

# List of planning applications and other proposals submitted under the planning acts to be determined by the director of environment and community services

## CIRCULATED SCHEDULE NO. 20/20

**Date to Members: 15/05/2020**

**Member's Deadline: 21/05/2020 (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 listed below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

### **Additional guidance for Members**

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

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
19/20	12 O'Clock Wednesday 6 <sup>th</sup> May	9am Thursday 7th May	5pm Thursday 14 <sup>th</sup> May	Friday 15 <sup>th</sup> May
21/20	5pm Wednesday 20 <sup>th</sup> May	9am Friday 22 <sup>nd</sup> May	5pm Friday 29 <sup>th</sup> May	Monday 1 <sup>st</sup> June

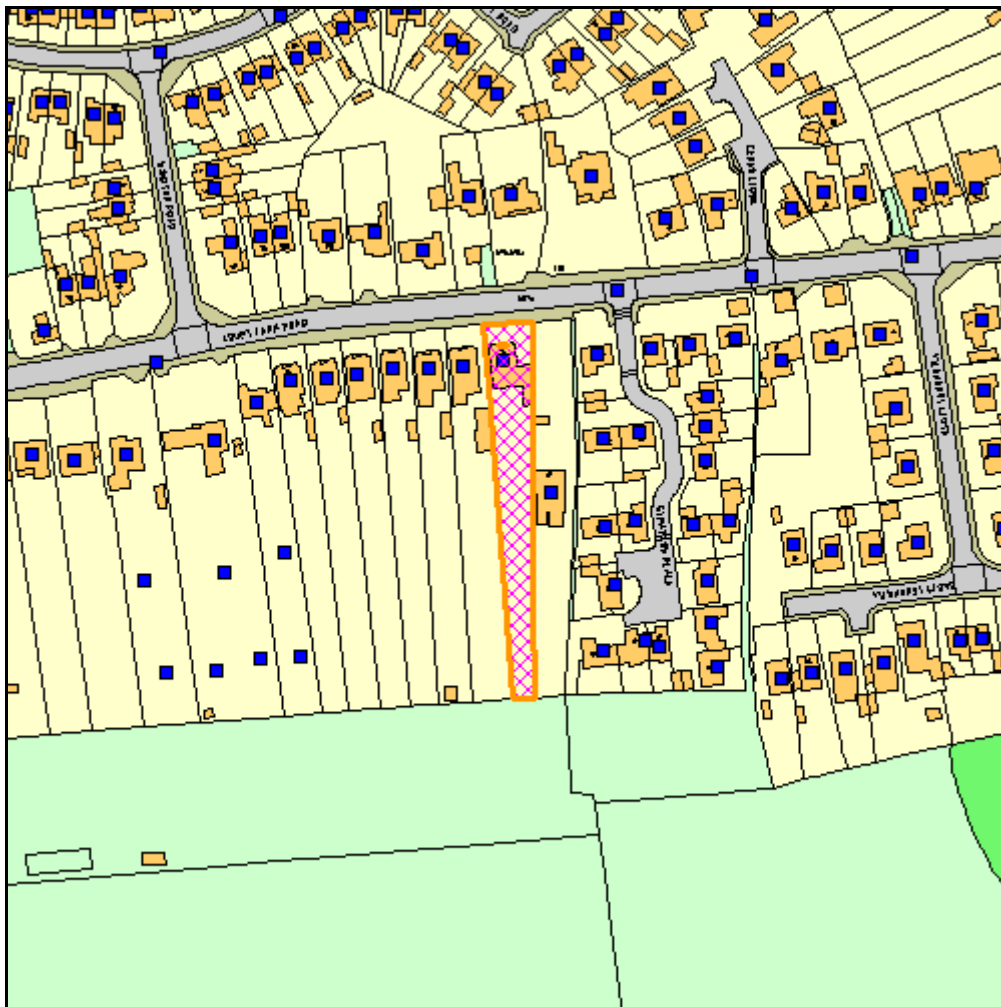
Dates and officer deadlines for Circulated Schedule May Bank Holidays 2020

# CIRCULATED SCHEDULE - 15 May 2020

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/17614/F	Approve with Conditions	21 Court Farm Road Longwell Green South Gloucestershire BS30 9AA	Longwell Green	Hanham Abbots Parish Council
2	P19/19773/F	Approve with Conditions	Land East Of Gravel Hill Road And North Of Rockwood House Gravel Hill Road Yate BS37 7BW	Yate North	Yate Town Council
3	P20/04849/ADV	Approve	McDonalds Restaurant Willow Brook Centre Savages Wood Road Bradley Stoke South Gloucestershire BS32 8BS	Bradley Stoke South	Bradley Stoke Town Council
4	P20/05652/ADV	Approve	Former Homebase Store Aldermoor Way Longwell Green South Gloucestershire BS30 7DA	Longwell Green	Oldland Parish Council
5	P20/06080/F	Approve with Conditions	154 Beesmoor Road Frampton Cotterell South Gloucestershire BS36 2JN	Frampton Cotterell	Frampton Cotterell Parish Council

**CIRCULATED SCHEDULE NO. 20/20 - 15th May 2020**

<b>App No.:</b>	P19/17614/F	<b>Applicant:</b>	Mrs G Burbidge
<b>Site:</b>	21 Court Farm Road Longwell Green Bristol South Gloucestershire BS30 9AA	<b>Date Reg:</b>	26th November 2019
<b>Proposal:</b>	Demolition of existing garage and erection of 1no detached dwelling with access, parking and associated works (re-submission of PK18/3902/F).	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	365833 170627	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th January 2020



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **P19/17614/F**

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

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

The Parish Council have raised an Objection to the proposal and 4 Objection comments have been received from local residents.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the demolition of the existing attached garage at 21 Court Farm Road, Longwell Green to facilitate the erection of 1 no. detached dwelling with access, parking and associated works.
- 1.2 The application site is located within the East Bristol urban area, within the settlement boundary.
- 1.3 During the course of the application, amendments were received slightly altering the layout of the site, the design of the proposal and the wording within the Design and Access Statement. A period of re-consultation was carried out following this.

### **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
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS29	East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management
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  
Technical Advice Note: Assessing Residential Amenity (Adopted) June 2016



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

3.1 PK18/3902/F

Demolition of existing attached garage to form new access. Erection of new detached garage for existing bungalow and 3 no. detached dwellings with parking and associated works.

Refusal (11.03.2019)

### 4. **CONSULTATION RESPONSES**

4.1 Hanham Abbots Parish Council

Objection - Overbearing effect on neighbours and cramped design.

4.2 Environmental Protection

No Objection subject to pre-commencement condition.

4.3 Highway Structures

Informative

4.4 Lead Local Flood Authority

No Objection

4.5 Sustainable Transport

No Objection subject to condition.

4.6 Local Residents

1 general comment - Design and Access Statement is incorrect.

4 objections from local residents have been submitted, making the following points:

*Design and Visual Amenity*

- The site is too narrow for another property to be constructed.
- The proposed plans are not in keeping with other developments on Court Farm Road.

*Residential Amenity*

- The proposal would overlook neighbouring properties on both sides, specifically the rear elevations of the existing properties along Court Farm Road.
- The proposal would have an overbearing and dominant impact on neighbouring properties.
- The proposal would drastically reduce the garden for No.21 and leave little garden for the new property.

*Highway Safety*

- The proposed access is less than the previously required 4 metres.
- The proposal does not meet the requirements as stated in the previous planning application, in particular transport concerns.

### *Other Issues*

- The proposal looks to be part of the previous application which had two more properties in the rear garden and the land retained by the applicant suggests that this option may be resurrected in the future.
- The ground is heavy clay so the proposed use of soakaway drainage should be resisted.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Planning permission is sought for the demolition of an existing garage to facilitate the erection of 1 no. detached dwelling at a site in Longwell Green. Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area, and within defined settlement boundaries. The application site is situated within the area defined as the eastern fringe of the Bristol urban area. As such, based solely on the location of the site, the principle of the development is acceptable.

- 5.2 The development is acceptable in principle under the provisions of policy CS5, and it is acknowledged that the provision of a new dwelling towards housing supply would have a modest socio-economic benefit. However the impacts of the development proposal must be further assessed against relevant policy in order to identify any potential harm. For this type of development at this location, the further areas of assessment are: impacts on visual amenity; impacts on residential amenity; and impacts on the surrounding transport network.

### **5.3 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 have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.4 The proposed dwelling would be situated within the rear garden of no. 21 Court Farm Road, which is a detached bungalow benefitting from a large linear garden. The principle of rear garden development has already been established along Court Farm Road with Stratton Place to the east, Abbots Way to the west, and multiple others further along. No. 19 Court Farm Road, neighbouring the site directly to the east, is set back from the road a similar distance to the proposed dwelling.

- 5.5 Whilst the application site could be considered narrow, the proposed two-storey dwelling would represent good design within the site and would not appear forced or out of proportion. Comments from local residents stating that the dwelling would be out of keeping with the surrounding bungalows have been noted but it is considered that there are a number of two-storey dwellings in the vicinity including Stratton Place to the east and Abbots Way to the west.

- 5.6 On the basis of the assessment set out above, it is considered that the proposed development is of a high standard of design and would respect the character, distinctiveness and amenity of the site and its context.
- 5.7 Residential Amenity  
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.8 The proposed dwelling would be situated approximately 24 metres from the rear elevations of no. 21 and 23 Court Farm Road, giving the properties a back to back distance greater than the 20 metres recommended in the Residential Amenity Technical Advice Note. Whilst it is noted that the site slopes slightly upwards from the host property, this would be unlikely to significantly alter the levels of overlooking between the properties so a back to back distance of approximately 24 metres is deemed acceptable. No. 23 Court Farm Road would be of at an angle in relation to the rear of the proposed dwelling so the level of overlooking would be reduced further.
- 5.9 There are 4 windows proposed in the east elevation of the dwelling, 2 on the ground floor and 2 in the roof slope. All 4 of these windows would be conditioned to be obscure glazed and whilst the 2 windows in the roof slope would be opening, they would serve bathrooms and would not present overlooking concerns. There are no windows proposed in the west elevation of the proposed dwelling.
- 5.10 In terms of overshadowing, the garden of no. 23 Court Farm Road would be affected the most. That said, no. 23 benefits from a very large linear shaped garden, so whilst there would be some overshadowing of part of the garden, it would not be detrimental to the residential amenity of the property.
- 5.11 Policy PSP43 of the Policies, Sites and Places Plan outlines the Council's minimum standards for private amenity space for new residential units. PSP43 states that private amenity space should be: functional and safe; easily accessible from living areas; orientated to maximise sunlight; of a sufficient size and functional shape to meet the needs of the likely number of occupiers; and designed to take account of the context of the development, including the character of the surrounding area.
- 5.12 The proposed dwelling would have a functional private amenity space of approximately 70 square metres, above the required 60 square metres for a 3 bedroom property. The existing dwelling would retain a functional private amenity space of approximately 100 square metres, above the required 70 square metres for a 4+ bedroom property.

- 5.13 On the basis of the assessment set out above, it is not considered that the proposed development would result in any unacceptable impacts on the amenity of neighbours or future occupiers of the development.
- 5.14 Transport  
Vehicular access to the proposed dwelling would be provided via a shared driveway from Court Farm Road. This driveway would have a width of 4 metres and would be wide enough for use by the existing and proposed dwelling.
- 5.15 In terms of parking, it has been indicated that 2 parking spaces would be provided on-site for the proposed dwelling and 2 spaces retained for the existing dwelling. This provision would be sufficient to serve the proposed 3 bedroom dwellings and the existing dwelling, in accordance with Policy PSP16 of the Policies, Sites and Places Plan.
- 5.16 On the basis that sufficient on-site parking is provided, it is not considered that the development would directly lead to additional vehicles parking on the highway. However for the avoidance of doubt, a condition will be attached to any consent, requiring the 4 parking spaces to be provided prior to the first occupation of the new dwelling, and thereafter retained as such.
- 5.17 Drainage  
Comments from local residents stating that the proposed use of soakaway drainage should be resisted have been noted but the Lead Local Flood Authority have raised no objection to its use.
- 5.18 Ecology  
The proposed dwelling is situated towards the front of the long rear garden, within the existing urban fabric, and away from open countryside. Officers consider that there is minimal potential for protected species on this part of the site so an ecological survey is not required.
- 5.19 Environmental Protection  
The proposed development is located less than 250 metres from a site of filled ground. A risk assessment should therefore be undertaken to assess whether the proposed development could be at any risk from ground gasses. A condition will be attached to any consent requiring this risk assessment to be carried out.
- 5.20 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.

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

5.22 Other Matters

Comments from local residents stating that the proposal looks to be part of the previous application and the land retained by the applicant suggests that this option may be resurrected in the future have been noted but each application must be considered individually on its own merits and that is the case with this development also.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Contact Officer: Oliver Phippen**  
**Tel. No. 01454 866019**

## 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 use or occupation of the dwelling hereby permitted, and at all times thereafter, the proposed first floor windows on the east elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the east or west elevations of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

4. The dwelling shall not be occupied until the access, parking (car and cycle) and the electric vehicle charging point have all been provided in accordance with the submitted details.

Reason

In the interest of highway safety, to promote sustainable travel choices and to accord with SGC policies PSP11 and 16.

5. A) Desk Study - No development shall commence until an assessment of the risks posed from ground gases from the filled ground to the south east of the site has been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with current best practice and guidance.

