside of settlement boundaries should be resisted in accordance with the Council's spatial strategy, the Local Planning Authority do consider that it may be suitable, in a few circumstances, to recommend approval of dwellings outside of the settlement boundary.
- 5.7 This will only apply when the site lies close to the edge of the defined settlement boundary and has a direct relationship with it (for example, may be linked to the settlement boundary by other buildings, or have good footpath links to the settlement boundary). Essentially, it should read as a natural extension to the settlement boundary. However in the interests of the Council's

overall spatial strategy for new housing, this should only apply to very small development proposals of 1-2 dwellings.

- 5.8 Given the above, policies relating to housing such as CS5 and PSP40 are considered up to date and attract full weight.

5.9 *Green Belt*

The site is in the Green Belt where development must meet the set criteria. Development that fails to meet the criteria is considered inappropriate and by definition harmful and should not be approved except in very special circumstances.

- 5.10 The proposal is for the change of use of the existing building and the erection of a single storey extension. Planning permission PT16/6548/F has already begun, but the building is still under construction. From a site visit it appears that it has not been built to approved plans and it does not appear that the building has been used for its lawful purpose i.e. as a storage building.

- 5.11 Given that this planning permission is asking for the change of use of a storage building to residential plus an extension to that building, it is considered that in the first instance the proposal should be assessed under paragraph 146 of the NPPF. This deals with certain other forms of development and criteria (d) states:

The re-use of buildings provided that the buildings are of permanent and substantial construction

- 5.12 The matter of whether the building fully complies with the above needs to be discussed. This is because during the site visit the building was covered by scaffolding, it was clear that the building is higher than what was granted permission, the external finish and walling was incomplete, and the roof also unfinished.

- 5.13 From observations during the site visit it was clear that the intention is for this building to become a permanent structure rather than a temporary one and given the materials used, which again were clearly visible on site, the construction can be said to be substantial rather than flimsy. Given this, it is accepted that the building meets this particular test and the re-use of the building from storage to residential is therefore acceptable in these terms.

- 5.14 The second element to this scheme are the single storey side addition and the increase in ridge height and roof volume. Criteria (c) allows for extensions provided they would not result in disproportionate additions over and above the existing building.

- 5.15 From the submitted plans the existing building has a volume of around 469 cubic metres. No details of the volume of the garage have been given but it can be seen that it has a footprint of around 26 square metres. On this basis and taking similar garages as a baseline it would not be unreasonable to assume that the existing garage has at a minimum a volume of around 60 cubic metres. Notwithstanding the garage was built under permitted development

rights, given it will now be associated with this new dwelling it is reasonable to take its volume into consideration in the overall increase in volume of built form on the site. The increase in built form on the site therefore, includes the raised height of the main structure, the proposed side extension and the existing garage.

- 5.16 Negotiations during the course of the application have dramatically reduced the proposal and this latest scheme (height and side extension) indicates a 41% increase in the main building. If the garage is included, the increase in overall built form represents an increase of 54%. The development has reached the upper limit acceptable for additions to existing structures and as such it is considered reasonable that the permitted development rights for the new property be removed.
- 5.17 Moving on to the creation of a residential curtilage – this would be to the side and rear of the building. Again revised plans have reduced the amount of residential amenity space/garden to be associated with the new dwelling and given its location within the overall site, tucked into the northern area, it is considered that the changes and impact on the openness of the Green Belt would be insufficient to warrant a refusal of the scheme.
- 5.18 The proposal is therefore acceptable in Green Belt terms, but it is considered appropriate that plans will be conditioned and permitted development rights removed to protect this special area.
- 5.19 *Development in the countryside*
Policy PSP40 allows for the conversion or re-use of existing buildings for residential purposes provided:
- i) The building is of permanent and substantial construction; and
 - ii) It would not adversely affect the operation of a rural business or working farm; and
 - iii) Any extension as part of the conversion or subsequently is not disproportionate to the original building; and
 - iv) If the building is redundant or disused; the proposal would also need to lead to an enhancement of its immediate setting
- 5.20 The proposal is considered to meet the tests and with regards to point i) and iii) is permanent and would have an extension of around 41% volume which is acceptable.
- 5.21 Conclusion of the principle of development
The proposal meets the tests set out in Green Belt policy and that of residential development in the countryside. Notwithstanding, the above the proposal must also be assessed against other elements such as design, impact on amenity, transport and ecology. This continues below.
- 5.22 Design and Visual Amenity
The NPPF and local adopted policy under CS1 places great emphasis on the importance of design. Good quality design respects both the character of existing properties and the character of an area in general. The NPPF suggests good design should respond to and be sensitive to local character,

- should aim to raise standards of design and enhance the immediate setting. The updated guidance emphasises high quality design that takes into account local design standards continues to be important, and poor design that fails to take opportunities to improve the quality of an area or to take this into account, should be resisted.
- 5.23 In terms of the design the main changes would be the increase in height of the main building and the introduction of a single storey side extension. The increase in height would allow the creation of a first floor which would provide the main living accommodate whilst the four bedrooms would be at ground floor level. Openings would be in all four sides with large windows in both side gable elevations at first floor level. The gable elevation in the northeast side would lead out onto a balcony above the proposed single storey side extension. Proposed materials would be to match the existing and in terms of overall design and appearance the scheme is considered acceptable.
- 5.24 Residential Amenity
Adopted Policy PSP43 requires that all new residential units will be expected to have access to private amenity space which among other things should be: functional, orientated to maximise sunlight and designed to take account of the context of the development including the character of the surrounding area.
- 5.25 The creation of this new dwellinghouse would in turn require the creation of its own residential curtilage. Although within the grounds of The Chalet, the site is not within the existing residential curtilage. The proposed residential curtilage should therefore be of a size appropriate to its setting and location and on that basis during the course of the application the overall size of the curtilage was reduced. This is considered the correct approach while still allowing around a substantial amount of garden space for this proposed 4 bed property.
- 5.26 Its location means the site will not result in any overlooking or inter-visibility with the host property or other nearby neighbours and on this basis is acceptable in residential amenity terms.
- 5.27 Access and Transport
The Chalet benefits from two entrances off Alveston Hill. It is proposed that the entrance to the north will operate an 'in' and 'out' system but that the entrance to the south will be 'in' only. This is as per application PT18/4367/RVC. Comments from the neighbour are noted but given the above, the existing rights of the neighbour will not be affected.
- 5.28 In terms of sustainable transport methods, although not located within a defined settlement boundary – which is the local planning authority's preferred means by which to denote sustainable locations – the sustainability criteria of policy PSP11 can be used as an alternative to review sustainability.
- 5.29 Under PSP11(3), residential development should be located on safe, useable walking or cycling routes that are an appropriate distance to key services and facilities and, where those facilities are beyond walking or cycling distances, be served by public transport. The distance to a bus stop that is considered acceptable in policy terms is 400 metres.

- 5.30 It is noted that the site is around 350 metres from a bus stop, 1.2km from a large supermarket and the main high street in Thornbury, a pub, local shops and school are also within the village of Alveston.
- 5.31 In terms of traffic generation, the existing use of the site is noted and it is considered that the proposed development would not result in significantly more traffic than the extant use.
- 5.32 Part of this application includes an existing garage which will be associated with the new dwelling and provide part of its parking allocation. Two parking spaces are shown on submitted plans and it is understood that cycle parking will be accommodated within the garage. The proposal is therefore considered to conform to adopted parking standards and given the above there are no highway objections to the scheme.
- 5.33 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.
- 5.34 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.
- 5.35 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.

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 attached to 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. The development shall proceed in accordance with the following plans:

As received by the Council on 20.2.19:

Existing site plan - 01

Existing plans and elevations - 02

As received by the Council on 16.4.19:

Proposed site plan - 04

Proposed ground floor plan - 05

Proposed first floor plan - 06

Proposed elevations - 07

Proposed sections - 08

As received by the Council on 18.4.19:

Location plan - 00

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 and PSP40 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 and PSP40 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

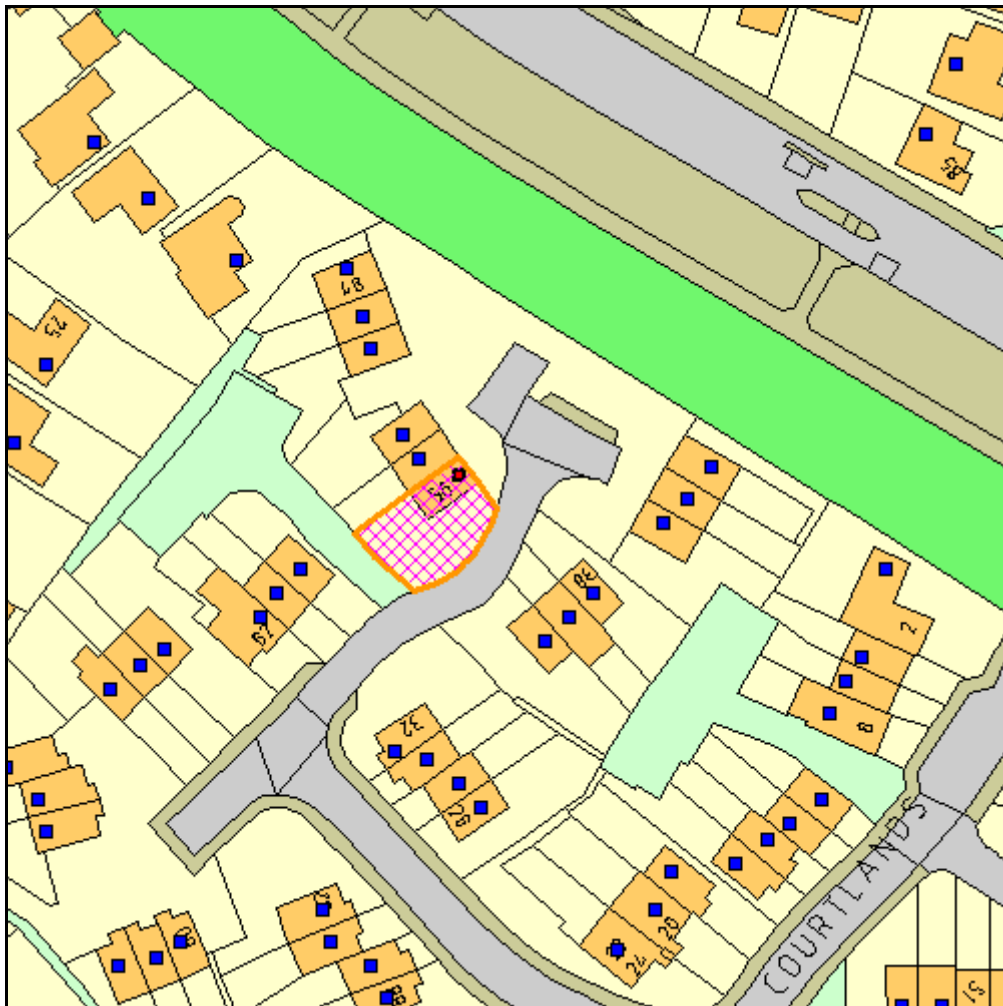
4. The works shall be carried out in accordance with the submitted Tenderleaf Arboricultural report and BS:5837:2012.

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.

CIRCULATED SCHEDULE NO. 25/19 – 21 JUNE 2019

App No.:	P19/2853/F	Applicant:	Mr And Mrs R King
Site:	56 Courtlands Bradley Stoke Bristol South Gloucestershire BS32 9BB	Date Reg:	19th March 2019
Proposal:	Erection of a two storey side extension to facilitate conversion of existing dwelling to 2no self contained flats and associated works.	Parish:	Bradley Stoke Town Council
Map Ref:	361357 182192	Ward:	Bradley Stoke North
Application Category:	Minor	Target Date:	9th May 2019



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. P19/2853/F

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

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report, with the number of contrary representations made exceeding a total of three. A contrary representation has also been submitted by the parish council. Under the current scheme of delegation, the application is therefore required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a two storey side extension to facilitate the conversion of an existing dwelling to 2no self-contained flats and associated works.
- 1.2 The application site comprises an end of terrace property set within a moderately sized plot. The site is situated within the established residential area of Bradley Stoke.
- 1.3 Planning permission was previously granted for the erection of a two storey side extension to facilitate the sub-division of the property in 2015. However the development was not commenced within 3 years of the decision date, and the permission has subsequently lapsed. The current application is more or less identical to the previously approved application.

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

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management

PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP43	Private Amenity Space Standards

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

3. RELEVANT PLANNING HISTORY

3.1 PT14/4795/F

Erection of two storey side extension to facilitate conversion of existing dwelling to 2no. self contained flats with associated works.

Approved: 28.01.2015

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council

Objection on grounds of overdevelopment of the site, overbearing proposals, out of keeping with the streetscene and lack of residential amenity.

4.2 Other Consultees

Sustainable Transport
No objection

Lead Local Flood Authority
No objection subject to informative

Highway Structures
No comment

Other Representations

4.3 Local Residents

A total of 5 letters of objection were submitted by local residents. The main concerns raised are summarised below:

- Proposals will lead to increased parking pressure. Already significant parking issue in cul-de-sac.
- Parked vehicles block access to neighbouring properties. Concerned that emergency vehicles will be blocked if more cars parked.
- Visibility is poor, adding more vehicles will worsen situation.
- Siting of parking spaces is dangerous
- Proposed parking spaces not accessible to all vehicles.
- Access to neighbouring properties will be compromised during construction works.

