

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. 05/20

Date to Members: 31/01/2020

Member's Deadline: 06/02/2020 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

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

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

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

a) Referring Member:

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

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

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

Date:

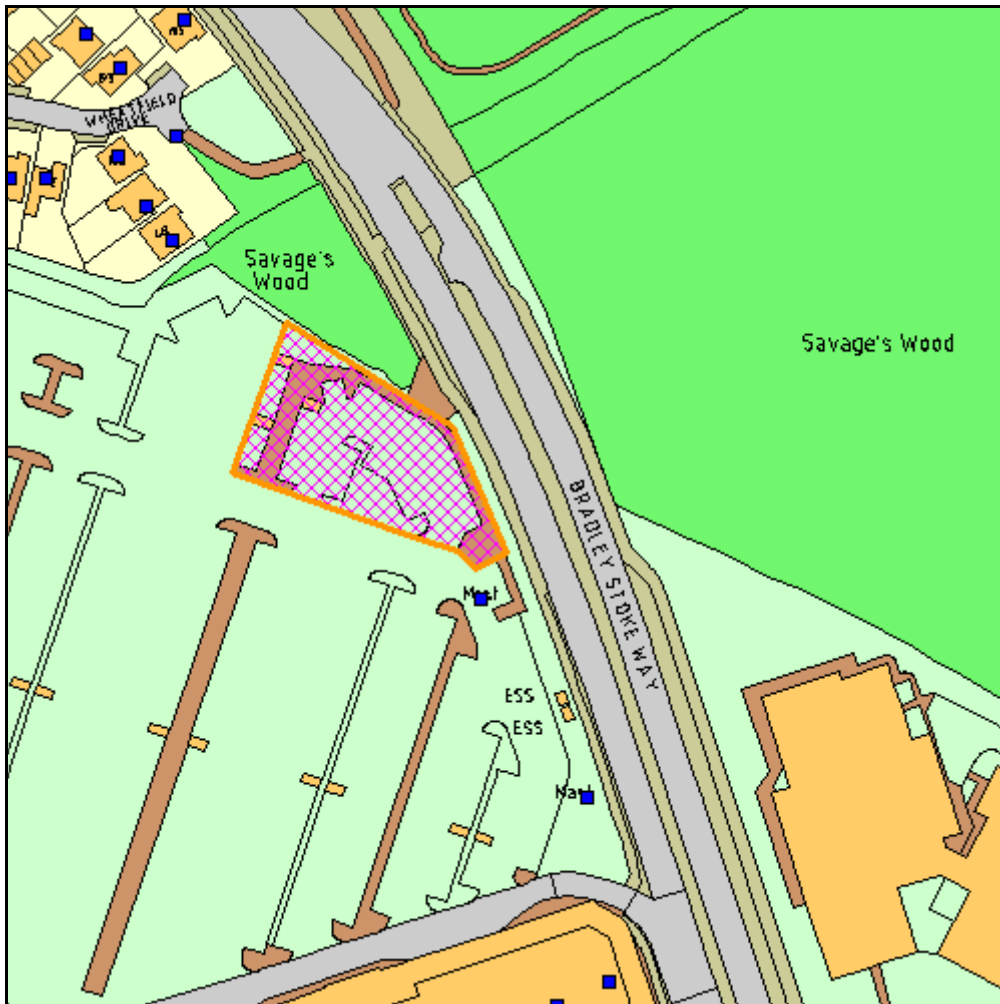
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 31 January 2020

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/09453/ADV	Approve	McDonalds Willow Brook Centre Savages Wood Road Bradley Stoke South Gloucestershire BS32 8BS	Bradley Stoke South	Bradley Stoke Town Council
2	P19/09456/ADV	Approve	McDonalds Willow Brook Centre Savages Wood Road Bradley Stoke South Gloucestershire BS32 8BS	Bradley Stoke South	Bradley Stoke Town Council
3	P19/13268/RVC	Approve with Conditions	Sports Ground, Aek Boco Football Club Greenbank Road Hanham South Gloucestershire BS15 3RZ	Hanham	Hanham Parish Council
4	P19/13500/F	Approve with Conditions	242 Juniper Way Bradley Stoke South Gloucestershire BS32 0DR	Bradley Stoke South	Bradley Stoke Town Council
5	P19/17148/F	Approve with Conditions	Ridgeby 51 Gloucester Road Almondsbury South Gloucestershire BS32 4HH	Severn Vale	Almondsbury Parish Council
6	P19/19357/F	Approve with Conditions	121 High Street Staple Hill South Gloucestershire BS16 5HF	Staple Hill And Mangotsfield	None
7	P19/19430/F	Refusal	55 Frampton End Road Frampton Cotterell South Gloucestershire BS36 2JY	Frampton Cotterell	Frampton Cotterell Parish Council
8	P19/3047/F	Approve with Conditions	Stoke Park Estate South Gloucestershire BS16 1WJ	Stoke Park And Cheswick	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 05/20 – 31 JANUARY 2020

App No.:	P19/09453/ADV	Applicant:	McDonald's Restaurants Ltd
Site:	McDonalds Willow Brook Centre Savages Wood Road Bradley Stoke South Gloucestershire BS32 8BS	Date Reg:	24th July 2019
Proposal:	Display of 2 No. non illuminated totem signs, 3 No. double internally illuminated totem menu signs, 1 No. single internally illuminated totem menu sign, 1 No. LCD internally illuminated advert display screen, 4 No. non illuminated caution signs, 3 No. non illuminated parking signs, 3 No. non illuminated highway signs, 2 No. non illuminated pedestrian signs and 1 No. non illuminated direction sign.	Parish:	Bradley Stoke Town Council
Map Ref:	362020 182011	Ward:	Bradley Stoke South
Application Category:	Minor	Target Date:	13th September 2019



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 100023410, 2008. **N.T.S.** **P19/09453/ADV**

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

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from Bradley Stoke Town Council and more than 3no. local residents.

1. THE PROPOSAL

- 1.1 The application seeks advertisement consent to erect 20 no. advertisements in association with the proposed new McDonalds Restaurant and Drive-Thru (recently approved on appeal) within the Willow Brook Centre, adjacent to Bradley Stoke Way, Bradley Stoke.
- 1.2 The site is currently part occupied by a car wash and car parking.
- 1.3 The proposed signs comprise the following:
- 2no. non-illuminated totem signs.
 - 3no. double internally illuminated totem menu signs.
 - 1no. single internally illuminated totem menu sign.
 - 1no. LCD internally illuminated advert display screen.
 - 4no. non-illuminated caution signs.
 - 3no. non-illuminated parking signs.
 - 3no. non-illuminated highway signs.
 - 2no. non-illuminated pedestrian signs.
 - 1no. non-illuminated direction sign.
- 1.4 The application should be read in conjunction with application P19/09456/ADV (see para. 3.2 below) which also appears on this Schedule.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework Feb 2019
- 2.2 Development Plans

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

South Gloucestershire Local Plan: Sites and Places Plan November 2017
(adopted)
PSP1 Local Distinctiveness
- 2.3 Supplementary Planning Guidance
South Gloucestershire Shopfronts and Advertisements (adopted) 2012

3. RELEVANT PLANNING HISTORY

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

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

- 3.2 P19/09456/ADV - Display of 6no. internally illuminated fascia signs.
Pending

Previous Relevant Applications also within the Willow Brook Centre

- 3.3 PT13/2856/ADV - Tesco Click & Collect Pod
Display of no.7 non-illuminated graphic and fascia signs on click and collect pod. (Resubmission of PT13/2288/ADV).
Approved 27th Sept. 2013

- 3.4 PT14/3160/ADV - Display of 5 no. single and 6 no. double-sided advertising banners.
Refused 28th Oct. 2014 for the following reason:

The proposed signage, by virtue of the scale, siting and number of banners, is considered excessive. There is also a lack of information submitted in respect of the proposed design of the banners. The banners, when considered cumulatively in the locations proposed, would result in unnecessary clutter having a negative impact on the visual amenity of the area. The proposal is therefore considered contrary to Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Shopfronts and Advertisements (Adopted) SPD April 2012 and the provisions of the National Planning Policy Framework 2012.

- 3.5 PT15/3574/ADV - Tescos main store.
Consent to display 7 no. non-illuminated fascia signs and 1 no. internally illuminated sign to existing totem sign.
Approved 16th November 2015

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Bradley Stoke Town Council objects to this planning application on grounds of no planning permission being granted for this building.

The Town Council objected to the planning application for the McDonalds building, which was subsequently refused planning permission, therefore there is no building and roadworks permitted for the signs to be affixed to/installed beside and, as such, this application does not make sense.

Planning permission was subsequently granted on appeal (see para. 3.1 above).

4.2 Other Consultees

Transportation Officer

We have now reviewed this planning application and note that it seeks to display a number of signs on or adjacent to the McDonalds which is located in the Willow Brook Centre in Bradley Stoke. We note that this site is not directly accessed from the public highway, hence we do not believe that these signs will create any highways or transportation issues and we have no comments about this application.