B) Intrusive Investigation/Remediation Strategy - Where following the risk assessment referred to in (A), a potential risk from ground gases is identified, no development shall take place until a ground gas survey has been carried out. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes. Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

The approved remediation scheme shall be carried out before the development is first occupied.

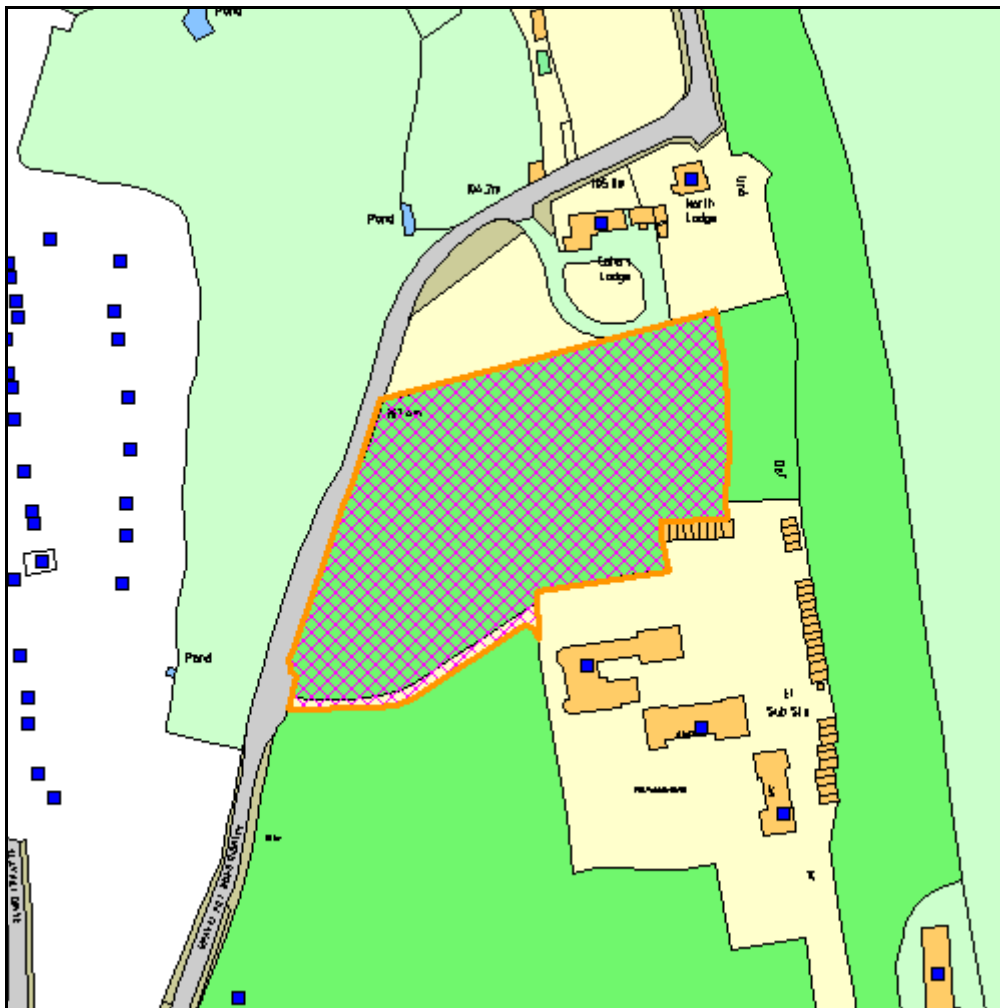
C) Verification Strategy - Prior to occupation, where works have been required to mitigate potential ground gases (under part B) a report providing details of the verification, demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

In order to ensure that the site is suitable for its proposed use, and in accordance with the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 20/20 - 15th May 2020**

<b>App No.:</b>	P19/19773/F	<b>Applicant:</b>	Kestrel Care Village Limited
<b>Site:</b>	Land East Of Gravel Hill Road And North Of Rockwood House Gravel Hill Road Yate BS37 7BW	<b>Date Reg:</b>	2nd January 2020
<b>Proposal:</b>	Erection of two storey, 64 no. bed nursing home (use Class C2) with parking, landscaping and associated works.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	372210 183971	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Major	<b>Target Date:</b>	23rd March 2020



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **P19/19773/F**

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

### **REASON FOR APPEARING ON CIRCULATED SCHEDULE**

This application appears on the Council's Circulated Schedule procedure, following letters of objection that are contrary to the officer recommendation in this report and an objection from the Parish Council.

#### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two storey, 64 no. bed nursing home with parking, landscaping and associated works at land to the east of Gravel Hill Road, Yate. The building will provide a mix of general care and also will include cater for the therapeutic needs of those with dementia.
- 1.2 The application site comprises a 1.14 hectare area of land within the curtilage of Rockwood House, a Grade II listed building within the grounds of a Historic Park). Chipping Sodbury quarry is to the east, and the site is situated outside of the settlement boundary of Yate within the open countryside. It is not within the Bristol/Bath Green Belt. Access to the site is through the existing entrance to Rockwood House (with a spur of this existing access), which was converted into residential apartments in the 1990's.
- 1.3 The building is to be at the northern side of the site but set back from the northern boundary. The building which is two storey and will have four wings in a rectangular form on an east-west axis, is approximately 67m long by 21 metres wide and a height of approx. 9.6m. Car parking is provided to the front of the building with 29 no. spaces and 3 no. cycle spaces. Following negotiation the initial position of the building has been amended to allow for a larger buffer between the building and the eastern boundary where dense foliage separates the site from the adjoining quarry, there is also foliage on the western boundary. Landscaping is proposed to include swales and small ponds.
- 1.3 To the west and south of the scheme is the North Yate New Neighbourhood (see planning history below – Section 3), these developments are substantially complete. Land to the south of the site, also within the curtilage of Rockwood House, has been granted permission to be utilised as allotments as part of the on-site Public Open Space contributions required for the new neighbourhood. Further to the east beyond a buffer lies the Hanson Quarries. The site slopes gently from west to east and also upwards to Rockwood House to the south.
- 1.4 A screening opinion for the development was issued on 23<sup>rd</sup> July 2018, in relation to a larger scheme for a 90no. bed care home (PK18/1676/F – refusal, see Section 3 below), concluding that an Environmental Statement was deemed not required. The opinion being less than two years old is still valid.
- 1.5 Amendments have been received during the course of the application at the request of officers, these have related to the position of the building and the need to create a landscape buffer and valid area for ecology to the east of the building. The building has consequently been moved to the west. A full re-consultation has taken place as a result of this change although it should be noted that the site area itself was not altered.



In support of the application the following information has been submitted (and assessed by Officers):

Air Quality Assessment  
Landscape Visual Impact Assessment  
Archaeological Desk Based Assessment  
Design and Access Statement  
Design Statement for Landscape Design  
Ecological Assessment  
Flood Risk Assessment  
Market Analysis and Needs Assessment  
Drainage Strategy  
Noise and Vibration Assessment Report  
Transport Assessment  
Tree Survey and Constraints Plan  
Heritage Statement  
Arboricultural Report

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework February 2019  
National Planning Practice Guidance  
Planning (Listed Buildings and Conservation Areas) Act 1990

### **2.2 Development Plans**

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

CS1 High Quality Design  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS20 Extra Care Housing  
CS23 Community Infrastructure and Cultural Activity  
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  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP17 Heritage Assets  
PSP19 Wider Biodiversity  
PSP20 Flood Risk, Surface Water and Watercourse Management  
PSP21 Environmental Pollution and Impacts  
PSP24 Mineral Safeguarding  
PSP40 Residential Development in the Countryside

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007  
Revised Landscape Character Assessment SPD (Adopted) 2014  
Waste Collection SPD (Adopted) 2015 (updated March 2017)  
Affordable Housing and Extra Care SPD (Adopted) May 2014

### 3. RELEVANT PLANNING HISTORY

#### *Application Site*

PK18/016/SCR EIA Not Required 24/07/2018  
Screening opinion for PK18/1676/F. Erection of three storey, 90no. bed nursing home with parking, landscaping and associated works.

PK18/1676/F Erection of three storey, 90no. bed nursing home with parking, landscaping and associated works. Refused 28<sup>th</sup> September 2018. The application was refused for the following reasons:

- 1) *In giving special consideration to the desirability of preserving or enhancing the setting of the listed building in accordance with the clear expectations of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed development would be harmful to the setting of the grade II listed building known as Rockwood House. As a result of the harm found to the setting of the listed building, the development would not comply with paragraph 193 of the Framework which anticipates that great weight be afforded to the conservation of designated heritage assets, including their setting, nor policies CS9 of the Core Strategy (Adopted) December 2013 and PSP17 of the Policies Sites and Places Plan (Adopted) November 2017 which seek development that protects, and where appropriate, enhances or better reveals the significance of heritage assets and their settings.*
- 2) *The proposed development, if approved, would result in significant harm to the locally registered historic park and garden associated with Rockwood House. This would be contrary to policy CS9 of the Core Strategy (Adopted) December 2013 and policy PSP17 of the Policies Sites and Places Plan (Adopted) November 2017.*
- 3) *The scale, massing, form, design and siting of the development would, if approved, represent poor quality design to the contrary of policy CS1 of the Core Strategy (Adopted) December 2013 and policy PSP1 of the Policies Sites and Places Plan (Adopted) November 2017, and the National Planning Policy Framework.*
- 4) *The proposal has potential to cause harm to bats, reptiles, dormice and hedgehogs. Bats are a European Protected Species, afforded full protection under the European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992') implemented in Britain by the Habitat Regulations 2012 (as amended); and the Wildlife & Countryside Act 1981 (as amended). Reptiles and dormice are protected under the Wildlife and Countryside Act 1981 (as amended). The Ecological Appraisal by Clarkson and Woods dated December 2017 does not contain sufficient information to ensure that the development, if approved, would not be harmful to bats, dormice, reptiles and hedgehogs. This is contrary to policy PSP19 of the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017, policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National*

*Planning Policy Framework, and is also contrary to the Habitat Regulations 2012 (as amended) and the Wildlife & Countryside Act 1981 (as amended).*

- 5) *The development would, if approved, result in the significant intensification of the existing access which has substandard visibility. This would result in a severe highway safety risk to the contrary of policy CS8 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.*
  - 6) *Insufficient information has been submitted to determine whether the development would impact upon the archaeological potential of the site, to the contrary of policy CS9 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.*
- 3.2 *Relating to land to the south of the site*  
PK17/4260/RM Approve with conditions 18/05/2018  
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).
- 3.3 *Relating to Rockwood House*  
PK17/1035/LB Approve with conditions 25/04/2017  
Installation of 5 no. replacement windows to first floor
- 3.4 *Relating to the development to the west*  
PK13/1185/RM Approve with conditions 09/07/2013  
Erection of 235no. Dwellings on 8.99 hectares of land with landscaping and associated works including provision of open space. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK12/0429/O).
- 3.5 *Relating to the North Yate New Neighbourhood*  
PK12/1913/O and PK16/2449/RVC Approve with conditions 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.
- 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). 21<sup>st</sup> May 2018
- 3.6 *Relating to the development to the west*  
PK12/0429/O Approve with conditions 05/10/2012  
Erection of up to 250 dwellings on 8.99 hectares of land with provision of open space and associated works. Outline application with access only.

PK13/1185/RM Erection of 235no. dwellings on 8.99 hectares of land with landscaping and associated works including provision of open space. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK12/0429/O). Approved 2<sup>nd</sup> August 2013

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

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

First Consultation

Objection - Yate Town Council commented in detail on the last version of this application, which we supported in principle but had detailed comments. This application was turned down. This new application addresses some of our concerns e.g. putting in a pavement. However, the previous design had better facilities and the overall look was good. This new proposal is just a standard block, with lots of the rooms facing the car park and the rest facing on to Caters Lodge, which will significantly affect their privacy. The previous version offered more facilities. I would worry about the impact on the property to the north - in terms of all the patios for the ground floors and overlooking from the upper floors. These are nursing home style ensuite bedrooms without proper catering facilities in each room.

Second Consultation

We object to this application and would repeat our previous comments made.

##### **4.2 Other Consultees**

###### **Public Open Space**

No comments

###### **Avon Gardens Trust**

Summary – The Avon Gardens Trust considers that the application is an improvement on the previous scheme

###### **Planning Policy**

If the C2 accommodation is self-contained we count it towards our 5 year land supply as a full dwelling. Where the C2 accommodation has communal facilities we have to apply a 1:8 ratio to the number of bed spaces as per NPPG guidance. Having looking at the plans for P19/19773/F I can see that all of the lounges and kitchens are shared facilities so we would apply the ratio. A 64 bed care home would be counted as 8 dwellings on our trajectory ( $64/8 = 8$ ). Although large sites are classes as 'developments of 10 dwellings or more' we are still counting C2 sites that fall below this threshold within the large sites figure.

###### **Environmental Protection (summary)**

No objection sent on grounds of impact on air quality

On noise impact the Environmental Protection Team indicate that the methodology and assessment submitted for the previous proposal was appropriate and on the basis

of the reporting, a formal objection on noise could not be substantiated. There is therefore no objection to this smaller/lesser application.

