

# 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: 43/20**

**Date to Members: 23/10/2020**

**Member's Deadline: 29/10/2020 (5.00pm)**

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2020. 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. You may also wish to refer to the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

**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 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 You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

If would be helpful if you could indicate if you:-

- Have discussed the application(s) with the Case Officer and/or Development Manager
- Have discussed the application(s) with ward Member(s) if the site is outside of your ward
- Consider the site would benefit from a visit by the committee, setting out the reasons

Valid referral requests will be considered by the Committee Chair, in consultation with the Spokes, against the criteria given in the Members' Planning Code of Good Practice in the Council's constitution and you will be notified of the Chair's decision. Applications which are not referral, or where the referral request is not agreed by the Chair, will be determined by officers under delegated powers

**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.

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?

6. Do you feel a site visit is required or can issues be addressed by other means e.g. further information in the report, additional presentation material, video etc.

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

**Date:**

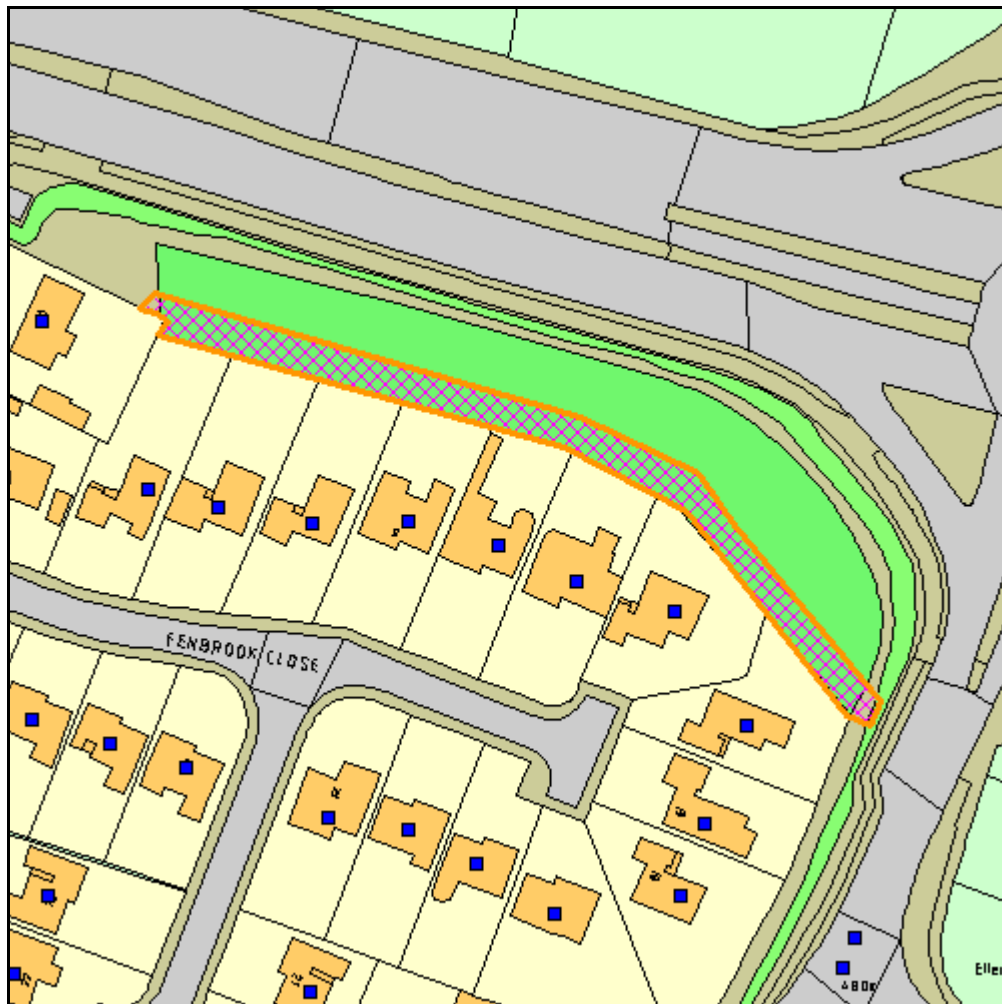
To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE - 23 October 2020

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>P20/00550/R3F</b>	Approve with Conditions	Land Between Fenbrook Close And The A4174 Hambrook Bristol South Gloucestershire BS16 1QJ	Frenchay And Downend	Winterbourne Parish Council
2	<b>P20/09495/F</b>	Approve with Conditions	Land At 61, 63 And 65 Cock Road Kingswood South Gloucestershire BS15 9SQ	Woodstock	
3	<b>P20/10200/ADV</b>	Approve with Conditions	The Mews 5 Hounds Road Chipping Sodbury South Gloucestershire BS37 6EE	Chipping Sodbury And Cotswold Edge	Sodbury Town Council
4	<b>P20/10232/F</b>	Approve with Conditions	The Dinky Deli 1 The Dinky Main Road Easter Compton South Gloucestershire BS35 5SJ	Pilning And Severn Beach	Almondsbury Parish Council
5	<b>P20/12824/F</b>	Approve with Conditions	Unit 6 Willow Shopping Centre Downend Road Downend South Gloucestershire BS16 5UJ	Frenchay And Downend	Downend And Bromley Heath Parish Council
6	<b>P20/15284/F</b>	Approve with Conditions	Rose Cottage Church Lane Hambrook South Gloucestershire BS16 1ST	Winterbourne	Winterbourne Parish Council
7	<b>P20/16166/R3F</b>	Deemed Consent	Land To The West Of South Gloucestershire Council Offices Badminton Road Yate South Gloucestershire BS37 5AF	Frampton Cotterell	Westerleigh Parish Council

**CIRCULATED SCHEDULE NO. 43/20 -23rd October 2020**

<b>App No.:</b>	P20/00550/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Land Between Fenbrook Close And The A4174 Hambrook Bristol South Gloucestershire BS16 1QJ	<b>Date Reg:</b>	21st January 2020
<b>Proposal:</b>	Installation of 4m high acoustic fencing.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	363855 178445	<b>Ward:</b>	Frenchay And Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th March 2020



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

## **INTRODUCTION**

This application appears on the Circulated Schedule as a result of consultation responses received, raising certain concerns regarding the original proposals.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the Installation of 4m high acoustic fencing.
- 1.2 The application site is land between Fenbrook Close and the A4174 at Hambrook.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017  
PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP19 Wider Biodiversity

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
The comments of the Parish Council are No Objection. The Parish Council would like to add an informative note that works should commence after Covid-19 restrictions have been lifted due to the cycle path needing to be closed in order to carry out works.

Ecological Officer  
No objections subject to conditions

Tree Officer  
A detailed design and Arboricultural method statement will be required for the

installation of the fencing and ground protection for the existing trees for vehicular access for erecting the fencing.

Sustainable Transportation

No objection

Environmental Protection

No objection

**Other Representations**

4.3 Local Residents

Letters raising concerns have been received from 8 local residents:

These letters whilst supportive of the principle behind and need to install a noise barrier felt that the location was in too close proximity from the boundary of the adjoining gardens and as such would have an overbearing impact. It was felt that a relocation of the proposed fence was necessary.

Revised plans with revised siting have been received and reconsulted.

One further letter was received, this raised the following issues:

Concerns over the loss of existing earthworks and landscaping/mature trees currently providing an existing screen and buffer from the ring road, necessary to provide access to the proposed fencing works, coupled with the lack of mitigation and proposed acoustic fencing here would impact the property furthestmost to the west and leave it without protection where it currently exists.

Further revised plans addressing this matter were received omitting the need for access, removal of existing earthworks and tree removal from the westernmost part of the site, access instead would be moved further east to avoid works in the western area.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application is for the installation of an acoustic fence for the purposes of noise protection for the nearby properties, from the A4174. The main issues are considered to be the impact upon the residential and visual amenity impacts upon the nearest residential properties, and any ecological and arboriculture impacts.

5.2 Residential Amenity

The purpose of the proposal is to reduce noise travelling to the nearest residential properties located along the south of the ring road, which will be of benefit to those properties. It is however also necessary to assess the location, form and scale of the proposals and any physical impact upon those properties. In this respect the concerns above are noted. For reasons of amenity as well as arboricultural reasons revised plans revising the line of the fence were subsequently received. The fence, at 4m high, would now be located



approximately 10m away from the curtilages of the nearest properties. Further changes to the scheme have also been made to avoid works, disruption and removal of existing screening and trees to the western end of the site, by revising the required access point, thereby addressing any issues of potential impact at this end of the site. Works would need to be in accordance with any current Covid requirements. The proposals are therefore considered acceptable in local amenity terms

### 5.3 Ecology

An ecology survey report, ecology addendum and badger survey, has been submitted with the application. No designated sites will be impacted by the proposal. The site consists of a variety of mixed plantation, dense scrub, introduced shrub and amenity grassland. There is potential for bio-diversity. The addendum updated the existing ecological report, to ensure it was up to date. These provide findings, recommendations and mitigation measures. There are no objections on the basis of the findings of the ecological report, subject to conditions to ensure compliance with the findings.

### 5.4 Trees.

A tree report has been submitted. Further to this an arboricultural report is recommended to be required through condition, to ensure protection of remaining trees identified. The ecological addendum report requested to update the ecology finding also includes recommendations for woodland management and planting and the report is also referred to in the conditions in order to secure ecological benefit to the area.

### 5.5 Highways

The proposals would necessitate the temporary closure of the shared use foot/cycleway and its suitable diversion (with appropriate safe traffic management). There are no highways objections, in principle to the proposals, necessary works and remediation will need to be carried out in accordance with the relevant highways requirements to the satisfaction of the Highways Authority.

### 5.6 Consideration of likely impact on Equalities

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

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

## 6. **CONCLUSION**

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

## 7. **RECOMMENDATION**

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

### **CONDITIONS**

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

Reason

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

2. The development shall proceed in strict accordance with the Mitigation Measures provided the ecology survey report (ecologic, March 2017), ecology addendum and the badger survey (Diversity May 2020).

Reason:

In the interests of the ecology of the site and in accordance with PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the provisions of the National Planning Policy Framework.

3. Prior to works commencing and once a positioning option is confirmed a mitigation strategy will be required for the badger sett disturbance licence. No works are to proceed until this has been submitted and reviewed by the local authority.

Reason:

In the interests of the ecology of the site and in accordance with PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the provisions of the National Planning Policy Framework.

4. Prior to first occupation, evidence of the installation of the ecological enhancement features recommended in the ecology survey report (ecologic, March 2017), ecology addendum and the badger survey (Diversity May 2020) (PSP19); shall be submitted to the local planning authority for approval in writing. This shall include, but is not limited to, bird boxes, bat boxes, permeable fencing, native planting and removal of non-native species.

Reason:

In the interests of the ecology of the site and in accordance with PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the provisions of the National Planning Policy Framework.

5. Prior to the commencement of the development thereby approved, an arboricultural method statement for the works to include tree protection measures for the installation of the acoustic fencing shall be submitted to the Local Planning Authority for written approval, and thereafter implemented in accordance with the approved details.

Reason:

In the interests of the trees and in accordance with CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP1 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

This is a pre-commencement condition to ensure that the consideration of tree are incorporated within the development at an early stage.

**IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.**

**POSITIVE AND PROACTIVE STATEMENT:**

In dealing with this planning application the Local Planning Authority have worked in a positive and proactive manner in seeking a satisfactory resolution to the application, in accordance with the relevant policies.

**Case Officer: Simon Ford**

**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 43/20 -23rd October 2020**

<b>App No.:</b>	P20/09495/F	<b>Applicant:</b>	Mr Paul Bond Pineview Properties
<b>Site:</b>	Land At 61, 63 And 65 Cock Road Kingswood South Gloucestershire BS15 9SQ	<b>Date Reg:</b>	22nd July 2020
<b>Proposal:</b>	Demolition of 2 no. garages, 1 no. carport and 1 no. office. Erection of 3 no. new dwellings with vehicular parking areas and other associated works. Creation of 3 no. new vehicular accesses onto Cock Road with new vehicular parking areas.	<b>Parish:</b>	
<b>Map Ref:</b>	365732 172831	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th September 2020



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P20/09495/F

## **Reasons for Referring to the Circulated Schedule**

This application has been referred to the Circulated Schedule following the receipt of concerns from 3 or more representations from the general public that are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application site lies to the rear of three 1930's terraced houses i.e. nos. 61, 63 & 65, that in turn lie on the northern side of Cock Road, Kingswood. The houses have long rear gardens with garages and other outbuildings at the end, accessed off Cade Close. The development site would comprise the northern half of the rear gardens of 61, 63 & 65 and the area where the garages and outbuildings currently stand.
- 1.2 It is proposed to sub-divide the existing gardens, demolish the existing garages and outbuildings, and erect 3no. 2-storey, 3-bedroomed dwellings, in a terrace of three. Parking areas would be provided to the front of the respective new dwellings and access would be from the existing driveway off Cade Close. To compensate for the loss of the garages, new parking spaces are proposed to the fronts of nos. 61, 63 & 65 to be accessed directly off Cock Road.
- 1.2 The application is supported by the following documents:
- Design & Access Statement
  - Coal Mining Risk Assessment
  - Risk Review Search
  - Arboricultural Implications Assessment

### **2. RELEVANT PLANNING HISTORY**

- 2.1 None
- 2.2 Related History  
K2468/1 - Westons Way  
Outline application for the erection of 103 dwellinghouses with associated garages and parking spaces. Construction of estate roads, footpaths and play spaces on approx. 3.4 hectares (8.2 acres). (In accordance with revised plans received by the District Planning Authority on 5 May 1981 and as amended on 29 May 1981.).  
Approved 1<sup>st</sup> June 1981

### **3. CONSULTATION RESPONSES**

- 3.1 Parish Council  
Not a parished area.
- Adjoining Parish – Oldland Parish Council  
No response

### 3.2 Other Consultees

#### Highways Structures

No comment

#### Lead Local Flood Authority

No objection

#### Sustainable Transport

No objection subject to conditions to secure:

- CEMP
- Provision of off-street parking for existing and proposed dwellings, prior to first occupation.

#### Tree Officer

No response

#### Ecology Officer

No objection subject to conditions to secure:

- Mitigation measures as per Ecological Appraisal
- Details of external lighting.
- Installation of ecological enhancement features to include permeable fencing for hedgehogs.

#### The Coal Authority

No objection subject to standard condition.

### **Other Representations**

#### 3.3 Local Residents

6no. letters of objection have been received from local residents; the concerns raised are summarised as follows:

- Possible clearance of land at rear of No.17 Lintham Drive.
- Where will the new fence for the dwelling at the rear of no.65 Cock Rd. end?
- Access to garage at 21 Lintham Drive will be blocked during construction phase.
- Access via Cade Close is private.
- Encroachment onto land in front of the garage to no.21 Lintham Drive.
- Loss of privacy and security to no.21 Lintham Drive.
- Impact of new lighting on no.21 Lintham Drive.
- Increased congestion on roads.
- Loss of garden land.
- Loss of privacy and overlooking of no.65 Cock Rd.
- Overshadowing of garden of no.65 Cock Rd.
- Blocking of rear access to no.65.
- Raised parking areas to front will result in flooding of No.65 front parking area.
- Disturbance and disruption during construction phase.