- Already issues with drainage. Adding new property would add greater strain.
- Neighbours have not been properly consulted.
- Road to rear is private road owned by residents. Surely applicant would need to agree right of way to use road.
- Development totally out of scale and keeping with surrounding properties.
- Flats not in keeping with houses which consist of two and three bed properties.

One comment neither objecting to nor supporting the application was also received. The main points raised are summarised below:

- Please confirm the parking allocation will remain unchanged.

5. **ANALYSIS OF PROPOSAL**

- 5.1 The application seeks permission for the erection of a two storey side extension to facilitate the conversion of an existing dwellinghouse in to 2no. self-contained flats.
- 5.2 **Principle of Development**
Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area, and within defined settlement boundaries. The application site is located within the area defined as the north fringe of the Bristol urban area. As such, based solely on the location of the site within the context of the Council's locational strategy for development, the development is acceptable in principle.
- 5.3 Policy PSP39 of the Policies, Sites and Places Plan relates specifically to the sub-division of residential buildings in to smaller units. PSP39 is supportive of the sub-division of residential properties in principle, provided that they would: not harm the character and amenity of the area, not prejudice the amenity of neighbours, provide adequate amenity space, and provide parking in accordance with the Council's parking standards.
- 5.4 Provided that the criteria of PSP39 are met, the development is acceptable in principle and it is acknowledged that the provision of an additional residential unit would have a modest socio-economic benefit. The remainder of this report will review the proposal against the further areas of assessment as set out in PSP39.
- 5.5 **Design and Visual Amenity**
Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.6 In terms of the sub-division of the property in to two flats, it is not considered that this in itself would result in any direct harm to the visual amenity of the streetscene and the character of the area. The property is located within a suburban area, where the sub-division of dwellinghouses in to flats is a common feature.
- 5.7 In terms of the proposed extension, it is considered that the extension would appear as a sufficiently subservient and proportionate addition to the host building. Overall it is not considered that the provision of the extension would compromise the appearance of the building, or degrade the overall character of the area.
- 5.8 In terms of the more detailed elements of the design, the proposed palette of materials would match the materials used in the external finish of the existing building. This is considered to be the most appropriate design approach, and will be secured by condition.
- 5.9 The proposed arrangement of boundary treatments, planting and hard surfacing is also considered acceptable. For the avoidance of doubt, a condition will be attached to any decision ensuring that proposed planting is implemented in accordance with approved plans.
- 5.10 Overall, it is considered that an acceptable standard of design has been achieved, and the proposal would have no significant adverse impacts on the visual amenity of the area. The proposal therefore complies with policy CS1, as well as policy PSP39.
- 5.11 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.12 The proposed extension would project from the south-east elevation of the building. Given that there is no immediate adjacent property, with the nearest neighbouring property separated by the highway, it is not considered that the erection of the extension would significantly affect the residential amenity of neighbouring residents through any increased sense of overbearing or overshadowing. Given the arrangement of windows, it is also not considered that the proposals would lead to any increased overlooking on to neighbouring properties.
- 5.13 It is however acknowledged that the site is located within a fairly dense suburban area, and that the development is likely to cause a degree of disturbance to nearby residents during the construction period. Whilst this is not considered to sustain a reason for refusing to grant planning permission, in the

interests of protecting residential amenity, a condition will be attached to any decision restricting the permitted working hours during the construction period.

- 5.14 In terms of the living conditions of future occupants, whilst the proposed flats would be relatively small, it is considered that sufficient floor space would be provided for the prospective occupants of the one-bed units, as to avoid cramped living conditions.
- 5.15 In terms of amenity space, it is acknowledged that the two flats would only be provided with limited space to the rear. Policy PSP43 of the Policies, Sites and Places Plan outlines that a one-bed flat should be provided with 5m² of external amenity space. The external space in this case extends to approximately 17m². As such, the ground floor flat would be served with sufficiently large external area, which could be utilised by occupants for carrying out typical domestic tasks. That said, it is unclear how external space would be apportioned to the first floor unit. However given that the flat is unlikely to be occupied by a family, and the fact that areas of public amenity space are located within walking distance of the site, the overall impact on residential amenity is not considered severe.
- 5.16 On the basis of the assessment set out above, it is not considered that the proposal would have any unacceptable impacts on residential amenity. The proposal therefore complies with policies PSP8 and PSP39.
- 5.17 Transport
In terms of required parking provision, the proposal would result in the property being sub-divided in to two single-bed units. Under policy PSP16 of the Policies, Sites and Places Plan, a minimum of one parking space should be provided for a single-bed unit. As such, the required provision for the development as a whole is two parking spaces.
- 5.18 Submitted plans indicate that two parking spaces will be provided to the side of the property, with two parking spaces also provided to the rear. The provision of four spaces therefore exceeds the standards set out in policy PSP16.
- 5.19 The concerns raised by residents regarding additional on-street parking have been taken in to account. However given that a total of four spaces would be provided for two single-bed units, it is not considered that the development would directly result in additional on-street parking.
- 5.20 The concerns raised regarding the accessibility of the spaces have been taken in to account. However it is considered that the spaces could be accessed with minimal vehicle manoeuvring, and that adequate visibility can be achieved. The comments raised regarding rights of access to the rear spaces via a section of road to the rear of the site have been taken in to account. However agreeing rights of access is considered a civil matter.
- 5.21 Even if means of access could not be achieved, the two parking spaces to the side of the building would still be available to the two flats. This provision would continue to meet the standards set out in PSP16, and as such there are no

grounds for refusal on this basis. However for the avoidance of doubt, a condition will be attached to any decision, ensuring that a minimum of two parking spaces are provided as part of the development. Subject to this condition, there are no fundamental concerns with the proposal from a transportation perspective, and the proposal therefore complies with policy PSP39 in this respect.

5.22 Drainage

Given the scale of the development, it is considered that any issues relating to site drainage will be satisfactorily considered and addressed at building regulations stage.

5.23 Equalities

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

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

5.25 Other Matters

The concerns raised by residents regarding the consultation process were taken in to account, with additional notifications sent out during the course of the application process. As such, it is considered that consultation has been carried out in accordance with the Council's Statement of Community Involvement.

5.26 Overall Planning Balance

The proposal has been assessed against the matters set out in PSP39, with the development not considered to conflict with any of the provisions of the policy. Overall, no significant harm has been identified which would outweigh the modest benefit of providing an additional residential unit at the site. The application therefore succeeds and planning permission should be granted.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy

(Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

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

Reason

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

3. The planting as shown on plan (Planting Plan - Received 14th March 2019) shall be carried out in the first planting season following the implementation of the development hereby approved.

Reason

In the interests of the visual amenity of the area, to accord with policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

4. 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.

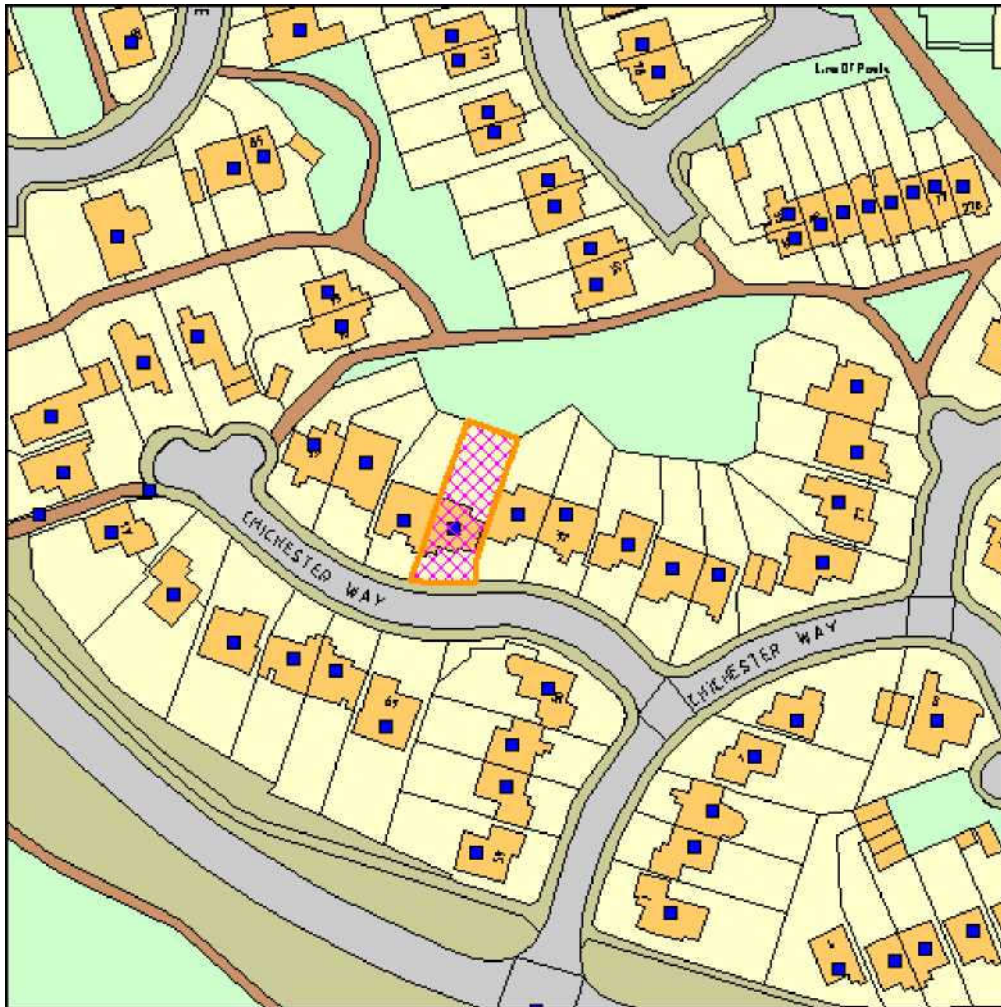
Reason

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.

5. The off-street parking facilities for the site (for all vehicles, including cycles) shall make provision for the parking of a minimum of 2 vehicles (measuring at least 2.4m by 4.8m), and shall be provided before the proposed flats are first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 25/19 - 21 JUNE 2019**App No.:** P19/4291/F**Applicant:** Miss M Abell**Site:** 34 Chichester Way Yate Bristol South
Gloucestershire BS37 5TB**Date Reg:** 1st May 2019**Proposal:** Erection of two storey side extension to
form ancillary annexe.**Parish:** Yate Town Council**Map Ref:** 370893 183190**Ward:** Yate North**Application** Householder**Target** 24th June 2019**Category:****Date:**

© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P19/4291/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 REFERRING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to objections received from the Parish Council and local residents which are contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two storey side extension to form ancillary annex at 34 Chichester Way, Yate.
- 1.2 The application site relates to a two storey, semi-detached property which is located within the established residential area of Yate.
- 1.3 The application follows a previously withdrawn proposal for the erection of 1 no attached dwelling.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development CS5 Location of Development CS8 Improving Accessibility

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017 PSP1 Local Distinctiveness PSP8 Residential Amenity PSP11 Transport Impact Management PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 P19/1375/F
Demolition of existing garage and erection of 1 no. attached dwelling and associated works.
Withdrawn: 10/04/2019

4. **CONSULTATION RESPONSES**

- 4.1 Yate Town Council
The provision of a separate staircase, bathroom and one very limited link to the existing dwelling at ground floor level all confirm the reality of this being planned as a separate dwelling. We therefore repeat concerns outlined in P19/1375/F.

Parking concerns, no proposed parking layout provided.

- 4.2 Sustainable Transport
Although the frontage of the dwelling appears to be large enough to accommodate the required vehicular parking, no detail of existing or proposed access and parking have been shown on the plans submitted. A revised plan is therefore requested.

Comments following submission of revised block plan:

Further to the earlier transportation comments on this development. A revised block plan has been received which shows that two vehicles can be accommodated on the driveway to the frontage of the dwelling. As the level of parking is adequate to comply with South Gloucestershire Council's residential parking standards, there is no transportation objection raised.

Other Representations

- 4.3 Local Residents
Objection comments received from 6no local residents, summarised as follows;

- Depreciate the value of neighbouring properties.
- Applicants intend to use as separate dwelling.
- Set a precedence for others to extend for financial gain.
- Insufficient parking provision for four bedroom dwelling.
- No bin/recycling storage.
- Unbalanced appearance and out of character with the area.
- Scaffolding required to render exterior- would damage our property.
- Concerns over proposed soakaway.
- Overshadowing

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The proposed development consists of the demolition of an existing single storey attached garage and the erection of a two storey side extension to provide additional living accommodation.

5.3 Concerns have been raised by a local resident that the proposal would result in an unbalanced appearance which would be out of character with the area. The proposal would sit on the east elevation of the dwelling, it would project approximately 3.3m from the side wall and would be set back from the principal elevation to match the building line of the existing garage. The proposal would consist of a dual pitched roof with an eaves height to match the existing dwelling and ridge height set slightly lower. As such, it is considered that the proposed development would clearly identify as subservient to the main dwelling, resulting in an addition which would appear proportionate to the host property. Given the above, the proposal is deemed to be of an appropriate size and scale within the context of the site. Furthermore, a similarly sized two-storey side extension can be found at the neighbouring attached property, and the positioning of the windows on the principal elevation of the proposal are considered to result in a well-balanced property.