### **Adult Services (summary)**

The application is supported

### **Wessex Water**

The site will be served by separate systems of drainage. Due to the distance from the existing public surface and foul water sewers long off site sewers will be required to agreed points of connection. Connection points will be subject to requisition application and assessment to consider the most suitable points of connection to minimise disruption and energy use. Requisition costs are likely to be above average.

### **Landscape**

Initial Comments

Concerns regarding the siting of the building and the ability to provide sufficient space particular to the east that will enable an effective landscaping scheme through planting (also impact upon ecology)

Following revisions to the layout and re-consultation, the Landscape Officer indicates that the revisions which have resulted in the relocation of the building further to the west allows for a greater landscape buffer. Subject to a condition to secure a detailed planting plan the proposal is considered acceptable in landscaping terms.

### **Archaeology (summary)**

The DBA submitted with this application is an improvement upon the previous submission. Given the proximity of the development site to the Bronze Age burnt mound excavated in 2016, a typical location of which is of national significance (even if the site type itself could be deemed to be only regionally significant), a programme of archaeological will be necessary in advance of any development. Therefore the recommendation is for a programme of archaeological work in the form of archaeological evaluation (trial trenching) to be undertaken as a condition of any permission.

### **Environmental Policy (summary)**

No objection is raised subject to conditions being attached to the decision notice to secure evidence of air permeability, adherence to agreed fall- back positions set out in the submitted Energy Statement if these measures are not secured and an overarching condition to ensure that the development proceeds in accordance with the Energy Statement.

### **Listed Building Officer**

First consultation (summary)

The previous objection on the grounds of impact on the locally registered park and garden can be considered to have been overcome.

In respect of the setting of the listed Rockwood House, while the magnitude of the impact can be considered to be significantly less than that of the 2018 scheme a degree of harm would be caused as the impact of the development would not “preserve” the setting in the context of “preserving” meaning causing no harm. I would however stress the extent of harm would be limited and as noted above it would be at the lower end of the “less than substantial” harm spectrum. Refusal is recommended but the application needs to be considered in the context of paragraph 196 of the Framework which enables the decision maker to weigh public benefits and optimum site uses against the identified considered harm.

#### Second Consultation (summary)

The amended scheme has brought the proposed building closer to the listed Rockwood House as it has been moved away from the northern site boundary. However, in light of the scale of the building, the separation distances that would remain and all the mitigation proposed, I would advise that the impact on the development on the setting and in turn significance of Rockwood House would largely remain as identified for the previous scheme outline above. For the avoidance of doubt, it is therefore considered that scheme now proposed would continue fail to meet the requirements of paragraph 193 and 200 of the Framework as well as the local plan policies CS9 and PSP17. In regards to identifying the magnitude of harm, I would advise that in accordance with the NPPF and PPG, the proposed development would result in less than substantial harm towards the lower end of the spectrum to the significance of the Grade II Rockwood House.

The application is consequently to be considered by the decision maker in the context of 196 of the Framework. I would therefore finally advise that if there are no public benefits identified considered to outweigh the considerable importance and weight that is to be attached to preservation of the setting of the listed building and so address what is a statutory presumption against the granting of permission once harm has been identified, then the refusal of the application is recommended.

#### **Highway Structures**

No objection – advice recommended

#### **Ecology**

The ecology report recommends that further surveys are completed for bats, dormice, reptiles and hedgehogs. All of these are material considerations and information determining their presence/absence should be provided prior to consent.

Following the submission of additional information the objection is withdrawn. Conditions are recommended to require the submission of a Construction Environmental Management Plan prior to any work taking place, the submission of a Landscape and Ecological Management Plan prior to the first occupation of the development, a lighting design strategy for biodiversity and lastly a condition to ensure that the ecological enhancement features recommended in the submitted report are carried out.

#### **West and Wales Utilities**

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we

require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

### **Lead Local Flood Authority (summary)**

There is no objection in principle to the development. The nearest sewer is 200m away and agreement will be needed Wessex Water to the connection. With respect to surface water drainage the proposed strategy is acceptable. A condition is recommended to secure a full sustainable drainage scheme prior to the commencement of development.

### **Avon and Somerset Constabulary**

First Consultation  
No adverse comment

Second Consultation

Having viewed the revised information as submitted I still find the design to be in order and complies appropriately with the crime prevention through environmental design principles.

### **Art and Development**

If the application is approved, the Council should apply a planning condition for a public art programme that is relevant and specific to the development and locality and commensurate with its size and importance. The programme should be integrated into the site and programme. There are many good examples of the value of public art in health and care settings. However, this application makes no reference to public art in its Design and Access statement nor has a specific document relating to public art. The condition should require full details and designs to be agreed prior to commencement on site and delivered as part of the build programme.

### **Tree Officer (summary)**

No objection subject to a condition to ensure that the development is carried out in accordance with submitted Arboricultural Method Statement and Tree Protection Plan.

### **Housing Enabling**

No comment.

### **Transport (Summary)**

There is no objection to the proposed development subject the applicant agreeing to enter into a S106 agreement to secure a Traffic Regulation Order (TRO) in relation to a 30 mph limit on this part of Gravel Hill Road and a footway.

### **Minerals and Waste**

The site does fall, in part, within a Minerals Safeguarding Area, as defined by PSP24 and identified on the Policies Map, with the westernmost part of the site located just outside.

Further to this, new development would need to acknowledge the presence and permitted working of the adjacent quarry and the potential noise/amenity issues that may be perceived from this on a residential care home. The quarry does have its own set of planning and environmental permit requirements and controls, which it is required to continually meet. With regards to any new development within the vicinity it would need to be satisfied that they can operate satisfactorily/residential amenity levels would be satisfactory, within the context of day to day operations of and approved limits/conditions of the neighbouring operational quarry.

It is noted that the applicants have provided a detailed noise and vibration report which acknowledged the adjacent quarry operations (they have also been in contact with the Council's EHO to facilitate this), comparative to the proposed use of the site. This appears acceptable and concludes that the amenity of the proposed site and the operations of the adjacent quarry would be acceptable.

### Urban Design

No objection raised

## **Other Representations**

### 4.3 Local Residents

First Consultation

16 Objections were received before the consultation expiry date. The grounds of objection can be summarised as follows:

Where will parking be for staff and visitors?

There is a 60mph speed limit and the road is narrow

Extra traffic would have adverse impact to other users of road. The number of vehicles that will use the site is underestimated

There are no nearby public transport facilities

The entrance is substandard in terms of visibility

There should be a separate access

There is noise pollution in the area, this will increase this during construction and also during operation (ambulances)

A three storey building will disrupt those living in Rockwood House

Ecology will be affected

Concern over volume of traffic that there will be to the facility

Impact upon the character and structure of Rockwood House. A listed building and its grounds

Building will tower over neighbour and result in loss of light

Concern over impact on landscape and tree removal

There will be no screening – loss of privacy

Building should be moved closer to Gravel Hill Road, less impact from subsidence.

Impact upon quality of life of residents from the quarry

Car parking should be closer to road to reduce noise

Development not identified in plan policy

There is no need for a Care Home, one is planned in Ladden Garden village nearby

The area cannot take any more development

Impact on property values



2 Supporting comments have been received as follows:

The facility is needed – the area has a growing population

Would allow relatives to relocate

The Care Home would be screened from neighbouring properties

Sited away from Rockwood House

Occupiers would have beautiful surroundings

1 Neutral Comment has been received – A tree should be planted for each bedroom

Second Consultation

6 Objections were received before the consultation expiry date, have been received. The comments received cover the issues set out in responses received following the first consultation. A comment has been received indicating that the building is more appropriate to an industrial area.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

Permission is sought for a purpose built nursing care home (use class C2) at the site to accommodate 64 no. beds across two floors (a small area identified as a lower ground floor largely below the natural ground floor level). The development includes staff/training area, laundry rooms, kitchen, hair salon, small café, dining and lounge areas, landscape gardens and car parking (29no. car parking spaces). The site will employ 60 staff members, with 30 of these being employed on a part-time basis, however not all staff will be present on site at once due to the 24/7 nature of the development.

The site is situated outside of the settlement boundary of Yate, which is located to the west of the site beyond Gravel Hill Road, and so the site is therefore considered to be within the open countryside. Policy CS5 of the Core Strategy and policy PSP40 of the Policies Sites and Places Plan identifies that new development will first be directed towards the Bristol urban areas and within the established settlements. As the application is within the countryside, it is not an area suitable for new development and therefore the application is contrary to the development plan.

### 5.2 **Need for a Nursing Care Home**

Policy CS17 of the Core Strategy identifies the need to contribute to the provision of homes and accommodation that are suitable for the needs of older people due to the current demographic trends which indicate that South Gloucestershire, and the UK as a whole, has an aging population. The South Gloucestershire Joint Strategic Needs Assessment (JSNA) (2016) draws attention to the significantly lower ratio of total care home beds (both residential and nursing) per head of population in South Gloucestershire than the regional and national averages. Often this puts a strain on hospitals, as patients that would otherwise be discharged to care homes cannot be found beds, and service users are often forced to look outside of the district, such as in Bristol.

The applicant has submitted a detailed Market Analysis and Needs Assessment with the application. This document, drawing on a variety of sources covers the following and is concluded as justifying the need for this new facility:

- The location and accessibility of the site in terms of why the site is considered to be well positioned in terms of accessibility, transport links and proximity to local amenities
- An analysis of the age profile within 5km of the site against the national benchmarks. This indicates that the proportion of those aged 65-74 is above average while ages above 74 are average. It is indicated that the growth rate of over 65's to 2029 is significant at 22%. It is calculated that there is a demand of 340 beds within 5km of the site
- "Affluence levels" within the vicinity of the site are said to be above the UK average, suggesting an ability to attract private paying residents
- It is indicated that there are five elderly persons homes within 5 km of the site but only one modern such facility with the others being older style converted premises. The Care Quality Commission indicates that 63.6% of beds reach compliant standards and less than half of the beds have an ensuite facility.
- There is a shortage of dementia care in the district and only two homes provide this form of care within 5km of the site and have full ensuite provision.
- Within 5km of the site, a 56 bed care home has been submitted for outline approval (Station Road Yate– P19/3348/O)
- There is a material undersupply of provision within 5km of the site. This is as of 2019 -220 beds, will be - 210 beds by 2024 and – 282 by 2029.
- South Gloucestershire ranks as the second most undersupplied Local Authority in the South-West Region with an undersupply of 372 beds (Bristol has an undersupply in comparison of 37 beds).
- Out of 150 Local Authorities South Gloucestershire ranks 52<sup>nd</sup> in terms of "bed blocking" with 2700 days delay in the discharge from hospital due to patients waiting for care placement
- A and E admissions are below national trend but are increasing
- Dementia care represents the highest growth in terms of conditions forecast over the next 10 years
- A mystery shopper exercise conducted at the nearest "competitors" has been undertaken. This covers Four Seasons Health Care Lark Rise, Yate, Windmill Care Ltd Cranleigh Court Road Yate, Salix Care Ltd 163 Station Road Yate, Acacia Care Ltd Quarry Road Chipping Sodbury and Four Seasons Health Care Stanshaws Drive Yate. All these were shown to be operating at or close to capacity

Notwithstanding the above, officers are aware of a number of care homes have been approved since the JSNA figures were compiled, including 54 no. beds approved on 10<sup>th</sup> November 2017 at land off of the High Street, Hanham (PK15/3950/F), and 10 no. beds approved on Deanery Road, Kingswood in January 2017 (PK16/6136/F). The North Yate New Neighbourhood outline

application included C2 units (PK12/1913/O) with the site to be marketed on occupation of the 400<sup>th</sup> dwelling, and would serve the same catchment as the proposed scheme, however this scheme has still not yet been delivered. An outline consent for a Care Home was given in Station Road Yate (56 beds and 12 flats – P19/3348/O 5<sup>th</sup> March 2020) however clearly this has not yet been delivered.

The Commissioning Manager for Adult Services (South Gloucestershire Children, Adults and Health) has reviewed the information submitted by the applicant covering the state of the market, the provision within the District within the context of the Joint Strategic Needs Assessment (JSNA) (2016). It is concluded that the information is accurate. It is noted that the current Covid19 outbreak will require a reassessment of the need within any recovery plan. It is indicated that it is a possibility that current providers may leave the market and it is also noted that it has been a number of years since a new nursing home has been opened in Yate.

In the light of the submitted information and the above advice it is considered that the public benefit of providing a new care home in this location is a significant material consideration which weighs in favour of the proposal when considering the planning balance.

### 5.3 **5 year housing land supply**

Paragraph 11 of the National Planning Policy Framework (NPPF) makes a general presumption in favour of sustainable development. In particular (in respect of decision making) paragraph 11 of the NPPF makes it clear that for decision makers development proposals that accord with an up to date development plan should be approved without delay. As currently, South Gloucestershire Council can demonstrate a five year housing land supply, according to the Authority Monitoring Report (December 2019), all policies are in date. Notwithstanding this the provision of housing is a significant material planning consideration. In 2014 and then subsequently in updated versions the PPG was published and stated that Local Planning Authorities should count housing provided for older people, including residential institutions in a C2 use, against their housing requirement.

This is consistent with paragraph 61 of the NPPF which states:

*The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers<sup>5</sup>, people who rent their homes and people wishing to commission or build their own homes.*

As well as specifically providing housing for older people, as indicated by the Council Policy Team above, it is recognised that the provision of such facilities frees up existing housing stock. It is calculated that this proposal would deliver 8 houses in this way and this is also a material benefit of the proposal.