- Loss of wildlife habitat – bats & hedgehogs.
- The area has been mined – possible disturbance of mine shafts.
- Loss of view for 53 Cock Rd.

#### 4. **ANALYSIS OF PROPOSAL**

##### 4.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

4.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the Council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The Policies, Sites & Places Plan was adopted in Nov. 2017 and also now forms part of the Development Plan.

4.3 It has recently been established via the 2019 Annual Monitoring Revue (AMR) March 2020 Addendum that, using the Standard Method, South Gloucestershire can now demonstrate a 5.21 years housing land supply. The revised NPPF (para. 11) reiterates that; at the heart of the Framework is the presumption in favour of sustainable development. At para. 11 c) the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay. The relevant development policies are considered to be sufficiently up to date for the determination of this application.

4.4 Furthermore, The South Gloucestershire Local Plan Core Strategy adopted (Dec 2013) Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with the NPPF para. 38, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. Policy CS17 of the Core Strategy sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities.

4.5 The locational strategy for the District is set out in policy CS5. Under this policy, new residential development is directed to the strategic housing allocations, existing urban areas, and defined rural settlements as shown on the proposals maps, with most new development being on the North and East Fringes of Bristol. This application proposes development within the designated Urban Area of the East Fringe and as such is acceptable in principle.

4.6 It is considered likely that the proposed development would begin to contribute towards housing supply in the district within a period of 5 years.

- 4.7 Chapter 9 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 4.8 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and requires (para.59) the need to boost significantly the supply of homes.
- 4.9 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.
- 4.10 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 4.11 The remainder of this report will conduct the exercise of applying national guidance and policies in the Development Plan to the proposed development

#### Analysis

- 4.12 South Gloucestershire Council can currently demonstrate that it has a 5.21 year supply of deliverable housing land. In this instance, the NPPF makes a presumption in favour of approving sustainable development. Notwithstanding this position, the site is located within the Urban Area where new residential development is acceptable in principle.
- 4.13 The site lies in a sustainable location close to public transport routes, shops, schools and leisure facilities; it lies within an established, densely populated residential area.
- 4.14 There do not appear to be any designations on this site that preclude its development for housing and the NPPF is clear that there is a presumption in favour of sustainable development. On this basis, there is a presumption in favour of the proposed scheme. However, it is necessary to consider the benefit of this proposal against any adverse impact and weigh these factors in the planning balance. The issues for consideration are discussed as follows:

#### Scale and Design

- 4.15 Core Strategy Policy CS1 only permits new development where "the highest possible standards of site planning and design are achieved". The Policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality; this policy is fully compliant with the design guidance in the NPPF.



- 4.16 The existing garages and outbuildings are single-storey, rather ramshackle and unsightly buildings; they exhibit no architectural merit whatsoever, so their loss to the street-scene is not opposed. The existing terrace on Cock Road is typical of the 1930's properties in the location. The scheme would lie to the rear of the terrace in a back-land position and as such would be screened in views from Cock Road. The estate to the north of the site is a relatively modern affair, comprising a high density development of small, two-storey brick dwellings. The proposed dwellings would follow the existing grain of development and would not be prominent within the street scene of Cade Close and beyond.
- 4.17 The proposal is considered to make efficient use of a site within the settlement boundary and Urban Area. The location has no special architectural character or vernacular that needs to be adhered to within the scheme. Indeed, there are a variety of building styles and types within the wider locality which, nevertheless set the context for any proposed new development in the locality. The locality is clearly one of mixed architectural character. The scale and form of the buildings however does need to respect the street scene. The proposal shows 2-storey dwellings that have been appropriately designed to retain the character of the existing properties on Cade Close/Lintham Drive and ensures the dwellings are of an appropriate scale and constructed from materials (brown brick, tile and render) that match the existing street scene which they serve. The proposed 3D Graphic demonstrates that the scale and form of the proposed dwellings will integrate seamlessly within the existing built form.

#### Landscape

- 4.18 Policy PSP2 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) Nov 2017 seeks to conserve and where appropriate, enhance the quality, amenity, and distinctiveness of the landscape. Policy CS9 of the South Gloucestershire Local Plan Core Strategy expects new development to conserve and enhance the character, quality, distinctiveness and amenity of the landscape.
- 4.19 The site is currently an area of residential garden and garages/outbuildings. Whilst the gardens would be sub-divided to serve both the existing and proposed dwellings, most of the garden area would be retained, the new houses being built predominantly on the site of the existing garages/outbuildings. The garden areas of dwellings create openness in an otherwise dense and built up location. Even with the introduction of the proposed new dwellings, because of the demolition occurring in tandem, the amount of built form relative to garden area remains similar and openness is therefore preserved.
- 4.20 An Arboricultural Implications Assessment has been submitted which identified 3 trees growing within the garden area; the Tree Report concluded that given the age, size and type of the tree cover, they are of low arboricultural value. The removal of trees T1-T3 is acceptable in arboricultural terms. Scope however exists to provide new high quality and robust planting as part of the development scheme.

- 4.21 Detailed soft landscaping items, to include mitigation for the loss of existing trees and vegetation, can be adequately dealt with by Condition. Subject to a landscape condition there are no in principle objections in landscape terms.

#### Transportation Issues

- 4.22 The proposal is in close proximity to local shops, Tesco Express is approximately 0.2 miles away, Gallagher Retail Park and Asda Super Store are approximately 1.5 miles away and Kings Chase Shopping Centre is approximately 1.9 miles away. It is also in close proximity to local Primary and Secondary Schools. Courtney Primary School is approximately 580 yards away & Kings Oak Academy approximately 0.75 miles away. The site is also close to leisure facilities at Aspects Leisure Park which is approximately 1.4 miles from the application site. The A4174 Avon Ring Road is approximately 200m away and the area is well served by public transport with bus stops along Cock Road and Westons Way.
- 4.23 In location terms, officers are satisfied that the site can be considered sustainable from a transport perspective: there are facilities and services within a walkable distance, and there are travel choices with high frequency bus services nearby and cycle routes in the area.
- 4.24 Both vehicular and pedestrian access to the new properties would be via private drives which currently serve the car parking/garages belonging to the existing properties namely no. 61, 63 and 65 Cock Road. The proposed access to the new development site is considered acceptable from a transportation and highway point of view. Given that the dwellings would replace the existing garages, traffic generation on Cade Close would be like for like.
- 4.25 In terms of parking provision, it is noted that the proposal includes the provision of 2no. off-street parking spaces per each new 3-bed house. This level of parking meets the Council's parking standards and as such, there are no highway objections in relation to parking for the proposed new houses.
- 4.26 To compensate for the loss of the existing parking areas for nos. 61, 63 & 65, it is proposed to introduce 2 new parking spaces to the front of each of the existing houses nos. 61, 63 & 65, to be accessed directly off Cock Road; this parking arrangement would be similar to some other properties along this stretch of Cock Road.
- 4.27 Officers have noted that there is a considerable levels difference between the road and nos. 61, 63 & 65. A revised plan has been submitted at officer request to demonstrate that the gradient of the access drives would be acceptable. The proposed development also accords with South Gloucestershire Council's Waste Collection: guidance for new developments SPD (adopted January 2015), bin stores would be located to the front of each new dwelling. There is therefore no objection in transportation terms.
- 4.28 Conditions would however be imposed, should consent be forthcoming, to ensure that the access and parking arrangements for the existing and proposed dwellings would be implemented, prior to the first occupation of the new dwellings and maintained as such thereafter.

- 4.29 A further condition would be imposed, prior to the commencement of works, to secure the submission and prior agreement of a CEMP (Construction Environmental Management Plan). This would secure a number of measures to ensure that the development can be carried out with the minimum of disturbance to local residents.

Residential Amenity

- 4.30 The site is surrounded by residential dwellings on Cock Road, Cade Close and Lintham Drive. The scale of the proposed buildings is not excessive. Some overlooking, including the perception of it and overshadowing of neighbouring properties in densely populated urban areas, such as this, is to be reasonably expected; especially if the most efficient use of the land for residential development is to be achieved, as required by the NPPF.
- 4.31 Your officer does however have some concerns about the proximity of the western elevation of the proposed terrace to the boundary of the garden of neighbouring no.1 Cade Close. As a result, occupiers of this property are likely to experience some overshadowing of their garden, albeit at the southern end only and earlier in the day when the sun rises in the east. The officer is however mindful that a very similar scenario within a scheme at 1A Christchurch Avenue, Downend, was very recently allowed on appeal (see P19/7450/F – Appeal Ref: APP/P0119/W/20/3247365). The inspector for the appeal remarked at para.5 of his Decision Letter, that “*The siting of the new dwelling, although close to the boundaries of adjacent properties, would reflect the dense and intimate nature of the area.*” Which is similar to the situation here.
- 4.32 As regards overlooking and inter-visibility; there are adequate window to window distances to both front and rear of the proposed dwellings. Furthermore, both the east and west facing end elevations of the terrace would contain no windows; an appropriate condition can ensure this remains the case in the future.
- 4.33 On balance, officers consider that, given the location, scale and orientation of the proposed buildings, it is **not** considered that the scheme would result in a level of overbearing impact, loss of privacy from overlooking or significant overshadowing for local residents that would justify refusal on this issue alone.
- 4.34 Notwithstanding the local facilities available to the future occupants of the dwellings, the future occupants would have access to private rear gardens all of which exceed the space standards (60 sq.m.) required in PSP43 for 3 bedroom dwellings. Furthermore, adequate amounts of rear garden space would be retained to serve the existing dwellings. The gardens would be well enclosed by high boundary treatments i.e. 1.8m high timber fencing. A condition could ensure that these fences are erected before the first occupation of the new dwellings.
- 4.35 There should be no significant adverse impact on the residential amenity of future or neighbouring occupiers. The scheme is therefore considered to accord with policy CS1 of the Core Strategy (Adopted) December 2013, Policy

PSP43 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov 2017 and the NPPF.

#### Environmental and Drainage Issues

- 4.36 Whilst there would inevitably be some disturbance for neighbours during the development phase, this can be adequately addressed by imposing a condition to restrict the hours of working. In terms of drainage, the site lies in Flood Zone 1 but foul and surface water drainage would be disposed of via existing systems, the Council's Drainage Engineer has raised no objection to the proposal.
- 4.37 Concerns were raised by the occupier of no.65 Cock Rd. that the new parking spaces would result in flooding to the front of no.65. The applicant has however responded by submitting a revised plan to clearly demonstrate that the spaces would be adequately drained (see Proposed Driveways Plan no. 10).
- 4.38 The site is known to lie in an area of former coal mining. A Coal Mining Risk Assessment has been submitted to the Coal Authority's satisfaction. In the event of a consent being granted, a standard condition would be imposed to secure an intrusive investigation of the site and mitigation procedures should shallow coal workings be encountered.

#### Ecology

- 4.39 Despite its suburban location, the site and surroundings does provide habitat for nesting birds and possibly bats; local residents have also reported regular sittings of hedgehogs in their gardens. A bat survey was carried out at officer request. The buildings were confirmed as having low potential for roosting bats, a subsequent emergence survey was undertaken to confirm presence/absence and no bats were found emerging from the buildings.
- 4.40 The Council's Ecologist has however recommended a raft of conditions to ensure that the development is carried out in accordance with the Mitigation Measures provided in the Bat Survey; to secure a lighting design strategy for bio-diversity and installation of ecological enhancement features recommended in the Bat Survey.
- 4.41 To ensure that hedgehogs can continue to forage in the area, it is also proposed to secure permeable fencing with a hole of 13cm x 13cm to allow dispersal of hedgehogs. Subject to these conditions there are no objections on ecological grounds.

#### Affordable Housing

- 4.42 The National Planning Policy Guidance states that 'provision of Affordable Housing should only be sought for residential developments for major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or lower).' Major development being defined as - 'For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.'

- 4.43 As the site size is stated as 0.05ha there is no requirement for Affordable Housing on this scheme under Policy CS18 of the Council's adopted Core Strategy Development Plan Document.

#### Sustainability Issues

- 4.44 Measures to be employed will include:

- Energy efficient light fittings to Building Regulation requirements;
- Zoned heating controls.
- Minimum A rated white goods where provided.
- Dual flush WC's.
- Low flow taps and showers.
- Source sustainable construction materials where practicable.
- Set targets for minimising construction waste on site.
- Monitor construction waste arising and segregate waste for recycling where practicable.
- Foul and storm drainage will be connected to the existing public sewer. See Drg. No. 03

#### Community Services

- 4.45 As this proposal falls below the POS threshold of 10 dwellings or more and/or is below 0.5ha and there appears to be no POS on site, it would not trigger a policy CS24 requirement.

#### Community Infrastructure Levy (CIL)

- 4.46 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. The introduction of CIL charging commenced on 1st August 2015. In the event that a decision to approve this proposal is issued, the scheme would most likely be liable to CIL charging.

- 4.47 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.

#### Other Matters

- 4.48 Of the concerns raised by local residents that have not been addressed above:

- Loss of view is not a material consideration in the determination of planning applications. There is no right to a view.

In response to concerns raised by local residents, the applicant's agent has confirmed the following:

- Access to the end of the garden of no.65 Cock Rd. will not be impacted and fencing at the bottom of 65 Cock road will end in line with the current boundary of 65 cock road.
- There will be no impact on the existing garages to the rear of Lintham Drive as a result of this scheme or during the build of the scheme.
- This scheme will leverage the existing access rights that the properties on Cock road have via Cade close to access the garages at the rear of the properties on Cock road.
- This scheme will not adversely impact access to existing garages or the land in front of garages. Adequate parking will be provided for each property that meets the planning guidelines so there is no anticipated impact.
- The properties have been designed in a way to be in keeping with the existing properties and also looks to minimise any privacy impacts to nearby properties e.g. bathrooms designed at front of property to increase privacy for other properties as the bathroom will have obscured glass.
- From a security perspective the expectation is that properties will be more secure as with the additional houses this would deter any one from looking to access the back of properties on Lintham Drive. Currently with just garages, there will be less to deter anyone from trying to access rear of properties.
- There is no plan to provide additional street lighting as part of the development, however the properties will have lighting that will provide light outside front doors this will be suitable lighting to ensure any impacts are limited to have minimal impacts on existing properties.
- The land at the back of 17 Lintham Drive which is owned by South Glos. Council will not be used for storage of any materials or for parking as part of this scheme.
- The proposed fence will stop at the boundary of 65 Cock road so access will still be available to rear of 17 Lintham Drive.