5.4 The materials to be used in the external finish of the proposal would all match those used in the existing building and therefore no objections are raised in terms of design and visual amenity.

5.5 Concerns have been raised that the applicants intend to use the proposed extension as a separate dwelling. In terms of design, the proposed extension is deemed acceptable in terms of scale, however it would be deemed unacceptable as a separate dwelling as it would introduce a much smaller, narrower frontage which would affect the rhythm of the streetscene and in turn detrimentally impact the character of the area. The current proposal does not include any separate entrance, nor does give the appearance of a separate unit. Therefore, for the avoidance of doubt the approved plans will be conditioned.

5.6 Overall, it is considered that the proposed extension would not be detrimental to the character of the host dwelling or surrounding area and is of an acceptable standard of design. As such, the proposal is deemed to comply with Policy CS1 of the Core Strategy.

5.7 Residential Amenity

Policy PSP8 of the PSP Plan (November 2017) sets out that development should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

5.8 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. The proposal would sit on the side elevation of the host property and therefore the main property to consider when assessing the impact on residential amenity is the neighbouring occupier, no. 33 Chichester Way. The host property is set forward of the neighbouring property, and is separated by an attached garage. Due to the orientation of the properties in question, combined with the siting of the proposal, it is not considered to result in a material overbearing impact or a substantial loss of light for neighbouring properties. Furthermore, the neighbouring property does not benefit from any side elevation windows, nor does the proposed extension. The proposed windows at the front and rear are not thought to detrimentally affect the existing levels of privacy afforded to any of the neighbouring occupiers.

5.9 The proposal will occupy additional floor space, however it is considered that sufficient private amenity space would remain for the occupier of the existing dwelling.

5.10 Overall, the proposal is not considered to have a detrimental impact on the residential amenity of surrounding properties or the host dwelling and is therefore deemed to comply with Policy PSP8 of the PSP Plan.

5.11 Sustainable Transport and Parking Provision

Concerns have been raised by local residents and the Parish Council regarding insufficient parking provision at the site. The application is proposing to increase the number of bedrooms from three to four; South Gloucestershire Council's residential parking standards require a four bedroom property to provide two off-street parking spaces measuring 2.4m by 4.8m. The proposed block plan indicates that the existing driveway will be extended to allow for two vehicles to be accommodated to the front of the property. The Sustainable Transport Officer has raised no objections to the proposed parking. Therefore, subject to a condition, the proposal is deemed to be acceptable in terms of transportation.

5.12 Other Matters

The removal of the side access and garage for bin/recycling storage is, on balance, not thought to outweigh the benefits of the proposal. There is considered to be space to the frontage of the property for bin storage, as was observed at neighbouring properties in the surrounding area. It is therefore not considered a reason for refusal.

5.13 The impact on the value of neighbouring properties is not a material planning consideration and therefore does not form part of this assessment.

5.14 The planning decision does not give permission for applicants to enter land which is not under their ownership. An informative will be included on the

decision to highlight that consent is required from the owner and occupier of any land which it is necessary to enter to carry out works. Any damage which may be caused to neighbouring property during the construction period would be a civil matter. That said, we would expect any contractor to be considerate to local residents.

5.15 For a householder development of this nature, the proposed method of drainage would be satisfied by Building Regulations.

5.16 Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: James Reynolds
Tel. No. 01454 864712

CONDITIONS

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

Reason

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

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

Received by the Council on 16th April 2019:

Site Location Plan

Existing Combined Plan (D.MA.19.04.01)

Received by the Council on 5th June 2019:

Proposed Block Plan

Received by the Council on 14th June 2019:

Proposed Combined Plan (D.MA.19.01.02A)

Reason

In the interests of clarity and for the avoidance of doubt.

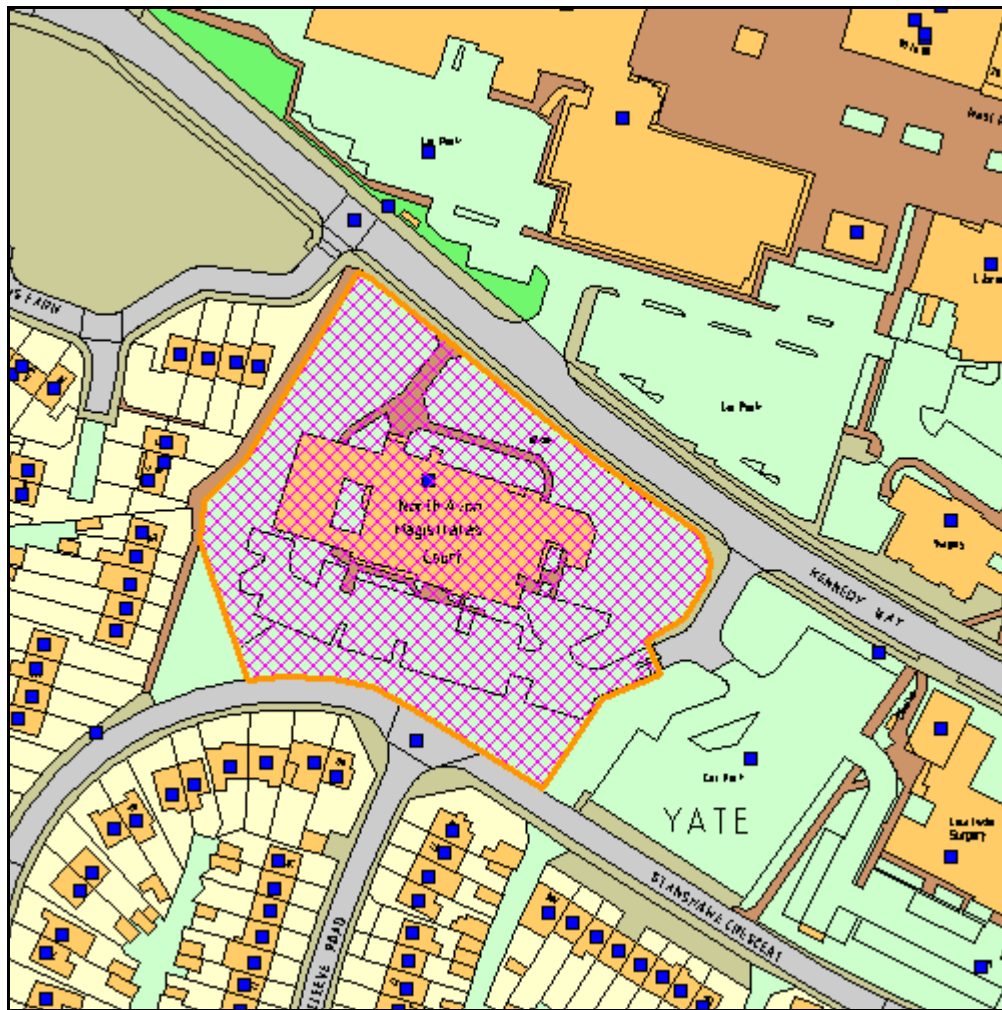
3. The off-street parking facilities shown on the plan hereby approved shall be provided within 1 month of the extension being substantially complete, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 25/19 – 21 JUNE 2019

App No.:	PK18/0799/O	Applicant:	Homes England
Site:	North Avon Magistrates Court Kennedy Way Yate Bristol South Gloucestershire BS37 4PY	Date Reg:	23rd February 2018
Proposal:	Erection of 45 no. dwellings (Outline) with access, layout and scale to be determined. All other matters reserved.	Parish:	Yate Town Council
Map Ref:	371187 182396	Ward:	Yate Central
Application Category:	Major	Target Date:	21st May 2018



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. N.T.S. PK18/0799/O

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

CIRCULATED SCHEDULE

This application previously appeared before the Development Control (West) Committee on 20.9.18. At that meeting Members resolved to grant planning permission subject to the applicant entering into a planning obligation within 6 months and subject to a number of conditions.

Work on the accompanying legal agreement has been progressing. It is now nearing completion. However, the resolution made by the Committee has expired.

This application has therefore be referred to the Circulated Schedule for 2 reasons:

1. In order to renew the resolution to grant planning permission. Given the advanced state of negotiations, it is considered likely that the legal agreement will be completed shortly.
2. Revised plans have been received by the LPA to make minor changes to the proposal. These changes comprise: moving the boundary / red edge very slightly away from the existing property No. 143 Thorns Farm, and also moving it very slightly away from the south east corner. This in turn has resulted in the south east block moving away from that boundary to a small degree, thereby reducing the overall size of that southern block by around 500 square metres. Some subsequent internal and external design changes, the clarification of the retention and position of trees on the site and the removal of one tree identified as T30.

It is considered that these revisions would not fundamentally alter the application. As such a full report has not been felt necessary, but the below short report summarises the changes and sets out any further/new consultee comments received. The original report is attached as appendices for reference.

1. THE PROPOSAL

- 1.1 The applicant seeks outline consent for the erection of 45no. dwellings with access, layout and scale to be determined. All other matters to be reserved.
- 1.2 The application site is the former Magistrate's Court in Yate. The site is covered by Tree Preservation Order 32/16 (927) dated 11th January 2017.
- 1.3 The proposal is for the erection of two apartment blocks and 8no. houses. The block to the north of the site would run parallel to Kennedy Way while the block to the southern side of the site would be parallel to Stanshawe Crescent. The 8no houses would be to the west of the site arranged in a terrace of 5 no. 2 bed two-storey houses, and a row of three two storey 3 bed houses.
- 1.4 Changes proposed under a revised plan are set out above. These changes are minimal and do not significantly alter the scheme and as such the below report will only address the new issues raised by the changes and any new consultee responses received.

2. **POLICY CONTEXT**

National Guidance

National Planning Policy Framework July 2018
National Planning Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS3	Renewable and Low Carbon Energy Generation
CS4	Renewable or Low Carbon District Heat Networks
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS13	Non-Safeguarded Economic Development Sites
CS14	Town Centres and Retailing
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
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
PSP4	Designated Local Green Spaces
PSP5	Undesignated Open Spaces
PSP6	Onsite Renewable and Low Carbon Energy
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP31	Town Centre Uses
PSP32	Local Centres
PSP37	Internal Space Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards
PSP44	Open Space, Sport and Recreation

- 2.3 Supplementary Planning Guidance
Trees on Development Sites SPG (Adopted) Nov. 2005.
South Gloucestershire Design Checklist (Adopted) 2007)
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
Affordable Housing and Extra Care SPD (Adopted) 2014
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK18/0680/PND Prior notification of the intention to demolish court building
No objection 5.3.18
- 3.2 PK18/0528/TRE Works to trees as per the proposed schedule of works
submitted to South Gloucestershire Council on 31st January 2018. Trees
covered by Tree Preservation Order SGTPO 32/16 (927) dated 11th January
2017.
Split decision 22.3.18
- 3.3 PRE17/0976 2 potential development options for the site: 1) a 50-unit
traditional residential scheme; 2) a 70 unit Extra Care scheme
Advice given
- 3.4 PK03/3618/F Modifications to secure Youth Court access with
associated parking and works
Approved 16.2.04

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council

Objection:

We note very little change to these revised plans and therefore repeat our previous objections.

We object to the loss of this important town centre site from community use. There are better locations for housing.

Revised plans still show overdevelopment of the site. The number of parking spaces are insufficient for the number of proposed units and any visitors parking. The proposed additional footpaths through to Stanshawes Crescent will encourage overflow parking in this street on a dangerous blind bend. Double yellow lines would need to be installed along this section of road. The existing footpath through to Stanshawes Crescent is subject to graffiti, littering and anti-social behaviour therefore the addition of 6ft high boundary fencing/walls on the other side, at the rear of proposed new properties will screen this area from view. We would prefer to see these houses turned around so that they face onto the footpath. New planting proposed on the entrance to the exiting pathway from Kennedy Way to Stanshawes Crescent would again obscure the view of the footpath. Entrances/Exits to the site will have an

impact on the established banks and trees which must be preserved to provide screening from the busy Kennedy Way. The revised plans have moved the pedestrian access to the new Zebra Crossing further away. This could easily be moved closer without disturbing the trees. Additionally, we strongly object to the removal of Tree noted as T30. All trees on this site are subject to Tree Preservation Orders.

4.2 Internal Consultees

4.3 Tree Officer

No objection subject to condition

4.4 Housing enabling

No objection – see previous comments. Applicant to confirm that the end unit on the amended south eastern block is still a 2b apartment

Update: the applicant has confirmed this by the submission of proposed site plan 01003 Rev I.

4.5 Environmental protection

No objection subject to a condition regarding the submission of a noise report

4.6 Self-build officer:

Informative attached to the application to encourage developers to provide serviced plots on residential sites over 10 dwellings

Other Representations

4.7 Local residents:

One letter of objection has been received. The comments are summarised as:

- More housing is needed for the ever expanding population within the area but not on this piece of land. No thought has been given to the residents who already live in Stanshawe Crescent and the residents who live within the immediate vicinity!
- Where all these people will park when the average family have 2 cars?
- Concerned about drainage

4.8 General comments have been received summarised as follows:

- Pleased to see access points from apartments onto Stanshawe Crescent have been removed and the block redesigned
- Change of entry point to southern 2 bed house is bedeter
- Query access point onto crescent across landscape – hope not as this would be dangerous
- Planting and hedging still needs to be reviewed
- Query re tracking of refuse vehicles
- Query re dimensions of communal bin store

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. The application is in outline format with matters of access, layout and scale to be considered and all other matters such as landscape and appearance to be reserved. The site lies within the settlement boundary of Yate and within the defined Town Centre as set out in the Development Plan. Policies CS5 and CS30 direct development to urban areas and as such the principle of residential development at this location is therefore accepted.