### 5.4 **Sustainability of Location**

Whilst the application is outside of the settlement boundary, it is close to the town of Yate which benefits from public transport routes and local facilities, such as shopping and health facilities. There are bus stops less than 200 metres from the application site, however the path to these is unlit and a greater number of services are available from Barkers Mead, which is 720 metres from the site. The Barkers Mead bus stops run services to the centre of Yate, Bristol City Centre, Filton, Iron Acton and

Winterbourne. Yate Shopping Centre and the other facilities in the centre of Yate are 1.2 miles from the site, or a 25 minute walk approximately. The journey would be shortened by bike and there is a shared footway and cycle way along Peg Hill, the B4060 and Goose Green Way into Yate town centre.

Given the nature of the development as a nursing home with beds intended for dementia care, it is unlikely that the residents will utilise the walking, cycling and public transport opportunities in the area, and an assessment of visitor and staff access would be a more relevant indicator of sustainability. Given the location, it is likely that a number of the staff/visitors would be able to access the site without using a private car, due to the proximity of the development to the workforce available in Yate.

The development is considered to be economically sustainable, as it would provide full or part-time employment for 60 individuals, the majority of which are likely to be sought locally from Yate or Bristol. Some employees may be walking distance from the site, whilst others can use public transport or cycle. Officers consider that the development can be described as 'sustainable' and the presumption in favour of sustainable development in paragraph 11 of the NPPF is therefore applicable.

## 5.5 **Minerals and Waste**

The application lies next to a large quarry (to the east). PSP24 indicates that non-mineral development should not sterilise or unduly restrict the future extraction of mineral deposits. The Minerals and Waste Officer has viewed the proposals and acknowledges that the applicant has acknowledged impacts from the quarry and submitted a noise and vibration report. No objection is raised on these grounds.

## 5.6 *Summary of Principle of Development*

The development is outside of the settlement boundary of Yate and therefore there is a presumption against development in Policy CS5 of the Core Strategy.

The site however almost immediately abuts the boundary and the surrounding area has been subject to extensive development and impending development in the North Yate New Neighbourhood. The site is sustainably located and well connected. A new footway secured through this application would improve connectivity with the neighbouring housing development to the west. Further development to the east would not be possible given the quarry.

In considering the principle of development weight should be given to the identified need for older persons housing and the undersupply of this form of accommodation in the district as set out above and within the immediate area. In summary therefore it is considered that the principle of development is on balance acceptable and therefore the remainder of this report will consider the other material planning considerations.

## 5.7 **Impact on the Heritage Asset**

Paragraph 195 of the NPPF indicates that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits and all of a number of criteria are met.

Paragraph 196 states that:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

Policy CS9 (and PSP17 in more specific detail) accord with the aims and objectives of the NPPF requiring that all heritage assets are conserved, respected and enhanced in a manner appropriate to their significance, recognising that they are a finite resource and an essential tool in helping to deliver the social, economic and environmental benefits that attract people to live and work in the district.

Rockwood House (formerly known as Yate House) is a Grade II listed building now converted into flats, with 20th century extensions to provide additional accommodation. The main facades of the original house, facing south and west are Ashlar with cream render on the remaining elevations and newer buildings, below a hipped slate roof. The main entrance to the house was originally from the south and the west elevation has curved bays fronting the gardens. The application site also forms part of the Yate House locally registered park and garden which is bound to the west and north by Gravel Hill Road; to the south by Southfield Way and to the east to the boundary runs along the line of the former formal approach that once featured lodge houses at either end. The north lodge survives but the southern lodge has been lost.

Rockwood House was once located in an isolated and prominent location to the eastern side of Yate. This prominence was enhanced by the topography, with the house sited on an elevated position. Due to modern development this prominence has been reduced over time, as well as due to the substantial mature planting that screens the house from its surroundings, however the site still maintains a rural, undeveloped character. Gravel Hill Road has the appearance of a 'country lane' which aids in contributing to the character of the site and its immediate context.

As set out in Section 3 above the impact of the earlier development upon the setting of the listed building and its parkland setting formed two of the reasons for refusal. To address the two heritage issues the proposed building has been reduced in scale which has enabled it to be sited adjacent to the northern site boundary and so away from Rockwood House. Where the previous building was to be set directly adjacent to the listed building, there would be now a significant visual buffer between the listed building and the new structure. The height of the proposed new building has also reduced to predominantly 2-storey and rather than some contrived historic high street terraced design (which was previously poorly executed), a more crisp and coherent contemporary design is proposed so ensure there is clear visual distinction between old and new and so the historic context between the buildings would be clearly perceptible.

Notwithstanding the improvements that have been made it must be recognised that the undeveloped character of the parkland setting forms a positive and material contribution to the setting of the listed building, however as a result of the changes that have been made that impact has been significantly reduced. Officers however consider that that despite the changes to design, scale and siting of the proposed scheme, the resulting impact of the change in landscape from an undeveloped to a developed site with built form and all the associated works would cause a degree of harm to the setting and in turn significance of the listed building.

The degree of harm (taking into account the more recent amendment that brings the building marginally closer to Rockwood House in order to achieve a greater buffer to the east) is considered much reduced from the earlier scheme and the Listed Building Officer that the development would “*result in less than substantial harm towards the lower end of the spectrum to the significance of the Grade II*”.

With respect to the locally registered park, it is considered that reduction in the scale of the development and a more sensitive landscape approach has enabled or will enable a greater sense of openness to be provided thus retaining a greater sense of its historic character and function. It is considered that any harm must be weighed against the benefits of the proposal and this places emphasis on the importance of landscape proposals that come with the proposal and are assessed elsewhere in the report.

## Summary

It is considered that the harm caused by the development would be less than substantial harm to the setting of the listed building, and to the locally registered historic park and garden. As set out above Paragraph 196 of the NPPF states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

The development by its very nature will impact upon the setting of the Listed Building as there would be an erosion of the historic parkland associated with the building. An earlier proposal was refused for this very reason.

It is considered that significant changes to the design and layout have been made, and while still recognising the harm, it is considered that this allows the public benefit of providing 64 no. additional care home beds that has already been discussed above when considering the principle of development above (and subject to securing an appropriate landscaping scheme and ecological benefits as discussed elsewhere in this report) to outweigh that harm.

## 5.8 **Archaeology**

The previous proposal was refused among other reason because insufficient information had been submitted to determine the impact upon the archaeological potential of the site, a requirement of both Policy CS9 of the Core Strategy and PSP17 of the Policies, Sites and Places Plan.

The site is situated within a landscape of known Bronze Age and Saxon archaeology. A desk based assessment has been submitted to support the application, and this is considered a significant improvement upon the information that was submitted in support of the earlier scheme.

The evidence presented in support of this application does not demonstrate that buried or surface archaeological deposits in the areas affected by this development have been truncated by post-medieval or modern activities. Rather that, as an area of relatively unadulterated parkland within proximity of known prehistoric activity it is reasonable to assume that archaeological deposits are likely to be affected by this development. Given the proximity of the development site to the Bronze Age burnt mound excavated in 2016, a typical location of which is of national significance (even if the site type itself could be deemed to be only regionally significant), a programme of archaeological will be necessary in advance of any development.

Therefore recommendation is for a programme of archaeological work in the form of archaeological evaluation (trial trenching) to be undertaken as a condition of any permission granted in this area. A condition to secure this will be attached to the decision notice.

## 5.9 **Design**

Policy CS1 and PSP 1 indicate that development will only be permitted where the highest possible standards of design and site planning are achieved having regard to siting, form, scale, height, massing, detailing, colour and materials having regard to both the site and its context.

### *Context and previous scheme*

The sites context is set out elsewhere in this report with Rockwood House to the south, quarry to the east, Lodge Buildings to the north and to the west beyond Gravel Hill Road the new North Yate New Neighbourhood. The site itself is landscaped being part of the historic garden associated with Rockwood House. In terms of its relationship with its context, boundary treatments on its northern edge comprise tall conifers and a hedge provide a barrier to development to the north (to buildings that would have originally been part of the Rockwood House estate but because of this extensive landscaping appear to have lost this relationship on the ground), the proposed building is set back and up from the road to the west (approx. 2 metre rise) and there are trees along the frontage and around much of the perimeter. There is also a substantial landscape barrier between the site and the quarry to the east.

Your case officer having visited the site considers it to be relatively self-contained apart from the association with the house to the south, albeit the new building will be lower in height than that structure. The site has been the subject of a number of alterations since its original layout, this includes buildings within the formal garden of the house, these buildings almost appearing separate to the main house give their different character. It is considered that the site given this context does provide the opportunity for a building that is of a different character to its surroundings, subject of course to an assessment of the extent of the impact upon the Listed Building.

As indicated above a previous development was partly refused because of concerns over the proposed design and relationship with the Listed Building. The scale and mass of the proposal was not considered acceptable. The current scheme is different to the earlier scheme with most of the changes resulting from the fact that this scheme is for a 64no. bed scheme rather than for 90 no. beds. The building is visually two storey rather than three albeit there is a lower ground floor at one end as a result of ground levels. The footprint has been reduced from the earlier scheme too. During the course of considering this application as indicated elsewhere, the location of the building has been altered in order to enhance the value of the landscaping and ecology to the east.

### *Layout*

The proposed layout will include a spur off the existing driveway for vehicles and in addition a pedestrian pathway at the north-west corner. The car park is proposed to the front of the building with some landscaping shown within it. The building is located to the north of the plot.

### *Scale, Massing, Appearance*

As indicated above, the key feature of the development is the attempt to minimise its visual impact. Very low pitch roofs are shown hidden behind a parapet wall. The building essentially appears as two storey albeit with a lower ground floor at the western end taking advantage of a change of levels although it should be noted that some banking here will also reduce this impact (notwithstanding the location in any case of the building away from the boundary with perimeter screening) with partial screening on the northern boundary.

The building has a contemporary design with “clean lines”. In terms of the front and rear wings (the building is designed with four wings), features include a projecting entrance, inset balconies and patios in render, the parapet mentioned above in a brick course which will run down the sides of the balconies. The remainder of the elevation is shown in buff brick. On the end wings, some full height glazing at one end and solid walling, balconies are also provided here and two different grey bricks for the different levels. The roofing is of a metal seamed type but as indicated above this is of a height and low pitch behind a parapet so will not be highly visible.

Subject to a condition to secure samples of the external brick material the proposal is considered acceptable in design terms.

### *Public Art*

Developers of major residential schemes are required to demonstrate how their proposals will contribute to the objectives of the South Gloucestershire Cultural, Heritage and Arts Strategies through the provision of public art or cultural activities. This is stated within policy CS23, and The NPPF also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

A condition will be applied to the decision notice to secure a public art programme that is relevant and specific to the development, and integrated into the site.

## 5.10 **Energy Use**

PSP6 states that all development proposals will be encouraged to minimise end-user energy requirements over and above those of the current building regulations through energy reduction and efficiency measures. The policy indicates that the Council will take positive account of and support development that provides further energy reduction, efficiency, renewable and low carbon energy measures on or near site.

The applicant has submitted a detailed Energy Statement in support of the application and the Environmental Policy Team have reviewed this submission. The document sets out measures to reduce energy demand through improvements in energy efficiency and air permeability.

Energy efficiency measures include; low energy design which will reduce the buildings energy demand, passive design (natural ventilation, solar gain) and energy efficient plant and equipment including air source heat pumps with metering. These measures will be in excess of the Building Regulation minimum standards.

The Care Home would also have Solar Photovoltaic panels on the roof. Measures will prevent overheating through the use of shading, solar tinted glazing and natural



ventilation. Air permeability will be achieved to a standard over the Building Regulations.

This document has been revised as a result of negotiation and is now considered to accord with the aims and objectives of the above policy. Conditions will be attached to the decision notice to ensure that the above benefits are secured.

#### 5.11 **Landscape, Trees and Woodland**

A Landscape Visual Impact Assessment has been submitted, and the Council's Landscape officer agrees with its findings, which state that due to the topography of the site and the mature landscaping surrounding it, the development will not be prominent in any long distance views across the surrounding countryside.

Initial concerns were raised by the landscape officer that the siting of the building would not allow an appropriate buffer to the north of the building but in particular on the eastern side where the site adjoins the quarry. Following the re-siting of the building to the west, it is now considered that this concern has been overcome. This alteration also allows for a more appropriate ecological buffer and as set out below in para 5.12 this is also welcomed by the ecologist. The positioning of the formal gardens such as they will be south facing is also a significant improvement.

The submitted landscape concept and mitigation plan is considered acceptable, however notwithstanding this a condition will be applied to the decision notice to require the submission of a detailed planting plan, to ensure the use of species that are appropriate to the location, of the required size and to ensure their replacement if lost within the first five years

The site is subject to a blanket Tree Protection Order, and the applicant has submitted survey information, an Arboricultural Method Statement and detailed Tree Protection Plan to support the application. The submitted information has identified a number of category B trees within the site as well as 1 no. category A tree. The category A tree will be retained.

Concern has been raised that the proposal would result in the loss of trees on the site.

The Tree report submitted with the report identifies the category of each Tree from Category A (High quality), B (Moderate Quality), C (Low Quality) and U (Very Poor Quality).