#### Planning Balance

- 4.49 The proposed development is acceptable in principle and will make a positive contribution to the provision of open market housing stock, for which there is an acknowledged need. The scheme makes the most efficient use of a site in a highly sustainable location.
- 4.50 Employment opportunities for local craftsmen is a positive aspect of the scheme. With the mitigation measures proposed, the transportation and parking issue is considered to be neutral.
- 4.51 The proposal would provide suitable living conditions for future occupiers especially given the highly sustainable location of the site. The proposal would not be harmful to the character and appearance of the area.

4.52 Any harm, such as it is, to neighbouring residential amenity, to result from overbearing impact or overshadowing, is considered to be outweighed by the positive aspects of the scheme (especially having regard to the recent appeal decision relating to 1A Christchurch Avenue, Downend).

4.53 The scheme is on balance considered to be sustainable development that is acceptable and should be approved.

## 5. **CONCLUSION**

5.1 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.

5.2 The recommendation to **grant** planning 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.

## 6. **RECOMMENDATION**

6.1 That planning permission be approved subject to the conditions listed below:

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

Reason

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

2. The development hereby approved shall be carried out in accordance with the following approved plans:

Combined Proposed Dwelling Plans Drawing No. 01 received 29th May 2020  
Existing and Proposed Site Sections Drawing No. 02 received 29th May 2020  
Proposed Dwellings Ground Floor Plan Drawing No. 04 received 29th May 2020  
Proposed Plot Plan Drawing No. 07 received 29th May 2020  
Proposed and Existing 3D Approach View Drawing No. 06 received 29th May 2020  
Proposed 3D View Indicating Extent of Works Drawing No. 05 received 29th May 2020

Site Location and Block Plans Drawing No. 03 Rev A received 7th July 2020  
Floor Plans Existing Dwellings 61,63 & 65 Cock Rd. Drawing No. 08 Rev A received 7th July 2020  
Combined Existing Outbuilding Plans Drawing No. 09 received 7th July 2020

Proposed Driveways Drawing No. 10 received 13th August 2020

Reason

For the avoidance of doubt.

3. The hours of working on site during the period of demolition and construction shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat. and no working shall take place on Sundays or Bank 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 the site.

Reason

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

4. 1. No development shall commence until;
- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP22 of The South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) Nov. 2017. This is a pre-commencement condition as investigation works and appropriate mitigation are required to ensure the future safety of the occupiers of the development and prevent the need for retrospective mitigation after the development is commenced/completed and to take account of the past mining activities within the area.

5. Prior to the commencement of work on the site, including demolition, a site specific Construction Environmental Management Plan (CEMP), shall be submitted to and



agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in

accordance with the approved plan. The CEMP shall address the following matters:

(i) Measures to control dust from the demolition and construction works approved.

(ii) Adequate provision for the delivery and storage of materials and provision of suitable contractor's parking on site.

(iii) Measures to control the safe movement of construction traffic on the access road leading into the site and main road to include the use of a Banksman for all reversing movements.

(iv) Deliveries shall only take place Monday to Friday between the hours of 09:30 to 15:00 and 09:00 to 16:00 and 09:00 to 12:00 on Saturday. No deliveries on a Sunday.

(v) Details of how construction work is to be managed to ensure that the access road or access to other existing garages are not obstructed.

(vi) Details of how residents of the access road and adjacent properties off the existing private drive will be kept informed about the programme of works including the timing of large vehicle deliveries.

(vii) Contact details for the Site Manager.

#### Reason

In the interests of highway safety and to accord with Policy PSP11 of the South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) 8th Nov. 2017. This is a pre-commencement condition to ensure that the entire development from its outset can be carried out in a satisfactory manner.

6. Prior to the first occupation of the dwellings hereby approved, the off street car parking facilities (including ducting for electrical vehicle charging points) as well as manoeuvring areas on site, shall be provided in accordance with the approved details and subsequently maintained thereafter for that purpose.

#### Reason

To promote sustainable forms of travel and to mitigate the increased numbers of dwellings and ensure the satisfactory provision of car parking facilities and tuning areas; in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

7. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Roost Assessment and a Bat Survey Report (Quantock, 2020).

#### Reason

In the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

8. Prior to 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 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
  - 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

To ensure there isn't excessive light spill onto adjacent habitats; in the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

9. Prior to the first occupation of the dwellings hereby approved, evidence of the installation of the ecological enhancement features recommended in the Preliminary Roost Assessment and a Bat Survey Report (Quantock, 2020) shall be submitted to the local planning authority for approval in writing. This shall include, but is not limited to bat boxes and permeable fencing with a hole of 13cmx13cm to allow dispersal of hedgehogs.

#### Reason

In the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

10. Notwithstanding the submitted information, prior to the commencement of above ground development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); shall be submitted to the Local Planning Authority for approval in writing. The development shall thereafter be carried out in accordance with the agreed details.

#### Reason 1

In the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

Reason 2

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

11. No windows shall be inserted at any time in the east or west end elevations of the terrace hereby approved.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP8 of The South Gloucestershire Local Plan : Policies , Sites & places Plan (Adopted) Nov. 2017 and the National Planning Policy Framework.

12. The boundary fences, as shown on the approved Proposed Ground Floor/Landscaping Plan Drawing No. 04, shall be erected prior to the first occupation of any of the houses hereby approved and maintained as such in the future.

Reason

To protect the residential amenity of the future and neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP8 of The South Gloucestershire Local Plan : Policies , Sites & places Plan (Adopted) Nov. 2017 and the National Planning Policy Framework.

**IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.**

**POSITIVE AND PROACTIVE STATEMENT:**

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways:

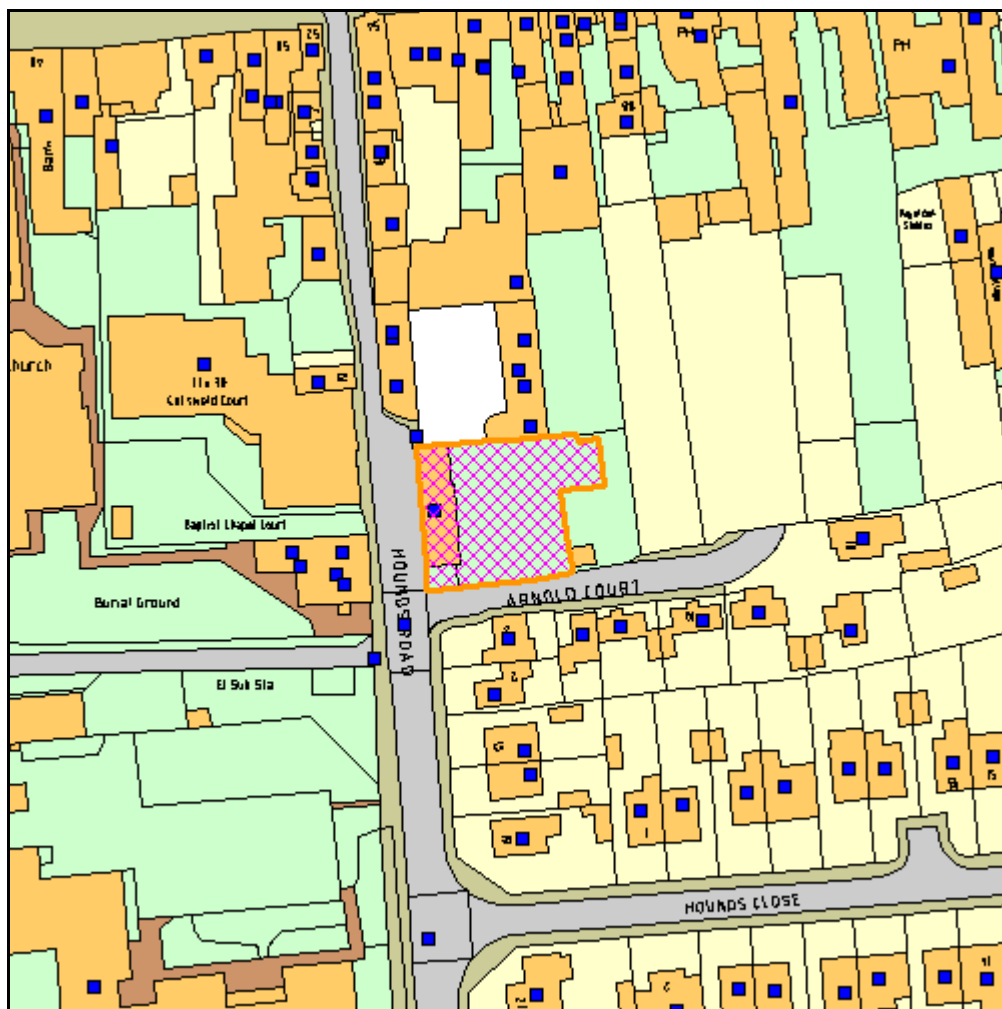
In seeking additional plans and information to overcome officer concerns.

**Case Officer: Roger Hemming**

**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 43/20 -23rd October 2020**

<b>App No.:</b>	P20/10200/ADV	<b>Applicant:</b>	Dolman Accountants
<b>Site:</b>	The Mews 5 Hounds Road Chipping Sodbury South Gloucestershire BS37 6EE	<b>Date Reg:</b>	22nd June 2020
<b>Proposal:</b>	Consent to display 2no non illuminated static fascia signs.	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	372834 182117	<b>Ward:</b>	Chipping Sodbury And Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th August 2020



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N.T.S.

P20/10200/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.

The application appears on the Circulated Schedule as there is an objection raised by Sodbury Town Council where the officer recommendation is one of approval.

## 1. **THE PROPOSAL**

- 1.1 The application seeks advertisement consent for the display of 2no. non-illuminated static fascia signs.
- 1.2 The application site relates to 5 Hounds Road (The Mews), Chipping Sodbury. The Mews is a locally-listed building.
- 1.3 The application site is located within Chipping Sodbury Conservation Area, and is opposite a Grade II Listed building, Church Hall.
- 1.4 The Local Planning Authority received a revised plan during the course of the application.

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework  
The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

### 2.2 Development Plans

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

CS1	High Quality Design
CS5	Location of Development
CS9	Managing the Environment and Heritage

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport
PSP17	Heritage Assets and the Historic Environment

### 2.3 Supplementary Planning Guidance

Shopfronts & Advertisements Design Guidance SPD (Adopted) April 2012  
Chipping Sodbury Conservation Area SPD

### 3. RELEVANT PLANNING HISTORY

- 3.1 P93/1047/A  
Display of fascia sign to read "hounds road studio, professional photographers, weddings, portraiture, commercial".  
  
Approved: 14 March 1993.
- 3.2 P93/1046  
Replacement of false doors to front elevation with display window.  
  
Approved: 14 March 1993.
- 3.3 P86/2443/L  
Repairs and refurbishment, involving reroofing of property, and demolition of existing shed at rear of property.  
  
Approved: 12 November 1986.

### 4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council  
Members have considered the application and OBJECT on the grounds the proposed signs are too large and will be harmful to the character and appearance of the Conservation Area.

4.2 Other Consultees

Conservation Officer

**Initial comment:** No heritage statement has been submitted that I can see on file. Without an adequate heritage statement outlining the impact on heritage significance of the assets affected, the application is not compliant with paragraph 189 of the NPPF.

No information is held on the HER about this building and I have not been able to find out anything about it however I presume it was a building used for storage or other commercial activities connected with the market or other local industrial activities. The elevations are simple, reflecting the historic function. There is no fascia as you would have on a shop front and as such accommodating advertisements is slightly more difficult. Proposed sign number 1 covers the lintel and is overly deep, appearing oversized on the building. It should be limited in height to the space above the lintel and below the cill. Sign number 2 is also considered inappropriate on this gable. Although the building does not have a traditional shop front, a simple hanging, projecting sign could probably be accommodated if this was felt necessary. Or the gable sign reduced in size.

The Chipping Sodbury conservation area SPD states:

The use of plastic, overlarge fascia signs, large areas of plate glass and a clutter of signs which adversely affect the appearance of the street will be refused. Signs should be kept to a minimum and sensitively positioned.

*The Agent submitted a revised plan, with changes to initial proposal as per Conservation Officer's recommendation.*

**Subsequent comment:** After reviewing the revised scheme and receiving confirmation from the agent that the letters would not be higher than 230mm, Conservation Officer raised no objection.

Sustainable Transport  
No objection.

### **Other Representations**

4.3 Local Residents  
None received.

## **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. The National Planning Policy Framework (NPPF) states that those advertisements which clearly have an appropriate impact on a building or their surroundings should be subject to a Local planning Authority's detailed assessment. Para. 132 of the NPPF sets out what should form such an assessment, consequently, this application will be considered with regard to amenity and public safety, as well as the advertisements cumulative impact.

### **5.2 Design, Visual Amenity and Heritage**

The application site relates to 5 Hounds Road (The Mews), Chipping Sodbury, which is a locally-listed building, and is within Chipping Sodbury Conservation Area. The proposal is for 2no. non-illuminated static fascia signs.

5.3 The 2no. proposed signs would be attached to the existing timber lintels (1no. to each lintel). Sign 1 reads 'DOLMANS'; Sign 2 reads 'ACCOUNTANTS'. Both signs would be satin anodised aluminium. After receiving the revised drawing indicating the above, the Local Planning Authority also received confirmation from the Agent that the maximum height of the letters would be 230mm. This information raised no objection from the Conservation Officer, but it is considered appropriate on this occasion to condition the height of the letters, with any permission granted.

5.4 The proposed revised scheme is considered to be an improvement over the original. It is also considered that this revised scheme would not be detrimental

to the character and appearance of The Mews, the Chipping Sodbury Conservation Area or the Grade II Listed Church Hall.

5.5 As such, Officers are satisfied that the proposed advertising is acceptable in design and visual amenity terms.

5.6 Public Safety and Residential Amenity

The proposed signs are not likely to cause any material impact in terms of public/highway safety. It is also considered that they will not cause any material impact on residential amenities of local residents.

5.7 Consideration of likely impact on Equalities

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

With regards to the above this planning application 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 advertisement consent be **GRANTED**.