Council's Lighting Engineer

We've had a look at the details of the proposed illuminated signage and can confirm that the proposed luminance level (maximum 600 cd/m²) complies with the suggested maximum allowed luminance by PLG05 the Brightness of illuminated Advertisements released by the Institution of Lighting Professionals for signs smaller than 10m² in E3 Environmental Zone (Suburban Medium district brightness Small town centres and suburban locations)

Other Representations

4.3 Local Residents

20no. representations were received of which 19no. objected and 1no. supported the proposal. The concerns raised can be summarised as follows:

- The application is premature as the appeal against refusal of PT18/1491/O is still pending.
- Over concentration of signage at the Willow Brook Centre.
- Increased danger to pedestrian safety.
- The application relates only to McDonalds and not Starbucks.
- Increased light pollution for nearest dwellings.
- See officer comments for previous application PT15/3574/ADV and PT14/3160/ADV.
- Loss of view from properties in Wheatfields Drive.
- Source of temptation to young people.
- Loss of visual character.
- Will result in more car fumes as motorists slow to read signs.

The supporter considered the following:

- There is no legal or ethical reason for refusal.
- Will support job opportunities.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

- 5.2 The National Planning Policy Framework (NPPF) states that the quality and character of places can suffer when advertisements are poorly sited and designed and states that advertisements should be subject to control only in the interests of amenity and public safety taking into account cumulative impacts (para 132).
- 5.3 Guidance contained within the *Shopfronts and Advertisements SPD* states that signs can either 'clutter' or add richness and variety to the street scene depending on their position., design and quantity and should be designed to complement the building elevation to which they are attached and the wider street scene. Excessive signage, both in scale and number that dominates the elevation or street scene and results in a cluttered appearance, would not be acceptable.
- 5.4 Both the applicants and the Council have been the subject of criticism from both the Parish Council and local residents for a) submitting the application and b) accepting and registering the application respectively; when at the time of the application there was no building on the site (to which the adverts relate) and the original application PT18/1491/O for the building had been refused and was the subject of an appeal.
- 5.5 In the first instance, the applicant is perfectly entitled to submit a separate application for advertisement consent where a building to which the adverts relate is not yet in-situ, or for that matter approved. Indeed, it is often the case that applications for buildings are submitted in parallel with an application for associated advertisement consent. Needless to say, if the application for the building were refused but advertisement consent approved, the latter could not be implemented.
- 5.6 In this case the applicants have acted very reasonably in granting the Council an extension in time to determine this advertisement application, pending the outcome of the appeal relating to PT18/1491/O. That appeal has now been allowed and it is noted that the Inspector did not impose any restrictions on the opening hours of the proposed drive-thrus which are therefore 24 hour operations. Had the appeal been dismissed, it is quite likely that the two McDonalds advertisement applications would have been withdrawn.
- 5.7 It should also be stressed, that this application P19/09453/ADV relates only to the unit to be occupied by McDonalds and must be assessed on its **individual merits**, whilst giving consideration to the cumulative effect of adverts within the Centre at the time of determination.
- 5.8 No doubt in due course, Starbucks will submit an application for advertisement consent for their unit and that application will be determined in turn on the same basis.
- 5.9 Your officer therefore wishes to stress that there is nothing untoward or procedurally incorrect regarding the submission of this or the other application P19/09456/ADV for advertisements relating to the McDonalds unit.

5.10 Design and Visual Amenity

- Officers are mindful that advertisement signs proposed under application PT14/3160/ADV were refused for the reason quoted at para. 3.4 above. In his report for the application the case officer noted (para. 5.8) that “There is already a large amount of signage within the Willow Brook Centre complex, including the existing retail units, large totem sign and car park signage.” Having recently re-visited the site, your officer would concur with this assessment.
- 5.11 The signs refused under PT14/3160/ADV were however quite different from those proposed under this current application, being large banner signs attached to lampposts throughout the centre. As such they were considered to create unnecessary clutter.
- 5.12 The advertisements proposed in this current application P19/09453/ADV are relatively small and are considered necessary for the successful and safe operation of the drive-thru restaurant. All of the adverts would be at ground level, either on or dotted around the drive-thru unit. Fifteen of the proposed signs are non-illuminated.
- 5.13 Overall, the signage proposed in this current application P19/09453/ADV is considered to be typical of that found on and around other McDonalds drive-thru units and is considered appropriate in terms of scale, design and finish. It is not considered that the signs would cumulatively adversely affect the character and appearance of either the host building or the wider commercial context given this town centre location.
- 5.14 Residential Amenity
The application site is situated “...within the Willowbrook Centre, which is a large retail complex comprising a significant number of outlets of varying sizes, all served by an extensive car park” (see Appeal Decision Letter para.7) albeit that the application site is located on the northern periphery of the Willowbrook Centre Car Park as opposed to being within the main retail complex itself.
- 5.15 To the east of the site is Bradley Stoke Way, which is a main road through Bradley Stoke. The nearest residential properties lie to the north and north-west off Wheatfield drive; McDonalds would occupy the larger of the two drive-thru units approved. It has been established via the appeal that this unit would be located some 50 metres from the nearest residential property i.e. 197 Wheatfield Drive.
- 5.16 Your officer has given particular attention to the various concerns raised by local residents and in order to reach a fully informed decision has re-visited the site both during the day and at night (in mid-January) to fully assess the likely impact of the proposal on residential amenity.
- 5.17 The appeal decision letter is a material consideration of significant weight and the Inspector at para. 23 noted that, “There is substantial established landscaping along the edge of the existing car park, much of which would be retained. The proposed scheme also seeks to enhance this landscaping as part of the development.” Officers noted during their site visit, that even in mid-

winter the trees within Savages Wood to the north/north-west of the site and along the car park boundary to the north-west still offer a decent level of screening. This is in part because some of the trees are festooned with ivy. Furthermore, there is a good deal of evergreen vegetation growing along the northern edge of the car park and the dwellings beyond all appear to have their rear gardens enclosed by close-board fences.

5.18 Whilst it may be possible to see some of the signs from first-floor windows; given the small scale of the signs and their relative positions, this would not have a significant detrimental impact on residential amenity. Furthermore the level of illumination for those signs that would be illuminated, is low and within the guidelines for illuminated signs. The Council's Lighting Engineer has raised no objection and stated that the proposed luminance level (maximum 600 cd/m²) complies with the suggested maximum allowed luminance by PLG05 "The Brightness of illuminated Advertisements" released by the Institution of Lighting Professionals for signs smaller than 10m² in E3 Environmental Zone (Suburban – Medium district brightness – Small town centres and suburban locations).

5.19 Public Safety

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

5.20 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

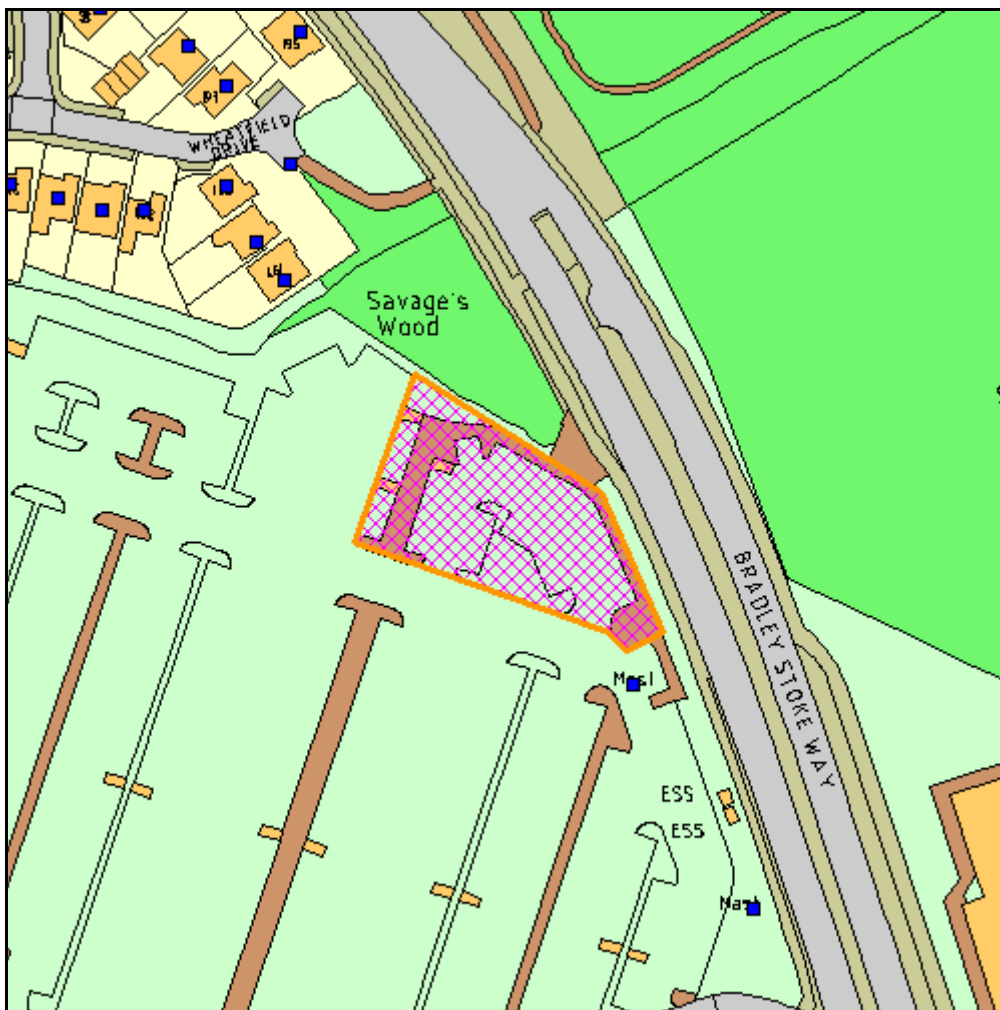
7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 05/20 – 31 JANUARY 2020