The Council Arboriculturalist has viewed the submitted details and notes that the majority of the significant trees on the site are to be retained. While concern is noted over the impact upon trees the submitted report identifies the removal of one low category Ash (C), which is self-sown, two Category U (Prunus and Sycamore) trees one of which is dead, the thinning of a mixed group of trees to help promote the growth of the better specimens (B).

The singularly most outstanding tree is T16 on the submitted survey which is a veteran English Oak which has been appropriately categorized as category A. Officers consider this a very important specimen that must be afforded the utmost protection throughout the development. There is no objection to the development, in terms of the impact upon the trees on the site, however given the importance of the trees within the landscape a condition will be attached to the decision notice to ensure that the development is strictly carried out in accordance with the Arboricultural Method Statement (AMS) and Tree Protection Plan ref. TP/2581/1912/TPP. Specifically, but

not exclusively, sections 6.8 to 6.10 – Arboricultural Supervision - of the AMS are to be strictly adhered to.

## 5.12 **Ecology**

Policy CS9 of the Core Strategy indicates that new development will be expected to conserve and enhance the natural environment, avoiding or minimising impacts on biodiversity and geodiversity. This requirement is set out in greater detail in PSP19 of the Policies, Sites and Places Plan indicating that where appropriate biodiversity gain will be sought from development proposals.

Concern has been raised that the development will have an adverse impact upon flora and fauna. It was also considered that insufficient information was submitted with the original application to allow an assessment to be made of this impact, in particular with respect to protected species.

Further information has now been submitted. The revised Landscape Concept & Mitigation Plan ( 807\_102A landscape) now addressed previous concerns regarding habitat, ecological networks and corridors and all three 'test' have now been met.

Informatives will be attached to the decision to advise the applicant that the presence of dormice requires a Natural England licence in order for work to continue and in addition if the badger sett identified is found to be active prior to works commencing then a licence should be sought from Natural England.

The Ecological Survey (December, 2017) and Ecological Assessment (December, 2019) by Clarkson and Woods recommends various mitigation, enhancement and compensation measures to prevent biodiversity loss, and enable biodiversity gain, through the proposed development. A condition will be attached to the decision notice to ensure that these recommendations are carried out. These include but are not limited to integrated features for bats (crevice), bird boxes (swift/house sparrows), bat and dormouse boxes, permeable fencing for hedgehog and new native planting.

A condition will also be attached to the decision notice requiring the submission of a Construction and Environmental Management Plan (CEMP). This will include measures to mitigate any impacts on trees, woodland and hedgerows, birds, bats, dormice, badger, reptiles and hedgehogs. The approved CEMP shall be adhered to and implemented throughout the construction period

A condition will also be attached to the decision notice requiring the submission of a landscape and ecological management plan (LEMP

Lastly a condition will be attached to the decision notice requiring the submission of a detailed lighting design strategy. The strategy will be required to identify the areas and features on the site that are sensitive for bats, badgers and hedgehog and show how and where external lighting will be installed with information to show how these areas will not be impacted i.e. not disturb these species (their territory, breeding sites and resting places). It will be a requirement that all feature external lighting is approved by the Local Planning Authority.

It is considered that with the above conditions the proposed development is acceptable in ecological terms and will be in accord with the aims and objectives of Policy CS9 and PSP19.

## 5.13 Transport

Policy CS8 of the Core Strategy considers the location of new development and encourages new development that is sustainably located where development can secure access to facilities and services by means other than the private car. PSP11 in more detail requires development to have an acceptable impact on highway and road safety.

This application follows the previous one which was refused in 2018 for number of reasons including concern relating to the safety of the access as follows:

*The development would, if approved, result in the significant intensification of the existing access which has substandard visibility. This would result in a severe highway safety risk to the contrary of policy CS8 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.*

### *Sustainability*

The applicant has confirmed that there will be a maximum of 17 staff on site at any one time. It is acknowledged that the site is located outside the settlement boundary of Yate however the site is in close proximity just to the west of the new and large housing development to the west, beyond a narrow buffer.

The site is considered by officers to be reasonably well served with local amenities. It is 1.5 miles from the centre of Yate, where there is a large shopping centre, leisure and community centres, retail-park and minor injuries unit. There is also a retail unit in Peg Hill. Accessibility of this site by other means of travelling other than private cars is considered acceptable, there is an existing footway along the eastern side of Gravel Hill leading toward Peg Hill from the existing access to Rockwood House and this . This will allow employees and visitors to walk safely to local facilities. It is considered that the provision of further footway connections would improve connectivity and sustainability credentials. It is therefore considered appropriate to secure a footway along the eastern side of Gravel Hill Road North that would take pedestrians leaving the access to the development (Rockwood House access) in a northerly direction to a point where it would be opposite a pedestrian access that leads into the housing development to the west.

The site is within 700m walking distance to a local shopping centre - The services offered include at this local centre includes food and non-food retailers, including a Tesco Express, takeaway, pub and hair salon. There is a health centre including a pharmacy and dentist, within a mile of the site. The nearest bus stops to the site are some 350m on Greenway Road and there are also bus stops 620m near to the local centre on Peg Hill.

In summary it is considered that the site is accessible by non-car modes of travelling and as such it meets the accessibility criteria in line with Policy PSP11 of the Policies, Sites and Places Plan Nov 2017.

### *Traffic Impact upon the Highway Network*

Officers have considered the Transport Statement that was submitted with this application. It is considered that given the nature of the development, vehicle movements would be limited to visitors, service providers and staff and not residents. Considering the TRICS data base (the industry norm to predict traffic generation from various uses) it is predicated that the proposed care home would if approved generate

7 and 11 two-way vehicle movements in the morning and evening peak hours respectively. Taking a day as a whole the predicated traffic to and from this use is likely be approximately 126 two-way vehicle movements. Officers consider that the predicated traffic figures as provided by the applicant to accurately represent the likely traffic movements from this development.

In summary therefore while it is acknowledged that the proposal will increase travel demand it is not considered that the proposal will create any severe local transportation impact upon the highway such as would justify the refusal of the application.

#### *Site Access*

As indicated previously, a previous scheme was partly refused on the basis of the access that had been proposed.

The access proposed will utilise the existing site entrance which serves the existing Rockwood House off Gravel Hill Road. This is an unrestricted road in terms of speed limit. In order to make an assessment of the visibility distance from the site access onto the public highway, the applicant has taken speed readings. The result of the speed survey shows 85%ile speed readings being 37.8mph northbound and 34.2mph southbound. Based on the obtained speed readings then, the required visibility distances (when assessed the visibility requirement under Manual for Streets) are 57.7m for northbound traffic and 49.4m for southbound traffic.

Considering the submitted details, the plan submitted shows a visibility distance, (measured from 2.4m set back), for northbound traffic can be fully achieved in full but for southbound traffic the required visibility falls by 1m. While Officers are satisfied that the visibility standards are broadly met, it is considered appropriate to review the speed limit on this part of Gravel Hill Road North. Agreement has been reached with the applicants that they will pay the reasonable costs of the promotion of a Traffic Regulation Order. Officer consider a 30 mph limit to be appropriate.

#### *Parking*

It is proposed to provide 29 spaces within a car park to the front of the building. The applicant has indicated that a minibus will be available to take residents to and from local facilities and that this will be parked at the site. It is considered that the level of parking is satisfactory.

#### Summary

Subject to a condition to ensure that the parking provision is in place prior to the first use of the development and to the signing of a legal agreement to secure a new footway to the north of the entrance and a Traffic Regulation Order (TRO) to extend the 30 mph speed limit the development is considered acceptable in terms of impact upon the surrounding highway network and highway safety and in accord with the aims and objectives of Policy CS8 of the Core Strategy and PSP11 of the Policies, Sites and Places Plan.

#### 5.14 **Residential Amenity**

With the quarry situated to the east, the closest residential development to the property are the existing flats within Rockwood House itself and the property to the north. As

the window to window distance would be exceed 55m metres at the closest point to Rockwood House and exceed 40 metres to the property to the north (with a large part of the building obscured by trees) it is unlikely that the development would cause inter-visibility or harm to their residential amenities such as would justify the refusal of the application. Similarly, the new build development to the west such as Bluebell Close and Clayhill Drive are a significant distance away and will not experience any overlooking, overbearing or overshadowing. Some objection letters raised concern regarding the impact of the development during the construction period would have on neighbouring residents however officers consider that this would be a temporary inconvenience and cannot form a refusal reason on its own. It is considered appropriate however to apply a condition to restrict construction hours.

With respect to the amenities of the occupiers of the development, gardens and balconies are provided. The EP team has examined the requested Noise and Vibration report with particular interest on the impact of the adjacent active quarry. The appointed noise consultant has been advised of the council's position on applying noise criteria and agree monitoring positions. No objection is raised in terms of noise or air quality.

#### 5.15 **Drainage**

Policy CS9 of the Core Strategy indicates that development will be expected to "reduce and manage the impact of flood risk through location, layout, design, choice of materials and the use of Sustainable Urban Drainage (SuDS)". PSP20 considering sustainable drainage indicates that the overall objective is to "*reduce surface water discharge from the site and thereby minimise flood risk*". This objective is achieved by slowing down water flow and retaining it within the site or where it is necessary for some water to leave the site to restrict that water to a watercourse.

The site is located in Flood Zone 1 (an area with the lowest risk from flooding). The applicant intends to connect to a Public Surface Water Sewer approximately 200m from the site. The Lead Local Flood Authority do not have confirmation that Wessex Water will agree this, and if they will not then a new strategy would be required. It is therefore necessary to attach a condition to the decision notice to ensure a Sustainable Urban Drainage System (SUDS) is agreed prior to commencement of development.

The drainage scheme will be required to show the following details:

- Confirmation of the off-site drainage route and outfall.
- A clearly labelled drainage layout plan showing the pipe networks and any attenuation features.
- Updated 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 (where applicable).

- 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 features and Flow Control Devices where applicable.

Subject to this condition the proposal is considered to accord with the aims and objectives of the above policies.

#### 5.16 **Environmental Protection**

Consideration of the impact upon future occupiers from existing uses is required. The principle issue in this regard is the neighbouring quarry to the east of the site. Air quality and noise impact assessments have been submitted with the proposal and no objection has been raised by the Environmental Protection Team.

#### 5.17 **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.

The act identifies that policies and decisions need to take into account the particular needs of women, young people and children, older people, ethnic minorities, children and disabled people.

In terms of the advancement of life opportunities for older people the proposed development is considered to represent a positive impact on equality.

#### 5.17 **Planning Balance**

As set out above there is considered to be a “less than substantial harm” to the Grade II Listed Rockford House. Rockford House itself is not directly affected by the development, however the new building will be located within the historic garden/setting of this heritage asset and it is for this reason that there is a resulting harm. Paragraph 196 of the NPPF allows where there is “less than substantial harm” that it may be weighed against any public benefits of the proposal. Notwithstanding any such benefits special regard must, be had to the desirability of preserving the listed building and protecting its setting, taking into account the great weight that is given to the conservation of heritage assets. A finding of less than substantial harm does not, therefore, imply a less than substantial objection to the grant of planning permission and the council must be satisfied that the public benefits resulting from the wider residential aspect of the scheme clearly outweigh the harm to the heritage asset.

Secondly the development does not accord with the adopted development plan, as it proposes new development outside of the settlement boundary and within the open countryside, contrary to policy CS5 of the Core Strategy. In mitigation the site is however adjacent to the settlement boundary and a new footpath will be secured through a legal agreement from the entrance to the site northwards to a point opposite a linking route into the new residential development taking place and associated facilities. The character of the area has changed as a result of the new development taking place in North Yate and while the site is outside the settlement boundary, its close proximity to it, is considered to improve its sustainable credentials.

The Landscape and Tree Officers raise no objection to the development. The design is considered acceptable subject to a condition to approval of the materials. There is an opportunity to provide some landscape and ecological enhancements through conditions. This will mitigate against any impact. The impact upon road traffic will be limited. Concerns regarding road safety are noted however the move away from the national speed limit to 30 mph on this part of Gravel Hill Road would provide a wider benefit in terms of road safety. It is not considered that the proposal will have any significant impact upon neighbouring residential amenity. The Energy Statement negotiated with the applicant ensures that the building will benefit from carbon reduction measures.

The principal benefit of the proposal however is the provision of a Care facility. The Adult Social Care Team support the application and support the "Needs Case" put forward by the applicant for such a facility both in the district but also within this locality. There is a deficit of care provision (including that of dementia care) in South Gloucestershire in comparison to other parts of the south-west of the country. The provision of a Care Facility also provides a limited benefit in releasing a small number of residential properties, adding to the district housing supply although this would only be a moderate benefit in terms of numbers. There would also be some limited benefit in terms of employment both while the scheme is operational and also during the construction phase. Furthermore it is considered that the proposal provides a material benefit in terms of the Equalities Act 2010 in providing a facility for older people.

On balance it is considered that the public benefit from the provision of a Care facility outweighs any resulting harm.

## **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 1) That authority be delegated to the Director of Environment, and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into a further legal agreement under Section 106 of the Town and Country Planning act 1990 (as amended), to secure the following:

- i) Highway works (the construction of a new footway) as shown in principle on drawing no. 19091-SK01 Rev B (Miles White Transport – Transport Statement received 23<sup>rd</sup> December 2019)
- ii) The Council's reasonable costs towards promoting an extension to the 30 mph speed limit along the development frontage on Gravel Hill Road North through an application for a Traffic Regulation Order (TRO) at this location.
- iii) Should the Legal Agreement not be completed within 6 months from the date of this decision, then a further recommendation, on the basis of the requirements of the Legal Agreement not having being met, be made.