CONDITIONS

1. The 2no. proposed signs (lettering), hereby permitted, must have the height of no more than 230mm.



Reason

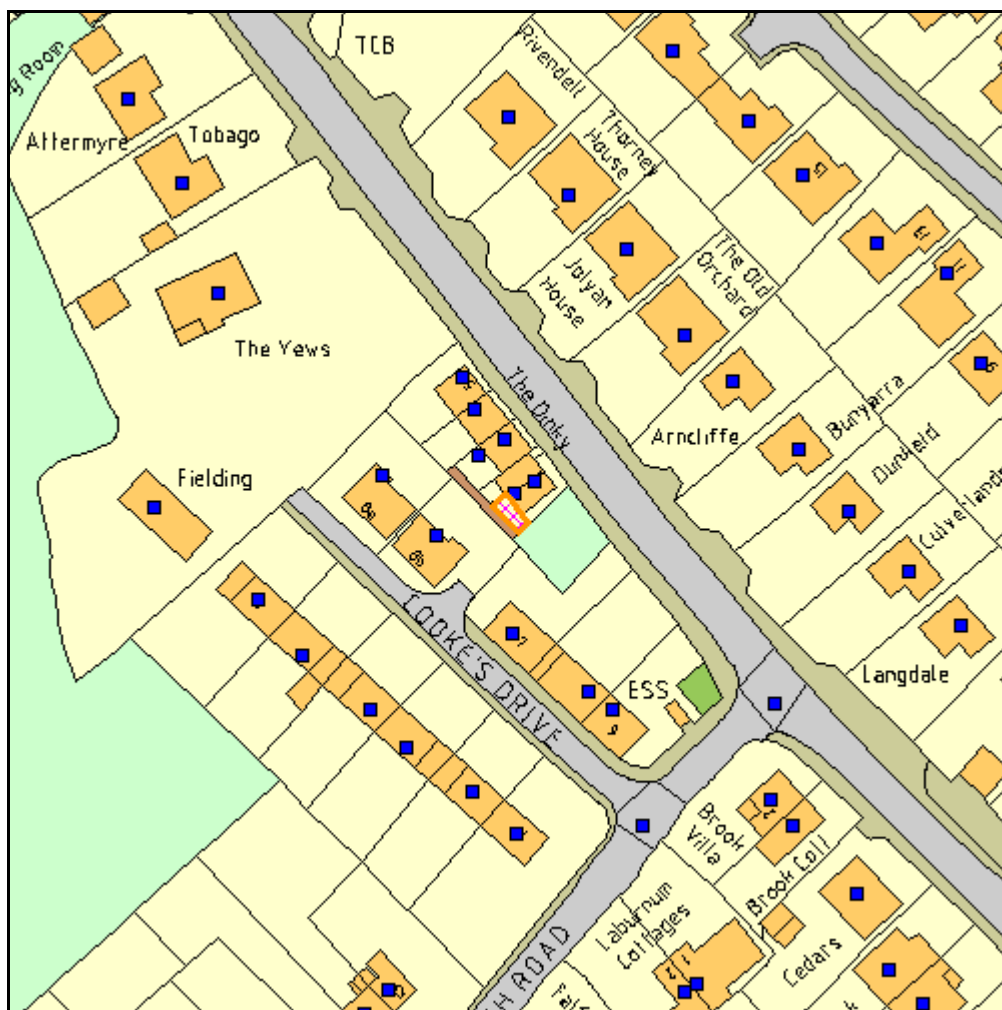
In the interest of visual amenity, and in order to comply with Policies CS1, CS9 and PSP17.

**Case Officer: Mykola Druziakin**

**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 43/20 -23rd October 2020**

<b>App No.:</b>	P20/10232/F	<b>Applicant:</b>	Mr Ponnaiahpillai Harijayanthan Dinky Store
<b>Site:</b>	The Dinky Deli 1 The Dinky Main Road Easter Compton South Gloucestershire BS35 5SJ	<b>Date Reg:</b>	19th June 2020
<b>Proposal:</b>	Installation of 1 no. timber clad storage container.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	357322 182317	<b>Ward:</b>	Piling And Severn Beach
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th August 2020



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 100023410, 2008. N.T.S. P20/10232/F

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

## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the receipt of letters of objection, which are contrary to officers' recommendation.

### **1. THE PROPOSAL**

1.1 The application seeks full planning permission for the installation of 1 no. timber clad storage container at Dinky Deli, 1 The Dinky, Main Road Easter Compton. The proposed container would measure 2.1 metres by 3 metres and 2.4 metres in height. The site is situated within the settlement boundary of Easter Compton and the Bristol / Bath Green Belt.

1.2 During the course of the application, a set of amended drawings was submitted to clarify that the existing condensers installed on site are not part of this proposal.

In terms of parking provision, the agent submitted an updated drawing showing the parking area shows parking for 5 vehicles and clarified the following elements:

- The parking area cover the units 1-5 Main Road.
- Number 5 forms part of the freehold to the shop, as well as the paving to the side and front of the shop.
- The upper floor above the shop is a residential studio, and has one of the allocated parking spaces.
- The storage unit is to store stock and to contain and 'tidy up' the site externally.
- The storage unit will mean that there are few deliveries to the shop (1 or 2 per week)
- The applicant will park his small van in an alternative site within the village or Main Road.
- The applicant leases the property and the owners of the site who had been notified prior to the application. The ownership is outlined in blue on the block plan.
- The owners of the land have confirmed that they have the right of access to the adjacent footpath.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework February 2019

National Planning Practice Guidance

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

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS34 Rural Areas

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

PSP1	Local Distinctiveness
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP34	Private Amenity Standards

- 2.3 Supplementary Planning Guidance  
 South Gloucestershire Design Checklist (Adopted 2007)  
 Residential Parking Standards SPS (Adopted) 2013

### 3. HISTORY

- 3.1 PT11/0606/F Erection of 3 no. dwellings, 1 no. shop Class A1 (retail) with maisonette, car parking and associated works. Allowed at appeal 8.9.2011

### 4. CONSULTATION RESPONSES

- 4.1 Parish Council – no comments  
 4.2 Highway Officer – no objection  
 4.3 Highway Structure – no comments.  
 4.4 Local residents: 6 letters of objection and 4 letters of support have been received and the residents' comments are summarised as follows: (all comments are available in the Council's website)

#### Highway

- The car park is not the property of the Dinky Deli is jointly owned by the residents of no. 1 to 5.
- The applicant will require access across other residents land
- Makes no provision for loading and unloading into the container
- Any loading and unloading will block residents access to their own car parking spaces
- risk damaging other parking vehicles and fencing
- The Biffa bin is proposed to be immediately outside the new container blocking loading and unloading
- The B40544 is known to be dangerous
- The proprietor currently parks 2 vehicles - one in the parking space proposed for the container and another in an area not designated for parking but in the residents' communal car park alongside the shop.
- This area is used for an overflowing Biffa bin and for pallets and refuse. This will force vehicles to park on the already dangerous B4055
- The deliveries occur outside opening hours and these are into a private residents car park.

- The bin will go into the SHARED car park, meaning there is a risk of residences being blocked in or unable to move their car.
- By parking and unloading, this will not leave enough space for a resident car to leave safely.
- When larger deliveries are made, large vans or lorries will have to take the time to unload which could cause a serious accident on the main road for residents having to wait on the main road to turn into their own car space.

#### Amenity

- Causing loss of light
- unsightly industrial storage
- Current noise complaint due to the new refrigerator extractor
- Very strong worry of the heat produced from the extractor causing a fire

#### Other

- The proprietor has rejected other alternative locations for storage
- The Dinky Stores has already erected 2 external refrigeration condensers without planning permission and is the subject of the Council Environmental Health investigation into the noise and heat arising from these units.
- The fire service is investigating the current risk posed by the piling up of inflammable refuse around these condensers and the blocking of the fire exit from the shop by boxes of stock, refuse and stock on shelving.
- The submitted drawings are inaccurate
- Possible obstructing drainage
- Increased goods storage is designed to facilitate increased sales and therefore increased rubbish.
- There are 4 employees
- No provision has been made for access or egress, for unloading or removal of refuse.
- The applicant proposes to store alcohol and cigarettes and other dry goods including inflammable cleaning products in the container. This is a fire hazard and crime risk.
- inconsistencies of the application form
- Obstruction of view
- Unclear about the height of the fence
- They do not have permission to place a bin there as they do not own the land
- Increase possibility of blocking our back door access which is unacceptable.
- The doors will open out and the Biffa bin will need to be moved... again this could block residents.
- Current Biffa bin is always overflowing
- The shared pathway for residents may be blocked at times with deliveries and unloading.
- The car park is not property of the The Dinky Shop, it is jointly owned by the 4 The Dinky properties , No. 2,3,4 & 5.
- It partially block our access to our back entrance to our 4 The Dinky property.
- The land being accessed by the back door through land NOT belonging to
- by installing the 'new door' to gain access to the unit, this can block back access to number 3 and 4 the Dinky which could also be a fire risk.

- This access is used daily. Number 3 and 4 The Dinky have right of way and this will be interfered with following the installation of the new door.
- There is still the huge potential of the occupant blocking access to the shared car park for 4 resident houses when unloading and using the storage unit.

#### Letters of support

- the shop has been an asset to the village
- During Covid-19 lockdown this shop was essential for the villagers of Easter Compton, many of whom are elderly and did not want to risk venturing out to larger supermarkets for food and essentials. The owner did home deliveries to the vulnerable and made no extra charge for this and with the inevitable "spike" in cases of Covid-19 expected in the Autumn for The Dinky Store to have more storage capacity will be invaluable.
- The timber clad design looks in keeping and the unit will be discrete in the space at the rear of the store.
- The plans still leave plenty of room for the little shop van to park up and unload safely.
- It is obvious that the shop requires further storage.
- The plans for additional storage are a very good idea and much needed, the private car park is now protected by lockable bollards so only residents can gain access and I don't see that the residents stopping to open these will cause any more obstruction than deliveries or general traffic.
- I would imagine more storage would lead to the need for less frequent deliveries which would actually reduce congestion, besides this there is ample parking space outside the shop and room for two way traffic to continue along the main road.

## 5. ANALYSIS OF PROPOSAL

### 5.1 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. In addition, the application needs to be considered against CS5 and PSP7 given its green belt location. Furthermore, the proposal needs to accord with PSP8 and PSP11 and to demonstrate that it would not have an unacceptable impact upon the residential amenity of nearby properties and would not prejudice public highway safety. The proposal has been carefully assessed and has found to be in compliance with these policies.

### 5.2 Green Belt

Policy PSP7 of the Policies, Sites and Places Plan states that additions and alterations to buildings in the Green Belt will be acceptable provided they do not result in disproportionate additions over and above the size of the original building. The proposed timber clad container would be modest in scale in relation to the host building. It is also largely screened by the existing building. In this instance, it is considered that the proposal would be appropriate development and would not result in any unacceptable impact on the openness of the Green Belt.

5.3 Design and Visual Amenity

The proposed storage unit would be 2.1 metres by 3 metres and 2.4 metres in height, it would be finished with close boarded timber. It would be located at the rear of existing shop and would not project beyond the side elevation of the host building. The submitted block plan also shows that the existing fence would be extended to the front corner of the proposed storage, and a biffa bin would be kept to the front of the storage unit. Due to its discreet location and the modest scale, it is not considered that the proposal would have significant adverse impact upon the character of the area.

5.4 Residential Amenity

Policy PSP8 of the Policies, Sites and Places Plan states that development proposal will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of the development or of nearby properties. It also outlines the types of issues that could result in an unacceptable impact. Residents' concerns including the potential loss of sunlight are noted. The storage unit would be single storey structure of approximately 2.4 metres in height. Whilst it would be 0.4 metres high than the normal householders' boundary fence, the structure would not sit immediately adjacent the boundary. As such, it is not considered that the proposal would cause significant overbearing or overshadowing upon the neighbouring residents to be detrimental to their living condition.

5.5 Transportation

Policy PSP38 of the Policies, Sites and Places Plan sets out the Councils parking standards. Residents' concerns relating to the parking issues were noted. This application seeks permission to install a timber clad storage container to the rear of Dinky Deli situated in the Main Road, Easter Compton. This site broadly complies with the requirements of Policy PSP11 and the addition of the proposed storage container is unlikely to effect the overall travel demand associated with these premises.

5.6 From a highways and transportation perspective, officers must consider whether or not the siting of this container creates an unacceptable road safety issue. During the course of the application, the agent has provided additional information regarding the parking situation. It is noted that vehicles already park close to the side of The Dinky Store and elsewhere on the hardstanding. Whilst the proposal would result in a loss of the rear parking space and that would create situation which was less satisfactory than the current layout, the displaced vehicle could park elsewhere within the car park without materially affecting the use of the other spaces. In addition, this parking area was private property, so any issues associated with the area were a civil matter. As the Council is unable to enforce their use or interfere in the choice of the vehicles or in the actions of individuals on private property. Residents' concerns relating to the rear access are also noted. Although the rear access is not very inviting, especially after the siting of the container, this is not a public footpath or highway. In summary, there is no highway objection to the proposed arrangement.

### 5.7 Flood Risk and Drainage

The site is not subject to any high risk of flooding. Given its nature of the proposal, there is no objection from drainage perspective.

### 5.8 Other matters

Residents also raised a number of other concerns, which were addressed as following:

- a. A set of revised plans has been submitted to indicate the height of the storage unit
- b. The existing condensers have been omitted from the latest drawings to avoid any further confusion. The Council's Environmental Protection Team is investigating the matter. In an event that a planning application is submitted for the installation, residents will be informed.
- c. The applicant has clarified the ownership of the site and a Certificate B has been submitted. In addition, ownership dispute is a private civil matter and it is not material planning considerations. In addition, planning permission shall not be construed as granting rights to carry out works on, or over, land not within the ownership, or control, of the applicant. The applicant must therefore obtain the prior written consent of the owner and occupier of any land upon which it is necessary to enter in order to construct, externally finish, decorate or in any other way carry out any works in connection with this development.
- d. It is the applicant's responsibility to make sure that the business and the operation comply with relevant legislation relating to health and safety, fire safety, etc. It is also unnecessary to impose conditions requiring compliance with other regulatory regimes.
- e. Loss of view or obstruction of view are not material considerations.
- f. The submitted block plan shows that the proposed storage unit and biffa are located within the applicant's land.

### 5.9 Consideration of likely impact on Equalities

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

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



**6. CONCLUSION**

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

**7. RECOMMENDATION**

- 7.1 That planning permission be granted subject to the following conditions:

**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).

**IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.  
POSITIVE AND PROACTIVE STATEMENT:**

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways: The applicant has been given opportunities to address the issues, and the revised proposal has been determined in a positive manner.

**Case Officer: Olivia Tresise  
Authorising Officer: Marie Bath**

## CIRCULATED SCHEDULE NO. 43/20 -23rd October 2020

<b>App No.:</b>	P20/12824/F	<b>Applicant:</b>	Canela Leisure Ltd.
<b>Site:</b>	Unit 6 Willow Shopping Centre Downend Road Downend South Gloucestershire BS16 5UJ	<b>Date Reg:</b>	14th August 2020
<b>Proposal:</b>	Creation of outdoor seating area for restaurant (Class A3).	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365072 176682	<b>Ward:</b>	Frenchay And Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th October 2020



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

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

This application is referred to the circulated schedule due to comments received from the Parish Council which are contrary to the Officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks permission for the creation of an outdoor seating area for a restaurant (Class A3).
- 1.2 The application site relates to Unit 6 of the Willows Shopping Centre which consists of a small parade of high street units fronting Downend Road. The site is located within the designated Town Centre boundary, Primary Shopping Area and forms part of the wider Primary Shopping Frontage. Unit 6 has recently been granted change of use to a café/restaurant (Class A3).

