

# 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. 07/20

**Date to Members: 14/02/2020**

**Member's Deadline: 20/02/2020 (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](mailto: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 list below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

### **Additional guidance for Members**

Always make your referral request by email to [MemberReferral@southglos.gov.uk](mailto: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](mailto:MemberReferral@southglos.gov.uk)

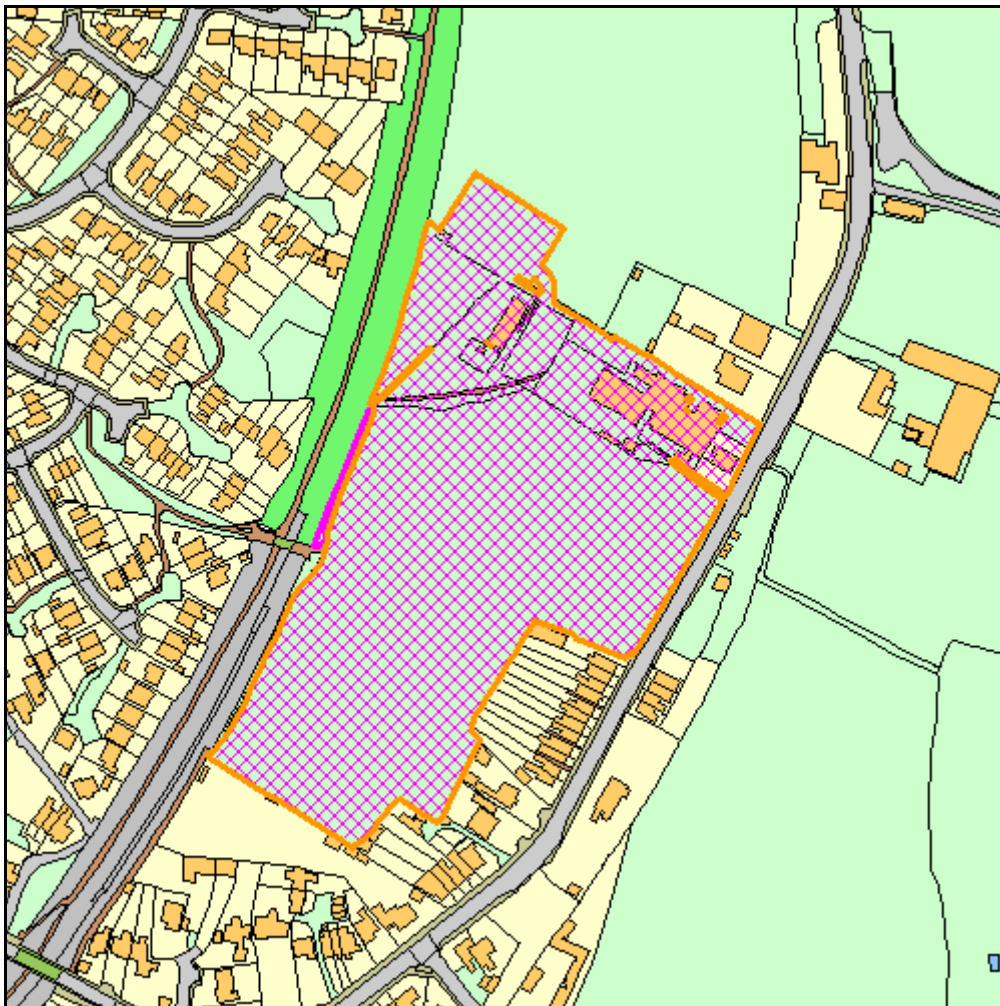
# CIRCULATED SCHEDULE - 14 February 2020

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>P19/11035/R3F</b>	Approve with Conditions	Redfield Edge Primary School High Street Oldland Common South Gloucestershire BS30 9TL	Bitton And Oldland	Bitton Parish Council
2	<b>P19/11377/RM</b>	Approve with Conditions	PI24, 25, 26 & 27 North Yate New Neighbourhood South Gloucestershire Yate	Yate North	Yate Town Council
3	<b>P19/13853/F</b>	Approve with Conditions	Thornbury Football Club Mundy Playing Fields Kington Lane Thornbury South Gloucestershire BS35 1NA	Thornbury	Thornbury Town Council
4	<b>P19/14286/RVC</b>	Approve with Conditions	North Avon Magistrates Court Kennedy Way Yate South Gloucestershire BS37 4PY	Yate Central	Yate Town Council
5	<b>P19/17620/RVC</b>	Approve with Conditions	Beech Hill Farm Shorthill Road Westerleigh South Gloucestershire BS37 8QW	Boyd Valley	Westerleigh Parish Council
6	<b>P20/00364/F</b>	Approve with Conditions	4 Walton Heath Yate South Gloucestershire BS37 4DR	Yate Central	Yate Town Council
7	<b>P20/00713/F</b>	Approve with Conditions	Bridles Horseshoe Hill Milbury Heath Wotton Under Edge South Gloucestershire GL12 8PU	Thornbury	Thornbury Town Council
8	<b>PK18/0529/RM</b>	Approve with Conditions	Land To The West Of PI23e North Yate New Neighbourhood South Gloucestershire Yate	Yate North	Yate Town Council

**CIRCULATED SCHEDULE NO. 07/20 – 14TH FEBRUARY 2020**

<b>App No.:</b>	P19/11035/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Redfield Edge Primary School High Street Oldland Common Bristol South Gloucestershire BS30 9TL	<b>Date Reg:</b>	29th August 2019
<b>Proposal:</b>	Installation of fencing and gates.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367864 171881	<b>Ward:</b>	Bitton And Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd October 2019

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100023410, 2008. **N.T.S.** **P19/11035/R3F**

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

## **INTRODUCTION**

This application appears on the Circulated Schedule, as a result of consultation responses received, contrary to Officer recommendation, and as it a development proposed by the Council.

## **1. THE PROPOSAL**

- 1.1 The application is for the installation of fencing up and gates up to 2.4 metres around school playing fields. The fencing would be set 4-5 metres off the existing boundaries within the site and would be a galvanised and powder coated finish in green.
- 1.2 The application site is the periphery of playing fields associated with Redfield Edge and Sir Bernard Lovell schools, within the settlement of Oldland Common.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework  
National Planning Policy Guidance

### 2.2 Development Plans

#### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS8 Access/Transport

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

PSP4 Designated Local Green Spaces  
PSP5 Undesignated Open Spaces within Urban Areas and Settlements  
PSP8 Residential Amenity

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.

## **3. RELEVANT PLANNING HISTORY**

- 3.1 FPS/P0119/4/9 - Footpath Diversion Order to divert part of footpath PBN10 running from the end of the bridge, over the railway path, across the playing fields to High Street, Oldland Common, onto a line running to the north-east and then east to the High Street and also running south-westwards, to North Street (Full details set out in the Order, Plan and Schedule). Confirmed 19<sup>th</sup> March 2013.

## 4. CONSULTATION RESPONSES

### 4.1 Bitton Parish Council

There is great concern of the loss of a local amenity with the open space within the parish. Many residents are upset at this big resource being lost. Many families use the field for wide games and spending quality family time and this will be lost. There is concerns that there will be a caveat that the land is sold in the future and can they guarantee that this is not the case? There has been no consultation to the parents of Redfield Edge School, no notices have been placed in the community. Question has been raised as why Redfield Edge don't use the field already fenced in at Warmley Rangers. The residents are also concerned about the diversion of the footpath as this was made back in 2013 when traffic flow was not as busy as it is now with Warmley Rangers and the Community and Youth Building being in situ. Residents feel that they are being kept in the dark about it all. Bitton Parish Council would like to request that this is called in.

### Public Rights of Way Officer

The proposed fencing is required to enable the public path diversion order made and confirmed in 2011 to be implemented. An alternative path is being provided to facilitate the fencing in line with the diversion order that will be uploaded by separate file. The requirement for the fencing of the new footpaths was that it was at least 5 metres width including a verge area and that the fencing be visually permeable. This appears to have been taken into account. Therefore Public rights of way support this application. The application to divert the path was considered by the planning inspector and their decision was to permit the diversion provided the fencing was according to the required spec and the adequate width of the new path.

### Conservation Officer

The field in question lies to the south of the grade II listed building of 54 High Street, a mid-19<sup>th</sup> century two storey part-rendered property with tiled hipped roof and prominent chimney stacks. There are certain concerns over impact upon the property. The level of harm will be less than substantial in terms of the NPPF so any harm will need to be considered and assessed against the merits of the individual proposal.

## Other Representations

### 4.2 Local Residents

Approximately 125 letters of objection have been received to the application and 15 letters of support, summarised as follows:

Objection concerns:

- The greatest concern was the loss of the open space as a local amenity
- Locals have used these fields for many years for numerous activities
- The fields aren't used significantly and are not all required
- There are other school fields
- Will be taking away a vital community space
- It is important to have green space for the community and exercise



- It has always been an open space for use by the public for many years
- It would be a huge eyesore and would also limit the amount of green space available to the public
- It would be a huge loss to see our local green space become gated and have fencing around the perimeter.
- It is the only green space around
- There are fears that this may lead to additional development of the land in the future
- There are considered to be legal access rights though some of the adjacent gardens into the fields.

Neutral comments:

- Would it be possible to prohibit dogs from the field, have the gates locked during school hours but opened outside of school hours

Support comments:

- The reality is that this is a private space and the ability to use it has been a luxury not a right
- The responsibility to provide open space or make up for a perceived lack of it does not lie with the school
- We live in an area with fields on our doorstep so there are plenty of other places very locally that we can walk our dogs.
- Making the space safer means the children will get to be outside more. - - They spend 5 days a week at school, so let's increase their opportunity to be outside during their school day.
- Other schools have been allowed to implement the same safety measures, removing the ability of the public to utilise school fields for their own purposes
- We have had numerous first hand experience of dealing with unreasonable use of the school field when children and staff were on the field
- Something needs to be done to curb public usage of this school field
- Staff have had to clear the field of dog mess, dangerous items and litter on a daily basis
- Lessons have had to have been stopped in the past because of dogs running loose
- The abuse of the use of the space cannot be sustained by the school
- The use of the field is paramount to the curriculum
- This will not only make the existing use of the school property more accessible from the existing grounds, but also provide a safer environment for the children of both schools
- The children and staff should be able to use the field in safety
- It will enhance the children's learning and provide a safer learning environment.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy CS1 seeks a high quality of development. Policies PSP4 and PSP5 seek to protect locally designated green spaces and undesignated spaces respectively. The application area is private school fields and does not constitute local green space, designated or undesignated identified in the Local Plan. At present the public has benefitted from apparent unrestricted access to

the school playing fields. It is acknowledged that the site may have been extensively used in the past, however it is considered that this unrestricted access has caused issues to the use of the fields by the associated schools and led to the subsequent submission of this application. This unrestricted access to date has been co-incidental. The land is private and not a public facility. The land is designated school playing field. An order to divert the footpath across part of the site has already been agreed by an Inspector some years ago and the proposed fencing would further secure the fields for school use.

- 5.2 Notwithstanding the above considerations on the status of the site, and by way of an indicator, an audit of existing Natural & Semi Natural (NSN) and Informal Recreational Open Space (IROS) buffered from the planning application site (Redfield Edge School) has been undertaken. The accessibility standards applied were those used in Policy CS24 (which are normally used to establish Public Open Space (POS) requirements arising from new residential development). These were 12.5 minutes walk/600metres for IROS & 15 minutes walk/720 metres for N&SN Open Space.
- 5.3 Based on the population and the above standards there is an existing shortfall of Natural & Semi natural open space (-the land is (private) formal school playing fields and would not be considered to fall within natural or semi natural considerations), and a sufficient amount of Informal Recreational Open Space.
- 5.4 The applicants consider that the unrestricted access across the site has caused issues for the use and functioning of the fields as school playing fields. There is not considered to be legal right of use by members of the public (although it is understood that both schools would wish to facilitate use outside of school hours). To this end a footpath diversion order was submitted. This was approved by the Public Rights of ways and Commons Registration Committee upon enquiry in 2013. This was the first part of the wider plan to secure the site, with the fencing to follow. As an additional consideration, a slightly smaller fence is likely to be permissible under permitted development rights around many areas of the field.
- 5.5 It is considered that issues affecting the schools safe use of the fields have been raised consistently. The issues are magnified through the school having to have additional members of staff to ensure boundaries are safe and mitigate risks, litter disposal of unpleasant and dangerous items is often required before use, encounters with dogs off leads and members of the public have all been cited and the safety of the school fields, has, as a result been brought into question.
- 5.6 Whilst the concerns raised to the application, above are noted, in considering this application it is not an assessment of the impacts of a proposed development upon a loss of existing identified green space but an assessment solely of the fencing around it. Any future development proposals on the site, should they arise, would be considered on their individual merits. The fencing application is therefore essentially an application to erect fencing around the private land and would require to be assessed on it individual merits.

- 5.7 There is a concern about loss of open space, however given the status of this particular site this would not be considered a valid planning reason to prevent a private landowner / tenant fencing in privately owned land to use as they wish, in this instance for use and security associated with the schools.
- 5.8 It is understood that the proposals are to ensure that the fields can be used freely and safely as school playing fields whenever required. Should a scheme of wider access be considered acceptable, manageable and negotiable, this may be looked at separately. Any such considerations would be above and beyond the consideration of this individual planning application for fencing and would be a civil matter for the relevant stakeholders to discuss. Similarly it has been raised that it was considered that legal access rights and deeds exist permitting access from residential curtilages of properties along the High Street, backing onto the fields. This would need to be established by the individual property owners and is civil/legal matter which would need to be addressed between the relevant landowner parties.
- 5.9 With this in mind therefore, the main remaining issues for assessment are whether the proposals would have an adverse impact on the amenities of nearby occupiers and whether the design of the proposal is sufficiently in keeping with the site and surroundings in terms of their physical appearance and design.
- 5.10 Design  
The proposals are for fencing around an existing school field. They are not considered unacceptable in design terms in terms of the nature and location of the siting. It is not considered that it would have a material or significant visual amenity impact upon the surrounding area, such as to warrant objection and sustain refusal of the application on this basis.
- 5.11 Residential Amenity  
The nature, length, size, location and orientation of the proposals and the relationship with other properties in the area, are not considered to give rise to any amenity impacts on adjacent properties in this instance. It is not considered that would have a material or significant impact upon individual residential amenities such as to warrant objection and sustain a refusal on this basis.
- 5.12 Conservation Considerations  
The comments above are noted. The proposals are for fencing around an existing school field. The existence of the building to the north is acknowledged. It is considered that the level of harm will be less than substantial. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. In this instance the perceived public benefits of the site in terms of access and use do not exist and thereby benefits would not be lost by the fencing proposed. The benefits of the proposals would be the safety, security and enclosure provided by the proposed fencing allowing the safe and secure use of the fields as school playing fields. This would benefit the local community users and pupils of the school. It is considered that the less than significant harm perceived would be

outweighed by the benefits of the proposal and there would be no basis such as to warrant objection and sustain a refusal on this issue.