App No.:	P19/09456/ADV	Applicant:	McDonald's Restaurants Ltd
Site:	McDonalds Willow Brook Centre Savages Wood Road Bradley Stoke South Gloucestershire BS32 8BS	Date Reg:	26th July 2019
Proposal:	Display of 5 No. internally illuminated fascia signs.	Parish:	Bradley Stoke Town Council
Map Ref:	362020 182011	Ward:	Bradley Stoke South
Application Category:	Minor	Target Date:	19th September 2019



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 100023410, 2008. **N.T.S.** **P19/09456/ADV**

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

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from Bradley Stoke Town Council and more than 3no. local residents.

1. THE PROPOSAL

- 1.1 The application seeks advertisement consent to display 5 no. internally illuminated fascia signs in association with the proposed new McDonalds Restaurant and Drive-Thru (recently approved on appeal) within the Willow Brook Centre, adjacent to Bradley Stoke Way, Bradley Stoke.
- 1.2 The site is currently part occupied by a car wash and car parking.
- 1.3 The application should be read in conjunction with application P19/09453/ADV (see para. 3.2 below) which also appears on this Schedule.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework Feb 2019
- 2.2 Development Plans

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

South Gloucestershire Local Plan: Sites and Places Plan November 2017
(adopted)
PSP1 Local Distinctiveness
- 2.3 Supplementary Planning Guidance
South Gloucestershire Shopfronts and Advertisements (adopted) 2012

3. RELEVANT PLANNING HISTORY

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

Appeal APP/P0119/W/19/3232136 allowed 16th Jan. 2020
- 3.2 P19/09453/ADV - Display of 2 no. non-illuminated totem signs; 3 no. double internally illuminated totem menu signs; 1 no. single internally illuminated totem menu sign; 1 no. LCD internally illuminated advert display screen, 4 no. non-

illuminated caution signs; 3 no. non-illuminated parking signs, 3 no. non-illuminated highway signs; 2 no. non-illuminated pedestrian signs and 1 no. non-illuminated direction sign.

Pending

Previous Relevant Applications also within the Willow Brook Centre

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

The proposed signage, by virtue of the scale, siting and number of banners, is considered excessive. There is also a lack of information submitted in respect of the proposed design of the banners. The banners, when considered cumulatively in the locations proposed, would result in unnecessary clutter having a negative impact on the visual amenity of the area. The proposal is therefore considered contrary to Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Shopfronts and Advertisements (Adopted) SPD April 2012 and the provisions of the National Planning Policy Framework 2012.

- 3.5 PT15/3574/ADV - Tescos main store.
Consent to display 7 no. non-illuminated fascia signs and 1 no. internally illuminated sign to existing totem sign.
Approved 16th November 2015

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Bradley Stoke Town Council objects to this planning application on grounds of no planning permission being granted for this building, with the following explanatory note:

The Town Council objected to the planning application for the McDonalds building, which was subsequently refused planning permission, therefore there is no building permitted for the signs to be affixed to and, as such, this application does not make sense.

Planning permission was subsequently granted on appeal (see para. 3.1 above).

- 4.2 Other Consultees

Transportation Officer

We note that this planning application seeks permission to display a number of new signs on the McDonalds outlet in the Willow Brook Centre in Bradley Stoke. As these signs are not located adjacent to the public highway, we do not believe that this proposal will create any material highways or transportation issues and have no comments about this application.

Council's Lighting Engineer

I've had a look at the details of the proposed illuminated signage and can confirm that the proposed luminance level (maximum 600 cd/m²) complies with the suggested maximum allowed luminance by PLG05 "The Brightness of Illuminated Advertisements" released by the Institution of Lighting Professionals for signs smaller than 10m² in E3 Environmental Zone (Suburban – Medium district brightness – Small town centres and suburban locations)

Other Representations

4.3 Local Residents

17no. representations were received of which 19no. objected and 1no. supported the proposal. The concerns raised can be summarised as follows:

- The application is premature as the appeal against refusal of PT18/1491/O is still pending.
- Over concentration of signage at the Willow Brook Centre.
- Increased danger to pedestrian safety.
- The application relates only to McDonalds and not Starbucks.
- Increased light pollution for nearest dwellings.
- See officer comments for previous application PT15/3574/ADV and PT14/3160/ADV.
- Loss of view from properties in Wheatfields Drive.
- Source of temptation to young people.
- Loss of visual character.
- Will result in more car fumes as motorists slow to read signs.
- Too close to residential properties.
- Will encourage more cars into the Centre.
- Distraction to motorists and pedestrians.
- Signage on all four sides not necessary.
- Sign on NW elevation faces residential dwellings.
- Contrary to Policy PSP35.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

- 5.3 Guidance contained within the *Shopfronts and Advertisements SPD* states that signs can either ‘clutter’ or add richness and variety to the street scene depending on their position., design and quantity and should be designed to complement the building elevation to which they are attached and the wider street scene. Excessive signage, both in scale and number that dominates the elevation or street scene and results in a cluttered appearance, would not be acceptable.
- 5.4 Both the applicants and the Council have been the subject of criticism from both the Parish Council and local residents for a) submitting the application and b) accepting and registering the application respectively; when at the time of the application there was no building on the site (to which the adverts relate) and the original application PT18/1491/O for the building had been refused and was the subject of an appeal.
- 5.5 In the first instance, the applicant is perfectly entitled to submit a separate application for advertisement consent where a building to which the adverts relate is not yet in-situ, or for that matter approved. Indeed, it is often the case that applications for buildings are submitted in parallel with an application for associated advertisement consent. Needless to say, if the application for the building were refused but advertisement consent granted, the latter could not be implemented.
- 5.6 In this case the applicants have acted very reasonably in granting the Council an extension in time to determine this advertisement application, pending the outcome of the appeal relating to PT18/1491/O. That appeal has now been allowed and it is noted that the Inspector did not impose any restrictions on the opening hours of the proposed drive-thrus which are therefore 24 hour operations. Had the appeal been dismissed, it is quite likely that the two McDonalds advertisement applications would have been withdrawn.
- 5.7 It should also be stressed, that this application P19/09456/ADV relates only to the unit to be occupied by McDonalds and must be assessed on its **individual** merits, whilst giving consideration to the cumulative effect of adverts within the Centre at the time of determination.
- 5.8 No doubt in due course, Starbucks will submit an application for advertisement consent for their unit and that application will be determined in turn on the same basis.
- 5.9 Your officer therefore wishes to stress that there is nothing untoward or procedurally incorrect regarding the submission of this or the other application P19/09453/ADV for advertisements relating to the McDonalds unit.
- 5.10 Design and Visual Amenity
Officers are mindful that advertisement signs proposed under application PT14/3160/ADV were refused for the reason quoted at para. 3.4 above. In his report for the application the case officer noted (para. 5.8) that “There is already a large amount of signage within the Willow Brook Centre complex, including the existing retail units, large totem sign and car park signage.”