- 5.2 The provision of 45no. dwellings, 35% of which would be affordable attracts significant weight. The loss of the community building, the former Magistrate's Court, has been considered under a previously submitted prior notification to demolish the building. Its removal was accepted. Subsequently the building has been demolished and the court building lost. Therefore, weight cannot now be applied to the desirability of retaining either the building itself or its use as a Magistrate's Court.

- 5.3 It is noted that since the first report appeared on Circulated Schedule the LPA is able to demonstrate a five year land supply of housing. Notwithstanding this, the principle of re-developing this site remains supported in policy terms. The following will assess only those changes as proposed in the recently submitted revised plan.

5.4 Design and Visual Amenity

The changes resulting from the revised plans are minimal and remain related to the internal configuration of the apartments and slight changes to the external appearance following the reduction in the footprint of the southern block (around 500 square metre reduction). In essence the scheme would remain two apartment blocks and 8 houses.

- 5.5 In terms of overall design, scale, massing and materials the proposal is considered acceptable.

5.6 Residential Amenity

With regard to the impact on residential properties on Stanshawe Crescent and Thorns Farm, it is considered that the proposed changes would not have an adverse impact on these closest neighbours as they would be separated by sufficient distance to avoid overshadowing, overbearing or overlooking. In these terms the proposed scheme is acceptable to the existing situation and therefore no adverse impact on their amenity.

5.7 Trees:

The loss and retention of trees on site formed a larger part of the previous assessment concluding with the scheme being acceptable subject to it being carried out in accordance with the submitted reports. Revised plans show the loss of tree T30, but at the same time allow for the retention of a tree group G2 which forms the south east boundary and had previously been identified for partial removal. Overall the loss of this single tree can be balanced by the

retention and the scheme is considered acceptable subject to appropriate conditions.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

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

a. **Off-Site Public Open Space and Sports Facilities**

This was the subject of negotiations and details were included in the update sheet to Members (See Appendix B).

On and off site public open space facilitates:
Based on the current indicative layout and mix of 8no. houses, 18no. 2-bed flats and 19no. 1-bed flats, and on the assumption of **no on-site open space**, the off-site open space contribution (capital figure and maintenance) would be £222,641.28 as follows:

Informal open space	£59,884.46
Natural and semi-natural open space	£41,658.96
Outdoor sport	£78,128.55
Children and Young	39,841.55
Allotments	£3,127.76
TOTAL	£222,641.28

However, a degree of on-site open space is likely, but the extent will not be known until Reserved matters stage. In addition, as the final dwelling mix will also not be known until RM, the formula at paragraph 5.62 will be incorporated into the S106 in order to calculate the off-site contributions so that the contributions can be calculated once the details of the reserved matters are known and agreed.

On-site Open Space would be privately managed and would be subject to a Management and Maintenance Scheme. Provisions to ensure the inperpetuity arrangements for the operation, management and

maintenance of all public open spaces and surface water infrastructure that will not be adopted by a statutory undertaker. An inspection fee would be charged to ensure compliance with the approved plans prior to the transfer to any private management company.

Reason

In the interests of visual amenity and cultural activities for new residents and to accord with Policy CS1 and CS23 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

b. Affordable Housing

- 35% Affordable Housing with a tenure split of 73% Social Rent and 27% Shared Ownership in accordance with comments set out in the report.

- 16 Affordable Homes (when rounded up) without public subsidy.

To be provided on-site and distributed throughout the development in clusters of no more than 6 units:

- 12 Social Rent homes
- 4 Shared Ownership homes

In all other respects the development shall comply with the requirements as set out in para 5.44- 5.55 inc. of the Committee Report (see appendix A).

Reason:

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

1.2 It is recommended that :

- (i) That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- (ii) If the S106 Agreement is not signed and sealed within 6 months of this determination the application should be refused due to the failure to secure the Heads of Terms listed above under a Section 106 Agreement, for the reason listed.

APPENDIX A

Development Control (East) Committee Report – 20 September 2018

COMMITTEE REPORT

Members will recall this application was referred to Sites Inspection by Cllr Sue Walker for the following reasons:

- The density and two storey houses would be too high and overbearing
- The only few Town centre trees would be at risk

- Driveways opening onto Stanshawe Crescent would be dangerous and on street parking for residents would be lost.

This Committee Report has been prepared following revised plans submitted after the Sites Inspection Meeting which include a reduction in the overall number of units proposed on site and changes to the layout and design to accommodate concerns raised by the original scheme. A number of objections have been received from local residents and from the Town Council regarding the scheme

1. **THE PROPOSAL**

- 1.5 The applicant seeks outline consent for the erection of 45no. dwellings with access, layout and scale to be determined. All other matters to be reserved.
- 1.6 The application site is the former Magistrate's Court in Yate. The site is covered by Tree Preservation Order 32/16 (927) dated 11th January 2017.
- 1.7 The proposal is for the erection of two apartment blocks and 8no. houses. The block to the north of the site would run parallel to Kennedy Way while the block to the southern side of the site would be parallel to Stanshawe Crescent. The 8no houses would be to the west of the site arranged in a terrace of 5 no. 2 bed two-storey houses, and a row of three two storey 3 bed houses.
- 1.8 The Committee Report follows a sites inspection visit by Members in May 2018. Subsequently, revised plans were submitted to address some of the issues raised which included reducing the number of proposed units on site from 50 to 45, revising the height of the block facing onto Kennedy Way, revising the landscape plans to acknowledge the protection given to the trees on the site.
- 1.9 During the course of the application details regarding the split of the number of flats within each block were clarified as being 21no in the northern apartment and 16 in the southern apartment along with the 8 houses.

2. **POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS3	Renewable and Low Carbon Energy Generation
CS4	Renewable or Low Carbon District Heat Networks
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage

CS13	Non-Safeguarded Economic Development Sites
CS14	Town Centres and Retailing
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
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
PSP4	Designated Local Green Spaces
PSP5	Undesignated Open Spaces
PSP6	Onsite Renewable and Low Carbon Energy
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP31	Town Centre Uses
PSP32	Local Centres
PSP37	Internal Space Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards
PSP44	Open Space, Sport and Recreation

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
 South Gloucestershire Design Checklist (Adopted) 2007)
 South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
 Affordable Housing and Extra Care SPD (Adopted) 2014
 Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
 SPD – (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|---------------------------------|--|
| 3.1 | PK18/0680/PND
No objection | Prior notification of the intention to demolish court building
5.3.18 |
| 3.2 | PK18/0528/TRE
Split decision | Works to trees as per the proposed schedule of works submitted to South Gloucestershire Council on 31st January 2018. Trees covered by Tree Preservation Order SGTPO 32/16 (927) dated 11th January 2017.
22.3.18 |

- 3.3 PRE17/0976 2 potential development options for the site: 1) a 50-unit traditional residential scheme; 2) a 70 unit Extra Care scheme
Advice given
- 3.4 PK03/3618/F Modifications to secure Youth Court access with associated parking and works
Approved 16.2.04

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council

Updated comments following revised plans:

Objection:

- We object to the loss of this important town centre site from community use. There are better locations for housing.
- Revised plans still show overdevelopment of the site. The number of parking spaces are insufficient for the number of proposed units and any visitors parking.
- The proposed additional footpaths through to Stanshawe Crescent will encourage overflow parking in this street on a dangerous blind bend. Double yellow lines would need to be installed along this section of road.
- The existing footpath through to Stanshawe Crescent is subject to graffiti, littering and anti-social behaviour therefore the addition of 6ft high boundary fencing/walls on the other side, at the rear of proposed new properties will screen this area from view. We would prefer to see these houses turned around so that they face onto the footpath.
- New planting proposed on the entrance to the exiting pathway from Kennedy Way to Stanshawe Crescent would again obscure the view of the footpath.
- Entrances/Exits to the site will have an impact on the established banks and trees which must be preserved to provide screening from the busy Kennedy Way.
- The revised plans have moved the pedestrian access to the new Zebra Crossing further away. This could easily be moved closer without disturbing the trees

Previous objection comments:

- Object to loss of community use
- There are other locations for housing
- Desperately short of town centre land for town centre uses
- Central island is now full – no room for commercial and community facilities to expand
- Better to develop it for town centre uses and to relocate residential to other brownfield sites in less critical locations
- New housing should have no bigger footprint than existing building
- No building or parking any closer to existing dwellings
- Extra traffic will make situation on Stanshawe Crescent worse
- Oppose any parking accessed from Stanshawe Crescent – this will lead to accidents, on street parking on a dangerous and tight bend

- Parking spaces will entail cutting into the bank and will damage tree roots – all trees must be retained as they are subject to a TPO and their roots must be protected
- Open space between the Court and Stanshawe Crescent must be retained
- This scheme will damage trees by its footprint
- It is a vital buffer between town centre and residential area
- Development should focus on the current footprint - we would accept a taller building on this footprint
- Oppose large and important trees being in residential gardens
- Object to plans to put private garden space within the canopy and root system of existing mature trees
- Strongly oppose path from the new build to the lane on the west of the site and hard standing at the end. Blind corner on the existing path is already a focal point for vandalism and antisocial behaviour including drug misuse
- The applicants have said the new houses may reduce the problem by increasing overlooking. The key corner where the problems are worst is a blind corner on a well-used path, and is currently overlooked by the front of houses. This does not stop the problems so the rear boundaries of properties will not help. We think the houses along that path should be turned round to face the path, to increase overlooking and safety
- Urge that secure by design be involved to work out how to make this path as safe as possible
- Need the path realigned so that the blind bend is removed, the boundaries are fencing not hedging if they must be rear gardens so they do not overgrow the path and new lighting need to be put in to promote safety and in particular to remove the blind corner this development will worsen. People will be worried that people could be lurking in the new footpath area, as they come round what will be a blind corner
- Opposed to 2.5 story houses close to existing properties, as they are tall and overbearing. The entire development should be facing and located as town centre housing, facing Kennedy Way and accessed exclusively from Kennedy Way. This would minimize the impact on existing dwellings and preserve an important amenity transition from town centre to quiet residential area.

Internal Consultees

4.9 Urban Designer

Updated comments following revised plans:

No further comments made.

Previous comments:

Objection:

- ☐ The scheme demonstrates that the capacity of the site is able to accommodate the amount of development proposed. The urban design of the built form is fully supported, but some of the open space and its associated car parking seem to weaken the quality of the development.

Parts of the layout would score badly under some of the Building for Life criteria (BfL12).

- The approach into the site from Stanshawe Crescent will, in particular, present as an open space dominated by vehicles. The proximity of parked vehicles relative to the western-most apartments, also seems very unsatisfactory
- The parking bays directly accessed from Stanshawe Crescent have been reduced but still seem incongruous relative to the otherwise clear design principles of the layout
- The southern-most terraced house will need to present a good 'secondary front' towards Stanshawe Crescent – it seems that a type is contemplated elsewhere in the layout that has a side access (front door on gable-end) and this might be a good option here... If a reduction in development is necessary in order to prove that an entirely satisfactory layout can be achieved, then this end house could usefully be omitted – drawing back the building line to something more akin to that established by the apartment blocks and allowing for more on street parking.
- The site is too small to justify a Design Code, but it is recommended that an 'Urban Design Framework' drawing confirming the key design principles of the layout is submitted and approved as a further Parameter Plan associated with any Outline Consent. This would ensure that the improvements in quality negotiated and agreed thus far can certainly be carried forwards and become present in the Reserved Matters applications
- The proposals are broadly supported, but the illustrative site layout does not yet prove that the proposed level of parking can be successfully accommodated. A revised approach to this is encouraged, which may involve a re-assessment of the standards adopted, a re-examination of the design and/or a small reduction in the number of housing units proposed. Once this has been successfully achieved then the key design principles of the layout should be captured as an 'Urban Design Framework' Parameter Plan so that Reserved Matters applications can be directed to follow those principles, whilst still allowing flexibility regarding the detailed design.

4.10 Landscape architect

Updated comments following revised plans:

No objection subject to conditions

The well-established tree planting along Kennedy Way is to be retained, helped by the car park being pulled back, and this is to be welcome. At this stage it would be hoped that sufficient landscape information could have been submitted to better understand the intentions of the design. A Design and Access Statement has not been submitted which may have explained the

intentions. Proposals are sufficient but details will be needed with any subsequent application. A condition to be attached to the decision notice

Previous comments:

Objection:

- The layout of the site appears cramped and is dominated by car parking. There is no quality public space and most dwellings do not have private gardens. There are some awkward left over areas and the site has turned its back onto the public footpath along the western boundary. I will defer to one of the tree officers with regards to the buildings footprints which in a number of places are right up to root protection areas, leaving no room for construction
- It may be possible to accommodate this number of units on the site but the current layout does not demonstrate that this can be achieved and be in accordance with Policies CS1 and PSP1.

4.11 Crime prevention comments:

Updated comments following revised plans:

No updated comments

Previous comments:

Objection:

The application does not meet the safety and security requirements of the National Planning Policy Framework or the South Gloucestershire Core Strategy. Indiscriminate parking currently on site – applicant has not demonstrated ability to prevent any indiscriminate parking at the access point.