## **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 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That planning permission is granted, subject to the conditions recommended

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## **CONDITIONS**

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

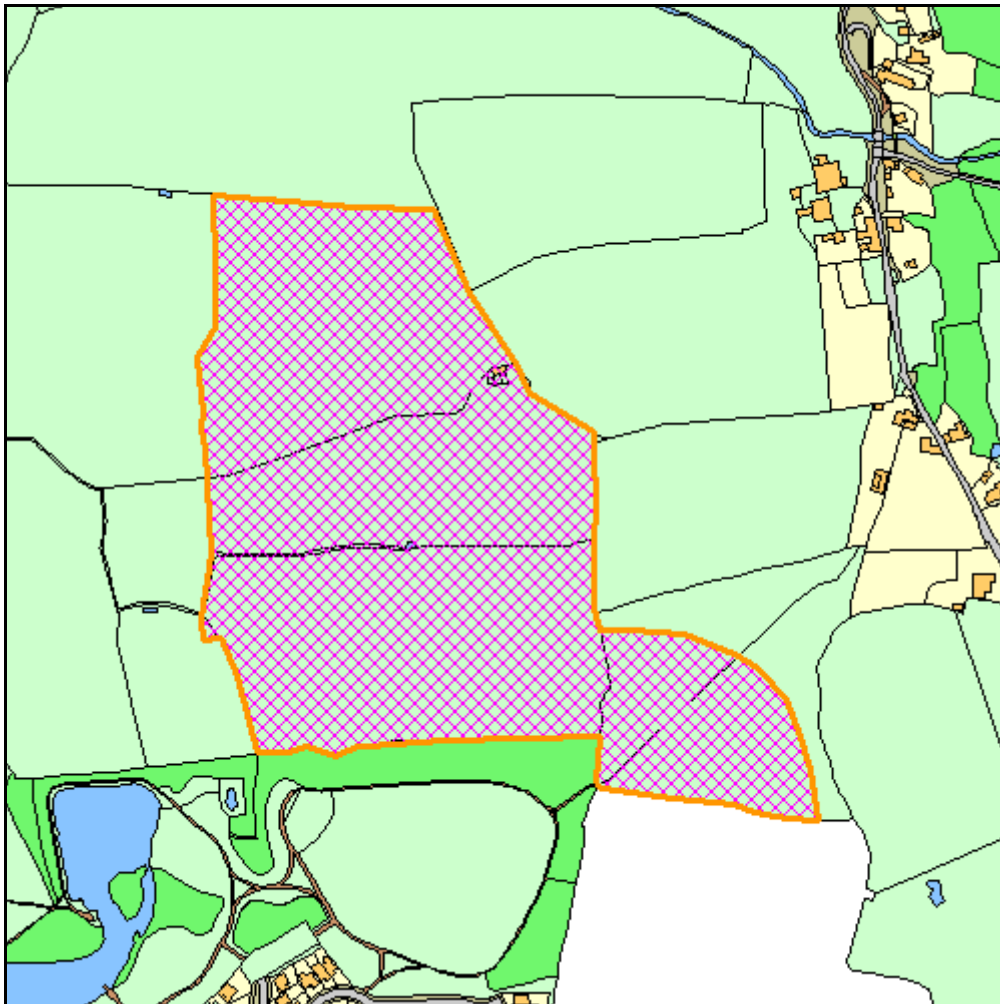
Reason

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

**CIRCULATED SCHEDULE NO. 07/20 – 14 FEBRUARY 2020**

<b>App No.:</b>	P19/11377/RM	<b>Applicant:</b>	Bellway Homes South West
<b>Site:</b>	PI24, 25, 26 & 27 North Yate New Neighbourhood South Gloucestershire	<b>Date Reg:</b>	29th August 2019
<b>Proposal:</b>	Erection of 247 no. dwellings, creation of play areas and 3 no. sports pitches with associated works with appearance, landscaping, layout and scale to be determined. (Approval of Reserved Matters to be read in conjunction with outline permission PK12/1913/O as amended by P19/6296/RVC)	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371560 183998	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Major	<b>Target Date:</b>	27th November 2019

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P19/11377/RM

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

## **INTRODUCTION**

This application appears on the circulated schedule because objections have been received from Yate Town Council as well as members of the public. At the time of circulating, comments have not yet been received from the Council's Drainage Officer regarding the amended plans. Therefore, whilst this planning report is being circulated with a recommendation for approval, no decision will be issued until the Drainage Officer has removed his original objection.

## **1. THE PROPOSAL**

- 1.1 This application seeks reserved matters consent for the erection of 247 no. dwellings, creation of play areas and 3 no. sports pitches with associated works. The reserved matters to be determined, which consists of appearance, landscaping, layout and scale should be read in conjunction with outline permission PK12/1913/O as amended by P19/6296/RVC. This outline consent included details of access into the site off Randolph Avenue and Leechpool Way, with provision for access from Peg Hill. The scheme benefits from an approved design code (North Yate New Neighbourhood Design Code Rev D-March 2017) and masterplan (Condition 39 Detailed Masterplan 4739-LDA-00-XX-DRL-0013), as well as a number of framework plans approved at outline stage
- 1.2 The application site comprises parcels PL24, PL25, PL26 and PL27 in the North Yate New Neighbourhood, as shown on the approved phasing plan. These parcels are located in the south eastern part of the NYNN site and form the extent of the promotional land, which Barratt's were contractually obliged to promote to other developers. The application site covers an area of some 9.27 hectares and most of the site slopes gradually down from east to west and south to north, apart from the south eastern corner which rises steeply up to Yate Rocks with a level difference of approximately 6 metres between the top and bottom of the slope. An existing public right of way (LYA/49) extends diagonally through this part of the site and connects Brinsham Park Play Area to Yate Rocks. This PROW forms part of the Jubilee Way walking route which extends from Aust to Old Sodbury. Beyond the site boundaries to the north and east is open countryside with residential properties beyond at Yate Rocks; to the south is the Autumn Brook residential development and Brinsham Park Play Area; to the west is green infrastructure within NYNN consisting of a play area, attenuation basins, trees and vegetation. The site is covered by an area tree preservation order.
- 1.3 The 247 dwellings consist of a mixture of houses and flats of 1, 2, 3 and 4 beds of 2 and 2.5 storeys in height. Out of the 247 dwellings, 86 would be for affordable housing. A statement of compliance has been submitted in support of this application.

1.4 Council officers have held numerous discussions at meetings with the applicant and developer before and after submission of the application. As a result of the discussions, the following improvements have been made to the scheme:

- More pleasant links provided between Brinsham Park and Yate Rocks along existing green infrastructure;
- Existing green infrastructure better utilised so that these areas contribute to the visual amenity of the scheme and trees and their roots are afforded more protection to ensure their future viability;
- The development layout has been simplified in a number of areas to provide more legible routes through the development;
- More secure rear gardens to dwellings provided as well as more overlooking to green corridor routes;
- Improvements to the architectural quality of apartment blocks;
- Additional hedge and tree planting, alterations to the roof design and materials to reduce the prominence of dwellings along the eastern boundary to reduce the impact of the development on the character of Yate Rocks;
- Equipment with a greater play value and more robust has been provided to play areas;
- The LAP and LEAP play areas have been combined into one area to provide easier supervision for carers

## 2. POLICY CONTEXT

### 2.1 National Guidance

National Planning Policy Framework Feb 2019  
National Planning Practice Guidance

### 2.2 Development Plans

#### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS2 Green Infrastructure  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS16 Housing Density  
CS17 Housing Diversity  
CS18 Affordable Housing  
CS30 Yate and Chipping Sodbury  
CS31 North Yate New Neighbourhood

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees and Woodland  
PSP6 Onsite Renewable and Low Carbon Energy

PSP8 Residential Amenity  
PSP10 Active Travel Routes  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP17 Heritage Assets and the Historic Environment  
PSP19 Wider Biodiversity  
PSP20 Flood Risk, Surface Water and Watercourse Management  
PSP21 Environmental Pollution and Impacts  
PSP37 Internal Space and Accessibility Standards for Affordable Dwellings  
PSP43 Private Amenity Space Standards  
PSP47 Site Allocations and Safeguarding

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)  
The South Gloucestershire Residential Parking Standards SPD (adopted)  
Waste Collection: Guidance for New Developers SPD (adopted)  
Extra Care and Affordable Housing SPD (adopted)

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK10/042/SCO, Scoping Opinion for a proposed mixed-use site approximately 104ha in North Yate.
- 3.2 PK12/1913/O, Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved. Approved on 17th July 2015.
- 3.3 PK15/5230/RVC, Variation of condition 41 of Planning Permission PK12/1913/O to change the proposed wording which related to the need for an Energy Statement and energy targets. Approved on 6th May 2016
- 3.4 PK16/2449/RVC, Variation of condition 12 attached to planning permission PK12/1913/O to allow for a programme for archaeological investigations across the site. Approved on 15th August 2016.
- 3.5 PK17/0039/NMA, Non-material amendment to Condition 19 of PK16/2449/RVC (Outline planning permission for the North Yate New Neighbourhood) to reflect the updated phasing plan submitted pursuant to Condition 4. Approved on 23<sup>rd</sup> February 2017.
- 3.6 P19/6296/RVC, Variation of condition 19 attached to outline planning permission PK12/1913/O (as amended under applications PK15/5230/RVC, PK16/2449/RVC, PK17/0039/NMA and PK17/4826/RVC) to amend the wording of the condition (19) to "There shall be no commencement of Phase 5 of the development as shown on the Phasing Plan submitted pursuant to condition 4, until such time as the internal link road linking Randolph Avenue, Leechpool



Way and the access from the Peg Hill development (as approved by planning permission PK12/0429/O) has been implemented and is operational. Construction use and residential use are deemed operational". Approved on 13<sup>th</sup> September 2019.

- 3.7 PK17/4260/RM, Laying out of landscape and infrastructure (Phase 0) including primary and secondary streets, utilities, services, foul and surface water drainage, hard and soft landscaping. (Approval of reserved matters including appearance, landscaping, layout and scale to be read in conjunction with Outline Planning Permission PK12/1913/O superseded by PK16/2449/RVC). Approved on 21<sup>st</sup> May 2018.

#### **4. CONSULTATION RESPONSES**

##### **4.1 Yate Town Council** Object

The application in its current form does not comply with key features of the masterplan;

The revised version will destroy the Jubilee Way diverting it on to winding estate roads;

Pitch provision is a major departure from the masterplan;

Pitches are the other side of a public footpath from the school site and therefore, not useable by the school and not capable of using the school toilets and changing room;

Risk of school being separated from the pitches. What is to happen to P3PL37B which was to be the sports pitches next to P3PL37A;

The hedged open space areas in the masterplan are considerably wider than the ones shown in the revised plans;

Drainage concerns regarding reduced water flows to the lakes in the park;

Visitor parking pushed into areas of landscaping in particular the east-west landscape corridor due to the developer trying to cram in too many properties;

An insufficient level of visitor parking and the parking should be set into the pavements rather than the road;

North-south footpath required behind plots 18/19 alongside drainage channel;

Several places where walls at the end of cul-de-sacs will block desire lines such as to the park, school, community building or linear open space;

No lighting plans submitted and concerns about pedestrian safety walking in the dark;

Houses are too close to the sports pitches;

Flats and houses are proposed within the RPZ of a mature tree;

Concerns regarding use of concrete blocks to pedestrian routes and these need to form a completely flat surface to ensure they can be used for wheelchair users;

Concerned that Copenhagen crossings are confusing for children and those with dementia;

Potential conflict between visitor parking for houses and people using the pitches;

Will there be sufficient open space left for the school site?

Play areas should be integrated into one good area rather than be split up;

Play area immediately adjoins the side of houses so that they are not overlooked;

Zip wire in the LEAP will cause noise and disruption to houses;

Insufficient parking for the play areas;

Flooding issues as the land is in flood zone 2 therefore, the specifications for the sports pitches are inadequate;

All play areas need grids at the entrance so wheelchairs can get in but not dogs;

Play area surfaces should be a better surface than bark;

How will booking and day to day maintenance of the sports pitches be done?

4.2 Public Art Officer

No comment. Public art for the site is being delivered by Barratt Homes in line with the overall public art strategy for the site.

4.3 Crime Prevention Officer

No objection or comments. Having viewed the information as submitted I find the design to be in order and complies appropriately with the crime prevention through environmental design principles.

4.4 Affordable Housing Officer

No Objection subject to clarification if the door from the living room in the wheelchair flats is 850mm clear or more.

4.5 Archaeological Officer

No comments.

- 4.6 Sports England  
Objected to previous proposal. No additional comments following re-consultation.
- 4.7 Transportation Officer  
Having reviewed the revised submitted plans, I confirm that the scheme from highway point of view is acceptable and as such, we transportation development control have no objection to this application.  
We recommend that
- 1) All shared surface cul-de-sacs are constructed with block paving finish and,
  - 2) prior to occupation of each property on site provide off street parking in accordance with submitted and approve plans and to be maintained satisfactorily thereafter.
- 4.8 Public Open Space Officer  
The issues raised have now been addressed.
- 4.9 Urban Design Officer  
I have assessed the submitted revised house type plans and have the following comments. Generally positive alterations but a few suggested alterations. This has been brought up to a good level. Need to make sure the materials condition covers all the key external items and that we get some good quality materials, as the more simplified style needs the materials to do more work.
- 4.10 Avon Fire and Recue  
Recommends a scheme of fire hydrants is provided within the development and that a contribution is sought for their maintenance.
- 4.11 Drainage Officer  
Awaiting comments on the revised scheme which may remove the initial drainage objection. Comments due on 18<sup>th</sup> February 2020.

### **Other Representations**

- 4.12 Local Residents  
Eight members of the public have objected to the proposal. The following is a summary of the reasons given for objecting:
- It should be a requirement that at least one tree should be planted for every domestic bedroom or 100sqm of commercial floor space;  
Existing houses in Yate Rocks should have protection from noise/light  
The aesthetic look of the development should also be sympathetic to Yate Rocks;  
A robust tree planting scheme in the northeast of the site to provide some protection and buffering from the development and properties at Yate Rocks;  
Plans for a buffer between the development and Yate Rocks has been removed;  
Disruption to Jubilee Way footpath is not acceptable – it should be retained as a pleasant walk and not turned into part of the estate;

The landscaping to the outside of the new road through the field has been removed;

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

North Yate New Neighbourhood is a major development site allocated by policy CS31 of the South Gloucestershire Local Plan Core Strategy (adopted December 2013 for a major mixed use development of up to 3000 dwellings. Outline consent was subsequently granted on 17th July 2015 for a mixed use development across 100.76 hectares of land comprising up to 2450 new dwellings, including 4.63 hectares of employment land, a local centre, two primary schools and supporting infrastructure. This approval covers a substantial area of the NYNN allocation. A masterplan and design code for the North Yate New Neighbourhood were subsequently approved by the Local Planning Authority on 20th January 2017 and 12th May 2017 respectively. The principle of the development is therefore, acceptable.

### **5.2 Urban Design**

The approved design code envisages a new neighbourhood made up of different areas with their own particular qualities. Three separate character areas – Yate Gallops, Yate Woods, and Yate Meadows are proposed in order to achieve this. The idea, according to the design code, is that the character areas facilitate design that works with the existing site and its surrounding context, whilst enabling a range of development types to come forward to broaden the market choice on offer and to help deliver a commercially sustainable scheme.

5.3 The site lies within the Yate Meadows character area. This area has the strongest visual and physical relationship to the wider countryside. It is characterised by contiguous green space, and contains extensive ponds, swales and recessed flood attenuation areas. The eastern edge of Yate Meadows is characterised by individual buildings at a generally lower scale, which is part of the sensitive design response to the wider countryside setting.

### **5.4 Parameter Plans**

Certain strategic parameters with regards to land use, scale, density etc. were approved at outline stage in order to guide reserved matters proposals to ensure that NYNN is a well-designed and sustainable place. A reserved matters proposal should follow the principles and parameter plans approved at outline stage, and these principles/parameters cannot be reconsidered under a reserved matters application. The approved parameter plans show that parcels PL23B, PL23D and PL23E are required to provide residential development with a density between 25-40DPH and 35-50DPH for the parcel directly north of Brinsham Park Play Area, with a maximum of 2.5 storeys except for the eastern edge, which is a maximum of 2 storeys along with sports pitches and a LAP, LEAP and NEAP to the north of the site. The dwellings proposed are a maximum of 2.5 storeys in height overall and 2 storey only on the eastern edge; the proposal has an average density of 36DPH. Sports pitches and play areas have been provided at the northern end of the site. Accordingly, it is

considered that the proposal accords with the land use, building heights and density parameter plans.

#### 5.5 Green Infrastructure

The Green Infrastructure parameter plan sets out the location of green space, trees and hedges to be retained. Unfortunately this approved parameter plan does not demonstrate green buffers of sufficient width, and as a result the parameter plan shows the development edge encroaching into the root protection area of trees in a number of areas, particularly on the southern edge of the site. Rather than following a strict adherence to this unacceptable parameter plan the developer has agreed to increase the width of the green buffer in certain areas, such as along the southern boundary, to ensure that existing trees are not adversely impacted by the development. There are considered to be sound reasons for a slight deviation from the parameter plan in this instance in the interests of the health, amenity and future viability of landscape features which make a positive contribution to the visual amenity of the area. The concerns of Yate Town Council regarding encroachment into the east-west landscape corridor are noted; however the width of the corridor on the Green Infrastructure Plan is 12.5 metres minimum and 14 metres maximum. Although the proposed plans demonstrate a width of 12 metres at the narrowest point, it is significantly wider than the parameter plan at 22.5 metres at the widest point to avoid encroachment into tree roots. The proposal is considered to be broadly in accordance with this masterplan in all other respects. Accordingly, there is no objection on this basis.