## **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS14 Town Centres and Retail

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  
PSP31 Town Centre Uses  
PSP33 Shopping Frontages  
PSP35 Food and Drink Uses

PSP43 Private Amenity Standards

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

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

- 3.1 P20/12823/ADV  
Display of 3 no. non-illuminated fascia signs and 1 no. non-illuminated hanging sign.  
Approve: 06/10/2020
- 3.2 P20/06087/F  
Full Planning Application for the change of use from Use Class A1 (retail) to A3 (restaurant) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).  
Approve with conditions: 22/05/2020

### 4. **CONSULTATION RESPONSES**

- 4.1 Downend & Bromley Heath Parish Council  
Objection- width of pathway insufficient for outdoor seating, not allowing easy flow of pedestrians, irrespective of the ramp that runs parallel.

Out of keeping in this part of Downend.

Health & Safety issue with passing pedestrians.

Fixed tables could become a meeting place for teenagers to congregate outside of opening hours.

#### Sustainable Transport

In view of the proposed amendment to the plans to include land only within their ownership (and not adopted highway) we have no objection.

#### Designing Out Crime

No objection.

#### **Other Representations**

- 4.2 Local Residents  
No comments received.

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

- 5.1 Principle of Development  
Policy CS14 of the Core Strategy (December 2013) identifies Downend as a high street and service centre. The policy seeks to protect and enhance the vitality and viability of existing centres in recognition of their retail, service and social functions. The change of use of unit 6 from retail (Class A1) to a restaurant (Class A3) has already been permitted under a previous application; the proposed outdoor seating area subject of this application is sought to compliment the restaurant. Therefore, the principal of development is acceptable subject to consideration of the impact to the character of the area, residential amenity and public safety.

## 5.2 Character

The site forms part of an existing parade of units, known as The Willows, which is located within the Downend Town Centre and consists of a mixture of town centre uses. The proposed seating area would consist of a small number of tables arranged in a linear form along the frontage of the unit. The layout is considered appropriate for the site and it is noted that outdoor seating areas fronting the highway are present elsewhere within the designated Town Centre. As such, the addition of another small area for outdoor seating in this location is not considered by the officer to be result in any significantly adverse impact on the character of the area. Furthermore, the proposed outdoor seating is considered to appropriate for, and positively contribute towards, the vitality of the town centre.

## 5.3 Transport and Public Safety

The site is located at the end of the existing parade known as The Willows and the external seating area would be for 5 no. tables located along the frontage of the unit. Officers are satisfied that the proposed seating is located within the ownership of the landlord and that the layout allows for adequate room for pedestrians to pass without obstruction. Furthermore, there is an alternative ramp access which runs parallel and bypasses the immediate frontage of the restaurant further reducing the impact. The proposed seating is therefore considered to have no adverse impact on accessibility to the adjacent shops or the free flow of pedestrians. For the avoidance of doubt the plans will be secured by condition.

## 5.4 Residential Amenity

It is noted that no residential properties are located within close proximity to the site and given the small number of tables proposed, it is not considered that the proposal would result in any significantly detrimental noise impact. Furthermore, the restaurant is restricted by condition to the opening hours of 8am to 11pm which is considered to adequately minimise any potential disturbances.

5.5 Concern has also been raised in regard to potential anti-social behaviour after closing hours. The Crime Prevention Design Advisor (CPDA) has raised no concerns in regards to this and, as stated previously, similar outdoor seating areas can already be found nearby. Potential anti-social behaviour cannot therefore be considered reasonable as a reason for refusal.

## 5.6 Equalities

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

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

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

## 6. **CONCLUSION**

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

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

## 7. **RECOMMENDATION**

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

## **CONDITIONS**

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

Reason

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

2. The development hereby approved shall be carried out in accordance with the following documents:

Received by the council on 22nd July 2020;  
Existing Ground Floor Plan (drawing no. P20/95/03 A)  
Existing Front and Side Elevations (drawing no. P20/95/04 A)  
Existing Rear and Side Elevations (drawing no. P20/95/05 A)  
Proposed Front and Side Elevations (drawing no. P20/95/07 A)  
Proposed Rear and Side Elevations (drawing no. P20/95/08 A)

Received by the council on 21st September 2020;  
Proposed Ground Floor Plan (drawing no. P20/95/06 B)  
Proposed Site Plan (drawing no. P20/95/02 C)  
Site Location Plan (drawing no. P20/95/01 B)

Reason

For the avoidance of doubt.

3. The outdoor seating area hereby permitted shall not be open to customers outside of the following times: 08.00 to 23.00 on any day.

Reason

To minimise disturbance to occupiers of nearby properties and to accord with PSP8 of the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017 and the provisions of the National Planning Policy Framework.

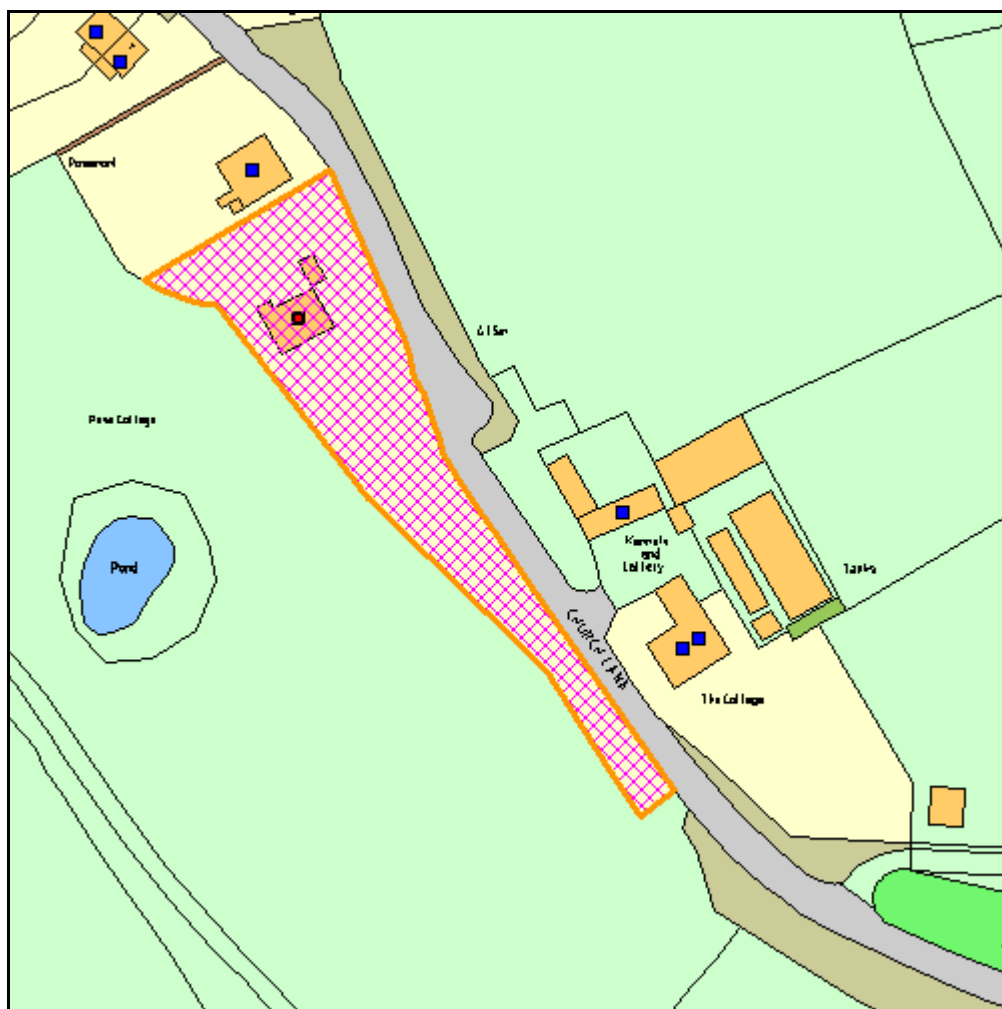
**IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.  
POSITIVE AND PROACTIVE STATEMENT:**

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways: amended plans were accepted and considered during the course of the application.

**Case Officer: James Reynolds  
Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 43/20 -23rd October 2020**

<b>App No.:</b>	P20/15284/F	<b>Applicant:</b>	Mr Tom Moody
<b>Site:</b>	Rose Cottage Church Lane Hambrook South Gloucestershire BS16 1ST	<b>Date Reg:</b>	31st August 2020
<b>Proposal:</b>	Erection of single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365286 178780	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th October 2020



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P20/15284/F



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

Contrary view of Parish Council.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the erection of a single storey rear extension at Rose Cottage, Church Lane, Hambrook. The original plans and description included a roof terrace but this has now been removed.
- 1.2 The application site comprises a two storey detached dwelling that has been previously extended with a two storey side extension and single storey rear extensions. The application site is located outside any defined settlement boundary within the Bristol and Bath Green Belt.
- 1.3 Revised plans have been received for the application that removed the proposed roof terrace and reduced the depth to 3 metres.

### **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

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

PSP1	Local Distinctiveness
PSP7	Development in the Green Belt
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  
Development in the Green Belt (Adopted) June 2007  
Residential Parking Standard SPD (Adopted) December 2013  
Assessing Residential Amenity TAN (Endorsed) 2016

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

- 3.1 PK00/1123/F  
Erection of rear conservatory.  
Approve with conditions (23/06/2000)
- 3.2 K2571/1  
Two storey extension and detached garage.  
Approval (01/08/1986)
- 3.3 K2571  
Erection of a double garage at the rear of house.  
Approval (31/01/1979)

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Objection - The site lies within the Bristol & Bath Green Belt. The Parish Council would suggest that this development falls outside the limited categories of allowable development based on both size of extension and incorporation of a roof terrace.
- 4.2 Local Residents  
1 support comment - Just what this place needs new life given to an old ran down building. I walk past this place every day on my way to work. A lot of the houses along this street have been brought up to the 21st century so why not this one. This house is only asking for a rear extension which no one can see as it looks over the fields behind.

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

- 5.1 Principle of Development  
The application seeks permission for a single storey rear extension at an existing residential property. Policy PSP38 of the Policies, Sites and Places Plan permits development within established residential curtilages subject to an assessment of design, amenity and transport. The development is acceptable in principle but will be determined against the analysis set out below.
- 5.2 Green Belt  
The application site is located in part of the Bristol and Bath Green Belt, where development is restricted. Paragraph 145 of the NPPF sets out that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt. There are a number of exceptions to this, which are set out within paragraphs 145 and 146 of the NPPF. The most relevant exception for this application is considered to be; 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'.
- 5.3 PSP7 reflects this, and sets out that as a general guide, an addition resulting in a volume increase up to 30% of the original building would likely be

- proportionate, additions that exceed 30% volume increase will need to be carefully assessed in terms of whether it would appear out of scale and proportion to the existing building. The larger a building becomes in excess of 30% over and above its original size, the less likely it is that the new extension(s) will be considered proportionate. Additions resulting in a volume increase of 50% or more of the original building would most likely be considered a disproportionate addition and be refused as inappropriate development.
- 5.4 From the available history of the site and reading the Officers Report from application PK00/1123/F it can be concluded that the previous extensions to the property (excluding the conservatory which is to be removed) total an increase in volume over and above the original building of approximately 30%. PSP7 stated that any further extensions past this point would therefore need to be carefully assessed.
- 5.5 The proposed single storey rear extension would replace the existing rear conservatory and porch and would extend the same distance from the rear elevation of the existing dwelling as the conservatory (3 metres). Whilst the proposal would cover the full width of the rear elevation, it would not encroach on the open green belt any further than what is already on site and the removal of the roof terrace has greatly reduced the proposals perceived size. The proposal would not result in a disproportionate addition over or above the size of the original building and therefore, the proposal falls within the exception categories of the NPPF and is not inappropriate development.
- 5.6 On the basis of the assessment set out above, it is not considered that the development proposal would result in any unacceptable impacts on the openness and permanence of the Green Belt.
- 5.7 Design and Visual Amenity  
Policy CS1 of the Core Strategy and Policy PSP1 and 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.
- 5.8 The proposed single storey rear extension would appear subservient to the existing dwelling and would be finished in materials to match the finish of the existing dwelling. The proposed flat roof would be acceptable in this location as would not be substantially visible from the street scene and the visual appearance of the existing dwelling is not protected.
- 5.9 On the basis of the assessment set out above, it is not considered that the proposed development would detract from the appearance of the building or negatively impact the visual amenity of the street scene or character of the area.
- 5.10 Residential Amenity

Policy PSP8 and 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; and odours, fumes or vibration.

5.11 The proposal has been carefully assessed and has found to be in compliance with these policies.

5.12 Transport

Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards. The proposed development would not increase the number of bedrooms in the property and would not remove any on-site parking spaces.

5.13 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application is considered to have a neutral impact on equality.

## 6. CONCLUSION

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

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

## CONDITIONS

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

Reason

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

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

Reason

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

3. The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP7, PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

**IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.**

**POSITIVE AND PROACTIVE STATEMENT:**

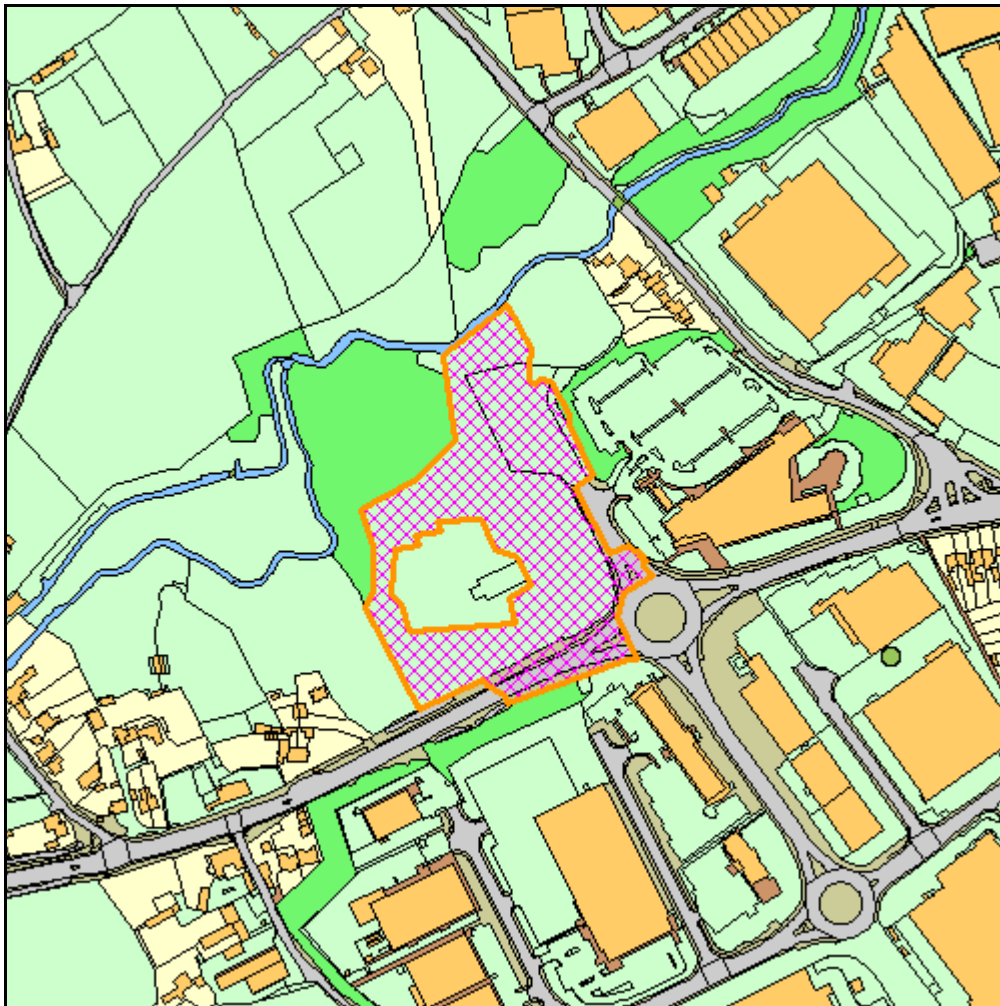
In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner by seeking amended plans.