The access road is by a ‘mound’ covered in shrubs, trees and grass which would impede the natural surveillance of any doors and windows. With there being no form of protection to access of these elevations being shown this would leave them vulnerable to burglary.

No details of the boundary treatment of the site and the individual properties such as the house to the West of the site. This detail must be included at reserved matters and needs to be designed to ensure the properties are appropriately protected from crime

Number of issues with this layout:

- a. Where the parking meets Kennedy way it has poor natural surveillance, limited to whatever is on the side elevation of the 3 storey apartment block. If this elevation does not have any ‘habitable’ or ‘active’ rooms in the area would be subject to crime and Anti-Social behaviour.
- b. For crime and safety purposes this area must be lit to BS5489:2013 standard
- c. The area is divided from Kennedy Way and Stanshawe Crescent by only a section of grass. This poor boundary treatment means that the layout creates a natural desire line through the development which would be open to misuse to provide access, escape and a short cut

d. In conjunction with its desire to line the footpath between the houses does lead to excessive permeability through the site. Too much permeability of a development makes controlling crime very difficult, as it allows easy intrusion around the development by potential offenders. All planned routes should be needed, well used by generating adequate footfall at all times, well overlooked and well integrated.

Underused alleyways, shortcuts, footpaths and a large number of minor access points can create hiding areas, create anonymity for offenders and if there is little or no natural surveillance over these areas, then they can become vulnerable to, or facilitate crime as well as anti-social behaviour.

Crime is always easier to commit where offenders cannot be recognised. Consequently, they will take opportunities to offend where they are likely to benefit from this anonymity. People expect to see strangers in public space, so there is a natural tendency to ignore them, providing the offender with the anonymity, and thus opportunity, to commit offences.

To the west of the site is a public footpath that runs from Kennedy Way to Stanshawe Crescent. This is not a straight path and has a bend or kink in it at the point where it is proposed a path joins from the new development. This footpath and the proposed development layout does raise some issues:

a. Currently the path has wide views with the existing building being set back from the path; however the design proposes a rear garden boundary of the 3B two storey houses being very close to the path. This narrows the path at the point of a bend and creates an area of vulnerability for the users of the path.

b. To the rear of 5-7 Thorns Farm the footpath widens and the layout shows a wide 'paved' area forming part of the new development design. Whilst the houses in this location have doors/windows overlooking the joining path there is no adequate surveillance over the wide paved area. This point in the path is vulnerable to Anti –Social Behaviour already evidenced by the amount of graffiti on the walls. The proposed layout would be likely to contribute to the crime and ASB risk of the vicinity.

Communal parking facilities must be lit to the relevant levels as recommended by BS 5489:2013.

4.12 Tree Officer

Updated comments following revised plans

No objection subject to conditions

The revised WSP Tree Protection Plan - 5061-TPP-02 - is an improvement on the previous submission in that the majority of the trees on the Kennedy Way frontage are to be retained. The trees in the south west corner are now under less threat from potential residents. This is particularly important for the Oak

(T16) which is approaching veteran status and, as such, requires specific consideration.

It is regrettable that more of the trees on the Stanshawe Crescent boundary are not to be retained. The loss of these trees must be mitigated for by replacement planting. Tree selection is important and Officers would want to see species that have the potential to achieve a medium to large mature size. Replacement with small, ornamental species will not be acceptable.

No objection subject to a condition regarding work to be carried out in accordance with the Arboricultural Method Statement.

Previous comments:

Objection:

Concern over loss of large, mature specimens and groups and that the proposed replacement planting will be small to medium species such as Rowan, Cherry and, at best, Birch. Concern group on Kennedy Way frontage G21 has been under-categorised. This group should be categorised as B at least and that has a potential contribution of 40+ years. Trees on Stanshawe Crescent boundary have been largely under-categorised. G6, G9 and G10 contain good specimen trees that do provide considerable public amenity, contrary to the comments within the tree survey. These trees provide great potential screening for the new development as do those on the Kennedy Way frontage. Treatment of the Root Protection Area for the mature Oak T16 is also a concern. On the Tree Protection Plan – Construction, drawing no. 5061 TPP 02, the tree's RPA seems to be contained within open space. This is preferable to the Proposed Plan – drawing no. 151297-STL-XX-00-DR-A-XXXX-01003 where the lateral spread of the crown extends over four gardens. This will, of course, lead to persistent requests/applications for pruning or potential illegal works that could ruin this fine tree.

No objection to the loss of the internal, lower quality trees to facilitate a development, but feel the proposed tree removals and layout design are unacceptable. Recommend refusal.

4.13 Sustainable Transport

Updated comments following revised plans:

No objection subject to conditions regarding car parking, cycle parking, resurfacing the access road, providing electric charging points, the submission of a CEMP (Construction Environment Management Plan) and the re-design to incorporate footpaths and a defined pedestrian route along the new buildings.

Previous comments: no objection

4.14 Housing Enabling

Updated comments following revised plans:

No objection: subject to the provision of 35% Affordable Housing with a tenure split of 73% Social Rent and 27% Shared Ownership.

35% of 50 dwellings generates a requirement of **16 Affordable Homes** (when rounded up) without public subsidy.

To be provided on-site and distributed throughout the development in clusters of no more than 6 units.

Previous comments:

No Objection: subject to the provision of 35% Affordable Housing with a tenure split of 73% Social Rent and 27% Shared Ownership.

Affordable Housing is sought in line with National Planning Policy Guidance: Planning Obligations and other requirements under Policy CS18 of the Council's adopted Core Strategy Development Plan Document. This application generates an Affordable Housing requirement of 18 Affordable Homes to be provided on site at nil public subsidy and in line with the comments set out above.

4.15 Drainage comments

Updated comments following revised plans:

Following a discussion with the drainage consultation and answers to queries:

- Restricted discharge rate of 29.7 l/s is acceptable in principle.

It is noted that **70035061 D-02 Overland Flood Route P01** shows overland flow going towards Stanshawe Crescent. Landscaping or Road / Car Park design needs to hold this water on-site and not flood Stanshawe Crescent. Evidence of this will be looked for at Reserved Matters stage.

No objection subject to a sustainable drainage condition for the detailed design of this development.

Previous comments:

No objection subject to the following comments and advice.

A sustainable drainage condition for the detailed design of this development (see advice below) is recommended.

However, the drainage principles need to be agreed prior to determination of this outline application to enable detailed drainage design to proceed.

- Evidence is required for the existing impermeable area.
- The proposed discharge rate is questioned. A 1 in 150 pipe gradient is not a worse-case scenario. There are flatter gradients.
- Once the discharge rate has been agreed, then required attenuation storage for the 1 in 100 +40% return period storm events can be calculated.
- At this stage it is queried who is proposed to be responsible for the management and maintenance of the attenuation storage systems.

It is noted that 70035061 D-02 Overland Flood Route P01 shows overland flow going towards Stanshawe Crescent. Landscaping or Road / Car Park design needs to hold this water on-site and not flood Stanshawe Crescent. Evidence of this will be looked for at Reserved Matters stage.

4.16 Public Open Space

Updated comments following revised plans:

No objection subject to a S106 agreement.

4.17 Ecology

No objection

4.18 Environmental Protection – contamination

No objection subject to appropriate conditions

- The risk assessment is adequate and the information sufficient to draw conclusions as submitted with the report, and the recommendations are supported.
- Some limited sampling is recommended and should be undertaken to discount any contaminated linkages identified within this assessment.
- Post-demolition works to be undertaken to confirm that all unsuitable material has been removed from site or is suitable to remain on site including targeting the in-filled pond to determine the nature of the fill.

4.19 Environmental Protection – noise

No objection subject to condition

- The initial noise assessment (in accordance with Stage 1 of the ProPG guidance for new residential development) has highlighted that the area to the north of the site, adjacent to the A432 is located within the 'Medium' risk category during daytime and night-time hours. This means that the site is suitable for residential development subject to provision of a good acoustic design process.
- As stated in the report, a further detailed assessment is required, in accordance with Stage 2 of Pro PG guidance, once the proposed layout has been finalised and the proposed design has progressed further. The detailed assessment would determine the sound insulation requirements for specific rooms on individual facades including specifications for glazing and ventilators and further details of any proposed mitigation measures.

4.20 Environmental Policy

Objection:

No energy statement or Design and Access statement containing energy information has been submitted. Clauses 1 and 2 of PSP Policy 6 apply to all development proposals (as does CS1(8)), and therefore should have been

addressed by the applicant in this proposal. A sustainable energy statement is required to be submitted with all major development proposals (for residential that is 10 or more dwellings).

Updated comments following additionally submitted information

No information has been submitted

4.21 Arts and Development

No objection subject to a condition

Other Representations

4.22 Local Residents

19 letters of objection were received to the original scheme from local residents. The points they raise are summarised as falling under the following main headings:

Parking

Design

Residential impact

Trees, landscape and wildlife

Other matters: building should be put to another use; doctors, dentists etc already under pressure in Yate this will make matters worse; additional houses but no mention of additional police; due to all the new building in area we will need a Magistrate's Court; where will construction access be; potential access problems for Fire Service; if 50 houses are built I will move

Following **revised plans** letters of objection were received from 14 local residents. The points raised are summarised as:

Landscape:

New shrub planting would obscure views of pathway – security issue

Who would maintain this shrub and the hedge to be planted alongside the paths?

Trees on the embankment opposite Stanshawe Crescent should not be touched

Concerned about the old Oak tree

New shrubbery planting is a joke – unless the development has its own management the area will not be maintained

Cutting into the bank to create paths will damage tree roots

What boundary treatment is planned to aid security? Any fencing needs to be robust and blend in with the trees and designed not to encourage youths to gather in front of our houses as happens now

Parking

Plans unclear how new pathways off Stanshawe Crescent will work

Parking already congested here

Proposed pathways leading onto Stanshawe Crescent will cause more danger on this road

The walkways through to Stanshawe Crescent will encourage people to park there and walk through causing parking problems
Insufficient parking
Consider putting yellow lines on Stanshawe Crescent adjacent to the site
Fence the whole area off so they don't use our parking
Why are there paths onto Stanshawe Crescent – this is a dangerous road to cross

Design

Should not have 2.5 storey buildings opposite Stanshawe Crescent should be single storey to blend in
Why can't houses be built on court footprint and leave the rest a green area
Back walls of the 3 bd houses still face a brick wall, thus causing an alley for anti-social behaviour
Seems a lot of houses in a small space
Too many houses means too many cars
3.5 storey block will be overbearing and out of character
No need to have access to stairwell from both sides
Will be over sized, over developed and over populated
Why are there paths leading onto Stanshawe Crescent when the shops and amenities are the other way?
Will be a blot on the landscape – more so if they render the outside and don't keep brick facing

Other matters:

Will they pay the Stanshawe ground rent?
Consider complimentary resident permits for Stanshawe Crescent from the developer

5. ANALYSIS OF PROPOSAL

10.3 This is an outline application for the erection of 45no. dwellings in Yate with access, layout and scale to be determined and all other matters reserved.

10.4 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. The application is in outline format with matters of access, layout and scale to be considered and all other matters such as landscape and appearance to be reserved. The site lies within the settlement boundary of Yate and within the defined Town Centre as set out in the Development Plan. Policies CS5 and CS30 direct development to urban areas and as such the principle of residential development at this location is therefore accepted.

10.5 In addition and material to the consideration of the principle of development it should be noted that at present the Council cannot demonstrate a 5 year supply of deliverable housing land. The provision of 45no. dwellings, 35% of which would be affordable attracts significant weight. The loss of the community building, the former Magistrate's Court, has been considered under a previously submitted prior notification to demolish the building. Its removal was accepted. Subsequently the building has been demolished and the court building lost. Therefore, weight

cannot now be applied to the desirability of retaining either the building itself or its use as a Magistrate's Court.

10.6 In summary, being located within the settlement boundary ensures that the development is acceptable in principle subject to the following assessment.

10.7 **Density**

Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.* Paragraph 122-123 of the updated NPPF sets out the importance of making efficient use of land and of delivering a wide range of residential accommodation.

Concerns have been raised that the proposed development represents too high a density for the site.

10.8 It is noted that during the course of the application the number of proposed units on this site has been reduced from 50 to 45. This application would therefore achieve a density of around 58 dwellings per hectare (dph). Densities within the vicinity of the site vary. Planning history shows the development at Thorns Farm achieved a density of around 38dph while the density of the development within Stanshawe Crescent is higher. It is acknowledged that the density is skewed slightly through the provision of the flats which has the obvious effect of raising the density and therefore is acceptable. Furthermore, the government aim is to address the housing shortage and the 45 new dwellings in the form of flats in the centre of Yate would contribute to the target.

10.9 Whilst concerns regarding the density are noted, it is important not to focus purely on the number of units per hectare but rather look at whether the density has an adverse impact upon the site and its surroundings. The potential negative impacts of a high density development are a failure to accommodate sufficient parking spaces, an impact on the residential of existing neighbouring occupiers and future occupiers of the development, a poor layout and possible lack of private amenity space. These issues are discussed elsewhere in this report but it is considered that the development is acceptable in this regard. It is considered therefore that the density proposed makes efficient use of land and the site is capable of accommodating 38 dwellings.