- Having recently re-visited the site, your officer would concur with this assessment.
- 5.11 The signs refused under PT14/3160/ADV were however quite different from those proposed under this current application, being large banner signs attached to lampposts throughout the centre. As such they were considered to create unnecessary clutter.
- 5.12 The advertisements proposed in this current application P19/09456/ADV are typical of those found on other McDonalds' outlets and are not dissimilar to other adverts on similar sized units within the Centre. It is not unreasonable for McDonalds to advertise its presence, much the same as the other units within the Willowbrook Centre. Officers do not consider the level of advertisements proposed to be excessive.
- 5.13 Overall, the signage proposed in this current application P19/09456/ADV is considered to be typical of that found on other McDonalds drive-thru units and is considered appropriate in terms of scale, number, design and finish. It is not considered that the signs would cumulatively adversely affect the character and appearance of either the host building or the wider commercial context given this town centre location.
- 5.14 Residential Amenity
The application site is situated "...within the Willowbrook Centre, which is a large retail complex comprising a significant number of outlets of varying sizes, all served by an extensive car park" (see Appeal Decision Letter para.7) albeit that the application site is located on the northern periphery of the Willowbrook Centre Car Park as opposed to being within the main retail complex itself.
- 5.15 To the east of the site is Bradley Stoke Way, which is a main road through Bradley Stoke. The nearest residential properties lie to the north and north-west off Wheatfield drive; McDonalds would occupy the larger of the two drive-thru units approved. It has been established via the appeal that this unit would be located some 50 metres from the nearest residential property i.e. 197 Wheatfield Drive.
- 5.16 Your officer has given particular attention to the various concerns raised by local residents and in order to reach a fully informed decision has re-visited the site both during the day and at night (in mid-January) to fully assess the likely impact of the proposal on residential amenity.
- 5.17 The appeal decision letter is a material consideration of significant weight and the Inspector at para. 23 noted that, "There is substantial established landscaping along the edge of the existing car park, much of which would be retained. The proposed scheme also seeks to enhance this landscaping as part of the development." Officers noted during their site visit, that even in mid-winter the trees within Savages Wood to the north/north-west of the site and along the car park boundary to the north-west still offer a decent level of screening. In part, this is because some of the trees are festooned with ivy. Furthermore, there is a good deal of evergreen vegetation growing along the

northern edge of the car park and the dwellings beyond all appear to have their rear gardens enclosed by close-board fences.

- 5.18 Nevertheless, the signs as originally proposed in this application would be located on all four elevations at first floor level on the building and being illuminated, would in part still be visible from the nearest residential dwellings.
- 5.19 Having considered the position of the illuminated signs and proximity to residential properties, your officer has negotiated a revised scheme whereby the proposed advert on the north-western elevation, facing the residential properties, has been deleted. As such, there are now only 5no. illuminated adverts proposed, none of which directly face the nearest residential properties.
- 5.20 Given the relative positions of the remaining adverts, they would not have a significant detrimental impact on residential amenity. Furthermore the level of illumination for these adverts is low and within the guidelines for illuminated signs. The Council's Lighting Engineer has raised no objection and stated that the proposed luminance level (maximum 600 cd/m²) complies with the suggested maximum allowed luminance by PLG05 "The Brightness of illuminated Advertisements" released by the Institution of Lighting Professionals for signs smaller than 10m² in E3 Environmental Zone (Suburban – Medium district brightness – Small town centres and suburban locations).
- 5.21 Public Safety
The Council's Highway Officer has confirmed that the signage would not result in any material highways or transportation issue. It would not be adversely distracting to pedestrians or motorists travelling along nearby routes or through the town centre car park, nor would it restrict pedestrian and vehicular movements around the site.
- 5.22 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

6. CONCLUSION

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

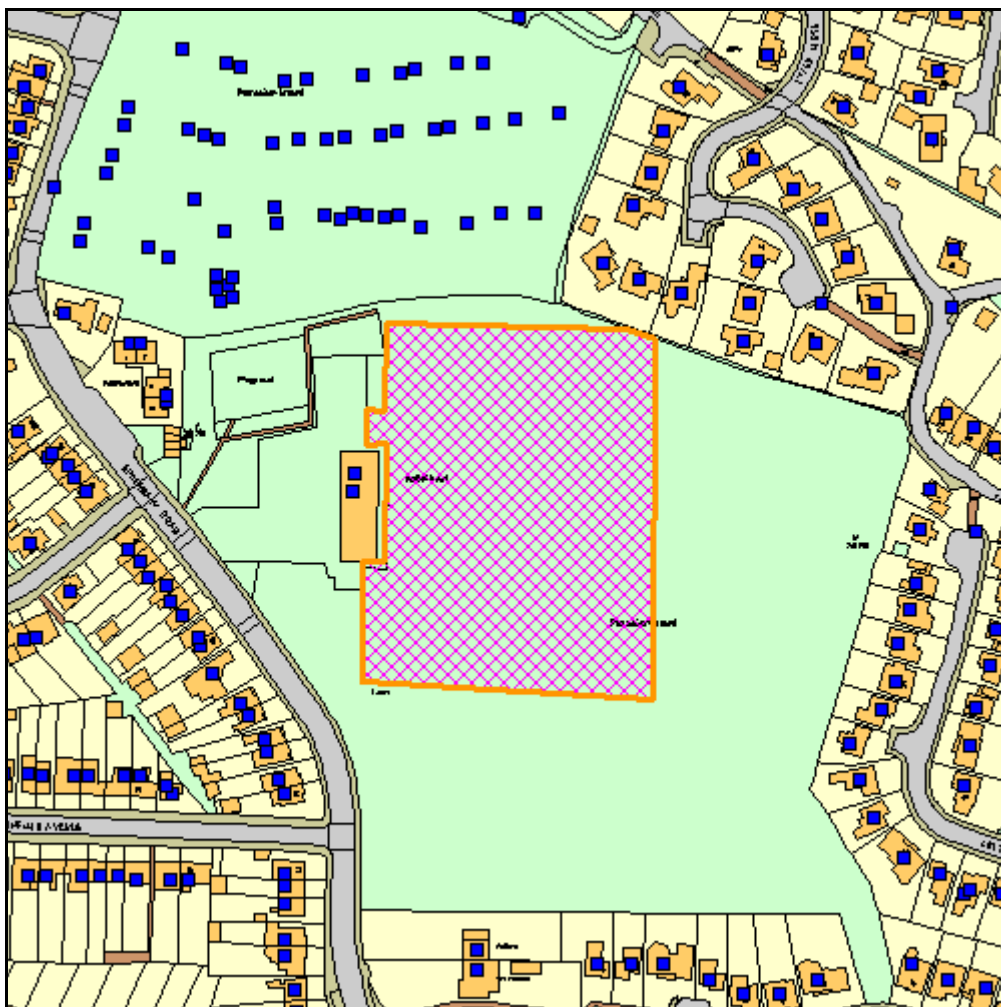
7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 05/20 – 31 JANUARY 2020

App No.:	P19/13268/RVC	Applicant:	Aek Boco Football Club
Site:	Sports Ground, Aek Boco Football Club Greenbank Road Hanham Bristol South Gloucestershire BS15 3RZ	Date Reg:	23rd September 2019
Proposal:	Variation of conditions 2 (lighting times) and 4 (fencing) attached to planning permission P19/0994/F. Installation of 4 no. floodlights and associated electrical equipment. Erection of two 50 seat stands and installation of 1.8m high fence.	Parish:	Hanham Parish Council
Map Ref:	364853 172276	Ward:	Hanham
Application Category:	Minor	Target Date:	14th November 2019



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 100023410, 2008. N.T.S. P19/13268/RVC

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

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

A representation has been made by the parish council, which is contrary to the findings of this report. Furthermore, the application has been subject to representations contrary to the findings of this report, with three or more contrary representations made. Under the current scheme of delegation it is therefore required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 This application is made under section 73 of the Town and Country Planning Act 1990 (as amended). Applications made under this section seek to develop land without compliance with conditions previously attached to planning permissions. In this instance, the applicant seeks to vary conditions 2 (lighting times) and 4 (fencing) attached to planning permission P19/0994/F.
- 1.2 Planning permission was granted under application ref. P19/0994/F for the installation of 4 no. floodlights and associated electrical equipment, two 50 seat stands and the installation of a fence at the Sports Ground, Greenbank Road.
- 1.3 The application site consists of the north-eastern portion of a playing field situated within the urban area of Hanham. The site is predominantly used as a football pitch, with a sports pavilion and associated car park situated immediately to the west of the site. The sports pitch and associated sports pavilion are leased to AEK Boco Football Club, whose senior men's team currently plays in the MARCLIFF Gloucestershire County Football League (step 7 of English non-league football system). The AEK Boco Ladies first team currently play in the South West Women's Football League – East Division. The club is also made up of a further two men's teams, as well as 35 junior boys and girls teams; ranging from u6s to u18s.
- 1.4 Condition 2 attached to the permission granted under P19/0994/F reads:
“The lighting hereby permitted shall only be used for the duration of the Toolstation Western League matches and shall not be illuminated other than within the following periods:
- November 1st to March 31st (inclusive)..... 07:30 - 22.30*
April 1st - April 30th07:30 - 20:30
May 1st - May 31st07:30 - 21:00
June 1st - July 31st07:30 - 21:30
August 1st - August 31st07:30 - 20:30
September 1st – October 31st07:30 - 19:30”

1.5 This application seeks vary the condition, to remove the reference to 'Toolstation Western League matches'. The reason for seeking to vary the condition is to allow for Women's and Youth teams to also use the floodlight facilities.

1.6 Condition 4 attached to the permission granted under P19/0994/F reads:

"Notwithstanding the submitted plans, the perimeter fencing and gates shall not exceed 1.2 metres in height. Prior to the installation of the 1.2m high mesh fencing, details of the proposed external finish for the fencing shall be submitted to the Local Planning Authority for approval in writing. The development shall then be carried out in accordance with the approved details and thereafter retained as such."