**Case Officer: Oliver Phippen**

**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 43/20 -23rd October 2020**

<b>App No.:</b>	P20/16166/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Land To The West Of South Gloucestershire Council Offices Badminton Road Yate South Gloucestershire BS37 5AF	<b>Date Reg:</b>	4th September 2020
<b>Proposal:</b>	Change of use of land and formation of Park and Ride facility with new access, landscaping and associated works.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	369652 182507	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Major	<b>Target Date:</b>	4th December 2020



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 100023410, 2008. N.T.S. P20/16166/R3F

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

## **INTRODUCTION**

This application is referred to the Members Circulated Schedule in accordance with the Council Constitution as the applicant is South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 This application proposes the change of use of land to the west of the South Gloucestershire Council Offices on Badminton Road to allow the formation of a new Park and Ride facility with new access, landscaping and associated works.
- 1.2 The proposed development will provide 192 no. car parking spaces, 6 no. motorcycle spaces, 46 no. secure cycle spaces (in a combination of a two level shed and also 6no. individual lockers) with 8 no. bicycles for hire. The proposal will include a “Click and Collect” facility for the dropping off and collection of parcels. The vehicle parking spaces will also include 20 no. electric vehicle charging points and 13 no. disabled parking bays with one space for a car club. The proposal also includes security measures and landscaping.
- 1.3 The proposal will also provide 2 no. new bus laybys close by on Badminton Road (one will be east bound for those travelling towards Yate and one west bound towards the Ring Road and Bristol). It is indicated that the existing bus service will use these facilities but also it will “futureproof” the site for Metrobus Services. In addition a bus layby is shown on the access road to the site. A footpath will be provided from the entrance shown on the southern edge of the site this will cross via a zebra to the footway to the front of the South Gloucestershire Council Offices. An additional signalised crossing is shown to enable access to the other side of Badminton Road and the west bound bus layby.
- 1.4 The applicant has indicated that it is envisaged that the site will be used by commuters and visitors who will continue their journey by bus, shared car, by cycle or on foot or from Yate Railway Station that is site approximately 600 metres from the site along Badminton Road.
- 1.5 A Car Park Management Plan has been submitted with the application and this describes how the car park will be managed including the procedures and infrastructure that will be established for its daily operation. The key elements of this are as follows:
  - The Car Park will be open from 0600 to 2200 hours
  - Charges will be levied for car parking (but it will be free for those using buses)
  - EV charging (free parking, electricity paid for)
  - Blue Badge holders (free parking)
  - Enforcement of site will be in line with SGC parking enforcement policies
  - Lighting will operate during operational hours when dark
  - CCTV is to be provided throughout the site with digital recording

- Fencing is located around the perimeter of the site with lockable gates at the pedestrian and vehicle entrances
- Clear signage is to be provided throughout
- Responsibility for locking the site, cleaning and emptying of bins will be with South Gloucestershire Council

1.6 Within context the site sits just outside the Yate Urban boundary. To the west lies sporadic development along Badminton Road, to the north land slopes down to the Frome and adjacent Frome Valley Walkway on the opposite bank while to the east are the South Gloucestershire Offices and associated car park. To the south on the opposite side of the A432 lies the Badminton Road Trading Estate.

1.7 The site lies in the Bristol/Bath Green Belt. In Policy terms, an aspiration for a Park and Ride in this location is identified in the South Gloucestershire Local Plan Core Strategy Policies CS7 *Strategic Transport Infrastructure* and Policy CS30 (point 3) *Yate and Chipping Sodbury*. Reference is made to the allocation of the site in Policy PSP15 *Park and Ride/Share* and PSP47 (point 10) *Site Allocations and Safeguarding* of the South Gloucestershire Local Plan Policies Sites and Places Plan.

1.8 In support of the application the following supporting information, aside from the plans and design and access statement has been supplied to aid the assessment of the proposal:

Landscape Plan and Visual Assessment; Ecological Assessment; Drainage Strategy; Flood Risk Assessment; Transport Assessment; Land Contamination Assessment; Arboricultural Survey; Car Park Management Plan; Energy Statement; Air Quality Statement; Noise Statement; Heritage Statement (forms part of the Planning Statement) and a Lighting Plan.

## 2.0 **POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework March 2019  
Planning Practice Guidance

### 2.2 Development Plans

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

CS1 High Quality Design

CS2 Green Infrastructure

CS3 - Renewable and Low Carbon Energy Generation

CS4a - Presumption in Favour of Sustainable Development

CS5 - Location of Development (Inc Green Belt)

CS7 - Strategic Transport Infrastructure

CS8- Improving Accessibility

CS9 - Managing the Environment and Heritage

CS30- Yate and Chipping Sodbury



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

PSP1 - Local Distinctiveness  
 PSP2 - Landscape  
 PSP6 - Onsite Renewable and Low Carbon Energy  
 PSP7 - Development in the Green Belt  
 PSP8 - Residential Amenity  
 PSP10 - Active Travel Routes  
 PSP11 - Transport Impact Management  
 PSP15 - Park and Ride/Share  
 PSP17 - Heritage Assets and the Historic Environment  
 PSP19 - Wider Biodiversity  
 PSP20 - Flood Risk, Surface Water and Watercourse Management  
 PSP21 - Environmental Pollution and Impacts  
 PSP47 - Site Allocations and Safeguarding

Supplementary Planning Guidance

Design Checklist 2007

**3. RELEVANT PLANNING HISTORY**

3.1 *Application Site*

PT05/1816/R3F Construction of Park and Ride facility including alterations and improvements to existing access, bus shelter, landscaping and associated works. Deemed Consent 8<sup>th</sup> August 2006

3.2 *Site surrounded by current application (but not part of)*

PK14/4785/R3F Installation of a 287.25kW ground mounted Solar PV Park complete with inverters, security fencing, landscaping, temporary compound and access track, and all ancillary works. Deemed Consent 23<sup>rd</sup> March 2015

3.3 *Adjoining Site*

PK17/4229/R3F Extension and reconfiguration of existing staff car park and creation of new visitor car park with landscaping and associated works. Deemed Consent 9<sup>th</sup> February 2018

PT07/3727/R3R Approval of landscaping details in association with erection of Council Offices. (Approval of Reserved Matters to be read in conjunction with Outline planning permission PT06/2824/R3O). Deemed Consent 14<sup>th</sup> March 2008

PT07/3002/R3R Erection of Council Offices with associated car parking. (Approval of Reserved Matters to be read in conjunction with outline planning permission PT06/2824/R3O) Deemed Consent 10<sup>th</sup> December 2007

PT06/2824/R3O Erection of Council Offices with associated car parking, landscaping and access (Outline) on 2.79ha of land. Deemed Consent 12<sup>th</sup> March 2007

PT01/0003/O Use of land for Council Offices and residential development. Deemed Consent 14<sup>th</sup> Dec 2001

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

##### 4.1 Yate Town Council

Strongly support the proposal but object to some details as follows:

The proposed site is too small and needs to be bigger

An on-site bus stop is welcome but concerns over bus service provision

The zebra crossing is not positioned safely, there should be on-site provision or a safer crossing

Needs to be wholly available for bus and train commuters (parking ticket must be validated on the bus.

The cycling provision must be adequate in terms of access, safety, size, tool/pump provision.

The points that have been raised have been passed to the applicant to consider and responses to the points have been forwarded to the Case Officer as follows:

*The proposed site is too small and if this is going to succeed (which is the hope) it needs to be bigger*

The size of the site has been designed in line with demand assessments for the scheme which have been undertaken as part of the business case exercise. These assessments have demonstrated that the site will have sufficient capacity to cater for demand up to 2036. There is provision to expand the site in future if the demand merits it. When the original scheme was proposed in 2005 there was insufficient evidence to demonstrate demand for the facility, which is why it was not progressed at that time.

*Whilst we welcome the inclusion of an on-site bus stop, this does not address our highways and access concerns unless there is certainty of bus service provision.*

The site will be served by existing bus services. Both First Bus and Stagecoach have been involved in the development of the scheme and confirmed existing services will stop at the site. First Bus expressed a preference for serving the on-site bus stop from scheme opening.

*Whilst there is now a proposed zebra crossing to reach southbound bus stops, this is not positioned in a location pedestrian will feel safe using, with vehicles coming straight off the roundabout onto the zebra crossing. We consider it essential to provide a safer crossing OR be sure of an on-site bus service.*

The crossing of Badminton Road is a signalised crossing, not zebra. This will provide enhanced safety for pedestrians crossing Badminton Road. No issues relating to the position of the signalised pedestrian crossing have been highlighted as part of the mandatory and independent Road Safety Audit undertaken as part of the project's progression.

*Given that the site is far smaller than the need, given the amount of growth in the area since the 2005 approved scheme, it needs to be wholly available for people commuting on bus or train. There should be a system where you can only validly park if you buy a ticket AND get it validated on the bus. How else will it avoid becoming an all-day car park for surrounding offices and trading estates?*

A Car Park Management Strategy is included as part of the planning submission. This outlines the proposed approach to managing the site which includes an incentive for bus users to park for free and a charge for other users. The charging regime and management of the car park will be monitored and amended as required to ensure the site is used as it is intended as a park and ride, stride share and cycle site.

*The proposed cycle area is quite compact considering that cycling, and other forms of individual sustainable transport, should be forming a core part of transport for the future.*

*a) Any cycle parking must allow sufficient access to easily move cycles in and out of the storage.*

The secure cycle shed has been designed to best practice standards to ensure users are able to manoeuvre in, out and within the facility.

*b) As this is long term parking, it must be covered and secure, and provide for the safe storage of any accessories (helmets etc) that it would not be reasonable to take on the bus.*

The cycle shed is completely enclosed and secure.

*c) A high-quality cycle pump is hugely useful for anyone caught short of air and will be a valuable addition.*

Noted

*d) A tool station will clearly be useful and sends the right message that we want to support the users of cycles etc, but it should be maintained, and not left to deteriorate. If the tool station would be at the expense of quality cycle parking, we should have the cycle parking.*

A tool station will be provided in addition to cycle parking provision.

*e) Ideally Brompton lockers will also be suitable for the larger electric scooters that it may not be realistic to take on the bus.*

Brompton Bicycle lockers are solely used to store folding bicycles which will be available for rent. Provision of storage or hire facilities for electric scooters could be included into the scheme in future years, in line with the legal standing of such technology.

Westerleigh Parish Council

Westerleigh Parish Council support the plans for this Park and Ride facility

4.2 Other Consultees

Archaeologist

No comments

Avon and Somerset Police

No objection but clarification required regarding the form of the fencing, whether this is metal or post and rail. *This has been clarified and is deemed acceptable*

Lead Local Flood Authority (summary)

There is no objection to the development subject to conditions to secure an appropriate sustainable urban drainage system and a condition to ensure that detailed ground water monitoring is undertaken at the site.

Environment Agency

No objection subject to conditions be applied to secure full details of foul and surface water drainage and a detailed design for a by-pass petrol interceptor. A scheme for the prevention of pollution during the construction phase is also required.

Environmental Protection

No objection subject to a condition to secure details of the risks from accumulating ground gases with remediation options with the remediation scheme prior to the commencement of works and any necessary works being carried out prior to first use with a verification strategy being also submitted prior to first use.

Listed Building Officer (summary)

It is considered that the development proposals would not result in a change in setting that would cause harm to the overall architectural and historic interest of the Grade II listed Willow Cottage or Nibley House. I would also add that the lack of impact on the setting and significance of the designated heritages can be considered to justify the absence of a statement of significance as required by paragraph 189 of the NPPF.

Health and Safety Executive

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Sustainable Transport (summary)

No objection in principle subject to conditions

Environmental Policy

## Initial Comments

Further information is requested in relation to the proposed lighting on the site. An increase in Electric Vehicle Charging Points is requested, with further details regarding their operation. There is a request that the Energy Statement is revised to include these details. Consideration of solar canopies should be made.

Following the submission of information to address the above issues, no objection is raised subject to a condition to ensure that the development is carried out in accordance with the revised energy statement.

Ecologist

Following negotiations, no objection to the development is made subject to conditions.

Landscape Officer

No objections subject to conditions

4.3 **Other Representations**

Councillor Tristan Clarke

I support this application which is long overdue after previous plans for a Park and Ride facility in Yate were discarded in 2007 by the new Conservative run administration. In light of the Climate Emergency Declaration passed by South Gloucestershire Council it is vital to promote sustainable modes of transport and to rapidly decarbonise the local economy.

The only downside to this application is the limited number of parking spaces that will be deliverable at this site. I support the arguments of our colleagues in Yate, Sodbury and Dodington that South Gloucestershire Council should look to build upon the hoped for success of this P&R and look for further viable sites for a P&R to the east of Yate (thus negating the need for residents on that side of Yate to travel down Station Road or Iron Acton Way to access this proposed site).

Local Residents

1 letter of support has been received.

5 letters have been received neither supporting nor objecting to the development stating:

The parking area should be free for bus and train users and that the authority should promote all forms of transport.

The development should not be used as cheap parking for Council staff but genuine commuters.