10.10 The application is therefore in accordance with the requirements of the NPPF and the Core Strategy in particular the provision of flats within the development accords with Paragraphs 122-123 of the NPPF and Policy CS16 of the Core Strategy which seeks the efficient use of land and CS17 which set out the importance of delivering a wide range of residential accommodation. Considerable weight is given in favour of the scheme for this reason.

10.11 **Scale and layout**

Core Strategy Policy CS1 only permits new development where good standards of site planning and design are achieved. The Policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and

materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

- 10.12 The application is for a total of 45 new dwellings made up of 19no. 1 bed apartments, 18no. 2 bed apartments, 5no. 2 bed houses and 3no. 3 bed houses. The proposals also include the provision of 69 car parking spaces. No details of the number of secured, covered cycle parking spaces have been submitted but these would need to accord with adopted PSP16 which stipulates one cycle parking space per unit. The scheme would include two apartment blocks, one terrace of 5 x 2 storey houses and a row of 3 two storey detached houses
- 10.13 The northern apartment block will be 3.5 storeys and would accommodate 13no. x 1 bed flats and 8no. x 2 bed flats while the 2.5 storeys high apartment block would be to the south of the site and accommodate 6no. x 1 bed flats and 10no. x 2 bed flats. A terrace of five two-storey houses will be to the west side of the apartment blocks and a row of three detached two-storey houses along the furthest western boundary.
- 10.14 During the course of the application the overall design of the apartment blocks has changed. This was primarily due to concerns regarding adverse impact on the protected trees on this town centre site. Consequently, the siting of the built form has been amended slightly within the plot to accommodate the protected trees and a corresponding increase in the height of the block to the north has resulting in a 3.5 storey structure being located here. This block would be close to Kennedy Way and other tall town centres structures on the opposite side of the road, but screened by groupings of protected trees. In this way the block would not be out of keeping with the area where taller buildings are appropriate.
- 10.15 The second block would 2.5 storeys in height and would be opposite Stanshawe Crescent. Some existing and proposed planting would help to screen the two sites. More design and appearance details would be discussed within the reserved matters application.
- 10.16 Comments have been received from local residents that development on this site should use the footprint of the former Magistrate's Court. The changes made within the lifespan of this application indicate that the development has for the most part tried to utilise this area. In any scheme of re-development of an existing or redundant site, some changes are to be expected and the proposed scheme is considered acceptable in these terms. .
- 10.17 The appearance of the block and houses are not being considered under this application but the overall heights of the proposed buildings can be conditioned to ensure that any future development respects the parameters being assessed here.
- 10.18 At the time of writing this report negotiations are taking place regarding the removal of the footpaths leading from the southern most block of flats onto Stanshawe Crescent. These footpaths would cut through an embankment and through root protection areas and in one case lead to and be obstructed by a protected tree which is to be retained. They have been the subject of concerns raised by local residents. Members will be updated at the Committee on this issue

and if appropriate revised plans shown. The removal of the path would be beneficial to the health of the remaining trees.

10.19 Impact on residential amenity

Residential amenity is assessed in terms of the extent to which a development will have an adverse impact upon the amenity of neighbouring occupiers by reason of impact upon outlook, (through appearing oppressive/ overbearing or by resulting in overshadowing of neighbouring properties) or by causing a loss of privacy to neighbouring occupiers through overlooking. In addition, the amenity of future occupiers is assessed through consideration of private amenity space and the relationship between the proposed dwellings having regard to their own residential amenity.

10.20 With regard to the impact on residential properties on Stanshawe Crescent and Thorns Farm, it is considered that the proposed development in terms of both the two-storey houses and the apartment block on the southern side of the site would not have an adverse impact on these closest neighbours as they would be separated by sufficient distance to avoid overshadowing, overbearing or overlooking. In these terms the proposed scheme is acceptable.

10.21 Moving on to the amount of residential amenity space that would be available to the future occupiers, this can be split into two separate elements: that for the houses and that for the flats. Amenity space for houses and flats are assessed differently. Adopted policy suggests that 2 and 3 bed houses should have private amenity space of 50 and 60 square metres respectfully. Plans indicate that the allocated space would be acceptable for these properties. With regards to the flats, private amenity space is recommended in the form of 5 square metres for a 1 bed flat and 5 square metres plus shared communal space for flat of 2 beds or more. It is accepted that in higher density development the standards can be relaxed but where this happens developers are expected to demonstrate good design standards in term of access to fresh air and daylight. This can be achieved in the design by including balconies, high ceilings, large windows, open plan layouts, Nationally Described Space Standards, light tubes, the use of roof tops and well designed and managed communal spaces etc. As the application is in outline format the specifics of the design and appearance are not being considered here. Any future submission of reserved matters would be required to comply with the above suggestions to provide acceptable residential amenity for flats.

10.22 Access and Transport

NPPF promotes sustainable transport and Policy T12 states that development will only be permitted where it provides adequate, safe, convenient, attractive and secure access facilities for pedestrians, cyclists and people with disabilities.

10.23 The Application is supported by a 'Transport Assessment' report and it has been subject to pre- planning enquiry.

10.24 Parking and highway safety have been raised as concerns in the letters of objection received.

- 10.25 The site sits immediately to south of Yate town [shopping] centre. There are well established network of pedestrians routes along existing carriageways with formal crossing points. The existing footway networks in the area provide opportunity for connections between the site and all existing facilities including schools, shops and public transport connections enabling access to other surrounding locations.
- 10.26 The proposal has been revised and the scheme now involves construction of 45no. units as opposed to the earlier proposal for 50 no. residential units. Accordingly, the parking has also been amended to include 69 parking spaces on site.
- 10.27 It is noted that some local residents and Yate Town Council have objected to the level of parking for this development. According to adopted Policy PSP16 the parking requirement for a 1- bed dwelling is 1 space, for a 2-bed dwelling is 1.5 spaces and for a 3-bed unit is 2 parking spaces. Additionally, 0.2 parking spaces are required for each property for visitors' parking. Based on the proposed residential development of 45no. residential units (comprising of 19no. 1-bed, 23no. 2-bed and 3no. 3-bed units) a total of 68no. parking spaces are required including visitors' spaces. As the submitted plan shows 69 spaces, the level of parking for this development is considered to be in-line with the Council's parking standards and as such, is acceptable.
- 10.28 Being located on the former Magistrates Court site, within close proximity to Yate Town (shopping) centre, the site is considered to be a sustainable location. As a 'Brownfield' site, given the extant use of the building on site as Magistrates Court, the site has potential to generate a significant level of traffic on its own merit. With this in mind, Officers are satisfied that the level of traffic generated by the proposed residential development would not be significantly more than the extant use and as such its impact would not be sufficient to justify refusal of this application on traffic grounds.
- 10.29 Vehicular access to the site would be retained from the existing access via Kennedy Way where there is acceptable visibility splays from this on to the public highway. The access road leading into the site is approximately 6m wide with a footway on one side of the road. It must also be noted that the existing road is 'private' and there is no intention to change the status of this in terms of ownership. Notwithstanding the fact that this is a private road, the access arrangement is considered appropriate and meets the needs of the new development traffic. As such it would not result in any detriment to the operation of the local highway network.
- 10.30 It is however clear from site inspection visits that there are signs of road surfacing deterioration on this private road. Being mindful of heavy construction vehicles using this private access road during construction period it is recommended that this [access] road is resurfaced prior to occupation of the new development on site.
- 10.31 Within the site boundary, the applicant is proposing the new access road to be constructed in form of 'shared surfaced' road. It is considered that future users of this site would benefit more if this new road [inside development] is constructed

with a footway on both sides. The details of the internal footways shall be submitted as part of the reserved matters details to incorporate clear and defined pedestrian routes. The internal road layout has been designed so that there is adequate turning area on site to ensure that all types of vehicles including large refuse vehicle can enter and exit the site access in forward gear.

10.32 Landscape and Trees

Policy PSP2 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape and PSP3 seeks to minimise the loss of existing vegetation on a site. It is acknowledged that in the letters of objection, several local residents raise the issue of the loss of the use of the site as open space/paly areas/dog walking area as a concern. Although local residents have been able to walk across the site this has been more to do with it once having been publicly owned and not having had a physical boundary. Some people now want the site fenced in and others do not. The site (land and building) having been sold by the Ministry of Justice, is now available for development by its new owners.

10.33 Although matters of landscape and appearance are not being assessed here the matter of landscape is an important issue given the site is covered by a blanket tree preservation order and has attracted a number of comments from local residents and the Town Council.

10.34 During the course of the application, the proposed removal of a large number of trees was resisted by Officers which in the main resulted in the submission of revised plans. These plans still include the removal of a number of protected trees, but important groups are to be retained and the loss of some trees is to be compensated by new planting.

10.35 The revised WSP Tree Protection Plan - 5061-TPP-02 - is an improvement on the previous submission in that the majority of the trees on the Kennedy Way frontage are to be retained. The trees in the south west corner are now under less threat from potential residents. This is particularly important for the Oak (T16) which is approaching veteran status and, as such, requires specific consideration.

10.36 It is regrettable that more of the trees on the Stanshawe Crescent boundary are not to be retained. The loss of these trees must be mitigated for by replacement planting. Tree selection is important and Officers would want to see species that have the potential to achieve a medium to large mature size. Replacement with small, ornamental species will not be acceptable. On-going negotiations to secure the removal of the footpaths from adjacent to Stanshawe Crescent would also be of benefit to the retained trees.

10.37 Overall the Tree Officer finds the proposal acceptable subject to conditions, but some improvements regarding the design of the landscape on site would help achieve a successful scheme. Development must be carried out in accordance with the Arboricultural Method Statement ref. 7003506-ARB-02.2. Attention is drawn to the requirement for Arboricultural Supervision for the key tasks. In addition a landscaping scheme indicating the location, species and size of replacement trees, including the design of tree pits and planting methodology must be submitted to the LPA for consideration and approved in writing.

10.38 Footpaths

A number of comments have been received regarding existing and proposed footpaths alongside and into the site. Those existing footpaths are well used and it has been said attract undesirable or anti-social behaviour. The re-development of the site and its occupation by new houses will help to ensure a better presence on the site. Furthermore, the 'kink' in the footpath will be removed to create a straight path. It is noted that a small area of landscape is outside the red line and details on the plan offer new planting here subject to discussions with the Council. It is considered the alterations and the new development will help deter any future anti-social behaviour. As indicated above, with regards to the new footpaths proposing access onto Stanshawe Crescent, negotiations are ongoing.

10.39 Sustainable Energy

Policy CS1 seeks to secure good design and sets out that a key principle of achieving this is by minimising the amount of energy and resources that will be used during the lifetime of the development. Policy PSP6 encourages all development to minimise end-user energy requirements and is expected that the design and orientation of roofs will assist the operation of solar technology. The developer has been made aware of the comments received from the Environmental Policy team. No response has been received with regards to sustainable energy and this is disappointing but as this is an outline application a condition can be attached to the decision notice to ensure that full details are submitted with any reserved matters application.

10.40 Arts and Development

The NPPF states that the social role of the planning system should create a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. Policy CS1 High Quality Design Point 7 where the scale, location and/or significance of the new development proposals warrants it, embed public art within the public realm or in a location where it can be viewed from public areas.

10.41 The provision of public art is a key indicator of good design (building for life criteria) and public Art is widely recognised as having a broad range of benefits including: Environmental regeneration, place-making, identity; Economic - encourages inward investment, promotes a sense of confidence and positivity; and Social - promotes civic and personal pride, encourages people to rediscover and interact with their environment, used as a tool to facilitate social inclusion; Cultural community development tool - raises the profile of the arts in general, offers opportunities for people to participate in the arts.

10.42 This application makes no reference to public art in its Design and Access statement nor has a specific document relating to public art. Given the recognised benefit that can result from good quality design which includes the immediate environment, it is considered appropriate to include a condition requiring some public art on this site.

10.43 Planning obligations

The Development will be CIL liable so the S106 requirements (Planning Obligations) would be secured in addition to the CIL liability. In this case however it should be noted that Affordable Housing is normally exempted from CIL. Unlike planning obligations the collection and liability for CIL is not negotiable as part of the planning application.

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

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

10.45 In this instance, it is considered that the following planning obligations are required: the provision of Affordable Housing and the provision of financial contributions towards off-site open space (Natural and Semi-Natural Open Space, Outdoor Sports Facilities, Provision for Children and Young People and Allotments) and that these are consistent with the CIL Regulations (Regulation 122).

10.46 Affordable Housing

Affordable Housing is sought in line with the policy CS18 of the Council's adopted Core Strategy Development Plan Document. The Affordable Housing and Extra Care Housing SPD provide further guidance on this policy.

10.47 The supporting text relating to Policy CS18 of the Core Strategy states the following:

On sites allocated solely for affordable housing, or where only affordable is proposed, there will be no requirement to deliver a percentage without public subsidy where the threshold is exceeded, as set out in this policy, providing that the proposed affordable housing meets identified need and complies with the requirements of the affordable Housing Supplementary Planning Document.

10.48 The proposed scheme 16 affordable units which will be delivered in the form of 5 x one bed apartments, 9 x 2 bed apartments, 1 2 bed house and 1 3 bed house.

10.49 *Quantum:*

35% of 45 dwellings generates a requirement of 16 Affordable Homes (when rounded up) without public subsidy.

To be provided on-site and distributed throughout the development in clusters of no more than 6 units.