1.7 This application seeks to vary the condition, in order to change the maximum permitted height of the fence from 1.2 metres to 1.83 metres. The reason for seeking to vary the condition is to allow for a 1.83m high fence to be installed; which is a requirement of the Football Association's 'National Ground Grading – Category H.

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework Feb 2019
National Planning Policy Guidance (2014)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS23	Community Infrastructure and Cultural Activity
CS24	Green Infrastructure, Sport and Recreation Standards
CS29	Communities of the East Fringe of the Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP5	Undesignated Open Spaces within Urban Areas and Settlements
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environment Pollution and Impacts

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

3. **RELEVANT PLANNING HISTORY**

3.1 **P19/0994/F**

Installation of 4 no. floodlights and associated electrical equipment. Erection of two 50 seat stands and installation of 1.8m high fence.

Approved: 25.07.2019

3.2 **PK16/0658/F**

Erection of seating stand for 50no. spectators and 2no. dugouts.

Withdrawn: 08.03.2016

3.3 **PK15/5492/F**

Erection of 6no floodlights with associated works.

Withdrawn: 08.03.2016

3.4 **PK11/0547/RVC**

Variation of condition 10 attached to planning permission PK08/3152/F for hours of working to be restricted to 0730 to 1830 hours Monday to Friday.

Approved: 05.04.2011

3.5 **PK08/3152/F**

Erection of new sports pavilion to replace existing building. Extension of car park.

Approved: 23.01.2009

3.6 **PK07/0716/R3F**

Erection of single storey side extension and alterations to existing building to raise roof height to 5.5 metres to form extended sports pavilion including covered walkway. Construction of extended car parking area. (Resubmission of PK06/0639/R3F).

Deemed Consent: 29.10.2007

3.7 **PK06/0639/R3F**

Erection of single storey side extension and alterations to existing building to raise roof height to 5.5 metres to form extended sports pavilion including covered walkway. Construction of extended car parking area.

Refused: 24.04.2006

4. CONSULTATION RESPONSES

4.1 Hanham Parish Council

Objection – increased disturbance to residents in this residential area.

4.2 Internal Consultees

Environmental Protection

- Complaints have been received since 2013.
- Usually clustered around end of season events/matches.
- No evidence to support that reported noise amounts to a statutory noise nuisance and therefore no formal action taken.
- However intensification of activity at this location, particularly during evenings is likely to give rise to complaints.
- Original application made clear that club only intending on using floodlights for matches on Wednesday and Saturdays during darker months.
- Current condition without Toolstation league could allow for lights to be used nightly. Matches and associated noise may have potential to disturb those living in neighbouring properties more than reasonably expected from similar ground used for sports.
- Suggest that relevant condition restricting light use to limited number of evenings to ensure intensification more than originally applied does not occur.
- Should application be approved without relevant condition, does not alleviate club of its responsibilities to ensure they are not causing statutory nuisance (noise) and advised that if complaints received, Environmental Protection team would investigate and take appropriate action using relevant nuisance legislation.
- No comment regarding height of fencing.

Streetcare Lighting Engineer

No comment – ILP's guidance suggests 23:00 as a curfew unless otherwise decided by the Local Planning Authority

Sustainable Transport

No objection

Ecology Officer

No objection subject to condition confirming lighting timings.

Lead Local Flood Authority

No objection subject to confirmation of method of surface water disposal.

Highway Structures

No comment

4.3 External Consultees

Sport England

No objection

Coal Authority

No objection subject to informative note.

4.4 Other Representations

Local Residents

A total of 55 letters of objection were received during the course of the application process. The main concerns raised are summarised below, with full copies of all objection comments available on the Council's website:

Lighting

- Relaxing restrictions will increase activity at site, which negatively affects residents through further traffic and parking crisis.
- Additional use of lighting will significantly affect amenity of immediate surrounding residents.
- If Boco do succeed in getting promoted they will demand additional use of lighting.
- Removal of 'Toolstation' will allow lights to be used at all times other than limited month's factor. Will lead to increased light and noise pollution. Key issue with previous application with no meaningful noise assessment carried out.
- Even if proposal approved, Boco could not make use of floodlights for full Toolstation season due to practical limits of usage only from November to March being allowed.
- To remove restriction entirely is too open to abuse by club.
- Extra use of lights will negatively affect wildlife and increase CO2 emissions.

Fencing

- Football requirements do not necessarily require permanent fencing, therefore council must insist that fencing comes down when matches not on.
- Was not aware that fencing would be opaque. Will lose aspect/view permanently.
- Increase in fence height will make site more of a stadium than public open space.

- If area closed off to public expect to see turnstiles.
- Fencing will be eyesore and will effectively make playing fields out of bounds for residents at certain times.
- Concerns regarding final design of fence and whether advertising hoardings will be displayed.
- Unclear why children require 1.8m high fence.
- Having fencing will encourage young adults to enter fenced area at night.

Other Matters

- Important to note that previous application initially refused by Development Management Committee.
- As expected AEK Boco have immediately put in application to get Council's decision changed.
- Proposal was bound to be challenged as not what Boco wanted. Why did case officer not understand application and therefore not pass information on to Spatial Committee?
- Potential conflict of interest with same officer dealing with application.
- Have issue that this application to vary conditions will simply be approved by single planning officer with no reference back to Spatial Planning Committee for scrutiny.
- Obvious that football club get whatever they want. South Gloucestershire Council have vested interest in football club and give in no matter what residents have to put up with.
- Residents told that decision at made at Spatial Planning Committee was final and could not be appealed. If application allowed what is the point of Development Control and Spatial Planning Committees?
- Had conditions not been imposed, application would have been refused at Spatial Planning Committee.
- People already using site use foul language.
- Insufficient parking to accommodate increased use.
- Club have several different sites they could develop.
- Please advise why planning department has provided advice to AEK Boco to make new application rather than appeal original.
- Democratic process being bypassed.
- Noise and anti-social behaviour reported to point where AEK Boco refuse to release CCTV footage and SGC have installed camera at taxpayers' expense.
- Planning application has not addressed condition 7 which is directly linked to condition 2 as refers to Toolstation.
- Residents may consider taking legal action and seek compensation from Council.
- Increasing levels of late night loud drinking and fighting at clubhouse.
- If team are successful they will need to expand further – not appropriate site.

- Site does not need to be developed for children as numerous other pitches in area.
- Lower pitch is often waterlogged and unusable in wet weather.

A total of 48 letters of support (including 3 duplicate comments) were received during the course of the application process. The main points raised are summarised below, with full copies of all support comments available on the Council's website:

- Sports field was there far before housing.
- Need to support facilities such as these to keep children healthy.
- Pleased club are trying to improve situation.
- Improving green space will ensure it remains and is not sold to developers.
- Still plenty of space for children to play outside of fenced areas.
- Plenty of other parts of Hanham for dog walking.
- AEK Boco manage and maintain facilities, who knows what would happen otherwise.
- Know that committee and those that run club will any problems that arise with local residents are dealt with swiftly and efficiently.
- To only allow floodlights to be used by men's team is discrimination against ladies and youth teams.
- Club are a community club for all sexes and ages, and do not just focus on men's team.
- Club only want to use lights one night per week for youth floodlit league. Without this we are limiting development of 100s of young people.
- 1.8m fence is requirement of Toolstation league and will enable club to compete at higher standard.
- Due to lack of facilities club is falling behind other local clubs with facilities as unable to progress to higher leagues.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks to vary conditions 2 and 4 attached to the consent granted under application ref. P19/0994/F. The effect of varying condition 2 to remove the reference to the Toolstation Western League would allow for the floodlights to be used at any time during the specified time periods. The effect of varying condition 4 would allow for a 1.83m high fence to be installed as opposed to a 1.2m high fence.

5.2 Principle of Development

Applications made under s73 of the Act seek permission for the development of land without compliance with conditions subject to which a previous planning permission was granted. With applications made under s73, the Local Planning Authority shall consider only the conditions subject to which planning permission was granted; the principle of development is therefore established.

- 5.3 If the Local Planning Authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the Authority should grant permission accordingly. If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused.
- 5.4 Therefore, an analysis of other conditions attached to the previous planning consent shall also be undertaken as part of this application against the provisions of paragraph 55 of the National Planning Policy Framework (NPPF).
- 5.5 Tests of a Planning Condition
Paragraph 55 of the NPPF also outlines that planning conditions should be used to enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission. This Paragraph makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:
1. necessary;
 2. relevant to planning;
 3. relevant to the development to be permitted;
 4. enforceable;
 5. precise; and
 6. reasonable in all other respects.
- 5.6 As such, in order to be attached to any decision, a planning condition must meet the six tests as set out above.
- 5.7 Analysis of Variation – Condition 2 (Lighting)
The proposed variation would allow for the floodlights to be used at any time within the time parameters set out within the condition, and not just during Toolstation Western League matches.
- 5.8 The applicant has contended as part of their submission that the purpose of providing the floodlights and other facilities is not only to allow for the men's first team to compete in the Toolstation Western League, but also to improve facilities for the women's team and also allow for an u18s team to compete in a midweek floodlit league. It is argued that only allowing the lights to be used by the senior team significantly limits the benefits of the proposal as a whole, and would be discriminatory against women's and youth football.
- 5.9 It is acknowledged that restricting the use of the floodlights to Western Toolstation League matches would significantly reduce the benefits of the proposal, and the extent to which the improved facilities could benefit the community as a whole.
- 5.10 Furthermore, as part of the assessment of the original application, it was not found that the use of the lights outside of unsociable hours (22.30 – 07.30) would significantly detriment the residential amenity of surrounding residents.