Greater regard should be had for the safety of cyclists on routes around the site

The development could be larger

Bus routes should connect up to those areas likely to use the site  
Park and Ride is an out of date terms it should be called a mobility hub

## 5. ANALYSIS OF PROPOSAL

The application seeks consent for the change of use of land and formation of Park and Ride facility with new access, landscaping and associated works. The site is located on land that is within the Bristol/Bath Green Belt outside but adjoining the Yate Settlement boundary.

### 5.1 Principle of Development

- 5.2 The National Planning Policy Framework (NPPF) February 2019 clearly sets out that the starting point for the determination of planning applications is the relevant local development plan unless material consideration indicates otherwise. The South Gloucestershire Local Development Plan Framework was adopted prior to the latest publication of the NPPF (February 2019) and is consistent with the aims and objectives set out in that document. The Local Development Plan Framework therefore can be considered up to date and full weight can be given to its policies.

For the purposes of considering this application therefore the proposed development must be considered against the relevant policies set out within the South Gloucestershire Local Plan Core Strategy 2013 and the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

#### 5.2.1 Core Strategy

The Core Strategy sets out the Council's overall strategic vision and is therefore most relevant to consideration to this proposal for strategic infrastructure.

Policy CS7 of the Core Strategy indicates that:

*Priority will be given to the implementation of strategic infrastructure proposals that reduce congestion and improve accessibility by means other than the private car.*

Supporting paragraph 7.9 identifies the Nibley Park and Ride as such a proposal

This policy is consistent with Paragraph 102 of the NPPF as it fulfils the objective of identifying from the earliest stage of plan making a proposal that can create "*an opportunity to promote walking, cycling and public transport*".

The proposed development therefore accords fully with the aims and objectives of this policy.

Policy CS8 of the Core Strategy indicates that:

*Priority will be given to providing the users of new development with a range of travel options other than the private car.*

Although this proposal is not directly related to new development, it is considered that it would be consistent with the objective set out.

Policy CS30 which is specific to Yate and Chipping Sodbury indicates that development proposals will take into account the vision and partnership priorities for that area with contributions being sought for key pieces of infrastructure. Point 3 of the policy specifically identifies the Park and Ride in Nibley within that context along with improvements to bus services.

### 5.2.2 Policies Sites and Places Plan

Policy PSP15 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017 considers Park and Ride proposals. The policy specifically identifies the allocation of a Park and Ride facility at Nibley Yate alongside a similar allocation at Tormarton close to M4 Junction 18.

The policy states that such facilities will be acceptable where they:

- 1) *Encourage a reduction in the use of the private car by encouraging the use of public transport for longer journeys; and*
- 2) *Are located on an existing or proposed public transport route and provide, where necessary measures to facilitate the delivery of frequent, efficient and reliable public transport services; and*
- 3) *Provide access and facilities for walkers, people with disabilities, motorcyclists and cyclists; and*
- 4) *Would not have unacceptable effects on the strategic and local highway network or any other unacceptable transportation effects*

It is considered that the facilities provided at this particular location accord with the requirements of Points 1 to 3 above. A detailed consideration of the impact upon the strategic and local highway network is made below in Section 5.2 of this report.

Policy PSP47 considers site allocation and safeguarding for a range of land uses that are required to support the deliveries of sustainable communities. Site 10 identified against this policy is the Nibley Park and Ride site that is the subject of this application.

## 5.3 Green Belt

### 5.3.1 Policy

Notwithstanding the Policy support for the development as set out above, the application site is located outside of the development boundary of Yate (albeit adjoining that boundary), within the Bristol Bath Green Belt.

The National Planning Policy Framework sets out in para 133 that “great importance is attached to Green Belts with the *“the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*. The purposes of the Green

Belt are set out in para 134 among which are to prevent urban sprawl and safeguard the countryside from encroachment.

Para 145 and 146 (re-iterated in Policy PSP7) set out those forms of development that are deemed appropriate within the Green Belt. Included within these paragraphs it is indicated that some engineering works and local transport infrastructure which can demonstrate a requirement for a Green Belt location can be deemed to be “not inappropriate”.

It is important to note however that para 146 states that those forms of development and others are “not inappropriate in the Green Belt *“provided they preserve its openness and do not conflict with the purposes of including land within it”*”. It is considered that by its scale and nature the development cannot be said to comply with this requirement having regard to those purposes set out in para 133 above.

In these circumstances it is necessary to turn to para 144 of the NPPF which states:

*When considering any planning application, local planning authorities should ensure that substantial weight is given to the harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

### 5.3.2 Very Special Circumstances

The applicant has set out their case for “very special circumstances” and it is therefore necessary to apply this balance to this proposal.

Twelve different sites were considered on the A432 based on their proximity to that corridor and residential areas with in total 19 options being considered (including improving existing walking and cycling links and services without a Park and Ride provision). A detailed sifting process is shown in the supporting documentation using strategic, economic, commercial, and financial and management ability criteria. The appropriate site must be able to provide sufficient space for the facilities to be provided and maximise interchange opportunities between modes of transport. It is also shown as important that any site must enable a reduction in traffic on the busy A432. Options have been considered both within and outside the settlement boundaries/Green Belt.

The chosen site is shown as supporting the full list of criteria. It is shown as being an 8 minute walk from the train station, close to the public right of way network, close to Yate Town Centre and employment area, close to existing bus services. In addition it is noted that the site is easily assembled being owned by the Council and has had a previous consent for such a facility (see relevant history above for details).

*Key benefits have been set out as follows:*

*Reduce traffic flows and congestion on the A432 corridor between Yate and Bristol;*

*Reduce travel times by public transport along the A432 corridor;*



*Increase proportion of individual journeys made by walking, cycling or public transport;*

*Improve public health due to more people walking and cycling;*

*Improve connectivity to Yate Station to capitalise on MetroWest Phase 2 half-hourly services;*

*Enable the use of electric vehicles;*

*Improve pedestrian crossing provision of Badminton Road.*

It is also stated that the site is close to a range of urban uses both industrial and office based and would remain as largely an open car park. Structures will be sited to the south largely to allow openness to be maintained across most of the site and landscaping can be provided to lessen the impact.

### 5.3.3 Green Belt Assessment

As set out above the proposed development represents inappropriate development in the Green Belt and would therefore by definition result in harm. Substantial weight is given to this as set out in paragraph 144 of the NPPF.

It is noted that the site is located close to the settlement boundary within sight of a range of urban uses. It is also noted that the development by its nature would have less physical impact upon openness than other uses and that some mitigation is possible through appropriate landscaping. Some limited weight is given to these considerations.

Weight is not given to the previous consent as that has expired. It is noted as set out in 5.2 above that the site is strongly supported in terms of policies in the Local Development Plan but limited weight is given to this as the impact upon the Green Belt is a separate consideration.

Of more significance, it has been shown through a site selection process that has included sites within settlement boundaries that the site fulfils all the requirements of the brief for the proposal. The development can also proceed quickly as it is within one ownership.

Its location will allow the interchange between modes of transport and secure a reduction of traffic on the A432. The benefits set out above in 5.3.2 are considered to be significant.

Taking into account all the above factors it is therefore considered that very special circumstances have been demonstrated that outweigh the harm caused by “inappropriateness” and therefore the proposal is acceptable in Green Belt terms.

5.4 In summary therefore having regard to the policy position set out in the Local Development Plan and in terms of Green Belt Policy the proposed development is acceptable in principle. The remainder of the report will considered the proposal against the detailed material planning considerations.

## 5.5 Environmental Protection

Policy PSP21 indicates that proposals for development on land, which may be affected by contamination, will be acceptable where adequate remedial measures are taken to ensure that the site is suitable for the proposed use and will remain so.

The application site was in the past used as a sewerage works. A detailed report has been submitted with the application which has been viewed by the Environmental Protection Team.

No objection to the development is made however in order that the site is suitable for its proposed use a condition requiring that prior to the commencement of the development the units and enclosures to be installed shall be assessed for the potential risk of accumulating ground gases with remedial actions being identified where such risks are identified. A verification strategy is required prior to first use to ensure that all remediation works have been undertaken in a satisfactory manner.

## 5.6 Design/Visual Amenity

The development is of a functional design which incorporates elements of landscaping particularly around the edges. Within context although the site lies just outside the settlement boundary of Yate, the context is dominated by the South Gloucestershire Council Offices and to an extent the large commercial area on the opposite side of Badminton Road.

It is not considered that the development will detract from the visual amenity of the area.

## 5.7 Residential Amenity

Given the location of the development in relation to the nearest residential properties it is not considered that any detriment to the residential amenity of neighbouring occupiers will result.

## 5.8 Landscaping

Policy CS2 of the Core Strategy seeks to protect and enhance existing landscape features. Also of relevance Policy PSP2 (Landscape) of the Policies, Sites and Places Plan indicates that development will be acceptable where it conserves and where appropriate enhances the quality, amenity, distinctiveness and special character of the landscape.

The proposed development includes landscaping proposals including an area of woodland at the north-west of the site. There will be the translocation of some saplings to this area from the development site. Some planting is proposed around the perimeter. Rain gardens are proposed between parking rows. Negotiation has taken place and landscape proposals put forward are considered acceptable however at this stage the detail has not been supplied.

The development is considered acceptable in landscape terms subject to conditions to secure details of both hard and soft landscaping, boundary treatments. The condition will also ensure that the works are carried out at the appropriate planting season.

## 5.9 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.

An Ecological Assessment and a Reptile Mitigation strategy has been submitted in support of the application, this has been viewed by the Council Ecologist and is discussed in detail below.

The site itself is not situated in an area designated for Nature Conservation however it is important to note that the area to the immediate north along the River Frome comprises a Site of Nature Conservation Interest (SNCI). A 10 metre buffer has been provided and consequently it is not considered that the development will affect the SNCI.

### *Habitat*

The site comprises semi-improved and neutral grassland across the majority of its area however there is some immature woodland along the southern and eastern boundaries, some of which was planted as part of the earlier solar scheme landscaping. There is also some dense scrub.

### *Species protected under the Conservation Regulations 2017 ('European Protected Species) as well as the Wildlife & Countryside Act 1981 (as amended)*

Bats – Apart from one bat box at the front of the site the report identifies no suitable structures for roosting. The site offers opportunities for “commuting and foraging” however along the edges of the site lighting is considered to ensure that this is unlikely to take place. Bats are more likely to use an area to the north along the Frome.

Great Crested Newts and Otter – Neither of these species have been recorded as present.

### *Species protected under the Wildlife and Countryside Act*

Nesting Birds and Slow worms – the hedgerows are suitable for nesting birds. A population of slow worms has been found on the site but this is a low population largely found at the south-eastern corner. A mitigation strategy has been submitted and is accepted by officers.

Badgers – Badgers are protected under the Badger Act 1992. A badger survey was undertaken of the proposed scheme and adjacent solar array. A total of four badger setts were recorded, two active setts between 80-100m from the proposed site and two inactive badger setts identified within 100m of the proposed site and two outlier

setts identified between 30 and 10m from the site. Outlier sett 3 is within 10m of the proposed development site and if it became active then badgers could be disturbed by the works and a mitigation licence required. Therefore, the outlier badger sett (no. 3) should be closed under a Method Statement as it is disused and within the proposed scheme footprint. A pre-construction badger survey will be the subject of a condition attached to the decision notice and must be undertaken to confirm there are no new setts that could be impacted by the works.

Other Species – The site is suitable for hedgehogs and there is the potential for the site to be used by foraging owls but no roosts or nests have been found.

### *Biodiversity*

Paragraph 174 b of the National Planning Policy Framework states that plans and development should:

*Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

Paragraph 175 d of the Framework states:

*Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

These objectives are set out in PSP19 of the South Gloucestershire Council Policies Sites and Places Plan.

The initial scheme design showed a loss of habitat and a hedgerow loss of 20% and 33% respectively. The scheme has been amended however this would still have resulted in a loss. Negotiations have taken place to overcome this issue, principally to include the area to the north-west of the site but within the ownership of the applicant and within the “blue line” plan. This allows for enhancements to be secured to this grassland and woodland for example through the removal of Himalayan balsam an invasive species along the River Frome SNCI and a management regime for the grassland. In addition bat boxes will be secured across the river corridor and habitat for reptiles. With the inclusion of this area there will be a 6.54% gain for habitat and 2.99% gain for hedgerows. This is considered acceptable.

In summary subject to conditions to secure an updated badger survey, a Construction Environmental Management Plan, a Landscape and Ecological Enhancement Plan for Biodiversity and the provision of five bat boxes and five reptile hibernacula, the proposed development is considered acceptable in ecological terms.

## 5.10 Transportation Issues

### *Principle of Development*

Policy CS8 of the South Gloucestershire Local Plan Core Strategy indicates that the provision of a range of travel options other than the private car is an objection through *the provision of and integration of walking, cycling and public transport infrastructure into the local network*. As such this proposal will help meet the aims and objectives of this policy.

Furthermore Policies CS7, CS30 and PSP15 as set out in 5.2.1 and 5.2.2 support the provision of a Park and Ride facility to serve this area.

The proposed development although described as a park and ride is clearly more than that, being more of a transport hub encouraging single occupiers of private motor cars to complete a journey by other means. Those means will include travel on foot, car share, bicycle or public transport be that by bus or train travel given the proximity of Yate Station.

The Park and Ride is therefore only an element of the whole proposal but nevertheless the relocation of the bus stops and pedestrian links will provide a suitable facility for this use both utilising existing bus services but also as the applicant has indicated catering for it to be served by a proposed Metrobus service on A432. The facility is about 10 to 15 minutes walking time from Yate Station allowing for onward journeys by train. It is also worth noting that the site is situated close to many of Yate's employment sites and additional crossing points would serve these.

In summary in terms of the principle of development, it is considered that the proposal, given its potential benefits to wider travel movements and reduced single car occupancy will accord with the aims and objectives of the policies set out above.

### *Highway Impact*

It is necessary to consider the impact of the development itself upon the immediately adjoining highway. It is considered that the use of the site will be largely limited to those who undertake existing journeys on A432. It is estimated from surveys that approximately 1750 vehicles currently pass the site in the peak hour with the majority travelling eastbound towards yate but with a significant minority travelling westbound. With a capacity of 192 spaces within this context the impact upon surrounding junctions is judged to be slight.

Submitted information with the Transport Assessment indicates that by the start of 2021 the roundabout adjacent to the development will be over capacity whether the Park and Ride is built or not. In addition the junction at Nibley Lane where traffic to and from Westerleigh joins the A432 is also congested. Officers agree with the conclusion of the report that the Park and Ride will only result in a very small delay to vehicles on the roundabout in the morning peak hour and less impact still in the evening. As the majority of users of the site will be those who would be passing anyway there would be little impact upon the highway and there should be benefits from a reduction of traffic movements further along the road.

### *Pedestrian Crossings/Bus Stops*

These are welcomed and changes have been made to meet the Road Safety Audit. The off-site improvements include a controlled (Toucan) pedestrian / cycle crossing of Badminton Road south of the roundabout, as well as a parallel zebra/ pedestrian crossing across the access, spur road leading to the Park and Ride; new Metrobus standard bus stops on Badminton Road, and on the spur road into the P&R site.