#### 5.6 Access and Movement

The parcels are served off a primary road, which connects Peg Hill to Leechpool Way and Randolph Avenue, and a north-south secondary road. These roads already have consent by virtue of the approved infrastructure application (PK17/4260/RM). Dedicated footways and shared surface streets are required along the western edge of the parcels, to the south of parcel PL26, the north and south of the central green infrastructure corridor and around the pitches and play areas to connect them together. The proposal is considered to be in accordance with these aspects of the parameter plan. Yate Town Council has raised concerns regarding the fact that an adoptable footpath is located between the application pitches and the pitches associated with the primary school to the west (the details of these pitches will come forward in due course under the reserved matters application for the primary school); however, this reflects the approved masterplan and framework plans and will not restrict access to the school pitches.

5.7 The Access and Movement parameter plan shows public right of way LYA/49 continuing on its current diagonal path to the southeast corner of the site. The masterplan envisages the PROW being provided on a path with a 2 metre wide green strip to each side and flanked by the side elevations of properties and the boundaries of rear gardens. The plans originally submitted incorporated the diagonal footpath in accordance with the masterplan; however, officers considered that there would be significant benefits to removing the diagonal path and instead providing two alternative routes along existing green infrastructure to the south and western edges of parcel PL27. These routes will

maintain links between Brinsham Park and Yate Rocks. This matter is considered in more detail under 'Layout and Appearance'.

#### 5.8 Waste Collection and Storage

The Refuse Strategy Layout plan submitted demonstrates that the majority of properties will have refuse storage areas within rear gardens with collection intended from the public highway to the front of the property, which will ensure convenient access by future occupiers and collection crews; and that the various receptacles can be stored where they will be well screened from the public realm.

5.9 Where appropriate, mid terrace properties benefit from bin storage areas to the front of the properties, which will be screened by 1.2 metre high walls. Apartment blocks are served by bin storage areas, which are sufficient in size for the storage of refuse and recycling bins. The majority of these stores are adjoined to the main apartment block and will be easily accessible from the public highway. Apartment block 49-54 comprises a separate bin/cycle store located within a rear parking court, which will mean that residents and bin crews will have further to walk to access the store. Residents would need to walk 13 metres to access the bin store and collection crews would need to walk 22 metres to access the store from the highway. These are not considered to be unreasonable distances and there is no objection on this basis.

#### 5.10 Layout and Appearance

A number of key layout changes have been made to the scheme following discussions with the applicant. It is noted that this has resulted in a deviation from the masterplan; however, there are clear urban design benefits for the deviation in this instance, which are supported by the Local Planning Authority Officers. The diagonal path to the southeast corner of the site resulted in an awkward layout of the surrounding built form and created a very poor link between Brinsham Park and the wider countryside. There would have been insufficient room for any meaningful landscaping within the narrow green strips flanking the path, and with large areas of hard surfacing and boundary walls lining the route, the setting of this important path would have been highly urban. The path would also have had a poor level of surveillance from the surrounding built form. This layout resulted in a number of large scale Oak trees to the southern boundary being blocked from view by built form, which would have reduced the amenity that the trees would have provided to the public. The plans originally submitted demonstrated that the root protection zone of a grade A oak tree extended far into the rear gardens of a number of properties, which potentially could have resulted in significant harm to the tree roots and affect the future viability of the tree. The revised plans have addressed all of these issues. The removal of the diagonal path has resulted in a far more efficient and simpler layout, with a more legible route through the development. The amended layout opens up views to the south and western green corridors and the front elevation of plot 21 provides a strong termination of the view from the south. Walking routes between Brinsham Park and Yate Rocks are provided along the southern and western green corridors such that existing trees and vegetation can contribute to the amenity of these routes and provide a pleasant and far less urban environment. The removal of the diagonal path and provision of alternative routes to the south and west has resulted in the development

being pushed further back from the southern and western boundaries so that the majority of trees and vegetation and associated RPZ's are incorporated within public open space rather than rear gardens where there is less chance of them being damaged.

- 5.11 There were issues around the northern part of the site adjacent to the sports pitches with the layout resulting in unsecure rear gardens with an ad hoc parking arrangement that related poorly to the corresponding residential units. The amendments to the layout have resulted in a far more organised arrangement of dwellings with back to back or back to side orientations which will provide more secure rear gardens. The parking is also more organised and relates better to the associated residential units so that it will be more convenient for future occupiers. The layout provides three simplified blocks of development with clear routes towards the playing fields and play areas to the north. Accordingly, the amended layout will be far more legible and easier to navigate for pedestrians and motorists. Whilst the changes are a deviation from the masterplan, the Council's Urban Design Officer has raised no objections to the proposed layout which are considered to be an improvement over the approved proposals.
- 5.12 In terms of appearance, there were a number of issues in relation to materials and the apartment blocks. The use of pantiles was considered to be out of keeping with the modern character of the residential units proposed. A plain tile as proposed in other development parcels at the North Yate New Neighbourhood would fit the context better. In addition, the brown colour proposed for the roof tiles would create a fairly dull and lifeless roof scape appearance, and it was recommended by officers that it be changed to 'sunrise blend' to provide a much more positive and interesting overall appearance. The developer has acceded to these requests and has amended the scheme accordingly. The proposed buff brick product was also queried by officers, as it appeared to have quite a vivid yellow finish, which could jar with the red brick product. The developer has therefore, amended the buff brick product so that it is the same as that used in other parcels in the North Yate New Neighbourhood, which is considered to be acceptable. The materials have been amended to provide more consistency to tie the street scene together and red brick is proposed to the eastern edge rather than buff brick as a more sympathetic response to views from Yate Rocks to the east. Conditions are attached for sample panels of brick, render and stone to be used to ensure that they are appropriate in terms of quality and appearance.
- 5.13 One particular area of focus has been to try to raise the architectural quality of the apartment blocks. There are a large number of apartment blocks proposed, the largest of which comprises 12 units of accommodation. Officers requested that their appearance be simplified with more of a focus on stronger forms, such as the projecting front gable with a contrasting material, to add character and interest and to break up the overall massing of the blocks rather than relying on the application of stuck on cladding or window surround elements. The applicant has acceded to this request and the architectural quality of the apartment blocks on the revised plans is much higher than the originally submitted plans. The Urban Design Officer is now satisfied with the appearance of the units and has only suggested tweaks to two of the apartment blocks

which relates to the application of weatherboarding. A condition is attached requiring further detail to be submitted where weatherboarding adjoins masonry to address this matter. The same condition will also request details of any external meter boxes, pipes, vents required to ensure they are sympathetically located and not spoil the appearance of the buildings. Almost all of the apartments would benefit from generous sized balconies with an area of some 5 square metres. This will provide useable private amenity space for occupiers and also add a layer of depth and activity to enhance the appearance of the blocks.

#### 5.14 Public Rights of Way

The amended layout has removed a section of the diagonal route of public right of way LYA/49 in the south eastern parcel and provision has been made for alternative routes between Yate Rocks and Brinsham Park along a mown grass path to the south and along dedicated foot and shared surface roads to the west. Both routes will require a short walk along an estate road to get to the hard surface path that leads to Yate Rocks; however, the routes are adjacent to green infrastructure and will offer a significantly higher level of amenity compared to the originally proposed diagonal route. The PROW will need to be formally diverted under Section 257 of the Town and Country Planning Act and this will need to be dealt with under a separate footpath diversion application. An informative note is attached to notify the applicant accordingly. The concern of Yate Town and Council and a member of the public regarding the loss of the diagonal route is noted; however, there are considerable urban design, landscape and visual amenity benefits for the amendments to the route, including safeguarding the health and viability of an existing A grade oak tree and providing a more pleasant environment adjacent to green infrastructure.

#### 5.15 Shared Street Design

Apart from the primary and secondary streets, the roads within the parcels are shared surface in nature. The Council's Transportation Officer has raised no objection to the use or design of shared surface streets on the basis of highway safety. Block paved rumble strips at the entrance to shared surface streets will provide a threshold that will indicate to motorists the change in nature of the street. The design of the shared surface streets is also similar to other parcels in the North Yate New Neighbourhood which have already been approved.

#### 5.16 Security

The amendments to the scheme have resulted in more secure rear gardens, as the layout demonstrates more back to back or back to side arrangements. The courtyard parking areas that serve apartments comprise high quality hard surface materials, and or hedge and tree planting to soften the appearance of these areas to provide a pleasant environment for residents. Windows at ground and first floor level have been provided in the side gables of plots 87, 93, 94 and 106 which overlook a green corridor to provide surveillance over this area. Although no street lighting plans have been submitted with the application, the majority of streets within the application parcels will be adopted and therefore, are required to have adequate street lighting under the S.38 highway adoption process. However, the location of lighting columns can sometimes conflict with the location of street trees; therefore, a condition is



attached to ensure that the position of lighting columns is agreed with the Local Planning Authority.

5.17 Landscaping

Originally officers raised concerns regarding the proposed LAP being located within the root protection zone of a B grade oak tree, which could damage the root structure of the tree. These concerns have been addressed through the revised plans which have relocated the LAP to the north of the site and out of the root protection zone of the tree.

5.18 Amendments to the layout have addressed concerns regarding the impact of the development on the trees and vegetation along the southern boundary, which would have seen the RPZ of a grade A oak tree being located within private gardens, which would have left the tree significantly vulnerable to future damage compared with being located within POS where the trees would be offered a higher level of protection. These trees are now within a robust green corridor forming public open space.

5.19 Cross section have been submitted which demonstrate that regrading works to address changes in levels, particularly around ditches and road culverts will be outside the root protection area of adjacent vegetation.

5.20 Concerns have been raised by residents at Yate Rocks regarding the impact of the development on the character of Yate Rocks due to the impact of views of the development, as well as light pollution and noise. Whilst these concerns are noted, significant weight is given to the fact that the impact of the development on the character and visual amenity of Yate Rocks has already been considered and accepted at outline stage. The original planning officer report for the outline permission for the NYNN states that to reduce the visual impact of the development on Yate Rocks, the taller, and denser parts of the development are proposed within the centre of the site and there is a substantial offset of open land between the development and the hamlet of Yate Rocks. The parameter plans controlling the location, density and scale of the development; therefore, mitigate the impact of the development on Yate Rocks.

5.21 Trees and native planting was previously approved as part of phase 1 of the infrastructure proposal for NYNN to the area of POS to the north of Peg Hill which contains part of the footpath link to Yate Rocks. It is noted that the approved planting details have been omitted from the plans; however, this is because the area is outside the red line boundary of the current application site. Therefore, the application plans do not supersede the previously approved landscaping scheme and the landscaping would still need to be implemented to this area. An informative note is attached to bring this to the attention of the developer. The amended plans received have increased the separation distance between dwellings and the eastern boundary of the site at the northern end of the parcel. In addition, roofs of dwellings that are orientated with the side elevation facing the eastern boundary have been hipped to reduce their massing and prominence. The colour of the brick to these dwellings has also been changed from buff to red. The landscaping plans demonstrate, in addition to a native hedge mix to gap up the existing hedgerow, a significant level of tree

planting within the hedge line and green corridor adjacent to the eastern boundary. These amendments will help reduce the impacts of the development on the character and visual amenity of Yate Rocks.

#### 5.22 Play and Sports Pitches

A Neighbourhood Equipped Area for Play (NEAP) is proposed to the northwest of the scheme. This is for older children to use and includes a hard surface Multi Use Games Area (MUGA) enclosed by metal boundaries. It comprises a hard surface for ball games, football goals and basketball nets. The specification of the MUGA has been improved following the receipt of revised plans to make the hard surface and the equipment more robust and fit for purpose. A hard surface path extends around the perimeter of the pitches and connects the NEAP and LEAP/LAP. The NEAP is approximately 54 metres from the closest residential property, which will ensure that noise from the play area will not adversely affect residential occupiers.

5.23 A Local Area for Play (LAP) and Local Equipped Area for Play (LEAP) are required to be provided within the application parcels. A LAP should be appropriate for very young children, while a LEAP should be appropriate for children who can play independently. The LAP was originally proposed in a separate location to the LEAP but the revised plans have relocated the LAP adjacent to the LEAP and the play areas joined together to make it easier for carers to have children of a wider age range under their supervision in the play areas. The layout of the equipment has been carefully considered to provide a safe environment for younger children. 0.5 metre high grass mounds clearly define the LAP play area and equipment for older children is positioned to reduce the risk of toddlers running through the free space and across the direction of movement. The LEAP area has been moved further away from residential properties so that there is a minimum separation distance of 20 metres, which accords with Fields in Trust guidelines. The zip wire has been relocated to the north of the play area to address the concerns of Yate Town Council regarding the impact on neighbouring occupiers. The equipment for the LAP and LEAP areas has been amended to be more exciting and have a greater play value. It has been clarified on the plans that the play areas will be turfed rather than seeded, which should help to avoid the potential situation where the provision of play areas is delayed whilst the seed establishes. The play bark surface to the play areas originally proposed has been replaced by a grassmat safety surface, which is considered to be acceptable.

5.24 It is noted that Yate Town Council consider that the NEAP should also be adjoined to the LAP and LEAP area. However, the NEAP is aimed at older children who are able to play independently without supervision; therefore, the fact that it is separate will not bring about any significant issue in terms of ease of supervision for carers. Although side elevations of properties face towards the play area, these elevations do contain windows which will provide some overlooking of the play areas; therefore, it is not considered that there are any issues in terms of child security; the Crime Prevention Officer has raised no objections to the proposal.

5.25 The masterplan shows three junior pitches to be provided, two the same size and one much smaller; however the pitches shown on the masterplan do not reflect any of the FA size standards for pitches. The three pitches proposed accord with FA size standards for under 9/10 year olds and under 7/8 year olds including the requirement for run off areas around the pitches so that matches can be safely played on the pitches concurrently. Additional space, in addition to the run off areas, has also been provided for spectators to view matches. No ancillary facilities such as changing rooms or toilets are shown on the masterplan with the exception of vehicular parking. There is also no specific requirement within the S106 agreement for any facilities ancillary to the pitches to be provided. Any request for additional sports facilities to be provided is therefore, beyond the scope of matters to be considered under this reserved matters application. Accordingly, subject to a condition to ensure that the pitches are constructed to sufficient quality there are no objections in terms of play areas and sports pitch provision. The Council's Transportation Officer has raised no objections regarding the level of car parking proposed for the pitches and play area. The pitches, play areas and the associated car parking will be transferred to a private management company who will be responsible for their ongoing management and maintenance.

#### 5.26 Sustainability

The comments made by the Council's Climate Change Officer are noted; however, the aspirations and requirements of the development in relation to sustainability have already been agreed by virtue of the approval of the outline permission (granted on 17th July 2015), and reserved matters are required to be determined in the context of the conditions attached to the outline permission. Condition 40 on the outline permission requires an energy statement to set out how passive solar gains and cooling of buildings and natural ventilation will be maximised, and insulation measures to reduce energy demand, as well as a calculation of energy demand. The wording and requirements of condition 40 reflects the policy requirements of policy CS1 of the South Gloucestershire Core Strategy (2013), and focuses on passive solar gains and insulation measures to reduce energy demand; there is no requirement for any additional renewable/low carbon technology. The condition pre-dates PSP6 in the Policies Sites and Places Plan Adopted November 2017, which imposes a more stringent energy saving requirement of 20% via renewable/low carbon energy generation sources on major greenfield residential development.

5.27 The energy statement submitted focuses on a fabric first approach which prioritises improvements to the fabric of dwellings to avoid unnecessary energy demand and consequent CO2 reduction. For example, the proposal adopts an airtightness standard of 5m<sup>3</sup>/h.m<sup>2</sup> @50Pa, which is better than the building regulation standard of 10m<sup>3</sup>/h.m<sup>2</sup> @50Pa. The energy statement submitted demonstrates that through the fabric first approach there will be a reduction in CO2 emissions and energy compared to statutory building regulations requirements with a typical fabric energy efficiency of circa 12% better than Part L standards and a 6% improvement in CO2 emissions. A condition is attached requiring the dwellings to accord with the fabric first measures set out in the energy statement.

5.28 Urban Design Conclusion

From discussions at pre-application stage and post submission between Council Officers and the developer, a number of improvements have been secured to the layout, appearance and landscaping of the scheme. The proposal is now considered to achieve an acceptable standard in terms of urban design and there are no objections on this basis.