Whilst the comments of the environmental health officer have been taken in to account, it would not be reasonable to restrict the use of the lights to two nights a week unless failing to do so would result in significant and demonstrable harm.

- 5.11 On the basis that no significant environmental harm resulting from the use of the lights outside of unsociable hours has been identified, it would be unreasonable to further restrict the use of the lights. Any condition seeking to do so would therefore not meet the tests of a planning condition. Notwithstanding this, the club have indicated that they would not use the lights unnecessarily, and as part of the original submission have indicated that it is only their intention to use the lights for two nights per week during certain parts of the year.
- 5.12 In terms of any potential noise generation, irrespective of the planning process the club still have responsibilities to ensure they are not causing a statutory nuisance (noise). Any such issues would be investigated by the Environmental Protection Team to determine whether a statutory nuisance was being caused, and could be addressed using nuisance legislation.
- 5.13 On the basis of the above, it is concluded that condition 2 in its current form does not meet the 6 tests of a planning condition. It is therefore considered appropriate for the reference to the Toolstation Western League to be removed from condition 2.
- 5.14 The Section 73 application also provides the opportunity to clarify the wording of the condition in respect of ecology. The condition should require the lights to be switched off between 22.30 and 07.30 between October 1st and March 31st, as opposed to between November 1st and March 31st. This is on the basis that October – March is the non-bat season, and as such no time restrictions are required on an ecological basis. The time restriction is only required to prevent the lights from being used during unsociable hours.
- 5.15 Furthermore, in the interests of clarity the condition will also be slightly re-worded, so that it sets out the times at which the lights shall not be illuminated, as opposed to the times when they may be illuminated.
- 5.16 Analysis of Variation – Condition 4 (fencing)
Condition 4 restricted the height of the proposed perimeter fencing and gates to 1.2m. The reason for applying the condition was in order to ensure a satisfactory standard of external appearance.
- 5.17 The applicant has contended as part of their submission that in order to compete within the Toolstation Western League, the ground must be enclosed by a boundary with a minimum height of 1.83m when measured from ground level, as set out in item 1.4 of the Football Association's National Ground Grading – Category H. Were the height of the fence to be restricted to 1.2m, then the facilities would not adhere to FA guidelines and it would not be possible for the senior men's team to compete in a higher league.

- 5.18 In this respect, improving the facilities at the site in order to allow for the progression of the club is one of the key aims of the scheme as a whole, and it is acknowledged that restricting the height of the fencing would reduce the overall benefits resulting from the scheme. FA rules stipulate that a 1.83m high boundary is required, and to restrict the height of the fence to 1.2m would be tantamount to a refusal.
- 5.19 Furthermore, the initial officer assessment did not identify any significant issues with the proposed fencing in visual terms. Due to the mesh design, the fencing would be largely see-through. As such, the visual impact would be reduced when compared to substantial fencing such as close board. This type of mesh fencing is commonly seen at sports pitches, and it is not considered that it would appear as an overly prominent or alien addition to the site. As such, it is not considered that the condition restricting the height to 1.2m is reasonably justified, and the condition does therefore not meet the 6 tests of a planning condition.
- 5.20 It is noted that within item 1.4 of the Football Association's National Ground Grading – Category H, it is outlined that any boundary does not necessarily need to be permanent. However it is considered that requiring temporary fencing to be erected and then removed for each match would be impractical, and on the basis that no significant visual issues with the fencing proposed have been identified, this is not considered a reasonable request.
- 5.21 It is also important to note that as no part of the proposed mesh fence directly abuts a highway, it would currently be possible to erect a fence to a height of 2 metres without gaining express planning permission from the Local Planning Authority. This is on the basis that Schedule 2, Part 2 (Minor Operations), Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 only restricts the erection of any fence, wall or gate on land not abutting a highway if it exceeds 2 metres above ground level. If the fence in question does not exceed 2 metres in height, it is permitted development under the provisions of the order.
- 5.22 On the basis of the assessment set out above, and the fact that a fence projecting to a height of 2 metres could currently be erected on-site without gaining express planning permission from the Local Planning Authority, condition 4 attached to P19/0994/F is not considered to be reasonable and does therefore not meet the tests of a planning condition. As such, it is considered that condition 4 should be amended to remove the reference to the 1.2m height restriction.
- 5.23 Whilst it is noted that a 2m fence could be erected without permission, the submitted plans indicate the height of the proposed fence. On the basis that the development should be carried out in accordance with approved plans, the applicant would still be required to erect the fence as shown on plans in order to accord with the permission granted, as opposed to a 2m high fence.
- 5.24 In terms of concerns raised regarding the final design of the fencing, condition 4 also requires full details of the appearance of the fencing to be agreed. Details submitted with the original application indicated that the fence will be

made up of mesh panels with a dark green finish; which is considered the most appropriate design approach. However final details will be agreed following determination. In terms of potential advertisement hoardings, no hoardings have been shown and plans and any such hoardings would require their own separate advertisement consent.

5.25 Other Conditions

A total of 9 conditions were attached to planning permission P19/0994/F. Condition 1 required the development to commence within 3 years of the granting of permission. Section 73 applications cannot be used as a means of extending an implementation period, and as such the condition will be amended accordingly to take account of the time that has passed since the previous decision was made.

5.26 Conditions 2 and 4 are the subjects of this application and will be amended accordingly. Condition 3 required details of the proposed external finish of the floodlights to be submitted and agreed prior to their installation. This condition is still considered relevant and will be carried forwards. Condition 5 restricted the width of a proposed concrete path to 1m, and the condition will be carried forwards.

5.27 Condition 6 required a Travel Plan to be submitted to and agreed by the Local Authority prior to the first use of the floodlights and football stands. This condition is still relevant to the development and will be carried forwards. Condition 7 required proposed gates to be locked open at all times other than for the duration Toolstation Western League football matches. This condition will be re-applied to any consent.

5.28 Condition 8 required surface water drainage details to be submitted to and agreed with the Local Authority prior to the commencement of development. To date no details have been submitted, and the condition will therefore be carried forwards. Condition 9 required development to be carried out in accordance with approved plans, and will be re-applied to any consent.

5.29 Other Matters

A number of issues raised through consultation responses have not been addressed within the main body of this report. These are considered below:

5.30 In terms of comments made regarding the overall acceptability of the development, the principle of the development has already been established through the approval of the previous application. This Section 73 application only seeks to extend the permitted hours of illumination for the approved floodlights, and increase the height of permitted mesh fence from 1.2m to 1.83m. All other matters have already been established, and as such any objections relating to any element of the development beyond lighting times and the fence height are not be addressed as part of this Section 73 application.

5.31 The concerns raised regarding the democratic process not being followed are noted. However the previous application went through the full committee process, and whatever may have been discussed at the Spatial Planning Committee, any applicant granted planning permission has the right to submit a

Section 73 application to remove or vary any condition. The applicant also had the right to appeal the conditions, however decided to instead submit a Section 73 application. This decision was made by the applicant with no involvement from the Local Planning Authority.

5.32 In terms of any potential conflict of interest, the Local Planning Authority are an entirely impartial body, with applications determined against policies contained within the Development Plan unless material considerations indicate otherwise. Furthermore, due to the representations received, this Section 73 application will be subject to the Circulated Schedule procedure where Members will have the opportunity to refer the application to committee, as per the previous full application.

5.33 Impact on Equalities

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

5.34 With regards to the above, this planning application is considered to have a positive impact on equalities. This is on the basis that altering the condition relating to the permitted usage of the lights would increase the number of people who could use the improved sports facilities, and profit from the health benefits associated with participating in sporting activities.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

1. The development hereby permitted shall be begun on or before 25th July 2022.

Reason

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

2. The lighting hereby permitted shall not be illuminated during the following periods:

October 1st to March 31st (inclusive)..... 22:30 - 07:30
April 1st - April 30th 20:30 - 07:30
May 1st - May 31st 21:00 - 07:30
June 1st - July 31st 21:30 - 07:30
August 1st - August 31st 20:30 - 07:30
September 1st - September 30th 19:30 - 07:30

Reason

To avoid causing disturbance to local residents during anti-social hours and to avoid any significant negative impact on the local bat population, to accord with Policies PSP8, PSP19 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. Prior to the installation of the floodlights, details of the proposed external finish and colour of the floodlighting columns shall be submitted to the Local Planning Authority for approval in writing. The development shall then be carried out in accordance with the approved details and thereafter retained as such.