**Contact Officer: David Stockdale**  
**Tel. No. 01454 866622**

## **CONDITIONS**

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

Reason

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

2. Parking Provision

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

Reason

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

3. Sustainable Drainage

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. All works shall be carried out in accordance with the approved details.

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

Confirmation of the off-site drainage route and outfall.

A clearly labelled drainage layout plan showing the pipe networks and any attenuation features.

Updated 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 (where applicable).

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 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 2019.

A pre-commencement condition is required to avoid the need for future remedial action

#### 4. Archaeology

Prior to the commencement of any groundworks, including any exempt infrastructure, geotechnical or remediation works, a programme of archaeological investigation (evaluation) and subsequent detailed mitigation, outreach and publication strategy, including a timetable for the mitigation strategy (or where the results of the evaluation are negative, a final evaluation report), must be submitted to and approved by the local planning authority. Thereafter the approved programme of mitigated measures and method of outreach and publication shall be implemented in all respects.

#### Reason

To allow an assessment of the impact upon the archaeological potential of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017

A pre-commencement condition is required to avoid the need for future remedial action

#### 5. Public Art

Prior to the commencement of development hereby approved, details of a unique site specific integrated scheme of Public Art (including timescales) to be implemented within the development site shall be submitted to the Local Planning Authority for approval in writing. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note. Thereafter the Artwork shall be installed in accordance with the details and timescales so agreed.

#### Reason

To protect the character, distinctiveness and visual amenity of the site and the surrounding locality; and to accord with Policy CS23 - Community Infrastructure and Cultural Activity and Policy CS1 - High Quality Design Point 7 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013).

A pre-commencement condition is required to ensure that public art is considered at the outset of design to develop a scheme which is fully integrated into the site.

#### 6. Construction and Environmental Management Plan

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. This will include measures to mitigate any impacts on trees, woodland and hedgerows, birds, bats, dormice, badger, reptiles and hedgehogs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

##### Reason

In the interests of the ecology of the site and biodiversity and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy and Policy PSP19 of the South Gloucestershire Local Plan Policies, Sites and Places Plan 2017

A pre-commencement condition is required to avoid the need for future remedial action

#### 7. Landscape and Ecological Management Plan

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first occupation of the development. The management plan shall include:

- Description and evaluation of the ecological features to be managed,
- Aims and objectives of management and appropriate management options for achieving aims and objectives.
- Prescriptions for management actions
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period),
- Details of the body or organization responsible for implementation of the plan,
- Ongoing monitoring and remedial measures.

The approved plan will be implemented in accordance with the approved details

##### Reason

In the interests of the ecology of the site and biodiversity and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy and Policy PSP19 of the South Gloucestershire Local Plan Policies, Sites and Places Plan 2017

#### 8. Lighting Design Strategy

Prior to first occupation, a "lighting design strategy for biodiversity" for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:

Identify those areas/features on site that are particularly sensitive for bats, badgers and hedgehog and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging and commuting; and;

Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason

In the interests of the ecology of the site and biodiversity and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy and Policy PSP19 of the South Gloucestershire Local Plan Policies, Sites and Places Plan 2017

9. Ecological Enhancement

Prior to first occupation, evidence of the installation of the ecological enhancement features recommended in Section 6 of the Ecological Assessment (December, 2019) by Clarkson and Woods shall be submitted to the local planning authority for approval in writing. This shall include, but is not limited to, integrated features for bats (crevice dwelling) and birds (swifts and house sparrows) bat and dormouse boxes, permeable fencing, and new native planting

Reason

In the interests of the ecology of the site and biodiversity and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy and Policy PSP19 of the South Gloucestershire Local Plan Policies, Sites and Places Plan 2017

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

Received 13th May 2020

2112 REV 03 PROPOSED LOWER GROUND FLOOR  
2114 REV 03 PROPOSED FIRST FLOOR PLAN

Received 17th April 2020

1947-2115 REV 01 ROOF PLAN

Received 2nd April 2020

2111 REV 02 PROPOSED SITE PLAN  
2113 REV 02 PROPOSED GROUND FLOOR  
2214 REV 02 PROPOSED AERIAL VIEW  
2310 REV 02 PROPOSED BUILDING (LONG AND SHORT SECTION  
2310 REV 02 PROPOSED ELEVATIONS (REVISED)  
2311 REV 02 PROPOSED SITE SECTION (20 YEARS TIME)  
2211 REV 02 PROPOSED ELEVATIONS  
2312 REV 01 PROPOSED SITE SECTION  
807 101 REV A LANDSCAPE CONTEXT PLAN  
807 102 REV A LANDSCAPE CONCEPT AND MITIGATION PLAN

Received 23rd December 2020

LOC 1 Rev 01 Site Location Plan

Reason

For the avoidance of doubt

11. Landscaping and Planting

Prior to the commencement of development a detailed planting plan should be submitted, to accord with the Landscape Context Plan, AFLA Landscape Architects Landscape Context Plan, dwg.no.807/101 Rev A and Landscape Concept & Mitigation Plan, dwg.no.807/102 Rev A. The planting plan should specify all proposed tree and shrub species including stock sizes, densities/spacing and quantities, hard landscape finishes and levels, and boundary treatments

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first available planting season following completion of the building work. Any vegetation that fails, is dying or is removed in the first five years following planting shall be replaced with like species and specification.

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.

A pre-commencement condition is required to avoid the need for future remedial action

12. Tree Protection

The development shall be strictly carried out in accordance with the Arboricultural Method Statement (AMS) and Tree Protection Plan ref. TP/2581/1912/TPP. Specifically, but not exclusively, sections 6.8 to 6.10 - Arboricultural Supervision - of the AMS are to be strictly adhered to.

Reason

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

13. Energy and Sustainability

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the Energy Statement received April 27th 2020, (Energy Statement, Keyplan Engineering Limited dated 24th April), 2020 prior to occupation.

Reason

To ensure that the development incorporates measures to minimise the effects of, and can adapt to a changing climate in accordance with policies CS1 and PSP6, and reduces regulated and unregulated emissions in accordance with policy PSP6.

14. Air Permeability

Prior to first use evidence should be provided to show that the air permeability rate of 5m<sup>3</sup>/m<sup>2</sup>.hr @50 Pa has been achieved. Suitable evidence includes the provision of copies of

the air testing certificates. If it is not possible to show this rate, evidence shall be provided that the fall back positions have been submitted in accordance with the Energy Statement (Energy Statement, Keyplan Engineering Limited dated 24th April), 2020).

Reason

The air permeability will contribute to the overall efficiency, energy demand and emissions of greenhouse gases of the scheme. To ensure that the development achieves the level of energy efficiency specified in the Energy Statement with reference to policies CS1 and PSP6.

15. Materials (Samples)

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

Reason

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

A pre-commencement condition is required to avoid the need for future remedial action

16. Construction Hours

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

Monday - Friday.....7:30am - 6:00pm  
Saturday.....8:00am - 1:00pm  
No working shall take place on Sundays or Public Holidays

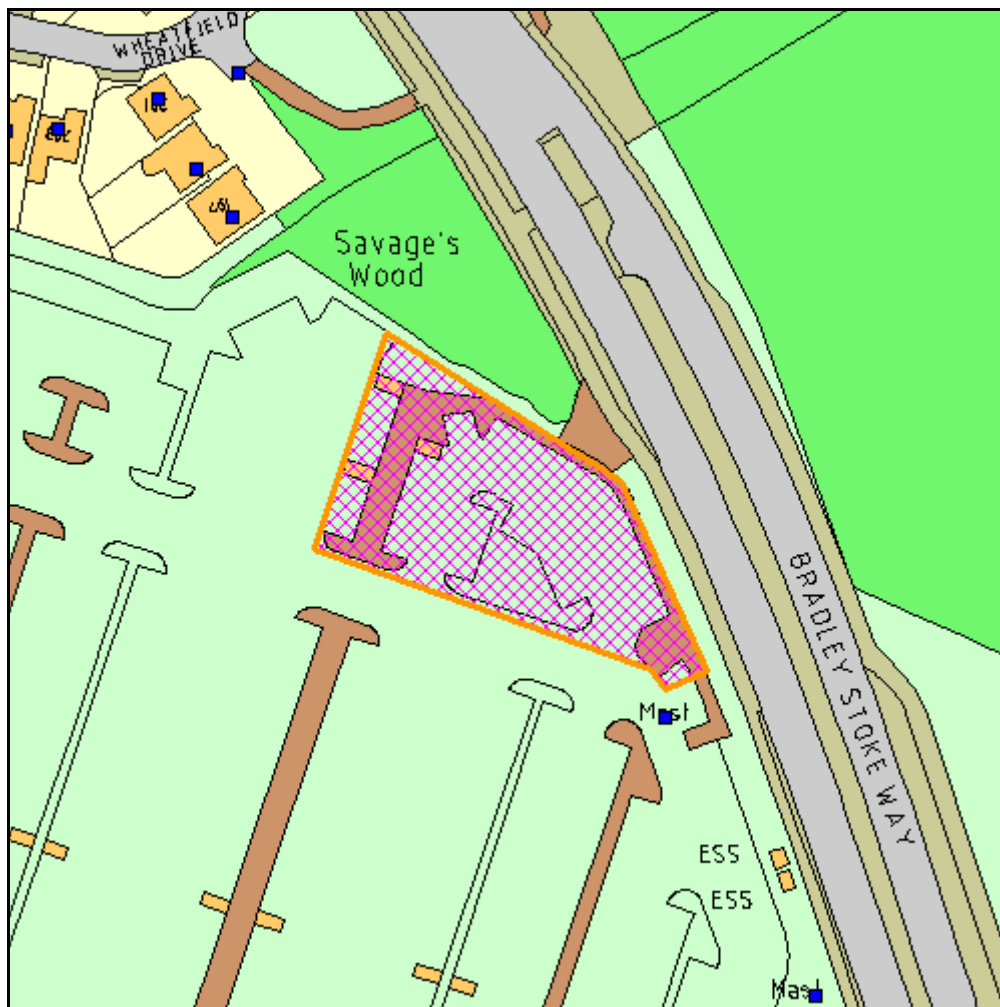
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 20/20 – 15th May 2020**

<b>App No.:</b>	P20/04849/ADV	<b>Applicant:</b>	Mcdonalds Restaurant Ltd
<b>Site:</b>	McDonalds Restaurant Willow Brook Centre Savages Wood Road Bradley Stoke South Gloucestershire BS32 8BS	<b>Date Reg:</b>	24th March 2020
<b>Proposal:</b>	Display of 1no. internally illuminated free-standing digital screen.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362020 182011	<b>Ward:</b>	Bradley Stoke South
<b>Application Category:</b>	Householder	<b>Target Date:</b>	11th May 2020



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **P20/04849/ADV**

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

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

This application has been referred to the Circulated Schedule following the receipt of objections from 16no. local residents, which are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks advertisement consent for the Display of 1 no. internally illuminated free-standing digital screen, in association with the proposed new McDonalds Restaurant and Drive-Thru (recently approved on appeal) within the Willow Brook Centre, adjacent to Bradley Stoke Way, Bradley Stoke.
- 1.2 The site is currently part occupied by a car wash and car parking.
- 1.3 The proposed free-standing, internally illuminated sign, measures 1.426m high x 1.648m wide x 0.108m deep. The sign sits on a pole and the height of the base of the sign above the ground is 0.74m. The sign would be internally illuminated (static) to a brightness of 600 cd/m<sup>2</sup>. The sign would display a double digital menu board.
- 1.4 Members may recall that an application (P19/09453/ADV) for 20no. signs associated with the McDonald's Drive-Thru, previously appeared before the DM committee on 5<sup>th</sup> March 2020. At that committee, members resolved to issue a split decision as follows - all signs approved as per officer recommendation with the exception of the 1 No Double digital totem menu sign located to the right of the access road close to the pedestrian crossing. The Committee resolved to refuse permission for this particular sign for the following reason:  
  
*'The 1 No Double digital totem menu sign located to the right of the access road close to entrance to the site would restrict drivers views of pedestrians waiting to use the zebra crossing thus having a detrimental impact on highway safety. Furthermore, this individual sign, when considered cumulatively with all other signs, would have an adverse impact on the visual amenity of the site by means of cluttering. This sign is therefore contrary to the requirements of the NPPF and the Advertisement Regulations.'*  
  
An amended plan was subsequently submitted which removed the individual 1 no. Double digital totem menu sign that caused members concern. All other signage proposed remains exactly the same as previously considered acceptable by officers and members. That application is to re-appear before the DM committee 28<sup>th</sup> May 2020 to allow members to reach a new decision.
- 1.5 This current application P20/04849/ADV merely seeks consent for the re-located Double digital totem menu sign refused under P19/09453/ADV.

- 1.6 The application should also be read in conjunction with application P19/09456/ADV (see para. 3.2 below) which was approved by the DM committee on 5<sup>th</sup> March 2020.