5.29 Residential Amenity

In the original plans submitted, there were concerns regarding the back to side distances proposed for a number of properties, which would have resulted in a poor level of amenity due to outlook and privacy issues. Amended plans received now demonstrate acceptable back to side and back to back distances which will ensure an adequate level of amenity for future occupiers. In addition, there were a number of examples where the flank gabled wall of a property projected beyond the rear building line of a neighbouring property within close proximity to the side garden boundary. The amended plans have increased the separation distance between the flank gabled wall and boundary in this situation to reduce the overbearing impact. Where a double garage is set back within a rear garden, the roof has been hipped to reduce its massing so that there is less of an overbearing impact.

5.30 The closest existing neighbouring property to the application parcels are those within Peg Hill directly to the south of the site. Given that there is a minimum separation distance of approximately 25 metres between existing and proposed dwellings it is not considered that there will be a significant adverse impact on the residential amenity of existing occupiers.

5.31 A schedule of garden sizes submitted demonstrates that the majority comply with PSP 43 size guidelines. The apartment blocks benefit from a combination of generous sized balconies and communal garden areas. Accordingly, it is considered that occupiers of the apartments and dwellings proposed will benefit from an adequate amount of private amenity space.

5.32 Although sports pitches extend within close proximity to residential properties, dwellings that are close to the pitches are mostly orientated so that the principal front and rear elevations do not directly face towards the pitches, which will reduce the impacts of noise. In addition, no floodlighting is proposed as part of the proposals, which will limit the times that the pitches will be used. Therefore, it is not considered that noise from the pitches will adversely affect occupiers of the adjacent residential properties.

5.33 The LAP is located at a distance of approximately 14 metres from the closest residential property, the LEAP is 20 metres and the NEAP is 53 metres. These separation distances accord with Fields in Trust guidelines and will ensure that occupiers of dwellings will not be adversely affected by noise.

5.34 A Construction Environment Management Plan will be required to be submitted which sets out good practice measures to be put in place during the construction period to mitigate impacts on neighbouring occupiers. Condition 14

on the outline consent requires a CEMP to be submitted before the development commences.

5.35 Transportation

Traffic calming features have been added to the revised plans in the form of raised tables and rumble strips and changes of surface material to slow the speed of vehicles to 20 mph or less. There are a number of pedestrian crossing points with changes of surface material to indicate the crossing point to pedestrians and motorists within the scheme. The design of the traffic calming features and pedestrian crossing points has been agreed with the Council's Highway Engineers who consider them acceptable from a highway safety point of view. Copenhagen crossings have been recommended by the Council's Highway Engineers as a safe means of crossing for pedestrians. The uncertainty in terms of priority is intended to slow speeds of traffic which will be 20mph. The block paving will be laid flush so that it will not cause issues for wheelchair users.

5.36 The Council's Highway Engineer has identified that the block paved ramp located at the junction of the primary and secondary roads will likely need to be amended slightly in terms of its length so that buses at the bus stop do not overhang the ramp and also to make it easier for vehicles to turn right from the junction to the south between units 67 and 58. These matters are currently being considered as part of the S38 highway adoption process; therefore, a condition is attached to ensure that the ramp design is consistent with the S.38 highway adoption plans. Road markings and kerb design for the bus stops will come forward as part of the S.38 highway adoption process; a condition is therefore, just attached in respect of the specification and location of the bus shelter.

5.37 Yate Town Council's objection regarding vehicles having to reverse from properties onto the main road is noted; however, the design code and masterplan envisage cars reversing onto the main roads, and given the low speeds of the roads (20mph) it is not considered that this would bring about any significant highway safety issues. An informative note is attached to encourage the developer to make future residents aware of the 20mph speed limit and for this speed restriction to be implemented as soon as practically possible.

5.38 The level of proposed parking is considered to be acceptable and reflects guidance contained in the Council's Residential Parking Standards SPD. Apartments have at least one space allocated for car parking and the parking courts have visitor parking spaces. The Council's Residential Parking Standards SPD requires that 49 visitor parking spaces are provided for the proposed scheme. The proposal provides for 68 visitor parking spaces, which is significantly over the policy requirement. The visitor parking spaces have been spread out as evenly as possible. Where garages are provided for dwellings they comply with the Council's standards in terms of the internal dimensions to ensure that they can be adequately accessed by vehicles for parking. Where garages are not provided for dwellings then secure storage has been provided in rear gardens for bicycles.

5.39 Listed Building Impacts

The closest listed buildings to the application parcels are the grade II listed Little Brinsham Farmhouse approximately 449 metres to the northeast and the grade II listed Rockwood House approximately 300 metres to the southeast. Given the level of separation, it is not considered that there would be a significant effect on the setting and significance of the listed building. Weight is also given to the fact that the masterplan showing residential development in this location has already been approved in principle.

5.40 Affordable Housing

The proposal for 247 dwellings will provide 35% (86) homes for affordable housing, which accords with the S106 requirements. To meet the housing need identified in the Wider Bristol SHMA the tenures 80% social rent and 20% shared ownership should be provided. The Council's Affordable Housing Officer has raised no objections to the tenure and house types proposed. Although no affordable housing is provided on parcels PL27a and 27b, the affordable housing has now been distributed more evenly on the remaining parcels than previously proposed; therefore, the Council's Affordable Housing Officer is satisfied with the distribution of the affordable housing. The developer has confirmed that the 4no. wheelchair units proposed will comply with the Council's Wheelchair Specification. The floor plans submitted demonstrate a clearance of 850mm as requested by the Affordable Housing Officer. Accordingly, the proposal is considered to be acceptable in terms of affordable housing.

5.41 Drainage

Flood mitigation works for the whole of the NYNN site has been approved by the Environment Agency under conditions 23 and 24 of the outline consent. This flood alleviation scheme primarily consists of the detailed design of number of flood attenuation basins, as well as hydraulic modelling. The flood mitigation work approved by the Environment Agency has the effect of removing the NYNN development site from the floodplain, although the developer will be required to submit a Flood Map Challenge to update the Environment Agency Flood Maps.

5.42 The Council's Drainage Officer originally objected to the scheme due to the fact that the proposal did not comply with the approved surface water drainage strategy for NYNN. Amendment details have been submitted to address the concerns raised by the Drainage Officer. Comments from the Drainage Officer have not yet been received; however, whilst this application is circulated with a recommendation for approval no decision will be issued until the Drainage Officer has confirmed that the proposal is acceptable in terms of drainage.

5.43 Yate Town Council's concerns regarding the impact on the existing lake in Brinsham Park are noted; however it is not considered that there would be an impact as the application site is located downstream of the lake.

5.44 Ecology

A number of ecological strategies were secured as part of the discharge of conditions on the outline consent. This included a Landscape and Ecological Management Plan, and wildlife mitigation strategies. These strategies were

required to help mitigate the impact on, as well as measures to enhance wildlife. An informative note is attached to notify the developer of the requirement to accord with the relevant wildlife strategies. The existing trees and hedgerows within the site are proposed to be retained with removal of hedgerow for access kept to a minimum. Wildflower meadow planting within green corridors as well as the planting of a native hedge mix to supplement gaps in existing hedgerows is proposed in line with the approved ecology mitigation plan.

- 5.45 An open sided shed is located adjacent to PL24. Evidence of roosting bats was found in the cart shed therefore, under the infrastructure application (PK17/4260/RM), condition 17 requires appropriate mitigation to be provided before the shed is demolished. Details have been submitted with this proposal detailing two night roosts for bats within existing hedgelines, which are considered to be acceptable.
- 5.46 A plan showing the location of bird, bat and dormouse boxes has been provided and these are concentrated along the east south and west green corridors, with the majority along the eastern corridor. Whilst the location within green corridors adjacent to existing vegetation is a good approach, it is considered that the boxes could be spread out better with hedgerows to the southeast of the site utilised also. A condition is therefore, attached for an amended plan to be submitted on this basis.
- 5.47 Further Matters  
In response to yate Town Council's concerns about the play pitch provision on the adjacent primary school site. The size of the primary school site that must be transferred to the Local Planning Authority is controlled by the approved S106 agreement.
- 5.48 Avon Fire and Rescue comments regarding fire hydrant provision are noted. An informative note is considered to be the correct approach to bring this to the attention of the developer. An informative note has been attached accordingly.
- 5.49 Consideration of likely impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant consent 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 Reserved matters consent is GRANTED subject to the following conditions.

**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**

### **CONDITIONS**

1. Notwithstanding the details submitted, prior to the construction of development above Damp Proof Course (DPC) level, sample panels of brickwork, demonstrating the colour, texture, facebond and pointing are to be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the brickwork is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

2. Notwithstanding details submitted, prior to the construction of development above Damp Proof Course (DPC) level, sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority . The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

3. Notwithstanding the details submitted, prior to the construction of development above Damp Proof Course (DPC) level, sample panels of render indicating colours and texture, shall be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.



Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

4. Prior to the construction of development above Damp Proof Course (DPC) level, the detailed design including materials and finishes of the following items on all dwellings shall be submitted to and approved in writing by the local planning authority:
  1. Eaves, verges and ridges
  2. All windows (including cill, reveal and lintels)
  3. All external door hoods, architraves, canopies and porches
  4. Extracts, vents, flues & meter boxes
  5. Dormers
  6. Weatherboard cladding relative to masonry external leaf/window frames

The scheme shall be implemented strictly in accordance with the approved details.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

5. The pitches hereby approved shall be inspected by a suitably qualified agronomist to ensure they are provided to the required Performance Quality Standard (PQS) for football outlined in the document Specification and Maintenance for Sports Pitches no. 19141 V3. Prior to the first use of the pitches a report confirming that the pitches have been completed and meet the required PQS or any necessary remedial works required in order to meet the PQS and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason

To ensure that the pitches are prepared to an adequate standard and are fit for purpose and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

6. The pitches shall have undergone at least two growing seasons prior to their first use.

Reason

To ensure that the pitches are prepared to an adequate standard and are fit for purpose and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

7. The residential units hereby approved shall be built to the fabric first/energy efficiency measures as set out in the Energy Statement hereby approved, including units achieving a minimum airtightness of 5m<sup>3</sup>/h.m<sup>3</sup> @50 Pa.

Reason

In the interests of sustainability and reducing the energy demand of dwellings beyond statutory minimum building regulations and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

8. Notwithstanding the details submitted, prior to the construction of the raised table to the north of plots 49-54, a revised design of the raised table shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason

To ensure there is adequate provision for the bus stops and vehicular access to properties fronting on to the raised table in the interests of highway safety and to accord with policy...

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

Reason

In the interest of the amenities of the site and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

10. The bin storage shown on the drawings hereby approved shall be provided before the corresponding dwellings are first occupied, and thereafter retained for that purpose.

Reason

In the interest of the amenities of the site and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

11. Any trees or plants shown on the landscaping scheme hereby approved, which die, are removed, are damaged or become diseased within 5 years of the completion of the approved landscaping scheme shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size, location and species as those lost.

Reason

In the interests of the character and appearance of the area, to accord with policy PSP2 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017 and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

12. All hard and soft landscape works shall be carried out in accordance with the details hereby approved. The works shall be carried out in the first planting season prior to occupation of the final dwelling approved under this reserved matters application or in accordance with the programme agreed in writing by the Local Planning Authority.

Reason

In the interests of the character and appearance of the area, and to accord with policy PSP2 of the South Gloucestershire Local Plan Policies Sites and Places Plan

(adopted) November 2017; and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

13. Prior to the first occupation of any dwelling in the parcel, details of street lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of any dwelling in the parcel.

Reason

To ensure that the lighting scheme does not adversely impact on the landscaping scheme, and to ensure the health and appearance of vegetation in the interest of the character and appearance of the area and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy PSP2 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

14. Prior to the erection of any bus shelters to be provided, their final position and specification shall be agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To ensure that the bus shelter meets the Council's standards and is adequate for use and to accord with policy PSP11 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017.

15. Notwithstanding the details submitted, prior to the commencement of development above Damp Proof Course (DPC) level an amended plan showing the location of bird, bat and dormouse locations shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

In the interests of wildlife and the ecology of the site and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

16. Prior to the commencement of development above Damp Proof Course (DPC) level samples of roof tiles to be used shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

17. No development shall commence until the tree protection fencing approved under condition 8 of PK17/4260/RM has been erected in accordance with the approved details. The fencing shall be retained and maintained in accordance with the agreed details throughout the course of the development.

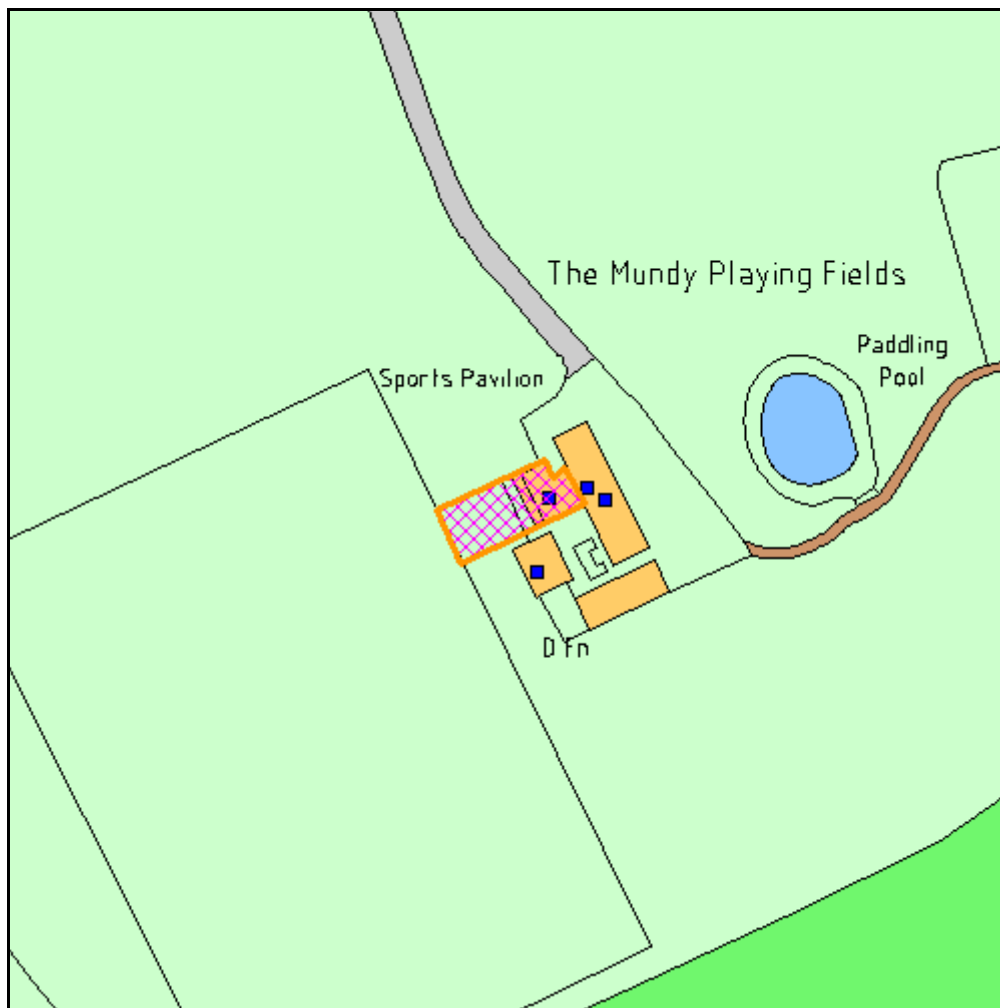
### Reason

In the interest of the health and visual amenity of trees and to accord with policy PSP3 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017. This is a pre-commencement condition to ensure that trees are protected before any development starts.

**CIRCULATED SCHEDULE NO. 07/20 – 14 FEBRUARY 2020**

<b>App No.:</b>	P19/13853/F	<b>Applicant:</b>	Thornbury Football Club
<b>Site:</b>	Thornbury Football Club Mundy Playing Fields Kington Lane Thornbury Bristol South Gloucestershire	<b>Date Reg:</b>	10th October 2019
<b>Proposal:</b>	Erection of single storey extension to the western elevation.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363371 189838	<b>Ward:</b>	Thornbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th December 2019

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100023410, 2008. **N.T.S.** **P19/13853/F**

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

## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the receipt of objection and concerns from the Thornbury Town Council on both original and revised scheme.