### *Car park Management and Layout*

The operation of the Car Park (set out in detail in Section 1 above), is considered acceptable in transportation terms and will be the subject of an appropriate condition as ultimately ensuring how well the site operates will relate to ongoing monitoring of the facility to ensure that it maximises sustainable travel in particular ensuring that it is not used for Council employee parking.

### *Cycling*

A number of concerns have been raised regarding the suitability of the site and whether it complies with the latest guidance. In response to this it is noted that the on-carriageway cycle lanes on Badminton Road have been increased to 2m in width to accord with the latest cycle infrastructure guidance not LTN1/20. A stage 1 road safety audit has been carried out to confirm the proposed design. The issues raised in the Audit have all been addressed including a number of queries raised by the design, including visibility for cyclist/ bus driver interaction; footway and crossing widths and layout; cycle lane widths; visibility splays within the site and accesses to existing utility services.

In summary therefore, in transportation terms the development is considered acceptable. Conditions will be attached to the decision notice to secure electric charging points, details of traffic calming measures, a street lighting scheme, and details of the cycle parking. In addition a condition will require the submission of a Construction Environmental Management Plan and a further condition will ensure that the development is operated in accordance with the submitted Car Park Management Plan.

## 5.11 Environmental Policy

Policy PSP 6 of the South Gloucestershire Local Plan Policies Sites and Places Plan seeks to encourage the use of low carbon energy generation sources. Policy CS8 welcomes the use of Electric Vehicle Charging Points.

The applicant has amended the development to provide 38 Electric Vehicle Charging Points, These will be operational within 6 months of the first use of the site. The site will allow for a future increase in these facilities as well as using more rapid chargers and an appropriate charging mechanism for these facilities is set out in the Energy Statement.

The means and timings of lighting the site are set out in the Energy Statement and are welcomed.

The use of Solar Canopies would have also been welcomed however this has implications for security (passive surveillance) and this response is noted.

It is considered that the development is in accord with the aims and objectives of plan policy, and will also have benefit from encouraging more sustainable means of travel (i.e. train, bus, car share and cycle) and is therefore acceptable subject to a condition to ensure that the development proceeds in accord with the revised Energy Statement.

#### 5.12 Drainage/Water Environment

Policy CS9 of the Core Strategy and Policy EP2 of the South Gloucestershire Local Plan (Adopted) seek to ensure that any development is not adversely affected by the existing water environment or results in an impact to the surrounding area. As stated in the Core Strategy, new development has a significant role to play in managing flood risk by minimising its own surface water run-off through the use of Sustainable Drainage Systems (Suds), this provides a means of discharging surface water in ways that prevent flooding and pollution within the site (methods such as attenuation ponds and controlling flows).

The proposed development has been considered by both the Lead Local Flood Authority and the Environment Agency. Additional information has been sought from the applicant and there is an acceptance that infiltration i.e. allowing the ground to absorb the water is not viable in this location and therefore the run off from water will need to be controlled through attenuation to an existing swale prior to release into the River Frome, a pond is also proposed.

Given that it is considered that a surface water drainage system of the above type is possible, a detailed condition requiring the submission of details of such a scheme prior to the commencement of development will be attached to the decision notice. Furthermore while it is noted that a pond is to be provided, the exact details of this proposal are not known at the point of determining this application so this information will need to be secured by a condition attached to the decision notice. Subject to these conditions the development is considered acceptable in drainage terms.

In terms of dealing with the issue of Flood Risk, a detailed Flood Risk assessment (FRA) has been submitted with the application. The Risk Assessment indicates that the site is located entirely within Flood Zone 1. The Environment Agency and SGC mapping indicates that a very fine/small area of land at the far north-eastern corner is within Flood Zone 3. This part of the site however is not to be built on but is to be part of the buffer between the site and the River.

Given the nature of the development it is not considered that it could be located in another location i.e. entirely within a lower area of flood risk (a full scoping of other sites was undertaken and is discussed elsewhere in this report). The Environment Agency have not objected to the FRA and the development is considered to be community infrastructure that can only be located at this site. For this reason the proposal is considered to be acceptable in Flood Risk terms. Conditions as advised by the Environment Agency will be attached to the decision notice to avoid pollution entering watercourses.

### 5.13 Archaeology

No objection to the development is made on archaeological grounds.

### 5.14 Heritage

Policy CS9 of the South Gloucestershire Local Plan Core Strategy and PSP17 of the Polices Sites and Places Plan both seek to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.

The proposed development has the potential to affect the wider setting of the Grade II listed Willow Cottage and the Grade II listed Nibley House. No statement of significance has been submitted but both properties are identified within the submitted Landscape and Visual Appraisal.

Willow Cottage is the closest heritage asset to the application site and at its closest point the proposed development would be some 180 metres east of this listed building. For Nibley House further to the west, due to the separation distances involved and the absence of any significant views and historic functional relationship, the application site is not considered to make any meaningful contribution to the setting and in turn significance of Nibley House.

Overall it is not considered that the proposed scheme would result in any visual intrusion into the existing setting of the listed Willow Cottage, as by reason of the separation distances, the existing intervening established planting levels and the design of the scheme itself with substantial landscape buffering to the west and south of the car parking area, the visual impact of the proposed development would largely be contained to an area outside of what can be considered to be the setting of the listed building.

In consideration of the impact of the proposed development on the Grade II Nibley House located on the western side of the Nibley Lane/ Badminton Road junction, due to distances involved, existing site context and lack of any historic association between the two, the setting and in turn the signification of Nibley House would not be harmed due by the development proposals.

In summary, it is considered that the development proposals would not result in a change in setting that would cause harm to the overall architectural and historic interest of the Grade II listed Willow Cottage or Nibley House.

It should also be noted that the lack of impact on the setting and significance of the designated heritages can be considered to justify the absence of a statement of significance as required by paragraph 189 of the NPPF.

### 5.15 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful



discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general 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.

## **6.0 CONCLUDING SUMMARY**

- 6.1 Officers have given considerable weight to the wider environmental benefits of the proposed development and have concluded that those benefits clearly outweigh the identified harm to the Green Belt.
- 6.2 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.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 It is recommended that the application be **APPROVED** subject to the conditions written on the decision notice.
- 7.2 Authority is delegated to the Head of Environment and Community Services to refer the resolution to grant planning permission to the Secretary of State for Communities and Local Government.
- 7.3 Provided that the Secretary of State for Communities and Local Government does not recover the application for consideration, that Authority is delegated to the Head of Environment and Community Services to grant planning permission in accordance with the recommendation.

## **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. Ecology (badgers)

Prior to the commencement of any construction work on site, an updated badger survey shall be undertaken by a suitably qualified and experienced ecologist, and a Method Statement for Badgers during Construction (as part of a CEMP - Biodiversity) shall be submitted to the LPA for written approval. The development shall be carried out in full accordance with the approved Method Statement.

### 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

Details are required prior to the commencement of development in order to avoid the need for future remedial action.

## 3. Ecology (Construction 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 based on the recommendations made in Section 5 of the Ecology Assessment and the Reptile Mitigation Strategy by Jacobs (August, 2020). 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

Details are required prior to the commencement of development in order to avoid the need for future remedial action.

## 4. Ecology (Enhancement)

Prior to first use, a plan showing the location of five bat boxes and five reptile hibernacula, should be submitted to the local authority for approval in writing. Once this plan has been agreed, photographic evidence of their installation shall be submitted to the local planning authority for approval in writing

### 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

5. Foul and Surface Water Drainage

The development hereby permitted shall not be commenced until such time as a detailed design to dispose of foul and surface water drainage is submitted to, and approved in writing by, the LPA. The scheme shall be implemented as approved.

Reason:

To protect the water environment and to accord with Policy CS9 of the South Gloucestershire Council Local Plan: Core Strategy 2013 and PSP20 of the South Gloucestershire Council Local Plan: Policies, Sites and Places Plan 2017.

Details are required prior to the commencement of development in order to avoid the need for future remedial action.

6. Water Environment (Pollution)

The development hereby permitted shall not be commenced until such time as a detailed design for a by-pass petrol interceptor is submitted to, and approved in writing by, the LPA. The scheme shall be implemented as approved.

For the avoidance of doubt before any discharge to surface water outfall the water must be passed through a petrol interceptor and therefore there should be a method of containment available before discharge to petrol interceptor and outfall.

Reason:

To protect the water environment and to accord with Policy CS9 of the South Gloucestershire Council Local Plan: Core Strategy 2013 and PSP20 of the South Gloucestershire Council Local Plan: Policies, Sites and Places Plan 2017.

Details are required prior to the commencement of development in order to avoid the need for future remedial action.

7. Construction (Scheme for the Prevention of Pollution)

Prior to the commencement of development a scheme for prevention of pollution shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include details of the following:

1. Site Security.
2. Fuel oil storage, bunding, delivery and use.
3. Re-fuelling of any vehicles must be carried out in a designated and protected area
4. How both minor and major spillage will be dealt with.
5. Containment of silt/soil contaminated run off.
6. Disposal of contaminated drainage, including water pumped from excavations.
7. Site induction for workforce highlighting pollution prevention and awareness.

Reason:

To protect the water environment and to accord with Policy CS9 of the South Gloucestershire Council Local Plan: Core Strategy 2013 and PSP20 of the South Gloucestershire Council Local Plan: Policies, Sites and Places Plan 2017.

Details are required prior to the commencement of development in order to avoid the need for future remedial action.

8. Environmental Protection (Contamination)

A. Prior to commencement of the development, the units and enclosures to be installed should be assessed by a suitably competent person for potential risk of accumulating ground gases. Where unacceptable risks are identified, a report shall be submitted identifying available remediation options. The proposed preferred remediation option(s) shall be identified and the methodology that will be applied to verify the works have been satisfactorily completed.

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

Details are required prior to the commencement of development in order to avoid the need for future remedial action.

B) Verification Strategy - Prior to first use, where works have been required to mitigate contaminants (under condition A) 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.

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

Reason:

In order that the development takes account of existing sources of pollution and to accord with Policy CS9 of the South Gloucestershire Council Local Plan: Core Strategy 2013 and PSP21 of the South Gloucestershire Council Local Plan: Policies, Sites and Places Plan 2017.

Details are required prior to the commencement of development in order to avoid the need for future remedial action.

## 9. Highways (Site Infrastructure)

Details of the following items to be submitted to and approved in writing by the Local Planning Authority prior to commencement of the Development and provided in accordance with the approved details before the Development is brought into use.

Cycle parking drawing details.

Electric Vehicle charging facilities including appropriate power supply for 38 car spaces and ducting for the remaining spaces including motorcycle spaces.

Traffic calming cushions or tables on the road within the P&R site to restrict speeds to 10mph.

High level bus boarder kerbs at each bus stop in accordance with the South Gloucestershire Council Standard.

A street lighting scheme.

Reason:

In the interest of highway safety, to promote sustainable travel and to accord with Policy CS8 of the South Gloucestershire Council Local Plan: Core Strategy 2013 and PSP11 of the South Gloucestershire Council Local Plan: Policies, Sites and Places Plan 2017.

Details are required prior to the commencement of development in order to avoid the need for future remedial action.

## 10. Construction Environmental Management Plan (Transport)

A site specific Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. For the avoidance of doubt it shall include but not specifically be limited to the following matters

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the construction works approved.
- (iii) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- (iv) Adequate provision for the delivery and storage of materials.
- (v) Adequate provision for contractor parking.
- (vi) A lorry routing schedule.
- (vii) Contact Details for the Site Manager and Main Contractor
- (viii) Membership of Considerate Contractor Scheme or similar.
- (ix) Procedures for notifying local residents and businesses of the progress of the works and deliveries.
- (x) Procedures for dealing with enquiries and complaints.

The development shall be carried out in accordance with the approved Construction Management Plan.

Reason:

In the interest of highway safety, to promote sustainable travel and to accord with Policy CS8 of the South Gloucestershire Council Local Plan: Core Strategy 2013 and

PSP11 of the South Gloucestershire Council Local Plan: Policies, Sites and Places Plan 2017.

Details are required prior to the commencement of development in order to avoid the need for future remedial action.

#### 11. Car Park Management Plan

The submitted Car Park Management Plan (Jacobs 27th August 2020) shall be implemented and monitored in accordance with the details therein. It shall be reviewed annually (as a minimum) to ensure the Park & Ride site operates in accordance with objectives set out in the Planning Application.

Reason:

To promote sustainable travel and to accord with PSP11 of the South Gloucestershire Council Local Plan: Policies, Sites and Places Plan 2017.

#### 12. Sustainable Urban Drainage

No development shall commence until surface water drainage details including SUDS for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved details

For the avoidance of doubt the submitted details shall include the following:

1. A clearly labelled drainage layout plan showing the pipe networks, including invert and cover levels.
2. Detailed Design of Attenuation Basin, Flow Control Structure and Spillway.
3. Detailed design of the tanked, Permeable Paving and Rainwater Gardens.
4. 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 & summer).
5. The drainage layout plan will need to show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
6. The plan should also show any pipe node numbers referred to within the drainage calculations.
7. A manhole / inspection chamber schedule to include cover and invert levels.
8. 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 for the lifetime of the development.

Reason:

To ensure the satisfactory drainage of the site and flood prevention and to accord with PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 and CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework 2019.

13. Groundwater Monitoring

Prior to commencement of any development detailed groundwater monitoring shall be undertaken on site; including groundwater monitoring at the proposed location of the pond, to confirm that there is no risk from groundwater ingress and to inform the detailed design of the pond. Details to be submitted to the Local Planning Authority for written approval and the development to be implemented in accordance with such details.

Reason:

To ensure the satisfactory drainage of the site and flood prevention and to accord with PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 and CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework 2019.

Reason:

In the interests of the visual amenity of the site and to accord with Policy CS1 and CS2 of the South Gloucestershire Council Local Plan Core Strategy 2013 and Policy PSP1 and PSP2 of the South Gloucestershire Council Local Plan: Policies Sites and Places Plan 2017.

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

Received 9th October 2020

673847.CP.01.010 Rev C Landscape Proposals

Received 21st October 2020

673847.CP.67.01.002 Rev I General Arrangement for Park and Ride Sheet 1 of 2

673847.CP.67.01.003 Rev I General Arrangement for Park and Ride Sheet 2 of 2

Reason:

For the avoidance of doubt

16. Energy Statement

The proposed development shall be carried out in accordance with the details set out in the submitted Energy Statement and addendum (Jacobs October 2020) received 21st October 2020.

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.

**IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.**

**POSITIVE AND PROACTIVE STATEMENT:**

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways: The decision has been issued in a timely manner.

**Case Officer: David Stockdale**

**Authorising Officer: Marie Bath**