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework Feb 2019

### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

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

PSP1 Local Distinctiveness

### 2.3 Supplementary Planning Guidance

South Gloucestershire Shopfronts and Advertisements (adopted) 2012

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 PT18/1491/O - The erection of two food and drink units each incorporating a drive-through; and to extend the existing retail terrace to provide two non-food retail units (up to 3,100 sq.m. including mezzanine) and rearrangement of existing car park.  
Refused 22<sup>nd</sup> March 2019

Appeal APP/P0119/W/19/3232136 allowed 16<sup>th</sup> Jan. 2020

Previous Relevant Applications also within the Willow Brook Centre

- 3.2 PT13/2856/ADV - Tesco Click & Collect Pod  
Display of no.7 non-illuminated graphic and fascia signs on click and collect pod. (Resubmission of PT13/2288/ADV).  
Approved 27<sup>th</sup> Sept. 2013
- 3.3 PT14/3160/ADV - Display of 5 no. single and 6 no. double-sided advertising banners.  
Refused 28<sup>th</sup> Oct. 2014 for the following reason:

*The proposed signage, by virtue of the scale, siting and number of banners, is considered excessive. There is also a lack of information submitted in respect of the proposed design of the banners. The banners, when considered cumulatively in the locations proposed, would result in unnecessary clutter having a negative impact on the visual amenity of the area. The proposal is therefore considered contrary to Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Shopfronts and Advertisements*



*(Adopted) SPD April 2012 and the provisions of the National Planning Policy Framework 2012.*

- 3.4 PT15/3574/ADV - Tescos main store.  
Consent to display 7 no. non-illuminated fascia signs and 1 no. internally illuminated sign to existing totem sign.  
Approved 16<sup>th</sup> November 2015
- 3.5 P19/09453/ADV - Display of 2 No. non illuminated totem signs, 3 No. double internally illuminated totem menu signs, 1 No. single internally illuminated totem menu sign, 1 No. LCD internally illuminated advert display screen, 4 No. non illuminated caution signs, 3 No. non illuminated parking signs, 3 No. non illuminated highway signs, 2 No. non illuminated pedestrian signs and 1 No. non illuminated direction sign.  
Final Decision Still Pending
- 3.6 P19/09456/ADV - Display of 5 No. internally illuminated fascia signs.  
Approved 5<sup>th</sup> March 2020

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

4.1 Bradley Stoke Town Council  
No response

4.2 Other Consultees

Transportation Officer  
No objection.

Council's Lighting Engineer

Previously stated - We've had a look at the details of the proposed illuminated signage and can confirm that the proposed luminance level (maximum 600 cd/m<sup>2</sup>) complies with the suggested maximum allowed luminance by PLG05 the Brightness of illuminated Advertisements released by the Institution of Lighting Professionals for signs smaller than 10m<sup>2</sup> in E3 Environmental Zone (Suburban Medium district brightness Small town centres and suburban locations)

#### **Other Representations**

4.3 Local Residents

16no. representations were received of which 14no. objected and 2no. supported the proposal. The concerns raised can be summarised as follows:

- Over concentration of signage at the Willow Brook Centre.
- Increased light pollution for nearest dwellings.
- Source of temptation to young people.
- Loss of visual character.
- Driver distraction.
- Adversely impact on ecology.
- Increased litter and anti-social behaviour.

The supporters considered the following:

- Will support increased job opportunities.
- Increase food choices in the area.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state that a Local Planning Authority shall exercise its powers under these regulations in the interests of amenity and public safety.

5.2 The National Planning Policy Framework (NPPF) states that the quality and character of places can suffer when advertisements are poorly sited and designed and states that advertisements should be subject to control only in the interests of amenity and public safety taking into account cumulative impacts (para 132).

5.3 Guidance contained within the *Shopfronts and Advertisements SPD* states that signs can either 'clutter' or add richness and variety to the street scene depending on their position., design and quantity and should be designed to complement the building elevation to which they are attached and the wider street scene. Excessive signage, both in scale and number that dominates the elevation or street scene and results in a cluttered appearance, would not be acceptable.

5.4 That appeal relating to PT18/1491/O was allowed and it is noted that the Inspector did not impose any restrictions on the opening hours of the proposed drive-thrus which are therefore 24 hour operations.

5.5 It should also be stressed, that this current application P20/04849/ADV relates only to the relocated Double digital totem menu sign refused under P19/09453/ADV and must be assessed on its **individual merits**, whilst giving consideration to the cumulative effect of adverts within the Centre at the time of determination.

5.6 No doubt in due course, Starbucks will submit an application for advertisement consent for their unit and that application will be determined in turn on the same basis.

### 5.7 Design and Visual Amenity

Officers are mindful that advertisement signs proposed under application PT14/3160/ADV were refused for the reason quoted at para. 3.4 above. In his report for the application the case officer noted (para. 5.8) that "There is already a large amount of signage within the Willow Brook Centre complex, including the existing retail units, large totem sign and car park signage." Having recently re-visited the site, your officer would concur with this assessment.

- 5.8 The signs refused under PT14/3160/ADV were however quite different from the signs proposed under P19/09453/ADV, being large banner signs attached to lampposts throughout the centre. As such they were considered to create unnecessary clutter.
- 5.9 The advertisements approved under P19/09453/ADV are relatively small and were considered necessary for the successful and safe operation of the drive-thru restaurant. All of the adverts would be at ground level, either on or dotted around the drive-thru unit. Fifteen of the signs are non-illuminated.
- 5.10 The sign the subject of this current application is the same as that refused under P19/09453/ADV except that it has been re-located away from the crossing point on the access road, which was the Member's main concern, to an island to the north-west of the main building.
- 5.11 Overall, the sign as proposed is considered to be typical of that found on and around other McDonalds drive-thru units and is considered appropriate in terms of scale, design and finish. It is not considered that this small sign would cumulatively adversely affect the character and appearance of either the host building or the wider commercial context, given this town centre location.
- 5.12 Residential Amenity  
The application site is situated "within the Willowbrook Centre", which is a large retail complex comprising a significant number of outlets of varying sizes, all served by an extensive car park" (see Appeal Decision Letter para.7) albeit that the application site is located on the northern periphery of the Willowbrook Centre Car Park as opposed to being within the main retail complex itself.
- 5.13 To the east of the site is Bradley Stoke Way, which is a main road through Bradley Stoke. The nearest residential properties lie to the north and north-west off Wheatfield drive; McDonalds would occupy the larger of the two drive-thru units approved. It has been established via the appeal that this unit would be located some 50 metres from the nearest residential property i.e. 197 Wheatfield Drive.
- 5.14 The appeal decision letter is a material consideration of significant weight and the Inspector at para. 23 noted that, "There is substantial established landscaping along the edge of the existing car park, much of which would be retained. The proposed scheme also seeks to enhance this landscaping as part of the development." Officers noted during their site visit, that even in mid-winter the trees within Savages Wood to the north/north-west of the site and along the car park boundary to the north-west still offer a decent level of screening. This is in part because some of the trees are festooned with ivy. Furthermore, there is a good deal of evergreen vegetation growing along the northern edge of the car park and the dwellings beyond all appear to have their rear gardens enclosed by close-board fences.
- 5.15 Whilst it may be possible to see the sign from first-floor windows; given the small scale of the sign and its position, this would not have a significant detrimental impact on residential amenity. Furthermore the level of illumination for the sign is low and within the guidelines for illuminated signs. The Council's

Lighting Engineer has previously raised no objection and stated that the proposed luminance level (maximum 600 cd/m<sup>2</sup>) complies with the suggested maximum allowed luminance by PLG05 “The Brightness of illuminated Advertisements” released by the Institution of Lighting Professionals for signs smaller than 10m<sup>2</sup> in E3 Environmental Zone (Suburban – Medium district brightness – Small town centres and suburban locations).

#### 5.16 Public Safety

The Council’s Highway Officer has confirmed that the signage would not result in any material highways or transportation issue. It would not be adversely distracting to pedestrians or motorists travelling along nearby routes or through the town centre car park, nor would it restrict pedestrian and vehicular movements around the site.

#### 5.17 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 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.

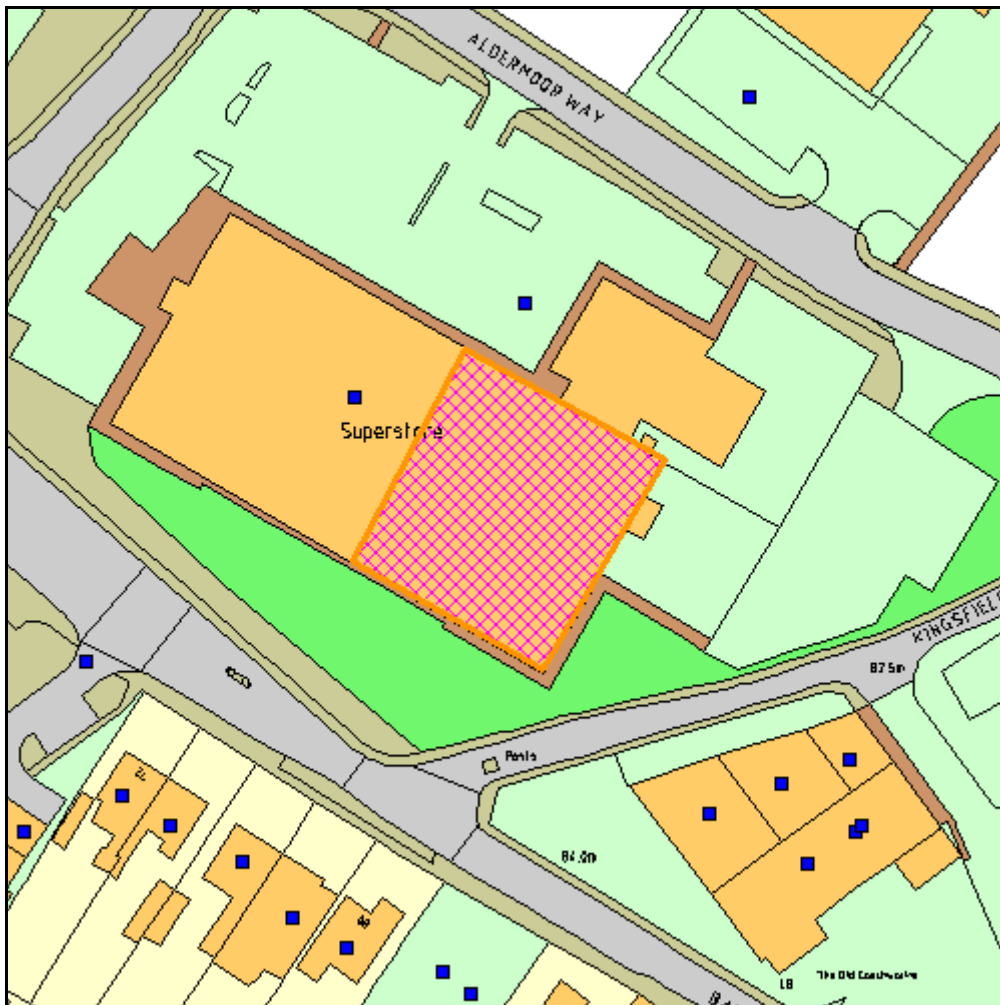
## 7. RECOMMENDATION

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

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

**CIRCULATED SCHEDULE NO. 20/20 - 15th May 2020**

<b>App No.:</b>	P20/05652/ADV	<b>Applicant:</b>	Smyths Toys Ltd
<b>Site:</b>	Former Homebase Store Aldermoor Way Longwell Green South Gloucestershire BS30 7DA	<b>Date Reg:</b>	31st March 2020
<b>Proposal:</b>	Display of 2 no. internally illuminated fascia signs.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	365231 171731	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd May 2020



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **P20/05652/ADV**

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

## **REASON FOR REFERRING TO CIRCULATED SCHEDULE**

This application appears on Circulated Schedule because the Parish Council offer 'no objection' subject to a condition being applied. This condition is contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks advertisement consent to display 2no. Illuminated fascia signs.
- 1.2 The application site is a large A1 retail unit in Longwell Green which forms part of a recently subdivided building (P19/3094/F), accessed from Adermoor Way. The unit is set within a commercial/retail setting within the East Fringe of Bristol Urban Area. This advertisement consent is sought in preparation for the new tenants who will occupy the recently created unit.
- 1.3 For clarity, the proposed advertisements comprise 1no. Internally illuminated fascia sign reading "SMYTHS TOY SUPERSTORES" on the North East Elevation (Facing Aldermoor Lane) and 1no. Internally Illuminated fascia on the South West Elevation (Facing the A431).

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework February 2019  
National Planning Practice Guidance  
Town and Country Planning (Control of Advertisements) (England) Regulations 2007  
Town and Country Planning Act 1990 section 220  
Outdoor Advertisements and Signs: a guide for advertisers (June 2007)
- 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 Impact management
- 2.3 Supplementary Planning Guidance  
Shopfronts and Advertisements SPD (Adopted) April 2012

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

The application site has an exertive history, with only the most recent listed.

- 3.1 P20/04345/ADV – Approved 29/04/2020:  
4no. illuminated billboards, 2no. Illuminated billboards, 1no. Illuminated posted display unit.
- 3.2 P19/18605/ADV – Approved 17/01/2020:  
3 No internally illuminated static fascia signs
- 3.3 P19/3094/F – Approved 18/09/2019  
Partial demolition of existing retail unit (A1) to facilitate subdivision to form 2no. Retail units (A1) and associated works.