## **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a single storey extension to an existing club house at Thornbury Football Club Mundy Playing Fields, Kington Lane, Thornbury. The site is situated in the open countryside, within the Bristol / Bath Green Belt. It is also located within the designated local green spaces. The club house and associated buildings are not subject to any high risk of flooding. There are two public rights of way adjacent to the site, one running mostly alongside the south touchline before turning to be joined by another to follow some of the west sideline.
- 1.2 During the course of the application, the applicant submitted a revised scheme to change the original flat roof to a pitched roof. The revised scheme shows that proposed extension would be approximately 4 metres by 8.9 metres and 5.3 metres in height. It is indicated that the new building would be finished with matching tiles and brickwork.
- 1.3 The applicant's intention is to extend the ground floor of the clubhouse is to provide an enlarged clubroom, so as to provide better updated facilities for both players and visitors.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework Feb 2019  
National Planning Practice Guidance

### **2.2 South Gloucestershire Core Strategy (Adopted) December 2013**

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS23	Community Infrastructure and Cultural Activity

### **South Gloucestershire Local Plan: Policies Sites and Places Plan 2017**

PSP1	Local Distinctiveness
PSP2	Landscape
PSP4	Designated Local Green Spaces
PSP7	Development in the Green Belt
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity

PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental pollution and Impacts
PSP44	Open Space, Sport and Recreation

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (adopted)

### 3. **RELEVANT PLANNING HISTORY**

- 3.1 PT17/5162/F Installation of 6no. floodlights and erection of 2m high perimeter fence with associated works. Approved 29.03.2018
- 3.2 PT17/5163/F Demolition of existing dugout shelters and erection of spectator stand, ticket booth and 2no. replacement dugout shelters. Approved 02.03.2018
- 3.3 PT18/2107/RVC Variation of condition 3 attached to planning permission PT17/5163/F to substitute with plans no. 1673-P100 Rev D, 1673-P101 Rev B and 1673-P000 Rev E. Approved 18.06.2018

### 4. **CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
The Council raised the following concerns: Whilst Council do not in principle object to an extension, we do object to the flat roof and alterations to the first floor. We have a preference for a pitched roof in this location due to a flat one presenting a safety issue. Regarding the revised proposal, the Town Development Committee continue to object to the design. They welcome a pitched roof but remain concerned about the loss of light and impact on residential amenities. They are not sure why the internal columns are unacceptable as suggested by the architect.
- 4.2 Sport England – No objection.
- 4.3 Public Rights of Way – no objection.
- 4.4 The Listed building and Conservation Officer – no comment.
- 4.5 Sustainable Transport – no objection.
- 4.6 Environmental Protection Team – no adverse comment.
- 4.7 Lead Local Flood Authority – queried about the foul sewage method.
- 4.8 Highway Structure – no comments.
- 4.9 The Landscape Officer – advised that tree planting would be required to mitigate the loss of some amenity landscape.
- 4.10 Policy Community Safety – no objections or comments.

## **Other Representations**

### 4.11 Local Residents

One letter of support for the following reasons:

I support these plans to provide improved facilities to the visitors to Thornbury Town FC and other users of the pavilion at the Mundy Playing Fields. Since getting promotion to the Hellenic League, the club as enjoyed continued success which brings with it visitors from further afield who are looking for a higher level of hospitality. In the past season, the club have welcomed hundreds of neutral fans, otherwise called "groundhoppers", who visit grounds all over the country and aren't attached to a specific club. In Easter 2019, the club welcomed a group of groundhoppers, who came from all over England to visit Thornbury and the football club. These plans would mean that the club could exploit similar events better in the future, meaning increased income for the club, which in turn will be invested into the whole club including it's youth team.

Should these plans be approved, it will make the Mundy Playing Fields a more attractive option to visit for both Home, Away and Neutral fans. Most of these will also visit the Town Centre bringing more money into the whole of the town, not just the club.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Development in the green belt is by definition inappropriate development, however certain types of development which are acceptable within this designated area are set out under paragraph 145 of the NPPF states that one of these exceptions can be the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation,... and as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

5.2 Policy PSP4 stated that the construction of new buildings on Local Green Spaces is inappropriate. One of the exceptions to this is the provision of appropriate facilities for outdoor sport, outdoor recreation, as long as it does not conflict with the purpose of designating the Local Green Spaces or the extension of a building, provided that it does not result tin a disproportionate addition over and above the size of the original building, in line with Policy PSP7.

5.3 Policy PSP44 of the adopted Local Plan regards proposals for outdoor sport and recreation outside of urban areas and settlement boundaries. Policy PSP44 states proposals involving the improvement of sport and leisure facilities in locations such as in this application will be acceptable if the site is highly accessible via non-car means; would not have an unacceptable effect on the historic environment, character and diversity of the landscape; would not give rise to unacceptable levels of on street parking to the detriment of the surrounding area and highway safety; and, any external lighting or



- advertisements would not result in unacceptable loss of amenity nor constitute a road safety hazard.
- 5.4 Accordingly, the proposal is acceptable in principle, provided it preserves the openness of the green belt and does not conflict with the purposes of including land within green belt and the designated Local Green Space.
- 5.5 Green Belt  
Paragraph 145 in the Framework states that the construction of new buildings in the Green Belt is appropriate. An exception is made for 'the provision of appropriate facilities for outdoor sport... as long as it preserve the openness of the Green Belt and does not conflict with the purposes of including land within it'.
- 5.6 The proposal is to erect a single storey extension to an existing club house. The volume of the proposed extension would be approximately 145.8 cubic metres, which is approximately 38% of the volume of the host building. Furthermore, the footprint of the proposed extension would not be large in size and it would be located between the existing single storey changing room and a 2 metre high timber security fence. Hence, the proposal would not adversely affect openness of the Green Belt. For these reasons, it is concluded that the proposal is for 'appropriate' facilities in terms of paragraph 89 of the NPPF.
- 5.7 Designated Local Green Space  
Given that the proposal is to improve the existing facilities for the outdoor sport and the proposed extension does not result in a disproportionate addition over and above the size of the original building, therefore it is considered that the proposal would not have an adverse impact upon the designated Local Green Space, as such, no objection is raised from this regard.
- 5.8 Loss of playing field  
The proposed extension would be located on the existing patio and grassed area. Sport England has reviewed the proposal and raised no objection to the proposed extension. The Football Foundation, on behalf of the FA, also have no objection to the proposed extension. An informative will attach to the decision to advise that applicant needs to liaise with the respective League to ensure the proposal meets the criteria as outlined within the requirements of the ground grading criteria.
- 5.9 Design, Character and Landscape  
The proposed extension is subservient in scale. Although the extension would be visible from public domain, it would be seen against the two-storey club house building. Subject to a condition securing matching external material, the proposal is acceptable from the design and character perspective.
- 5.10 From the landscape perspective, the proposed extension would result in a loss of some amenity landscape. Policy PSP2 states that development proposals will be acceptable where they conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape. Therefore, subject to condition securing a soft landscaping plan in order to

mitigate the impact upon the amenity and character of the landscape, there is no landscape objection to the proposal.

#### 5.11 Residential Amenity

The closest residential property to the proposed development is the first floor flat. Given the proposed extension would only be a single storey structure, the proposal therefore would not cause an overlooking issue. A concern is raised regarding the proposed pitched roof may cause an impact upon the amenity of the residents occupying the first floor accommodation. The submitted drawing shows that the ridge of the roof, above the window cill level, would not be more than 0.7 metres. Given the roof would only have 20 degrees pitch, officers do not consider that the potential adverse impact would be so significant to be detrimental to the living conditions of the residents. As such, it is considered that the proposal would not have an unreasonable impact upon the residential amenity of nearby occupiers.

#### 5.12 Highway Safety

Given the scale of the proposed extension, officers consider that the traffic generation would not be increased to and from the site. As such there are no transportation objection to the proposal.

#### 5.13 Public Rights of Way

The proposed extension unlikely affect the closest right of way, i.e. footpath OTH 52, running to the south of the site around the track. Therefore there is no objection from this perspective.

#### 5.14 Environmental Impacts

Given the nature and modest scale of the proposal, it is not considered the proposal would result in a materially harmful impact on the surrounding environment.

#### 5.15 Drainage

The application form states that foul sewage will be disposed of via 'mains' however after reviewing the available mapping layers this does not appear to be achievable as there are no public foul water sewers within close proximity of the site. Given the nature of the proposal and the established use of the site, officers have no drainage objection to the proposal subject to a planning condition seeking the details of foul sewage methods.

#### 5.16 Impact on Equalities

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

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

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

## **CONDITIONS**

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

Reason

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

2. Prior to the commencement of development, details of foul sewage proposal for the proposed development hereby approved shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework. This is a pre-commencement condition to ensure the foul drainage method will be incorporated as part of the construction design of the approved development.

3. Prior to the first use of the proposed development hereby approved, a detailed planting scheme, which shall include details of proposed planting, times of planting; and 5 year management plan, shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

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

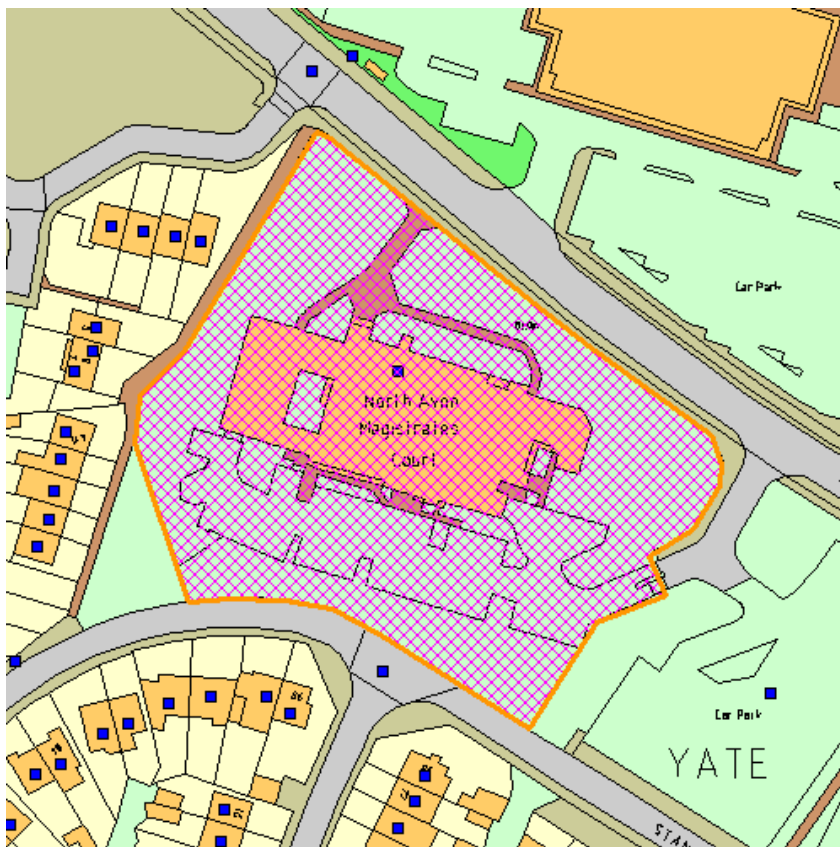
4. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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; Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 07/20 – 14 FEBRUARY 2020**

<b>App No.:</b>	P19/14286/RVC	<b>Applicant:</b>	Sovereign Housing Association
<b>Site:</b>	North Avon Magistrates Court Kennedy Way Yate Bristol South Gloucestershire BS37 4PY	<b>Date Reg:</b>	8th October 2019
<b>Proposal:</b>	Variation of conditions 2 (to amend the reserved matters to appearance and landscaping only), 4 (to change the conditioned plans), 5 (to amend the arboricultural requirements), 10 (To reduce the no. of Electrical vehicle charging points), 13 (to revise the wording to prior to occupation) and 15 (to substitute the conditioned plan) and removal of condition 9 (access) attached to permission PK18/0799/O. Erection of 45 no. dwellings (Outline) with access, layout and scale to be determined. All other matters reserved.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371187 182396	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Major	<b>Target Date:</b>	3rd January 2020



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 100023410, 2008. N.T.S. P19/14286/RVC

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 is referred to the Circulated Schedule following objections from the Parish and from local residents.

## **1. THE PROPOSAL**

- 1.1 This planning application is made under Section 73 (“s73”) of the Town and Country Planning Act 1990 (as amended) (“the Act”). Applications made under this section of the Act seek to develop land without compliance with conditions previously attached to the relevant planning permission. In this instance, the applicant seeks to vary conditions attached to original application PK18/0799/O was for the erection of 45no. dwellings with access, layout and scale to be determined (All other matters to be reserved). The planning application was approved on 23.7.19.
- 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 was 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 This application seeks the following changes:
  - Variation of conditions 2 (to amend the reserved matters to appearance and landscaping only),
  - Variation of condition 4 (to change the conditioned plans),
  - Variation of condition 5 (to amend the arboricultural requirements),
  - Variation of condition 10 (To reduce the no. of Electrical vehicle charging points),
  - Variation of condition 13 (to revise the wording to prior to occupation)
  - Variation of condition 15 (to substitute the conditioned plan)
  - Removal of condition 9 (access)
- 1.5 It should be noted that all these issues were subject to detailed pre-application discussion with Officers to which no objection was raised.

## **2. POLICY CONTEXT**

### **National Guidance**

National Planning Policy Framework 2019  
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

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P19/15929/RM Erection of 45 no. dwellings to include details of appearance (approval of reserved matters to be read in conjunction with outline planning permission PK18/0799/O as amended by P19/14286/RVC). Pending
- 3.2 PK18/0799/O Erection of 45no. dwellings (outline) with access, layout and scale to be determined – all other matters reserved
- 3.3 PK18/0680/PND Prior notification of the intention to demolish court building  
No objection 5.3.18
- 3.4 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
- 3.5 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
- 3.6 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:**

1. The location of the electricity substation on Stanshawe Crescent will cause the loss of a tree which has a TPO.

2. The hedgerow along the back of plots 3B will be changed into a wall which:

a. would be an eyesore to the property owners;

b. could lead to graffiti on the wall.

If this were to happen, we would strongly request that streetlights are put along the footpath, which runs along the existing hedgerow.

3. What safeguarding methods would be put into place to make sure the trees and hedgerow are maintained efficiently?

4. There is inadequate parking

#### **4.2 Internal Consultees**

#### **4.3 Tree Officer**

No objection subject to condition



- 4.4 Ecology  
No objection subject to an informative to be attached to the decision notice.
- 4.5 Housing enabling  
No objection – see previous comments. Applicant to confirm that the end unit on the amended south eastern block is still a 2bed apartment  
*Update: the applicant has confirmed this by the submission of proposed site plan 01003 Rev I.*
- 4.6 Environmental protection  
No objection
- 4.7 Drainage  
No objection
- 4.8 Public Art Officer  
Needs to be fully integrated into the site – leaving it late in the process presents risks to the successful integration.
- 4.9 Police Community Safety  
No comment
- 4.10 Transport  
No objection

#### **Other Representations**

- 4.11 Local residents:  
15 letters of objection have been received. The comments are summarised as:
- Siting of sub-station and potential noise
  - Removal of TPO'd tree
  - Potential for anti-social behaviour along pathway
  - Height of buildings and overlooking
  - Land too small for the amount of development
  - Disagree with making a 1 bed home a 2 bed
  - Insufficient parking in nearby streets
  - Incorrect information re electrical vehicle charging points
  - Maintenance of hedges

### **5. ANALYSIS OF PROPOSAL**

- 5.1 The applicant seeks to vary conditions.
- 5.2 Principle of Development  
Applications made under s73 of the Act seek permission for the development of land without compliance with conditions subject to which a previous planning permission was granted. With applications made under s73, the Local Planning

Authority shall consider only the conditions subject to which planning permission was granted; the principle of development is therefore established.

5.3 If the Local Planning Authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the Authority should grant permission accordingly.

5.4 If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused.

5.5 In assessing this application it is necessary to assess whether the relevant condition, or any variations satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests – that conditions should be:

- i. Necessary to make the development acceptable
- ii. Directly related to the development
- iii. Fairly and reasonably related in scale and kind

5.6 Analysis of the proposal

*Variation of condition 2 to amend the reserved matters to appearance and landscaping only:*

5.7 Condition 2 read:

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.