10.50 *Tenure and type:*

No Affordable Rent is required in this instance as 5% requirement for Affordable Rent tenure will only generate 1 affordable home. Therefore to meet identified housing need (Wider Bristol SHMA) the following tenures shall be provided:

- 73% Social Rent i.e 12 Social Rent homes
- 27% Shared Ownership i.e 4 Shared Ownership homes

10.51 The applicant has advised in their letter dated 30th July 2018, that the revised proposal seeks to maintain a policy compliant tenure split.

10.52 The proposed site plan (drawing no 01003) states that 19 x 1 bed apartments, 18 x 2 bed apartments, 5 x 2 bed houses and 3 x 3 bed houses are proposed.

10.53 The tables below set out what a fully SHMA compliant scheme would be based on a total of 16 affordable homes:

Social Rent

Percentage	Type	Min Size m ²	SHMA Mix
15%	1 bed 2 person flats	50	2
15%	2 bed 4 person flats	70	2
28%	2 bed 4 person houses	79	3
34%	3 bed 5 person houses 2 storey	93	4
8%	4 bed 6 person houses 2 storey	106	1

Shared Ownership

Percentage	Type	Min Size m ²	SHMA Mix
8%	1 bed 2 person flats	50	0
16%	2 bed 4 person flats	70	1
35%	2 bed 4 person houses	79	2
41%	3 bed 5 person houses 2 storey	93	1
0%	4 bed 6 person houses 2 storey	106	0

10.54 *Delivery and Phasing*

The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.

Delivery is preferred through the Council's list of Approved Registered Providers. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.

Affordable Homes to be built out with the market housing on site in line with agreed triggers within the S.106 Agreement.

10.55 *Rent Levels and Affordability*

Social Rent homes to be let at Target Rent (Rent Standard Direction 2014).

Shared Ownership homes to be sold at no more than 40% of market value, and annual rent on the equity retained by the RP should be no more than 1.5%.

Service charges will be capped at £650 per annum (April 2016 base and linked to RPI) to ensure that all housing costs are affordable to future occupants.

10.56 *Standards of design*

Affordable Homes to be built to the same high quality design standards and visually indistinguishable from the market units and in addition, include Lifetime Homes standard or *Part M of the Building Regulations accessibility standards M4(2)*, Part 2 of Secured by Design, and compliance with the RP Design Brief.

- All rear gardens to be turfed and generally to have 1.8m high close boarded fencing to boundaries and privacy panels;
- All properties to have vinyl/tiles on floor in all ground floor rooms;
- Ceiling height tiling to 3 sides of bathroom to be provided;
- Provide wall mounted shower (either electric or valve and kit);
- Provide gas and electric points to cooker space (where gas is available);
- Painted softwood curtain battens to each window (where construction is traditional as opposed to timber frame)

No more than 6 Affordable Homes should share an entrance and communal area. Registered Providers would generally expect flats within a single block to be of the same tenure.

10.57 8% of Affordable Homes to meet South Gloucestershire's wheelchair accommodation standard [Wheelchair specification](#) or *Part M of the Building Regulations accessibility standards M4(2)*.

10.58 **On and off site public open space provision and maintenance**

Delivery of sustainable communities requires provision of a full range of open spaces which support residents' health and social well-being. Such facilities are important for the successful delivery of national and local planning policies as well as many of the objectives of the Sustainable Community Strategy and Council Plan. Requirements for open space are exempt from CIL and are dealt with using S106.

10.59 This is a new residential development and it is reasonable to expect the residents to require access to a full range of open spaces. Provision of a range of good quality and easily accessible open spaces is important to reduce physical inactivity; a significant independent risk factor for a range of long-term health conditions. People who are physically active reduce their risk of developing major chronic diseases such as heart disease, stroke and type-2 diabetes by up to 50% and the risk of premature death by 20% - 30%. The relationship between inactivity and obesity is well recognised.

10.60 Green space is linked to greater levels of physical activity and associated health benefits. The provision accessibility and maintenance of safe and attractive green space is important.

10.61 This scheme is for 45no. units . The assessment for public open space has therefore been made on the basis of 45no. houses. It is acknowledged that this figure would reduce given that the majority of the new dwellings are flats and not houses and this is something that is currently being discussed and final figures would be reported in the update sheet to Members.

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

10.63 An audit of existing provision has demonstrated that there is a reasonable quantum of Informal Recreational Open Space but that access and quality improvements are required. There is a shortfall in all other types of open space within the recommended access standards.

10.64 Proposed on-site provision:

The proposed site plan shows areas of land that are outside of plot boundaries. The amount of on-site provision would affect the amount of off-site contributions calculations. Given the constraints of the site and the amount of development it is concluded that in practical terms no meaningful provision of public open space could be made on site. The areas around the built form shown on submitted plans are considered to be part of the landscape.

10.65 The following table shows the open space requirements arising from proposed development and gives an indication of the **maximum** contributions that would be requested if open space were not provided on site. .

Contributions towards off-site provision and/or enhancement	Maintenance contribution
Maximum of £34,821.26	Maximum of £61,378.67

10.66 On-site open space maintenance :

Core Strategy policy CS24 seeks appropriate arrangements to secure the satisfactory future maintenance of any open spaces and outdoor recreation facilities (for sport, recreation and play) that are to be provided in conjunction with new development. Where these are provided on site the Council may be willing to negotiate their adoption and future maintenance providing that the developer meets the cost associated with future maintenance and all fees associated with land transfers. If the applicant proposes private management of public open space (POS) and surface water infrastructure the Council must be confident that the value of any service to the public is sustainable and does not create ambiguity in how people access those services should they have concerns or requests; it is important that the community receives a seamless

service. Provisions to ensure suitable and secure in-perpetuity arrangements for operation, management and maintenance of all the public open spaces and surface water infrastructure (SWI within POS that is not adoptable by a statutory undertaker) will need to be incorporated into the Section 106 and the Council charges a fee (£52.00 per 100sq.m.plus £500 core service fee) to inspect the open spaces to ensure their compliance with the approved plans prior to transfer to the private management entity.

10.67 As required to comply with the test of a planning obligation the contributions will be made as close to the site as is feasible so as to serve the future residents of the site. In this case the provision will be in the following locations:

- Informal recreational open space – Thorns Farm and/or Tobias Gardens and/or open space next to the Armadillo Youth Café & Venue
- Natural and Semi-natural open space – Yate Common and/or Frome Walkway
- Outdoor Sports Facilities – Sunnyside playing fields
- Provision for Children and young people – Blakeney Mills play area
- Allotments – Robin Way

10.68 Details of 2017/2018 provision/enhancement and maintenance costs for each category of open space per sq

	Informal recreational open space	Natural & semi natural urban green space	Outdoor sports facilities	Provision for children & young people	Allotments
Average provision/enhancement cost per sq.m.	£25.2328	£13.9828	£50.1806	£168.1439	£9.2021
Average 15yrs maintenance cost per sq.m.	£44.4773	£23.1961	£15.1880	£176.8046	£11.7334

NB These do not cover specialist features e.g. retaining structures, drainage structures such as underground tanks, penstock valves, hydrobrakes, etc. Should any of these be likely, a table of additional costs would need to be appended to the Section 106 to enable their cost to be factored into the maintenance contribution formulae.

These figures are subject to indexation using the Updating Percentages published by the Building Cost Information Service (BCIS) for the Schedule of Rates for Grounds Maintenance 1987.

10.69 Planning Balance

The proposal is located in the centre of Yate where development is encouraged under both local and national planning policy. The introduction of 45 no new dwellings in this sustainable location which would also contribute to the current housing shortage attracts significant weight. Furthermore weight is given in favour of the scheme as 16 no. would be allocated as affordable housing. Sufficient on-site parking for residents can be achieved onsite. Although there would be some changes to the landscape and trees on the site, it is considered that many of the most important individual and groups of trees will be retained and protected and compensation planting will be conditioned to mitigate against the loss of others. The residential amenity of closest neighbours has been assessed and it is concluded as being acceptable.

It is recommended that the re-development of this town centre site for new housing is supported.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That authority is delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) secure the following:
- c. Off-Site Public Open Space and Sports Facilities
This is currently the subject of negotiations and will be included in the update sheet to Members.
- d. Affordable Housing
- 35% Affordable Housing with a tenure split of 73% Social Rent and 27% Shared Ownership in accordance with comments set out above.
 - In all other respects the development shall comply with the requirements as set out in para 5.44- 5.55 inc. above

Reason:

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

7.2 (i) That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

(ii) If the S106 Agreement is not signed and sealed within 6 months of this determination the application should be refused due to the failure to secure the Heads of Terms listed above under a Section 106 Agreement, for the reason listed.

CONDITIONS

1. Approval of the details of the landscape of the site and appearance of the building(s), (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

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

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

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

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

Reason

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

4. The development shall proceed in accordance with the following plans:
As received by the Council on 16.2.18:
Site location plan - 151297-STL-XX-00-DR-A-XXXX-01001 Rev A
Existing block plan - 151297-STL-XX-00-DR-A-XXXX-01002 Rev A
As received by the Council on 2.8.18:
Proposed site section plan - 151297-STL-XX-ZZ-DR-A-XXXX-01006 Rev C
Proposed site plan - 151297-STL-XX-ZZ-DR-A-XXXX-01003 Rev F

Reason

To ensure a satisfactory standard of external appearance, to protect the character of the area and to accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2, PSP3, PSP16 and PSP43 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

5. The development must be carried out in accordance with the Arboricultural Method Statement ref. 7003506-ARB-02.2 received on 30.7.18. Attention is drawn to the requirement for Arboricultural Supervision for the key tasks.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

6. The reserved matters as required by condition 1 shall include the submission of a landscape scheme, which shall include details of all existing trees and hedgerows on the land and details of any to be retained and removed, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hard surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. The scheme should comply with SGC planning policy in relation to landscape (inc. CS1, CS9, PSP1, PSP2, PSP3, PSP19) and the strategic landscape recommendations of the South Gloucestershire Landscape Character Assessment (LCA 8). The landscape scheme also to include specification notes covering topsoil depths, cultivation, planting, irrigation, and landscape maintenance covering a 5 year establishment period to help ensure the planting thrives. The new planting details shall include the location, species and size of replacement trees and also the design of tree pits and planting methodology for written approval. Development to proceed in accordance with the approved plans.

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.

7. Prior to occupation of the dwellings on site, the off street car parking and cycle parking shall be provided and subsequently maintained thereafter.

Reason

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

8. 15 Affordable Dwellings shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2) 1 Affordable Dwelling (social rented) shall be constructed to meet Part M of the Building regulations accessibility standard M4(3)(2)(a)

Reason:

To ensure inclusive design access for all in accordance with Policy PSP37 of the adopted South Gloucestershire Local Plan:Policies, Sites and Places Plan (Adopted) 2017.

9. Notwithstanding the submitted plan, the new access road within the development shall be redesigned to incorporate clear and defined pedestrian routes (i.e. segregated footway) along the new buildings on the site.

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.

10. Prior to occupation of the dwellings on site, 'Electric Charging Points' shall be provided on site at rate of one electric charging point per house and one 'Electric Charging Point' per every two apartments.

Reason

To ensure the satisfactory provision of facilities for vehicles, 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.

11. Prior to the commencement of development, a Construction Environment Management Plan (CEMP), to include: consideration of temporary parking during the course of construction and consideration of temporary waiting restrictions on the access road; shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in future and 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.

12. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. Outline application - Land set aside for this use is required as part of this submission. For the avoidance of doubt we would expect to see the following details when discharging the above condition:

- o Confirmation and acceptance of an agreed connection point and discharge rate for surface water disposal from Wessex Water.
- o A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds.
- o Drainage calculations to show there is no flooding on site in 1 in 30 year storm events (winter and summer); and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- o Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer).

- o The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
- o The plan should also show any pipe node numbers referred to within the drainage calculations.
- o A manhole / inspection chamber schedule to include cover and invert levels.
- o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable.

Reason:

To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2012.

13. As part of the reserved matters as required in condition 1 and prior to first occupation a scheme of public art on the site should be submitted to the LPA for written approval. The development shall continue in accordance with these approved details.

Reason

In the interests of visual amenity and cultural activities for new residents and to accord with Policy CS1 and CS23 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

14. Prior to the commencement of development a scheme of onsite renewable and low carbon energy shall be submitted to the LPA for written approval. The development shall proceed in accordance with the approved details.

Reason:

This is a pre-commencement condition to avoid any unnecessary remedial action in future and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and PSP6 of the Policies Sites and Places Plan (Adopted) 2017 and the NPPF.

15. The reserved matters, as required by condition 1, shall not bring forward development that exceeds a ridge height of 12.75 for the north block and 11.2 metres for the south block of flats as shown on Proposed site section - 151297-STL-XX-ZZ-DR-A-xxxx- 01006 Rev C.

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.