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.

4. Prior to the installation of the mesh fencing hereby approved, details of the proposed external finish for the fencing shall be submitted to the Local Planning Authority for approval in writing. The development shall then be carried out in accordance with the approved details and thereafter retained as such. For the avoidance of doubt details shall show height and colour.

Reason

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

5. The concrete path to be constructed around three sides of the football pitch shall not exceed 1 metre in width.

Reason

To protect existing grassed areas and avoid the provision of excessive levels of hardstanding, to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP5 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

6. Prior to the first use of the floodlights and football stands, a 'Travel Plan' comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use shall be prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan targets to the satisfaction of the Council.

Reason

To deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling, to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

7. Any gates included within the areas of mesh fencing shall only be locked shut for the duration of Toolstation Western League football matches. The gates shall remain locked open at all other times.

Reason

To provide reasonable public access across the site, to accord with Policy PSP5 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This is required to be agreed prior to the commencement of development to avoid any unnecessary remedial action in the future.

9. The development shall be carried out in accordance with following plans submitted for P19/0994/F:

Site Location Plan (Drawing no. GRPAEKBOCO 001 A)
Existing Block Plan (Drawing no. GRPAEKBOCO 002)
Floodlight Elevations (Drawing no. GRPAEKBOCO 003)
Proposed Works Plan
(Received by Local Authority 28th January 2019)

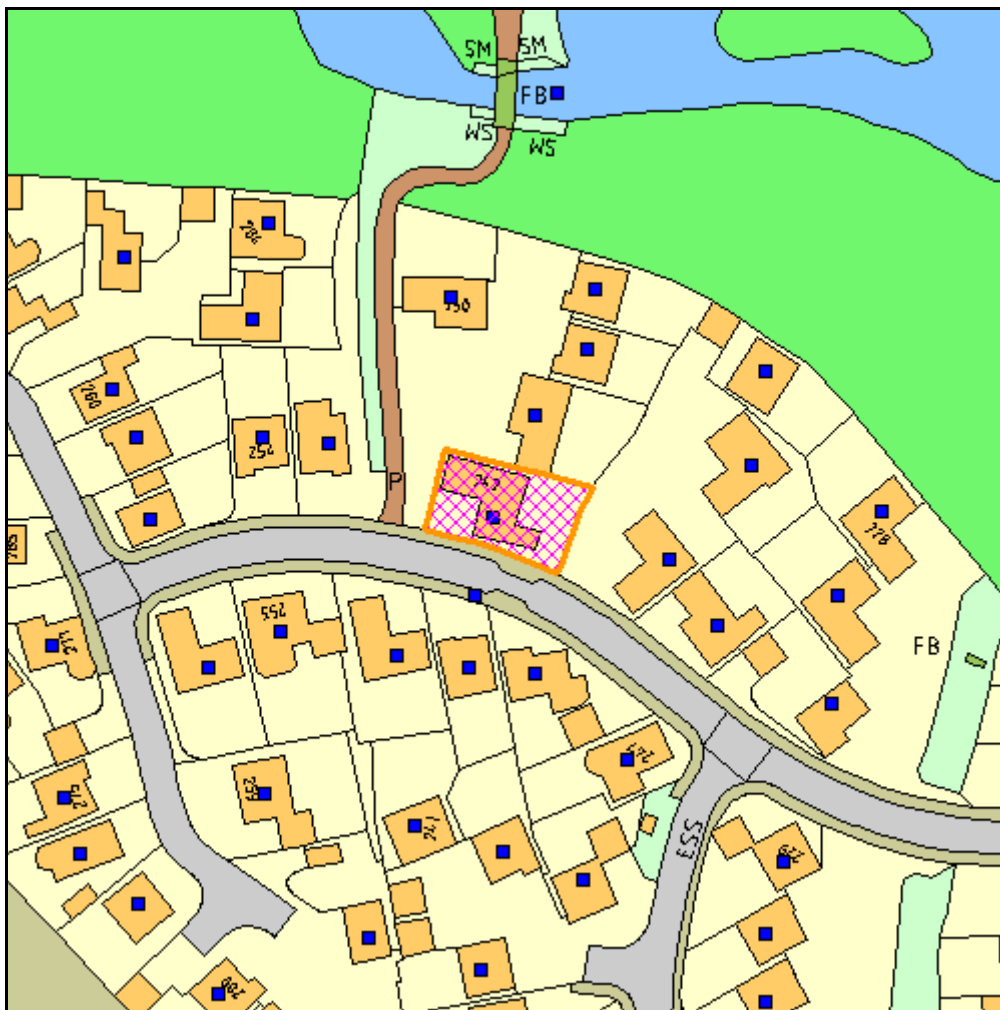
Proposed Block Plan (Drawing no. GRPAEKBOCO 002 B)
Proposed Plans and Elevations (Drawing no. GRPAEKBOCO 008)
(Received by Local Authority 10th April 2019)

Reason

In the interests of proper planning and for the avoidance of doubt.

CIRCULATED SCHEDULE NO. 05/20 – 31 JANUARY 2020

App No.:	P19/13500/F	Applicant:	Mr And Mrs Thomson
Site:	242 Juniper Way Bradley Stoke Bristol South Gloucestershire BS32 0DR	Date Reg:	25th September 2019
Proposal:	Erection of a first floor front extension over existing garage to form additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	362673 181383	Ward:	Bradley Stoke South
Application Category:	Householder	Target Date:	19th November 2019



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

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a first floor extension over existing garage to form additional living accommodation at 242 Juniper Way, Bradley Stoke.
- 1.2 The application site relates to a large two storey, detached property which is located within the residential area of Bradley Stoke. The subject property is located at the entrance to a small cul-de-sac which contains a further 4no dwellings.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/2095/F

Erection of rear conservatory.
Approved with conditions: 15/08/2008

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Objection- overdevelopment of the site, not in keeping with streetscene and concerns over parking provision.
- 4.2 Sustainable Transport
No objection.
- 4.3 Archaeology
No comments.

Other Representations

- 4.4 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.
- 5.2 Design and Visual Amenity
The application seeks full planning permission for the erection of a first floor extension over the existing attached garage to facilitate 2no additional bedrooms and a bathroom. The existing garage projects from the principal elevation of the dwelling forming an 'L' shaped building. Amendments were sought during the course of the application to overcome concerns with the original design of the proposal.
- 5.3 Concern has been raised by the parish council in regards to the impact of the development on the visual amenity of the streetscene and overdevelopment of the site. The surrounding area is mostly characterised by large, detached properties which include gable to gable roofs, attached garages and are constructed of brick. The proposal would alter the existing hipped roof of the garage to a gable end, this is considered to be more in keeping with the host dwelling and properties within the immediate surrounding area. Furthermore, the eaves and ridge height of the proposal would be set down significantly from the main property resulting in a clearly subordinate appearance. Although relatively large, the proposal would not increase the existing footprint of the building and, given the subservient appearance, is not thought to result in an

- adversely dominant addition to the streetscene. The proposal would also include 2no pitched roof, wall dormers to the front elevation, these are well positioned on the roof slope and are not thought to cause substantial harm to the character of the area.
- 5.4 The materials to be used in the external finish of the proposal include buff coloured brickwork with corbeling detail around the eaves; brown interlocking roof tiles; and white uPVC windows. All materials would match those of the existing property and are therefore deemed to be acceptable in terms of design.
- 5.5 Overall, it is considered that the proposed extension would not be detrimental to the character of the host dwelling or the surrounding area and is of an acceptable standard of design. As such, the proposal is deemed to comply with policy CS1 of the Core Strategy.
- 5.6 Residential Amenity
Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.7 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Given the siting of the proposal, combined with the positioning of the windows, the proposal is not thought to result in any material overbearing or overlooking impact, nor is it considered to significantly alter the existing levels of light afforded to the neighbouring occupiers to an unacceptable level. Furthermore, the proposal would not occupy any additional floor space and as such sufficient amenity space would remain for the occupiers of the host dwelling.
- 5.8 Overall, the proposal is not considered to have a detrimental impact on the residential amenity of surrounding properties or the host dwelling and is therefore deemed to comply with policy PSP38 of the PSP Plan.
- 5.9 Sustainable Transport and Parking Provision
The application is proposing 2no additional bedrooms, resulting in a 6no bedroom property. Policy PSP16 of the PSP Plan requires properties with 5no or more bedrooms to provide 3no off-street parking spaces. The property benefits from a double garage with space for 2no additional vehicles on the driveway. The existing parking arrangements would be unaffected by the proposal and as this complies with the Council's parking requirements, subject to a condition, no objections are raised in terms of transportation.
- 5.10 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between