5.8 Assessment:

The inclusion of 'layout' as part of the reserved matters condition was an error as this matter was assessed within the application. Its removal from the condition is therefore acceptable.

*Variation of condition 4 to substitute 'Proposed Site Plan' for updated 'Substitute Proposed Site Layout' reflecting change the conditioned plans*

5.9 Condition 4 read:

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.

- 5.10 The changes to this condition would be to regularise the design to allow for the following:
- 5.11 Minor alterations to the footprint of the blocks along with minor changes to the elevations to better accommodate proposed internal arrangements associated with the change in mix of tenure. Other changes would be to the proposed houses to create a terrace and to lessen the impact on the canopy of protected trees to the north of the site. The substitution of the plan is considered acceptable. In addition the footprint of the 2 bed houses would be moved south to accommodate the requirement for a footpath (as per condition 9) whilst maintaining sufficient width for landscaping and footpath access along parking spaces to north east corner.
- 5.12 Internal changes to accommodate a change in the mix of tenure. The proposal would be to deliver the scheme as 100% social rent with 35% remaining secured within the S106 and 65% to be delivered as unsecured affordable housing.
- 5.13 The introduction of a sub-station to serve the new dwellings.
- 5.14 Changes to the pedestrian access, the addition of a shared surface pedestrian route as a dropped kerb shared surface footway. In addition the pedestrian access point to the western boundary has been moved to align with the footway and the removal of the pedestrian access from Stanshawe Crescent into the centre of the site.
- 5.15 When considering the changes to the position of the blocks and houses within the, the changes to the footpaths and the introduction of the sub-station are regarded as being acceptable and the change of plans can be supported.
- 5.16 It is noted that comments have been made regarding the proposed sub-station and the potential for noise from it. In response, the unit would be of a typical design and its position would allow access for repairs and servicing. It is not considered that these type of units produce an unacceptable level of noise and are a feature commonly found in residential areas.
- 5.17 The changes are therefore acceptable.

*Variation of condition 5 to amend the arboricultural requirements*

5.18 Condition 5 read:

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

5.19 Assessment:

The proposed changes are to allow the introduction of a sub-station to serve the new development.

5.20 Due to the alterations to the scheme as discussed above, it is necessary to remove the tree identified as T33. However, to mitigate the removal of this tree, two new trees are proposed adjacent to parking space 50 and now also the proposed retention of T24, which was marked for removal as part of the approved outline scheme.

5.21 A full arboricultural assessment has been made by Officer and there are no objections to the amendments to the arboricultural scheme so as to allow the installation of a sub-station for the new dwellings.

*Removal of condition 9 - access*

5.22 Condition 9 read:

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.

5.23 Assessment:

With regard to pedestrian access, as required by condition 9 the applicant is proposing a shared surface pedestrian route through the scheme as a dropped kerb shared surface footway. The proposed pedestrian facility is considered acceptable and the removal of this condition is therefore acceptable.

*Variation of condition 10 to reduce the number of Electrical vehicle charging points*

5.24 Condition 10 read:

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.

5.25 Assessment:

The applicant is proposing an amendment to the planning condition covering the electric charging point on the site. By referring to the fact that there is no specific policy within the existing South Gloucestershire council's local plan in relation to electric charging point on site, the applicant does not propose to provide the full electric charging facility at present time. Instead, they are proposing an arrangement in which they would provide future proofing infrastructure (i.e. service ducting etc.) to at least 10% of spaces within the development. Charging points could therefore be introduced in the future with minimum disruption and cost if and when demand arises and a prevailing technology emerges. The reason given by the applicant for this arrangement is to prevent any costly and potentially abortive spend but also includes a future proofed approach – officers agree with this approach in this case and for this reason the change to the condition can be supported.

5.26 There is no objection to the amendment of this condition.

*Variation of condition 13 to revise the wording to prior to occupation*

5.27 Condition 13 read:

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.

5.28 Assessment

There is no change to the wording of this condition.

*Variation of condition 15 to substitute the conditioned plan*

5.29 Condition 15 read:

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.

5.30 Assessment:

Given that there are to be other slight changes to the overall design of the scheme as discussed above, it is acceptable that the plan listed above is also changed.

5.31 Other matters:

Comments from local residents are acknowledged however, it must be noted that this scheme already benefits from planning permission and this application is to make minor amendments to the scheme. Matters of the sub-station, trees, landscaping and design have been fully considered and examined above and found acceptable. Any anti-social behaviour should be referred to the correct authority which would be the Police Authority.

5.32 Balance

It is considered that alterations to the conditions as discussed above are acceptable to the previously granted outline application and can be approved.

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

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

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

**CONDITIONS**

1. 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 23.7.19 (the date of the outline 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 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 the original outline permission (23.7.19), 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 LPA on 4.10.19:

Site Location Plan - 350-6083-F-001

Substitute Site Section - 350-6083/F/160

As received by the LPA on 6.11.19:

Substitute Proposed Site Layout - 350-6083/F/122A

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 and the Arboricultural Impact Assessment and Tree Protection Plan ref. Bosky Trees both dated 16.01.20.

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. Prior to occupation of the dwellings on site, future proofing infrastructure (ie service ducting as necessary within footpaths and roads) will be delivered to enable future



provision of electric charging points that are accessible to at least 10% of spaces within the development.

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.

10. 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.

11. 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:
- 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.

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.

12. 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.

13. 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.

14. 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 Substitute site section - 350-6083/F/160.

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.

15. 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.

16. 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.

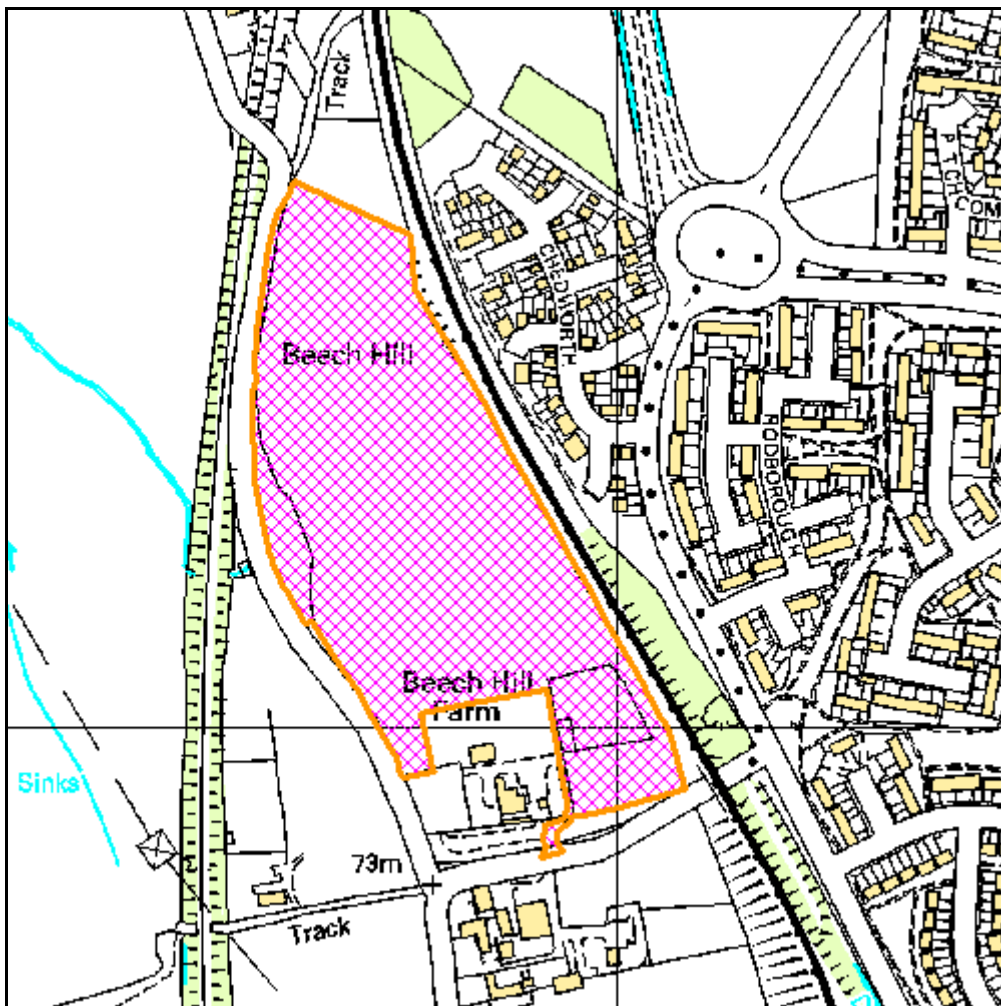
Reason

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



**CIRCULATED SCHEDULE NO. 07/20 – 14TH FEBRUARY 2020**

<b>App No.:</b>	P19/17620/RVC	<b>Applicant:</b>	Mrs Deborah Martin & Keyway Ltd
<b>Site:</b>	Beech Hill Farm Shorthill Road Westerleigh Bristol South Gloucestershire BS37 8QW	<b>Date Reg:</b>	27th November 2019
<b>Proposal:</b>	Variation of condition 2 attached to planning permission PK15/5166/MW to provide more time for the completion of the permission for the importation of clay, subsoil and topsoil to improve land for agricultural use.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	369947 179706	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Major	<b>Target Date:</b>	24th February 2020



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 100023410, 2008. N.T.S. P19/17620/RVC

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

## **INTRODUCTION**

This application appears on the Circulated Schedule, as a result of consultation responses received, contrary to Officer recommendation.

## **1. THE PROPOSAL**

1.1 This application is for variation of condition 2 attached to planning permission PK15/5166/MW to provide more time for the completion of the permission for the importation of clay, subsoil and topsoil to improve land for agricultural use.

1.2 The original application was for the importation of clays, subsoils and topsoils for the stated purpose of improving the land for agricultural use. The site has been previously tipped with household refuse in around the 1970's and partially reinstated in the 1980's. It is considered that the site has not been capped adequately and that previous attempts at restoration were not of a sufficient standard, as a result the issues associated with the site's former landfill usage have not been fully remediated and that the site remains in a derelict and despoiled condition. The proposals involved the importation of approximately 45000 cubic metres of material. The ground levels would be increased by a maximum of 2 metres. It was considered that the overall implementation period would be for a period of two years, on the basis of an average of 9-10 deliveries a day, although movements do vary according to the availability of materials. To this end a condition was attached to the permission stating:

'The importation of material for the purposes of the development hereby authorised shall cease on or before the expiry of two years from the commencement date. Thereafter remaining restoration works, contouring and planting shall be completed within a further 3 months.

### Reason

In the interests of local amenity and to accord with Policies 11 and 12 of the Joint Waste Core Strategy.'

This application seeks to vary this condition to allow importation until 31<sup>st</sup> September 2020 and thereafter subsequent restoration and planting would continue. All other aspects of the development remain the same.

1.3 The area of land subject to this planning application is 4.5 hectares. The application does not cover any of the built part of Beech Hill Farm which lies immediately to the south. It lies on the western side of the main railway line to the south of Yate and north of Westerleigh village and currently consists of poor quality agricultural grassland. To the south the site is bounded by Westerleigh Road from which vehicle access exists to the site. To the east is the main railway line running upon an elevated embankment, which overlooks the site. To the north the site borders further small fields, beyond which is a further railway line. To the west Nibley Lane runs along the boundary, beyond which are open fields. The site is located within the designated Green Belt.

## **2. POLICY CONTEXT**

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design

West of England Joint Waste Core Strategy  
Policy 8 and 9 Landfilling, Landraising and Engineering or Other  
Operations  
Policy 11 Planning Designations  
Policy 12 General Considerations

## **3. RELEVANT PLANNING HISTORY**

- 3.1 SG 8568/3 – Use of approximately 2 acres for refuse disposal.  
Approved 13 July 1973
- 3.2 P90/1529 – Change of use from agricultural use to eight paddocks.  
Withdrawn 4 June 1990.
- 3.3 P90/1945 – Use of approx. 17 acres of land for keeping of horses and  
construction of new vehicular access. Refused. 1 August 1990.
- 3.4 P96/1795 – Retention of agricultural storage building. Approved. 19  
March 1997.
- 3.5 PT04/1182/F – Change of use from agricultural to farm shop and retention  
of land to be used for the storage of caravans. Refused. 1 June 2004.  
Refused on appeal. 17 March 2005.
- 3.6 PT05/2901/F – Use of land for storage of touring caravans. Refused. 17  
November 2005.
- 3.7 PT07/2338/F – importation of clay, subsoil and topsoil to improve land for  
agricultural use. Refused. 16 March 2009.
- 3.8 PT11/0339/MW – Importation of clay, subsoil and topsoil to improve land  
for agricultural use. (Resubmission of PT07/2338/F). Approved 14th  
September 2012.1
- 3.9 PK15/5166/MW - Importation of clay, subsoil and topsoil to improve land for  
agricultural use. Approved 23.05.2017

## **4. CONSULTATION RESPONSES**

#### 4.1 Westerleigh Parish Council

No objections

#### Yate Town Council

Object. We are in support of the neighbours comments in regards to soil and stones being deposited on the highway which are causing safety concerns. There needs to be a condition that any vehicles leaving the site must pass through a wheel washing facility due to the danger of mud on the road within the local vicinity. There are tight bends which become extremely busy and the area is also known to flood in bad weather.

#### Dodington Parish Council

This application is for a neighbouring parish - but the vehicles drive through parish of Dodington and local residents are concerned about mud on the roads - from vehicles leaving the site (the wheel washers need to be enforced) and from unsheeted full vehicles spilling material on their way to the site (not covered by the original conditions)

#### 4.2 Other Consultees

##### Tree Officer

No objection

##### Landscape Officer

No comment

##### Environmental Protection

No adverse comments

##### Ecological Officer

No comment

##### Archaeology Officer

No comment

##### Natural England

No comments

#### **Other Representations**

#### 4.3 Local Residents

2 letters of objection and one neither supporting or objection but raising highways issues, have been received, as follows:

1. 'I object to the lorry's delivering the soil to the site they are mostly uncovered with the soil up over the top, and it falls off in big clumps. When the same lorry's return empty its all coming off the wheels in big clumps and large stones'

2. 'The lorries delivering to this site have proved to be a nuisance where wheel washing did not seem to be done sufficiently. Is this application genuinely for agricultural purposes? Is there historic evidence that land is to be used for



agricultural use? Living close to the road I have been very unhappy with the fact that mud has not only been left by lorry wheels but where mud falls from lorries. The history online seems to show that the proposed use of the land is not always in line with applications and this should be taken into account.'

3. 'I do not oppose this application in principle, but my concerns are the actions of the lorries which deliver to the site. They always appear to work when it is or has been heavy rain and the mud left on the surrounding roads is very hazardous for other road users. Last time this happened it was blamed on the railway work taking place, but it was entirely down to the Beech Hill lorries and we had to ask local councillors to make sure they had abided by the condition on the planning application to employ road washers and sweepers to clear the roads.'

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The principle of the restoration of the site through the importation of material has been established. The applicants state that whilst works have been undertaken towards completing the site, because the development has been undertaken via the CL:aire protocol (which provides management and specifications on the quality of imported material sourced and used), sourcing materials has been onerous and competition for materials and inclement weather has combined to make completing the import within the specified timeframe impossible. The remaining balance of fill is estimated at approximately 7,000m<sup>3</sup> and it is estimated that the importation could be completed by April 2020, although an additional 10 months upon the original timescale is sought to allow a certain amount of flexibility and avoid the need for a further S73 application. This application therefore seeks a variation of condition only, in order to extend the timescales of completion for the approved operation until the 31<sup>st</sup> September 2020.

5.2 The main additional issues for consideration are therefore any additional transportation, amenity or Green Belt impacts arising from the proposed variation.

### **5.3 Green Belt**

The site is located in the Green Belt. The previous tipping of the site has established the principle of the previous waste operations. The principle of the restoration and remediation of the Green Belt site has been established under the previous consent. It is not considered that there are any policy changes in this respect that alter this position. The variation of condition proposed is not considered to materially impact upon the openness of the Green Belt and the proposals therefore remain appropriate within the Green Belt.