16. A. The preliminary risk assessment as per WSP, Preliminary Geo-Environmental & Technical Risk Assessment, Ref: 70035061-GEO-RP1-REVO, Dated February 2018 is accepted. Further site investigation should be undertaken in line with the recommendations in the report. Where potential contaminants are identified an appropriate risk assessment shall be undertaken and if necessary remediation and verification should be proposed and agreed by the Local Authority.
B. If unexpected contamination is found after development has begun, development shall immediately cease upon the part of the site affected. The Local

Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed. A verification report shall be submitted to the Local Planning Authority and agreed in writing upon completion of the works.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. 17. Details in the WSP, North Avon Magistrates Court, Yate, Planning Noise Assessment, Ref: 70035061-002, Dated February 2018 are accepted but as part of the reserved matters required by condition 1 further detailed assessment is required, in accordance with Stage 2 of ProPG guidance, once the proposed layout has been finalised and the proposed design has progressed further. The detailed assessment would determine the sound insulation requirements for specific rooms on individual facades including specifications for glazing and ventilators and further details of any proposed mitigation measures.

Reason

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

APPENDIX B

UPDATE SHEET

PK18/0799/O – North Avon Magistrate's Court

The following details are to be considered updated information received since the draft Committee Report was compiled.

1. Plans:

Revised plan received 12.8.18:

Proposed site plan – mixed residential 151297-STL-XX-ZZ-DR-A-XXXX-01003 Rev G

This revised plan shows:

- the removal of the 3 access footpath to the rear of the southern apartment block,
- the removal of the footpath along the northern edge of Stanshawe Crescent and addition of a boundary hedge.
- the amendment to the access path to the rear of the 2 bed dwellings (which is now accessed from the north to avoid the TPO tree at the southern end).

These areas are now shown green.

2. **Errata:**

Paragraph 4.7 should read 45 dwellings with 16 affordable housing units

3. **Replace** paragraphs 5.62 and 5.63 with the following:

PUBLIC OPEN SPACE CONTRIBUTIONS

Formula provided by South Gloucestershire Council. Calculations are based on nil on-site provision which will be defined at reserved matters stage and the required contributions reduced at that point.

The Informal Recreational Open Space (IROS) the contribution shall be calculated as follows:

$(A \times B) + (C \times D) \times E - F \times G = H$, where:

A = number of houses

B = 2.4 persons/house

C = number of flats

D = 1.5 persons/flat

E = 11.5sq.m. (the amount of IROS required per person)

F = Number of square metres of IROS on site

G = £69.7101

H = IROS off-site contribution required

GVA CALC FOR MAX CONTRIBUTIONS (PROVISION PLUS MAINTENANCE CONTRIBUTION)

$(8 \times 2.4) + (37 \times 1.5) \times 11.5 - 0 \times £69.7101 =$
 $(19.2) + (55.5) \times 11.5 \times 69.7101 = \textbf{£59,884.46}$

The Natural and Semi-natural Open Space (NSN) the contribution shall be calculated as follows:

$(A \times B) + (C \times D) \times E - F \times G = H$, where:

A = number of houses

B = 2.4 persons/house

C = number of flats

D = 1.5 persons/flat

E = 15sq.m. (the amount of NSN required per person)

F = Number of square metres of NSN on site

G = £37.1789

H = NSN off-site contribution required

GVA CALC FOR MAX CONTRIBUTIONS (PROVISION PLUS MAINTENANCE CONTRIBUTION)

$(8 \times 2.4) + (37 \times 1.5) \times 15 - 0 \times £37.1789 =$
 $(19.2) + (55.5) \times 15 \times £37.1798 = \textbf{£41,658.96}$

The Outdoor Sports Facilities (OSF) contribution shall be calculated as follows:

$(A \times B) + (C \times D) \times E \times F = G$, where:

A = number of houses

B = 2.4 persons/house

C = number of flats

D = 1.5 persons/flat

E = 16sq.m. (the amount of OSF required per person)

F = £65.3686

G = OSF off-site contribution required

GVA CALC FOR MAX CONTRIBUTIONS (PROVISION PLUS MAINTENANCE CONTRIBUTION)

$$(8 \times 2.4) + (37 \times 1.5) \times 16 \times £65.3686 =$$
$$(19.2) + (55.5) \times 16 \times £65.3686 = \textbf{£78,128.55}$$

The Provision for Children and Young People (PCYP) contribution shall be calculated as follows:

$$(A \times B) + (C \times D) \times E \times F = G, \text{ where:}$$

A = number of houses

B = 2.4 persons/house

C = number of 2-bed flats (no child yield is expected from 1-bed flats)

D = 1.5 persons/flat

E = 2.5sq.m. (the amount of PCYP required per person)

F = £344.9485

G = PCYP off-site contribution required

GVA CALC FOR MAX CONTRIBUTIONS (PROVISION PLUS MAINTENANCE CONTRIBUTION)

$$(8 \times 2.4) + (18 \times 1.5) \times 2.5 \times £344.9485 = £39,841.55$$

$$(19.2) + (27) \times 2.5 \times £344.9485 = \textbf{£39,841.55}$$

The Allotments contribution shall be calculated as follows:

$$(A \times B) + (C \times D) \times E \times F = G, \text{ where:}$$

A = number of houses

B = 2.4 persons/house

C = number of flats

D = 1.5 persons/flat

E = 2sq.m. (the amount of Allotments required per person)

F = £20.9355

G = Allotments off-site contribution required

GVA CALC FOR MAX CONTRIBUTIONS (PROVISION PLUS MAINTENANCE CONTRIBUTION)

$$(8 \times 2.4) + (37 \times 1.5) \times 2 \times £20.9355 =$$

$$(19.2) + (55.5) \times 2 \times £20.9355 = \textbf{£3,127.76}$$

TOTAL POS OFF SITE CONTRIBUTIONS (ASSUMING NIL PROVISION ON SITE AT THIS STAGE & INCLUDING PROVISION AND MAINTENANCE).

Informal open space	£59,884.46
Natural and semi-natural open space	£41,658.96
Outdoor sport	£78,128.55
Children and Young	39,841.55
Allotments	£3,127.76
TOTAL	£222,641.28

4. Insert under 7.1 a.

On and off site public open space facilitates:

Based on the current indicative layout and mix of 8no. houses, 18no. 2-bed flats and 19no. 1-bed flats, and on the assumption of no on-site open space, the off-site open space contribution would be £222,641.28 made up of

Capital figure – £118,115.23

Maintenance figure - £104,526.05

However, a degree of on-site open space is likely, but the extent will not be known until Reserved matters stage. In addition, as the final dwelling mix will also not be known until RM, the formula at paragraph 5.62 will be incorporated into the S106 in order to calculate the off-site contributions so that the contributions can be calculated once the details of the reserved matters are known and agreed.

On-site Open Space would be privately managed and would be subject to a Management and Maintenance Scheme. Provisions to ensure the in-perpetuity arrangements for the operation, management and maintenance of all public open spaces and surface water infrastructure that will not be adopted by a statutory undertaker. An inspection fee would be charged to ensure compliance with the approved plans prior to the transfer to any private management company

5. **Conditions:**

Since the Committee Report was written the applicant has requested some changes to the wording of 5 conditions. These conditions relate to the wheelchair accessible unit; to electric charging points; to public art; to SUDS drainage on the site and to renewable/low carbon energy details.

Changes to the wording of the following conditions are considered acceptable and shall now read:

Condition 10 – electric charging points

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

Condition 12 – drainage

No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), unless demonstrated to the satisfaction of the LPA that these are not practical or deliverable for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

Outline application - Land set aside for this use is required as part of this submission.

For the avoidance of doubt we would expect to see the following details when discharging the above condition:

- Confirmation and acceptance of an agreed connection point and discharge rate for surface water disposal from Wessex Water.
- A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds.
- Drainage calculations to show there is no flooding on site in 1 in 30 year storm events (winter and summer); and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer).

- Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
- The plan should also show any pipe node numbers referred to within the drainage calculations.
- A manhole / inspection chamber schedule to include cover and invert levels.
- Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable.

Condition 13 – public art

The reserved matters details referred to in condition 1 shall include full details for a unique site specific integrated public art scheme including but not limited to detailed designs, timescales and triggers. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note.

Condition 14 – renewable energy

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

There shall be no change to the wording of condition 8 regarding the affordable housing unit as this is considered appropriate for this outline application.

Further updated condition:

Condition 4 - plans

The development shall proceed in accordance with the following plans:

As received by the Council on 16.2.18:

Site location plan - 151297-STL-XX-00-DR-A-XXXX-01001 Rev A

Existing block plan - 151297-STL-XX-00-DR-A-XXXX-01002 Rev A

As received by the Council on 2.8.18:

Proposed site section plan - 151297-STL-XX-ZZ-DR-A-XXXX-01006 Rev C

As received by the Council on 12.9.18:

Revised proposed site plan – mixed residential 151297-STL-XX-ZZ-DR-A-XXXX-01003 Rev G

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

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

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

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

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

Reason

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

4. The development shall proceed in accordance with the following plans:

As received by the Council on 21.5.19:

Existing site plan - 151297-STL-XX-00-DR-A-XXXX-01002 Rev B

Site location plan - 151297-STL-XX-00-DR-A-XXXX-01001 Rev B

As received by the Council on 19.6.19::

Proposed site plan - 151297-STL-XX-ZZ-DR-A-XXXX-01003 Rev J

Reason

To ensure a satisfactory standard of external appearance, to protect the character of the area and to accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2, PSP3, PSP16

and PSP43 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

5. The development must be carried out in accordance with the Arboricultural Method Statement ref. 70035061-ARB-02.3 dated March 2019 received on 21.5.19. Attention is drawn to the requirement for Arboricultural Supervision for the key tasks.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

6. The reserved matters as required by condition 1 shall include the submission of a landscape scheme, which shall include details of all existing trees and hedgerows on the land and details of any to be retained and removed, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hard surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. The scheme should comply with SGC planning policy in relation to landscape (inc. CS1, CS9, PSP1, PSP2, PSP3, PSP19) and the strategic landscape recommendations of the South Gloucestershire Landscape Character Assessment (LCA 8). The landscape scheme also to include specification notes covering topsoil depths, cultivation, planting, irrigation, and landscape maintenance covering a 5 year establishment period to help ensure the planting thrives. The new planting details shall include the location, species and size of replacement trees and also the design of tree pits and planting methodology for written approval. Development to proceed in accordance with the approved plans.

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.

7. Prior to occupation of the dwellings on site, the off street car parking and cycle parking shall be provided and subsequently maintained thereafter.

Reason

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

8. 15 Affordable Dwellings shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2)

1 Affordable Dwelling (social rented) shall be constructed to meet Part M of the Building regulations accessibility standard M4(3)(2)(a)

Reason:

To ensure inclusive design access for all in accordance with Policy PSP37 of the adopted South Gloucestershire Local Plan:Policies, Sites and Places Plan (Adopted) 2017.

9. Notwithstanding the submitted plan, the new access road within the development shall be redesigned to incorporate clear and defined pedestrian routes (i.e. segregated footway) along the new buildings on the site.

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.

10. Prior to occupation of the dwellings on site, 'Electric Charging Points' shall be provided on site at rate of one electric charging point per house and one 'Electric Charging Point' per every two apartments.

Reason

To ensure the satisfactory provision of facilities for vehicles, 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.

11. Prior to the commencement of development, a Construction Environment Management Plan (CEMP), to include: consideration of temporary parking during the course of construction and consideration of temporary waiting restrictions on the access road; shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in future and 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.

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

Outline application - Land set aside for this use is required as part of this submission.

For the avoidance of doubt we would expect to see the following details when discharging the above condition:

- o Confirmation and acceptance of an agreed connection point and discharge rate for surface water disposal from Wessex Water.
- o A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds.

- o Drainage calculations to show there is no flooding on site in 1 in 30 year storm events (winter and summer); and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- o Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- o The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
- o The plan should also show any pipe node numbers referred to within the drainage calculations.
- o A manhole / inspection chamber schedule to include cover and invert levels.
- o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable.

Reason:

To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2012.

13. As part of the reserved matters as required in condition 1 and prior to first occupation a scheme of public art on the site should be submitted to the LPA for written approval. The development shall continue in accordance with these approved details.

Reason

In the interests of visual amenity and cultural activities for new residents and to accord with Policy CS1 and CS23 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

14. Prior to the commencement of development a scheme of onsite renewable and low carbon energy shall be submitted to the LPA for written approval. The development shall proceed in accordance with the approved details.

Reason:

This is a pre-commencement condition to avoid any unnecessary remedial action in future and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and PSP6 of the Policies Sites and Places Plan (Adopted) 2017 and the NPPF.

15. The reserved matters, as required by condition 1, shall not bring forward development that exceeds a ridge height of 12.75 for the north block and 11.2 metres for the south block of flats as shown on Proposed site section - 151297-STL-XX-ZZ-DR-A-xxxx-01006 Rev C.

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.

16. A. The preliminary risk assessment as per WSP, Preliminary Geo-Environmental & Technical Risk Assessment, Ref: 70035061-GEO-RP1-REVO, Dated February 2018 is accepted. Further site investigation should be undertaken in line with the recommendations in the report. Where potential contaminants are identified an appropriate risk assessment shall be undertaken and if necessary remediation and verification should be proposed and agreed by the Local Authority.

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

Reason

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

17. Details in the WSP, North Avon Magistrates Court, Yate, Planning Noise Assessment, Ref: 70035061-002, Dated February 2018 are accepted but as part of the reserved matters required by condition 1 further detailed assessment is required, in accordance with Stage 2 of ProPG guidance, once the proposed layout has been finalised and the proposed design has progressed further. The detailed assessment would determine the sound insulation requirements for specific rooms on individual facades including specifications for glazing and ventilators and further details of any proposed mitigation measures.

Reason

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