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
No objection on condition that internally illuminated signage is only lit during hours of business.
- 4.2 Sustainable Transport  
No comments
- 4.3 Local Residents  
A letter was received stating opposition to further work, citing issues with noise at the site from builders and wanting answers as to why trees had been removed.

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

- 5.1 The proposal seeks to display 2no. Internally illuminated fascia signs.
- 5.2 Principle Of Development  
The NPPF states that great importance is attached to the design of the built environment, with good design cited as a key aspect of sustainable development and thereby positively contributing to making places better for people. Development should function well and add to the overall quality of the area. The NPPF specifically stipulates that poorly placed advertisements can have a negative impact on the appearance of the built environment. Adverts should therefore be controlled in the interests of amenity and public safety, tasking in to account cumulative effects.
- 5.3 Visual and Residential amenity  
The proposed fascia signs differ in size, with the fascia that will overlook Aldermoor Lane to the North East measuring 6400mm (width) by 3600mm (height) and the fascia overlooking the A431 to the South West measuring 6800mm by 2800mm. The site is within a setting which is of a predominantly retail/commercial character, with the closest residential units to the South West beyond the A431. The principle of illuminated signage has already been

established multiple times within the vicinity, including at the neighbouring unit which has recently gained advertisement consent for illuminated fascia signs. Furthermore the area is one where you would reasonably expect to find advertisement signage of this kind. Overall the advertisement proposed is of an appropriate scale and intensity so as to not appear cluttered and the officer would conclude is acceptable in terms of visual amenity.

- 5.4 The illumination is something the Parish Council have requested be limited to hours of trading only. Whilst in the interest of sustainability it is hoped that the applicant would not enable the illumination all night (or during daylight for that matter), it needs to be both reasonable and necessary to attach a condition formally controlling it. The fascia on the North East elevation overlooks Aldermoor Lane which is made up of retail/commercial units and it is not considered that the illumination will present any amenity issues on this side. The fascia on the South West elevation does face residential properties, however the closest one is some 45 (approx.) metres away across a main road which will be lit throughout the night. Whilst restricting illumination might not be unreasonable, the officer would suggest that it is not inherently necessary in this case given the distance between the advertisement and closest residential units.
- 5.5 Aside from the above consideration regarding the illumination, in overall terms of residential amenity the officer is of the view that the proposed advertisements will not be to the detriment of the residential amenity of the area.
- 5.6 Highway Safety  
The highway authority offers no comment relating to the proposed advertisements. There are no concerns raised from a highway safety, or public safety point of view of the proposed advertisements.

### **Impact on Equalities**

- 5.7 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.
- 5.8 With regards to the above this planning application is considered to have a neutral impact on equality.



#### 5.9 Other Matters

A letter was received stating opposition to further works at the site and raising issues of noise produced by builders and the loss of the trees. Whilst these matters are noted, they can't be considered as part of this application which is for advertisement consent only, with the subdivision of the site and use being established under previous permission.

### 6. CONCLUSION

6.2 The recommendation to **GRANT** permission has been taken having regard to the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007; the NPPF and to all relevant material considerations set out in the report.

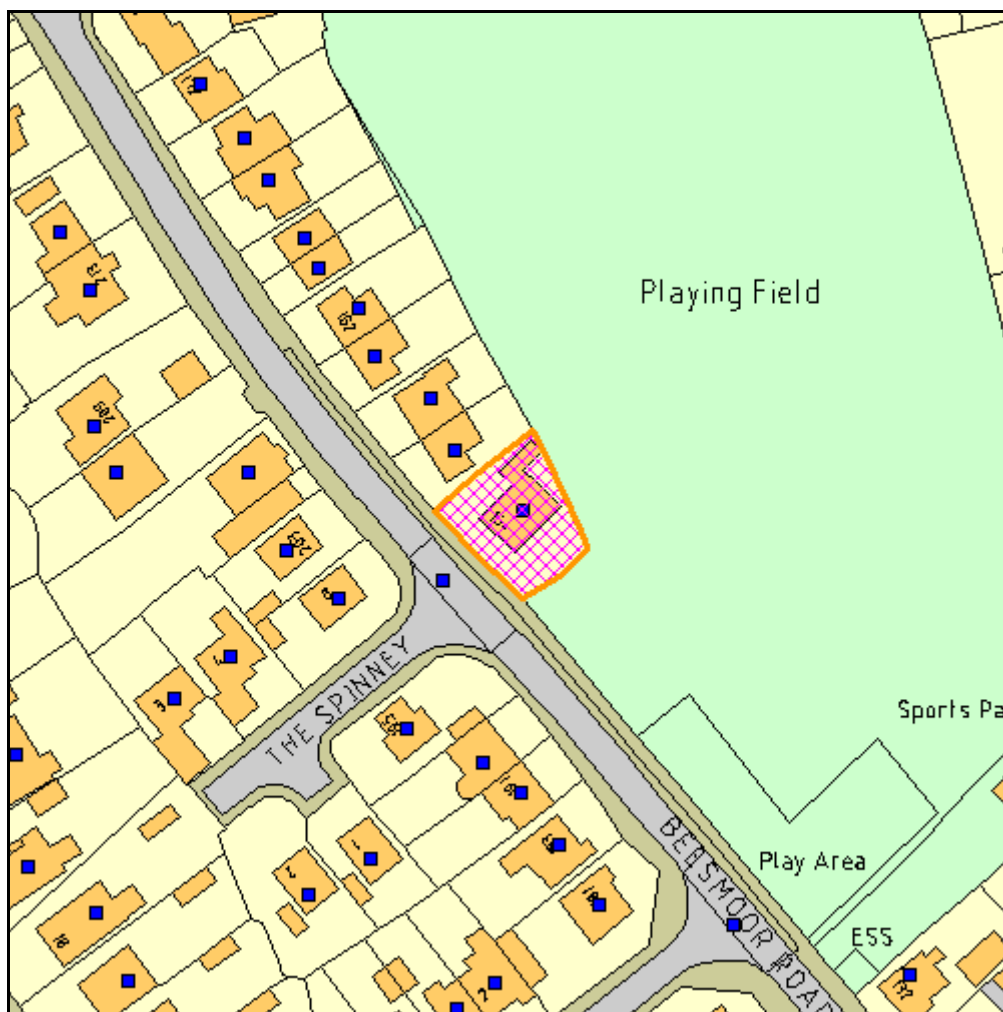
### 7. RECOMMENDATION

7.1 It is recommended that permission is permission is **GRANTED** with no conditions.

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

**CIRCULATED SCHEDULE NO. 20/20 - 15th May 2020**

<b>App No.:</b>	P20/06080/F	<b>Applicant:</b>	Mr And Mrs Blake
<b>Site:</b>	154 Beesmoor Road Frampton Cotterell South Gloucestershire BS36 2JN	<b>Date Reg:</b>	8th April 2020
<b>Proposal:</b>	Erection of two storey side and single storey rear extension to form first floor annexe ancillary to the main dwelling, and to provide additional living accommodation and ground floor store.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366835 181250	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	29th May 2020



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **P20/06080/F**

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

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

This planning application will be referred to the Circulated Schedule because the proposal has received 1No objection from Frampton Cotterell Parish Council which is contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two storey side and single storey rear extension to form a first floor annexe ancillary to the main dwelling, as detailed on the application form and illustrated on the accompanying drawings. This application also includes a proposal for a ground floor store and the garage to be demolished.
- 1.2 The application site can be found at 154 Beesmoor Road, is set within a moderately sized plot, and is an existing two storey detached property. It is located within the established built up residential area of Frampton Cotterell. The immediate area is strongly characterised by mainly two detached and semi-detached dwellings.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework February 2019  
National Planning Policy Guidance

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development

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

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

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted 2007)  
Residential Parking Standards SPS (Adopted 2013)  
Residential Amenity TAN (Endorsed) 2016

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

- 3.1 P88/1720. Erection of two storey rear extension to provide living room, lobby and WC with bedroom above. Approved. 22.06.1988.

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
1 letter of Objection
- 4.2 Other Consultees  
Sustainable Transport – Transportation DC  
No Comments received.

#### **Other Representations**

- 4.3 Local Residents  
No Comments 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 the existing dwelling to erect a two storey side and single storey rear extension to form a first floor annexe ancillary to the main dwelling, and a ground floor store. 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 Annexe Test  
For a proposal to be an annexe it should only contain ancillary accommodation to the main dwelling and have some form of functional and physical reliance upon the main dwelling. Ultimately, the resultant development should be one

- planning unit i.e. one household rather than two separate dwellings. In this instance, the proposal has some elements of principal living accommodation (a kitchen, bedroom and a bathroom) that could enable it to be used as an independent unit of residential accommodation.
- 5.5 However, officers note that it would need to share the existing lounge, dining area, garden and parking area with the main dwelling, As such, it does seem to show some physical reliance on the main property. As such, officers are satisfied that that the annexe would be used ancillary to the main house. A condition will be included on the decision to secure this.
- 5.6 Frampton Cotterell Parish Council have raised concerns over the purpose of the proposed annexe and have therefore raised an objection to it partly in response to this concern. As part of the assessment, clarification has been sought from the agent/applicant with respect to these concerns. It has now been clarified that the proposed extension is as follows:
- “The extension is to turn the house into a 5 bed, the annex room is going to be used as an office for the applicant for a couple of years with the plan that their oldest child will eventually have that room to gain independence etc. Long term plan is that it may be used for an older relative in the future, but that would be a number of years away. There is no plan to ever separate this room as a separate dwelling. All utilities will be ancillary to the main house and there will be no separate address.*
- 5.7 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.
- 5.8 The two storey side and single storey rear ‘wrap around’ extension, will have a total width of 6.430 metres across the rear of the host dwelling, narrowing to 4.080 metres at the front of the side elevation, and be to a total depth of 10.330 metres, front to rear.
- 5.9 The two storey extension will continue the pitched style roof with 2No velux windows, and a lean to style roof with 3no velux windows is proposed to the single storey extension. The single storey extension will be set down from the existing ridge by just under 4 metres, and extend to just over 2 metres in height to the eaves, whereas the two storey element is set to just under 5 meters to the eaves.
- 5.10 Although the proposed two storey side and single storey rear extension will be integrated into the existing envelope of the host dwelling, there could be some impact on the street scene and character of the area and therefore the proposal could cause some overshadowing impacts to the adjacent neighbouring property at certain times of the day.

- 5.11 The extensions have been proposed through their design to complement the existing dwelling in the choice of materials, details and components, ensuring that the aesthetical appearance of the dwelling continues to compliment neighbouring properties, matching materials and components to the existing dwelling where possible, and therefore the scale and form of the proposed extensions will respect the proportions and character of the existing dwelling.
- 5.12 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.
- 5.13 The impact on residential amenity has been assessed in terms of the surrounding neighbouring properties. The two storey side and single storey rear extensions will not project to the rear any further than the existing elements of the immediate neighbouring properties, however given the scale and potential dominance of the proposal, mainly to the side, the two storey extension could create an overbearing feeling to the built form. There could also be some loss of light at certain times of the day, particularly to the immediate neighbouring property.
- 5.14 This proposal will facilitate some internal alterations, mainly to the first floor, but there will be the introduction of a separate new main door entrance and staircase to the first floor annex, from the ground floor, side elevation. There will be no new windows proposed but the existing window (to bedroom 4) to the side and the patio doors to the rear, will be removed to accommodate the new extension.
- 5.15 To the rear elevation, an additional personnel door and bi-fold doors will be added at ground floor level. At first floor, 2No new windows will be added to both the front and rear elevations to facilitate the new 2No bedrooms. Through these design implications, any overlooking impact and any potential loss of privacy should be reduced.
- 5.16 Although the application site is located in a built up residential area of Winterbourne, given the scale and location of the proposed development, the proposal may result in some impact on the residential amenity of the neighbouring occupiers. The host dwelling is located adjacent to the Beesmoor Road Playing Field to the rear and its associated pedestrian public access off Beesmoor Road can be found to the side.
- 5.17 Transport  
Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. The proposal does mean that the existing garage will be demolished and 3No driveway parking spaces will be provided, as shown on the Proposed Site Plan, fulfilling the South Gloucestershire parking standards.

5.18 Again, concerns have been raised by the Parish Council in respect to the proposed parking arrangements and that an illustration of vehicle tracking be submitted to demonstrate how it will function and confirm the safe access of emergency vehicles. A revised Proposed Site Plan (drawing ref 80509-2 Rev A) has now been submitted to demonstrate the 3No driveway parking spaces that will be provided to comply with policy.

5.19 Private Amenity Space

The dwelling benefits from a good amount of existing private amenity space to both the front and rear of the property. PSP43 sets out standards which are based on the number of bedrooms at a property. The proposed extensions will create a total of 5No bedrooms and as such, should have at least 70m<sup>2</sup> of private amenity space. The existing dwelling has 4No bedrooms, and as such should have at least 70m<sup>2</sup> of private amenity space.

5.20 The proposal demonstrates that these standards will be maintained, and as the dwelling still benefits from an existing large amount of private amenity space particularly to the side, the existing garden should still benefit from private amenity space of sufficient size and shape, to meet the needs of the occupants.

5.21 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.

5.22 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).

2. The annex hereby permitted shall not be occupied at any other time other than for ancillary purposes as part of the main residential use of the dwelling known as 154 Beesmoor Road, Frampton Cotterell, BS36 2JN.

Reason

To protect the residential amenity of the host dwelling to accord with policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.