### **5.4 Transportation**

The principle of the use of the site for the temporary restoration operations is established. Whilst the comments above are noted, details of routing agreements, wheelwash facilities, dilapidation survey, hardstanding, jet washing and road sweeper,

and hours of operation have been previously required and agreed through condition. A S106 Agreement for access improvements and mitigation during development has also been previously agreed and remains in force. Conditions relevant to wheelwashing, routing and hours of operation will be reiterated in any new consent. It should also be noted that it is an offence under the Highways Act to allow mud and debris onto the public highway. It is of further material note that the importation operations would also be covered by Environment Agency licensing operations and duty of care requirements within this legislation. The principle of the proposals remain acceptable and subject to previous conditions relating including hours of operation, routing agreement, and wheelwash facilities and it is not considered that the variation of timescale proposed would have a significant additional material impact in this respect.

#### 5.4 Local Amenity/Environmental Protection

The restoration proposals seek to address an identified problem with the existing site in terms of its condition resultant from previous landfill use. The addition of a sufficient cap and subsequent sufficient layers of clean material will serve to contain the site and prevent further or future contamination or leachate at the surface.

- 5.5 In terms of general amenity, the nearest residential properties are located to the north of the site in Chedworth, a residential road off Shireway, Yate, the nearest being approximately 30 metres. These properties are located on the other side of the railtrack and associated embankment. The embankment would effectively provide a barrier to aid the screening of the proposal both visually and in terms of noise. The operations themselves would consist of the importation and placing of restoration materials. The only source of noise arising from the proposal will be the activity of unloading and placing materials to the approved levels. Previous consent acknowledged the acceptability of the principle of development in this respect. Hours of operation will remain the same. The principle of the proposals is therefore established. Given the nature and location of the site, the nature of the proposals, and taking into account previous approvals, it is not considered that the variation of timescale proposed would have a significant additional material 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 development plan set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

- 7.1 That planning permission is granted, subject to the conditions recommended.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## **CONDITIONS**

1. The importation of material for the purposes of the development hereby authorised shall cease on or before 31st September 2020 Thereafter remaining restoration works, contouring and planting shall be completed within a further 1 month.

### Reason

In the interests of local amenity and to accord with Policies 11 and 12 of the Joint Waste Core Strategy.

2. No operations shall take place, no lorries shall enter or leave the site and no plant or machinery shall be operated other than between the hours of 08.00 - 18.00 hours, Monday to Friday and 08.00 - 13.00 hours on Saturdays.

### Reason

In the interests of local amenity, and to accord with Policy 12 of the Joint Waste Core Strategy.

3. The details of wheel washing facilities and on site turning areas (contained in the CEMP dated March 2017), and submitted to the Council on the 30th May 2017, pursuant to planning permission reference PK15/5166/MW, shall remain in force and implemented for the duration of the development.

### Reason

In the interests of local amenity and highway safety and to accord with Policy 12 of the Joint Waste Core Strategy.

4. The routing agreement illustrating HGV movements (contained in the CEMP dated March 2017), and submitted to the Council on the 30th May 2017, pursuant to planning permission reference PK15/5166/MW, shall remain in force and implemented for the duration of the development.

### Reason

In the interests of local amenity and highway safety and to accord with Policy 12 of the Joint Waste Core Strategy.

5. The dilapidation survey (contained in the CEMP dated March 2017), and submitted to the Council on the 30th May 2017, pursuant to planning permission reference PK15/5166/MW, shall remain in force and implemented for the duration of the development.

### Reason

In the interests of local amenity and highway safety and to accord with Policy 12 of the Joint Waste Core Strategy.

6. Nothing other than uncontaminated excavated natural materials shall be deposited on the site.

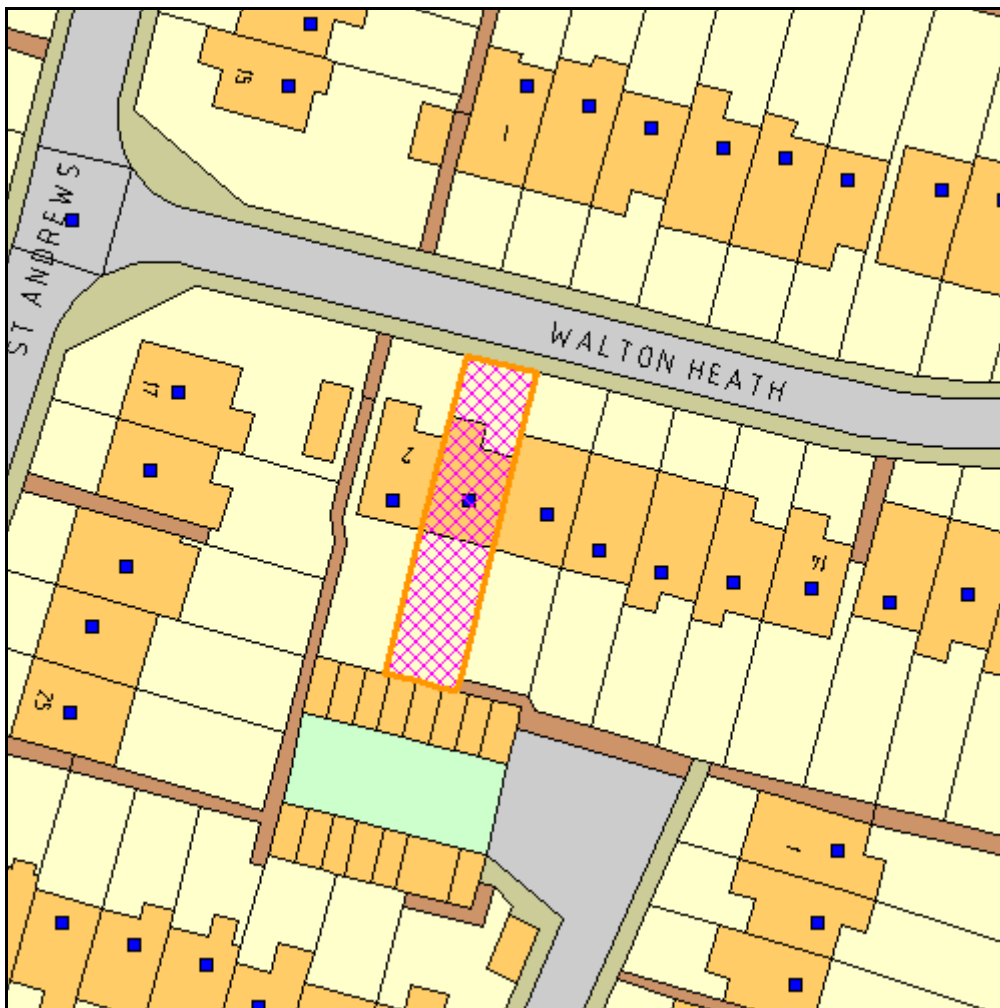
### Reason

In the interests of local amenity, to prevent pollution to the water environment and to accord with Policies 8, 9 and 12 of the Joint Waste Core Strategy.



**CIRCULATED SCHEDULE NO. 07/20 – 14TH FEBRUARY 2020**

<b>App No.:</b>	P20/00364/F	<b>Applicant:</b>	Mr And Mrs Dan And Lucy Harrington
<b>Site:</b>	4 Walton Heath Yate Bristol South Gloucestershire BS37 4DR	<b>Date Reg:</b>	8th January 2020
<b>Proposal:</b>	Erection of single storey front extension to provide additional living accommodation. Installation of 1 no. rear dormer to facilitate loft conversion.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371580 182098	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Householder	<b>Target Date:</b>	3rd March 2020



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

### **Reason for referring to the Circulated Schedule**

This application appears on the Circulated Schedule because it has received a representation from the Town Council which is contrary to the officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks planning permission to install 1no. Rear dormer and a front 'infill' extension. The proposal will create additional space downstairs but also facilitate a loft conversion creating two extra bedrooms.
- 1.2 The application site is terraced 2 bedroom bungalow on a residential street within the defined settlement boundary of Yate. The site is not subject to any constraints that would affect the development.
- 1.3 During the consideration, the front dormer was removed from the proposal in order to make the proposal more in keeping with the street scene.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework February 2019  
National Planning Practice Guidance

### **2.2 Development Plans**

#### **South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1	High Quality Design
CS5	Location of Development
CS30	Yate and Chipping Sodbury

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

### **2.3 Supplementary Planning Guidance**

Design Checklist SPD (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013

### **3. RELEVANT PLANNING HISTORY**

None

### **4. CONSULTATION RESPONSES**

#### **4.1 Yate Town Council**

Object – summarised as follows:

- Turns 2 bed bungalow in to 4 bed house – this would dominate the street scene and be out of keeping with area.
- Extension would lead to loss of privacy as it would overlook neighbouring properties
- Limited number of 2 bed bungalows – proposal would lead to the loss of another
- No objection to front infill

#### **4.2 Sustainable Transport**

Adequate parking available for the demand – No objection

#### **4.3 Local Residents**

No comments received

### **5. ANALYSIS OF PROPOSAL**

5.1 The proposal seeks to install 1no. rear dormer and create a front ‘infill’ extension

#### **5.2 Principle Of Development**

PSP 38 of the South Gloucestershire Policies, Sites and Places Plan (adopted November 2017) permits development in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety of the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Core Strategy (adopted December 2013), which requires development to demonstrate the highest standard of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. The principle of development is acceptable subject to the following consideration.

It should be noted that rear dormer could be installed without planning permission under permitted development. But, as it forms part of the overall proposal it stands to be considered as part of this planning application in design and amenity terms.

#### **5.3 Design and Visual Amenity**

The consideration will be split in to two parts: the front extension and the rear dormer.

##### **Front Extension**

The bungalow as existing has a principal elevation where half of it ‘cuts in’ by 2.7 metres. This is a repeated design characteristic, however many of the other

dwellings along the street have in-filled this part of the dwelling filled in using varying materials. The front extension will see this space filled in and a solid front elevation created.

#### Dormer

The rear dormer spans almost the length of the rear roof slope (approx. 6.6 metres) with a height of 1.7 metres. Application form indicates the roof to be a GRP flat roof and the finish to the external walls to be render.

- 5.4 The front 'infill' extension will replicate other dwellings on the street and in the immediate locality which have had their front elevation extended in such a way, some using UPVC and brick dwarf walls and other using a more solid construction such as this proposal. The front elevation also gains roof lights, however these are also present on neighbouring dwellings and could be inserted at any time under permitted development. The officer is of the opinion that such an extension will not be out of character and is suitably designed so as to meet the tests of PSP38 and CS1.
- 5.5 The rear dormer forms the second part of the proposal. The rear dormer is slightly larger than that of the neighbouring dwelling which also benefits from a rear dormer, as do many other dwellings in the locality so the proposed is unlikely to have a dominating impact on the street scene. The dormer does not go above the existing ridgeline and is suitably set up from the eaves so as to not create an over-sized and incongruous addition to the dwelling. The proposal originally included a smaller front dormer but this was deemed to be a more incongruous addition which would look out of character on the principal elevation, hence its removal from the scheme.
- 5.6 The officer is of the opinion that the addition of the dormer is acceptable under PSP38 and CS1 and as such raises no objection. In order to ensure a satisfactory standard of external appearance, a condition will be attached requiring materials to match the existing.
- 5.7 Residential Amenity  
PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwelling through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, and overbearing/dominant impacts.
- 5.8 By virtue of its design the officer is satisfied that the front extension will not result in losses of privacy or overlooking. Whilst the rear dormer is a first floor level it should be noted that the neighbouring dwelling has a dormer of similar design which could create potential to overlook the garden of the application site due to the nature of the relationship between the dwellings. The officer does not hold the opinion that the siting of a dormer as proposed will result in unacceptable losses of privacy or overlooking.
- 5.9 The front infill extension will not result in overbearing or dominant impacts. The rear dormer is also not in the officer's opinion likely to result in an overbearing or dominant impact. As such the proposal is compliant with PSP38 and PSP8.



5.10 Parking Standards

PSP16 requires developments to provide levels of parking based upon the number of bedrooms at a dwelling. Where an increase is proposed, proposals should demonstrate that adequate off street parking can be provided to accommodate increase in demand.

5.11 A 4 bed dwelling should provide 2 off street spaces. 2 off street spaces are provided in the proposal. As such the officer raises no objection under PSP16.

5.12 Private Amenity Space Standards

PSP43 sets out requirements for private amenity space provision based on the number of bedrooms. A 4 bedroom dwelling should provide at least 70 Sq metres of private amenity space.

5.13 The site retains in excess of 70 Sq metres of private amenity space. No objection is raised under PSP43.

**Impact on Equalities**

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

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

5.16 Other Matters

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

5.17 The loss of a 2 bedroom house from the local market – whilst the officer understands this concern, it is not a material consideration with a householder extension. It is reasonable and common place that people may want to increase the size of their home and it would be unreasonable to refuse the application on these grounds. It should also be noted that the addition of a dormer and increase in bedrooms could happen at any time under permitted development.

**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 permission is **granted** subject to the conditions on the decision notice.

**Contact Officer: Alex Hemming**  
**Tel. No. 01454 866456**

## **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, with the exception of the dormer roof shall match those used in the existing building.

Reason

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

**CIRCULATED SCHEDULE NO. 07/20 – 14TH FEBRUARY 2020**

<b>App No.:</b>	P20/00713/F	<b>Applicant:</b>	Mr Rodman
<b>Site:</b>	Bridles Horseshoe Hill Milbury Heath Wotton Under Edge South Gloucestershire GL12 8PU	<b>Date Reg:</b>	13th January 2020
<b>Proposal:</b>	Erection of detached garage with associated works.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	366824 190177	<b>Ward:</b>	Thornbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	6th March 2020



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

### **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This planning application will be added to the Circulated Schedule because the proposal has received 1No objection from Thornbury Town Council.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a detached triple garage with associated works, and is proposed to be located in the front garden of the host dwelling. The proposal would be approximately 7.1 metres in length and 10 metres in width overall.
- 1.2 The application site can be found at Bridles, Cuttsheath Road, is set within a good sized gated plot, and is an existing single storey detached property. It can be found within a small cluster of 3No dwellings, within the rural hamlet setting of Milbury Heath, Wotton-Under-Edge.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework February 2019

### **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

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

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

### **2.3 Supplementary Planning Guidance**

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 N7910. Re-cladding of existing wooden bungalow. Erection of single storey extension to form 3 bedrooms, utility room, single garage and an extension to the lounge. Approved 04.03.1982.

#### **4. CONSULTATION RESPONSES**

4.1 Thornbury Town Council  
1No objection received - development is of an inappropriate scale.

4.2 Other Consultees  
Sustainable Transport – Transportation DC  
No transportation objections.

#### **Other Representations**

4.3 Local Residents  
None received.

#### **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. It states that new dwellings and extensions within existing residential curtilages are acceptable in principle but should respect the overall design and character of the street and surrounding area. They should not prejudice the amenities of neighbours, or that of highway safety and the parking provision should be of an acceptable level for any new and existing buildings. The adequate provision of private amenity space should also not be sacrificed for any new development that forms part of a settlement pattern that also contributes to local character.

5.2 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.

5.3 The proposal is for planning permission to erect a detached garage within the curtilage of the existing dwelling 'Bridles'. Consequently the main issues to deliberate are the impact on the character of the area and the principle dwelling; the impact development may have on the amenities of neighbouring occupiers and the resultant dwelling; and the proposals impact on highway safety/parking provision.

5.4 Design and Visual Amenity  
Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.5 The proposed triple garage is to be located within the front garden of the property, and there will not be any significant or detrimental impact on the street scene or character of the area. In particular, the front boundary adjacent to Cutsheath Road, will provide significant screening through a combination of

- existing large trees, shrubbery, and a 6ft high fence. There is also a large hedge adjacent to the private access track to the applicants dwelling, again providing screening to the proposed detached garage.
- 5.6 The proposed triple garage is to have an overall width of 10 meters and be to a depth of 7.1 meters. It will extend to 5 meters in height to the ridge and 2.2 meters to the eaves. There are 2No windows and a personnel door proposed and 3No vehicle garage doors will be provided.
- 5.7 The garage has been proposed through its design to complement the existing dwelling in the choice of materials, details and components, ensuring that the aesthetical appearance of the garage matches materials and components of the existing dwelling where possible, and therefore the scale and form of the proposed garage will respect the proportions and character of the existing dwelling.
- 5.8 Residential Amenity  
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance.
- 5.9 The impact on residential amenity has been assessed in terms of the surrounding neighbouring properties. There should be very little loss of light, overshadowing or overbearing impacts upon them given the location of the proposed development.
- 5.10 Transport  
Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. The triple garage proposal means that 3No parking spaces will be provided, fulfilling the South Gloucestershire parking standards.
- 5.11 The dwelling sits within a large plot down a private track which is only accessed from Cuttsheath Road, and as the proposal shows that there is adequate room available to reverse from the garages and manoeuvre in order to leave the site in a forward gear, then there are no transportation objections.
- 5.12 Consideration of likely impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations.

It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

- 7.1 That the application be **APPROVED**

**Contact Officer: Helen Turner**  
**Tel. No. 01454 864148**

## **CONDITIONS**

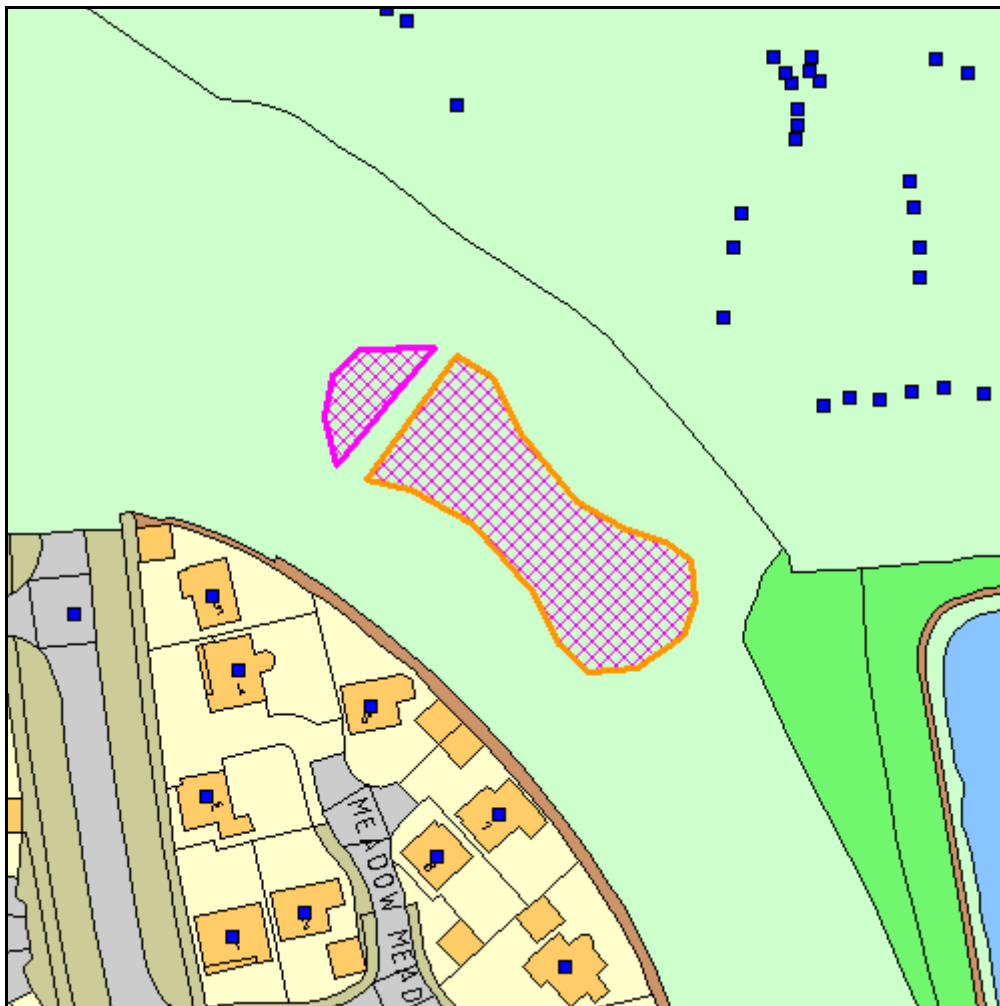
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 07/20 – 14 FEBRUARY 2020**

<b>App No.:</b>	PK18/0529/RM	<b>Applicant:</b>	David Wilson Homes Bristol Division BDW TRADING LTD
<b>Site:</b>	Land To The West Of PI23e North Yate New Neighbourhood South Gloucestershire Yate	<b>Date Reg:</b>	22nd February 2018
<b>Proposal:</b>	Reserved matters for appearance, layout, scale and landscaping attached to outline planning permission PK12/1913/O Installation of local play area and associated works	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370659 183900	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Major	<b>Target Date:</b>	23rd May 2018



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

### **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application has been referred to the circulated schedule because objections have been received from members of the public and Yate Town Council which are contrary to the officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 This application seeks reserved matters consent for the installation of a local play area and associated works. The proposal consisting of appearance, layout, scale and landscaping should be read in conjunction with outline planning permission PK12/1913/O superseded by application P19/6296/RVC.
- 1.2 The application site comprises the North Yate New Neighbourhood. The play area is located at the southern end of the North Yate New Neighbourhood and to the northeast of Leechpool Way. A public right of way extends to the southeast of the site and connects Yate Rocks to Tanhouse Lane. The site is relatively flat and contains a number of small trees within and within close proximity to the site. A tributary of the Ladden Brook is located to the northeast. Existing properties within Meadow Mead are located to the southwest.
- 1.3 Following discussions between the developer and Council Officers revised plans have been received which have improved the scheme in the following ways:

Play equipment has been amended to be appropriate to a LAP and LEAP;  
The play area has been moved northwest further away from existing residential properties;  
Existing vegetation has been retained and incorporated into the proposal;  
The pathways have been rationalised to avoid duplication and better reflect desire lines;  
A picnic area has been provided to the southeast of the park;  
Play equipment has been amended to be more inclusive for less able-bodied children.

## **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS2 Green Infrastructure  
CS4A Presumption in Favour of Sustainable Development

CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS24 Green Infrastructure, Sports and Recreation Standards  
CS30 Yate and Chipping Sodbury  
CS31 North Yate New Neighbourhood

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

PSP2 Landscape  
PSP3 Trees and Woodland  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP21 Environmental Pollution and Impacts

- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P19/6296/RVC, Variation of condition 19 attached to outline planning permission PK12/1913/O (as amended under applications PK15/5230/RVC, PK16/2449/RVC, PK17/0039/NMA and PK17/4826/RVC) to amend the wording of the condition (19) to "There shall be no commencement of Phase 5 of the development as shown on the Phasing Plan submitted pursuant to condition 4, until such time as the internal link road linking Randolph Avenue, Leechpool Way and the access from the Peg Hill development (as approved by planning permission PK12/0429/O) has been implemented and is operational. Construction use and residential use are deemed operational." Approved on 13<sup>th</sup> September 2019.
- 3.2 PK17/4260/RM, Laying out of landscape and infrastructure (Phase 0) including primary and secondary streets, utilities, services, foul and surface water drainage, hard and soft landscaping. (Approval of reserved matters including appearance, landscaping, layout and scale to be read in conjunction with Outline Planning Permission PK12/1913/O superseded by PK16/2449/RVC). Approved on 21<sup>st</sup> May 2018.

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
Objection

This is a resubmission of the play area proposed behind Meadow Mead, STILL showing the aerial cableway (zip wire) that they promised to remove 2 years ago. In its current placement, this is far too close to housing. The pavilion will be a 4 m long by 2.85m height building with holes in the walls, so all noise will travel, just 12m from gardens and 16m from houses in Meadow Mead. This will cause a privacy issue, noise issue and possibly a fire risk. This area would be far better left as open space with play equipment moved to the established park to create one larger play area.

- 4.2 Historic England  
On the basis of the information available to date, in our view you do not need to notify us of this application under the relevant statutory provisions.
- 4.3 Highway England  
No objection
- 4.4 Coal Authority  
The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted. The Coal Authority Standing Advice should be included on the decision notice.
- 4.5 Highway Structures Officer  
If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected.  
Or  
If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.
- 4.6 Listed Building Officer  
No comment
- 4.7 Drainage Officer  
No objection
- 4.8 Archaeological Officer  
No objection
- 4.9 Transportation Officer  
No comment
- 4.10 Landscape Officer  
The plans have been amended to address the concerns of the Landscape Officer.
- 4.11 POS Officer  
The plans have been amended to address the concerns of the POS Officer.
- 4.12 Structural Officer  
This officer was consulted in respect of the pavilion structure. No comments have been received.

4.13 Public Art Officer

This application is to deliver the first stage of the agreed public art plan for the NNYN. I support the approval of the public art proposals which have been researched and developed by the artist with the local community; there is interest from the local community to deliver a programme of arts and community activities from the pavilion over the summer in order to facilitate community development and build links between the new and existing communities

4.14 Waste and Recycling Officer

No comment

4.15 Public Rights of Way Officer

The proposed plans include the route of LYA/50/80 as shown on the original map and as per the proposed diversion order that has been made, confirmed but remains to come into operation as some works are still required to bring it into a fit condition for use by the public. Once the path order is operative it will be along the green dashed line as shown on the plan to be uploaded. There is a path also to the immediate south of the site that runs along the boundary of the original Brimsham (Brinsham) housing of Meadow Mead.

**Other Representations**

4.16 Local Residents

Six members of the public have objected to the scheme. The following is a summary of the reasons given for objecting:

No need for play area so close to an existing play area;  
Parking will need to be included to avoid cars parked on the street;  
The play area is by a busy road, will traffic calming be installed to ensure children's safety?  
Play area is placed very close to numbers 3, 4 and 6 Meadow Road;  
Possible overlooking for play equipment into resident's houses and gardens;  
The area designated for the play area could perhaps be made into a decorate conservation area with a small copse of indigenous trees and a frontage of large rocks;  
Traffic calming required to Randolph Avenue to allow safe crossing;  
Constant road sweepers will be necessary to clean the roads;  
Developing the existing Brinsham Park would be a better use of money;  
Potential for anti-social behaviour if play equipment is installed;  
Who is to maintain the play equipment?  
There should be a 30m buffer between the activity zone and the nearest dwelling;  
Any late night noise from the pavilion will disturb young children sleeping;  
If someone were to climb onto the roof of the pavilion they would be able to see into neighbours gardens;  
Pavilion could become a late night teen hangout.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

North Yate New Neighbourhood is a major development site allocated by policy CS31 of the South Gloucestershire Local Plan Core Strategy (adopted December 2013 for a major mixed use development of up to 3000 dwellings. Outline consent was subsequently granted on 17th July 2015 for a mixed use development across 100.76 hectares of land comprising up to 2450 new dwellings, including 4.63 hectares of employment land, a local centre, two primary schools and supporting infrastructure. This approval covers a substantial area of the NYNN allocation. A masterplan and design code for the North Yate New Neighbourhood were subsequently approved by the Local Planning Authority on 20th January 2017 and 12th May 2017 respectively. The principle of the development is therefore, acceptable.

### 5.2 Compliance with Parameter Plans

The Access and Movement parameter plan requires footways through public open space to be provided to connect to existing footways at Brinsham Park to the south and residential parcels to the north. These paths are provided for and accord with the parameter plan. Notwithstanding concerns raised by neighbouring occupiers regarding the need for, and location of, the play area, the approved Land Use parameter plan requires a LAP and LEAP to be provided in this location. Following the submission of revised plans, the proposal is in accordance with this parameter plan with regards to the location and the type of play proposed. The provision of the play area is secured by the approved S106 agreement, which requires that the landscaping works are completed prior to occupation of 80% of the dwellings within the phase. The play area will be transferred to a private management and maintenance company for future maintenance once it has first been inspected and considered acceptable by the Council.

### 5.3 Design/Layout

The proposal originally incorporated a LAP (Local Area for Play – a play area for very young children) and NEAP (Neighbourhood Equipped Area for Play- a play area normally incorporating a hard surface ball games area for older children) within separate fenced areas. The NEAP to the south comprised a hard-surfaced area for ball games. This was not in accordance with the approved Land Use parameter plan and was contrary to Fields in Trust (FIT) guidance, which states that there should be a minimum separation distance of 30m between the activity zone and habitable rooms of dwellings. Following a meeting with the developer a number of changes have been made to the scheme, which include removing the hard surface ball games area and including appropriate equipment for a LAP and LEAP. The play area has been moved to the northwest further away from existing residential properties and existing vegetation has been retained and incorporated into the proposal, which will add instant maturity to the proposal. The pathways within and around the site have been rationalised to avoid duplication and unnecessary routes and to better reflect desire lines. A picnic area has been provided to the south east of the park close to existing vegetation to provide a pleasant setting. The play equipment proposed has been amended to be more inclusive and appropriate to younger. Although the zip wire has been retained, it has been relocated to

the northern side of the play area at a distance of approximately 36 metres from the boundary of existing residential properties to the south at the closest point. This level of separation is considered sufficient to ensure that no adverse privacy issues would be introduced. The POS Officer has raised no objections to the proposed play equipment.

Public art is proposed adjacent to the play area in the form of a temporary pavilion. The pavilion is relatively small in scale and will be constructed of modular bricks made from recycled timber, and will be used for events to promote community links between existing and new residents of North Yate as the site becomes established. Subject to a condition requiring the pavilion to be removed after a period 2 years, the pavilion is considered acceptable and would not bring about any adverse visual amenity issues.

#### 5.4 Residential Amenity

The concerns raised by existing residential occupiers are noted; however, the proposed play area is a minimum distance of 21m from the boundary of the closest neighbouring property and accords with Fields in Trust guidance in respect of buffer zones to existing residential properties for a LAP and LEAP. Given the level of separation, it is not considered that there would be an adverse effect on the residential amenity of neighbouring occupiers through noise and disturbance, loss of privacy or natural light. In addition, significant weight is also given to the fact that the location of the play area has already been accepted in principle through the approval of the outline application and supporting plans.

The pavilion is located approximately 18 metres from the boundary of the closest existing residential property to the south. Given the relatively small scale of the pavilion at 3.6 metres in width, 4.8 metres in length and 3.15 metres in height, and its temporary nature it is not considered that it will adversely affect the residential amenity of neighbouring occupiers in terms of loss of natural light or privacy given the level of separation so as to justify its refusal. Given the scale of the pavilion it is not considered that there would be an adverse effect on neighbouring occupiers in terms of noise from its use. The pavilion will be an interesting new structure designed by an artist; therefore, it is hoped that it will be respected by the local community. The concerns raised by members of the public regarding its misuse and anti-social behaviour would be more likely to occur if the pavilion is no longer required for use or becomes dilapidated. Therefore, a condition is attached to ensure the removal of the pavilion when it is longer required or in any case after a period of 2 years to address this concern

#### 5.5 Transportation

The proposed play area is set well clear of the highway and will not interfere with visibility to the detriment of highway safety. The necessary footpaths are provided for within the scheme to take account of desire lines and pedestrian access to and from other areas of North Yate and Brinsham Park. Pedestrian crossing points are provided throughout the North Yate New Neighbourhood; therefore, there will be safe pedestrian access to and from the play area. The proposal is a local play area located within walking distance to a large number of properties. It is not considered that it would result in an increase in vehicular

traffic or on street parking to a level that would be detrimental in terms of highway safety and the amenities of the area. It is not considered that the pavilion will introduce any significant issues in terms of highway safety. A contribution towards traffic calming works on Leechpool Way and Randolph Avenue has been paid to the Council as per the approved Section 106 agreement. It is therefore, now the responsibility of the Council's Highway Engineers to design and implement a suitable traffic calming scheme. Whilst the proposal is considered to be acceptable as it stands in terms of highway safety, the traffic calming works to Leechpool Way and Randolph Avenue when they come forward in due course will help to slow the speeds of vehicles in and around the NYNN.

#### 5.6 Drainage

The Council's Drainage Officer has no objections to the development provided that it is constructed in accordance with the plan submitted and Phase 0 Landscape and Infrastructure Specification and Maintenance Schedule Rev C. Reference to this plan will be made on the decision notice.

#### 5.7 Consideration of likely impact on Equalities

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

**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**

## **CONDITIONS**

1. Any trees or plants shown on the landscaping scheme hereby approved, which die, are removed, are damaged or become diseased within 5 years of the completion of the approved landscaping scheme shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size, location and species as those lost.

### Reason

In the interests of the character and visual amenity of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy PSP2 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017.

2. The temporary public art structure shown on the drawing "Play Area Proposals no. GL0897 01E" shall be removed and the land restored to its previous condition when it is no longer required or in any case after a period of two years from the date of this consent.

### Reason

In the interests of the amenities of the area given the temporary nature of the structure and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.