people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: James Reynolds

Tel. No. 01454 864712

CONDITIONS

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

Reason

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

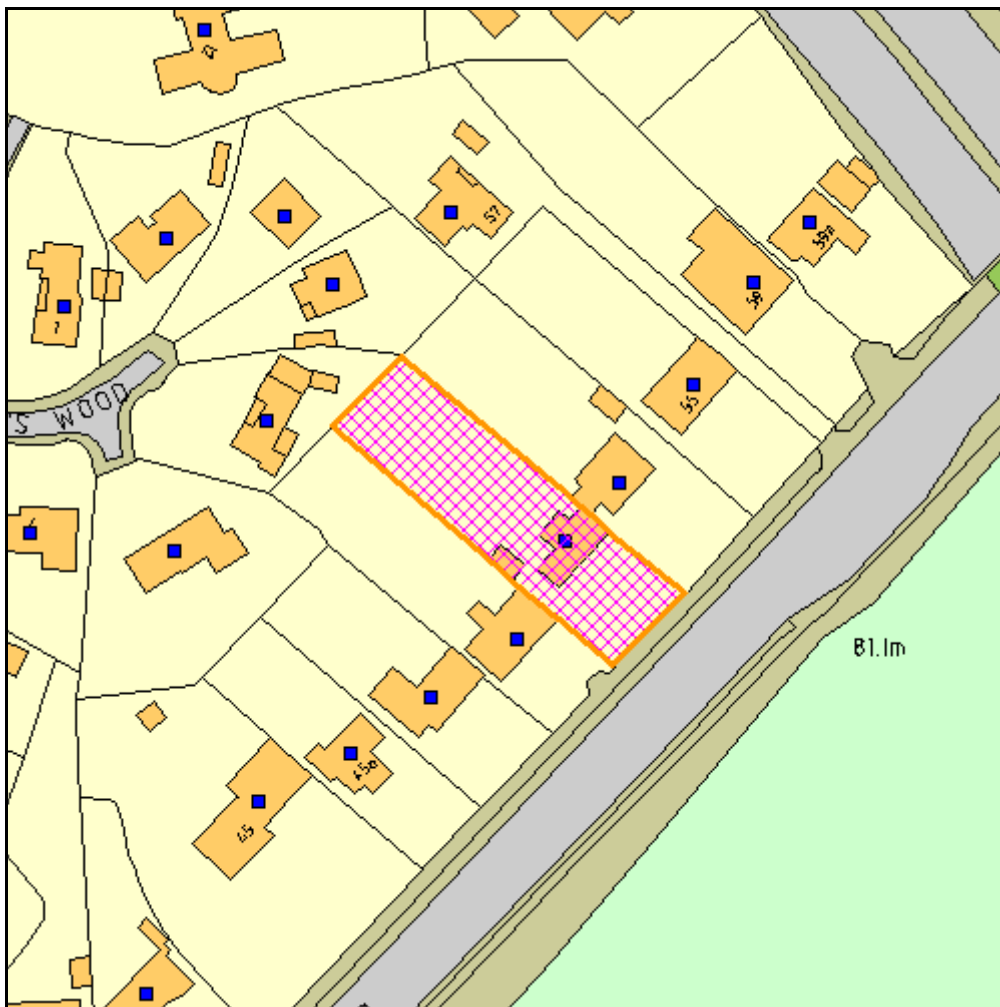
2. A minimum of three off street parking spaces shall be retained for the dwelling at all times.

Reason

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

CIRCULATED SCHEDULE NO. 05/20 – 31 JANUARY 2020

App No.:	P19/17148/F	Applicant:	Mr Joicey
Site:	Ridgeby 51 Gloucester Road Almondsbury Bristol South Gloucestershire, BS32 4HH	Date Reg:	26th November 2019
Proposal:	Erection of single storey rear, single storey side and first floor extensions to form additional living accommodation (amendment to previously approved scheme PT18/3089/F)	Parish:	Almondsbury Parish Council
Map Ref:	361205 184644	Ward:	Severn Vale
Application Category:	Householder	Target Date:	16th January 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, due to a consultation response received, from the Parish Council, contrary to Officer recommendation.

1. THE PROPOSAL

1.1 The application seeks consent for the erection of a single storey rear; single storey side and first floor side extensions to form additional living accommodation. The application is submitted as an amendment to a previously approved application, reference PT18/3089/F.

1.2 The property is a detached dwelling, set off the main road, located on the main Gloucester Road, Almondsbury. The application site is located within the settlement area of Almondsbury, which is washed over by the Green Belt.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
CS1 High Quality Design
CS5 Location of Development
CS34 Rural Areas

South Gloucestershire Local Plan – Policies Sites and Places Plan (Adopted November 2017)
PSP7 Green Belt
PSP8 Residential Amenity
PSP16 Parking Standards

2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD August 2007
South Gloucestershire Development in the Green Belt SPD 2007
South Gloucestershire Residential Parking Standards (Approved December 2013).

3. RELEVANT PLANNING HISTORY

3.1 PT06/0648/F – Erection of two storey rear and side extension to form kitchen with extended bedroom and en-suite above. Approved 21st April 2006.

- 3.2 PT18/3089/F - Erection of a single storey rear; single storey side and second storey side extensions to form additional living accommodation. Approved 5th September 2018.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

Objection - This would block out natural light into the neighbouring property and cause privacy issues.

Archaeological Officer

No comment

Other Representations

4.3 Local Residents

Two letters have been received, from one neighbouring property, raising the following concerns:

- the new plans differ vastly from the original
- the extension adjacent to our property is now proposed as double storey
- the pitch of the proposed roofline is overbearing, as it extends down past our property, is directly adjacent to our kitchen window and is now almost to the existing roof level
- the revised scheme has a bathroom within the roof area and is two storey
- the new extension extends further into the garden than the existing, almost 2 metres past the rear of our property within less than a metre of the side of adjacent dwelling, a kitchen and bedroom window
- the new proposals would have an impact upon the openness of the Green Belt and will fill in the gap between the two properties
- the property has previous extensions and the increase in footprint is massive

5. PRINCIPLE OF DEVELOPMENT

- 5.1 Extensions to dwellings within residential curtilages are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation. Of material note is the exiting permission, ref. PT18/3089/F. The main difference between the two is the extension on the south west elevation has been altered to a gable end as opposed to the previous leant-to roof proposed. The main issues for consideration in this respect therefore are whether the amended proposals have an adverse impact on the amenities of nearby occupiers and whether the design of the proposal is sufficiently in keeping with the site and surroundings, as well as the acceptability of the proposals in terms of their Green Belt location.

5.2 Green Belt

The National Planning Policy Framework (NPPF) attaches great importance to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence. It states that inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. The NPPF states

that 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 is appropriate development in the Green Belt. The principle of residential extensions within the Green Belt is therefore acceptable provided that they are not disproportionate or impact upon the openness of the Green Belt. The planning history of the site does illustrate previous development of the dwelling. From looking at previous development within the site the report history indicates that it was considered that previous approved development of the property, referred to in the relevant section above, resulted in 12% increase.

- 5.3 This proposals adds a single storey rear, single storey side and second storey rear/side extension. The proposed second storey extension would not be to the full width of the existing dwelling, but would essential infill the south west corner above an existing first floor element of the house and would integrate well with the patterns of the existing roofline and design of the dwelling. The side extension of the south west of the dwelling would replaces an outbuilding and the development increase in this respect was therefore considered to be negligible. A proportion of the remaining proposals would be within the existing built footprint. It was considered previously that the proposals, including the consideration of the side extension in replacement of the outbuilding, may add a further 30% - 35% to the dwelling. This being the case it was necessary to assess the nature and scale of the proposals in context with the site and surroundings in order to determine whether it would be a disproportionate addition and impact upon the openness of the Green Belt. Although washed over by Green Belt the site is wholly within the defined settlement boundary, within the setting of a built up area, amongst other various dwellings. The proposal first floor infill to the rear integrates well with the main dwelling, whilst the single storey elements are not considered to have a material impact in terms of disproportionality or Green Belt openness. It is not considered that in their own right the proposals could be considered significant such as to be considered disproportionate development to the remainder of the existing dwelling house and curtilage. It is not considered therefore that the proposed extensions in their own right would contribute to an issue of disproportionality to the original detached dwelling nor impact upon the openness of the Green Belt. The amendment to the roof shape from lean-to to a pitched roof would add a relatively modest amount of additional volume, however this is not considered in its own right to materially alter from previous Green Belt considerations in terms of appearing disproportionate or materially impacting the openness when assessing the area and surroundings. There would be no increase in footprint upon that already approved and the side wall would remain within the application site. The proposals would not come any nearer to the shared boundary than that previously approved. Given therefore the nature of the proposal, the nature and size of the existing dwelling, the size of the curtilage and the relationship between the existing dwelling and the proposals, in this instance the proposals are considered to be acceptable in scale and relation to the existing dwelling and as such and does not impact upon the openness of the Green Belt and is therefore is not considered to be inappropriate development. The proposals are therefore considered appropriate development in the Green Belt and therefore acceptable on this basis.

5.4 Residential Amenity

The proposals would not add to the footprint of the existing approved building. The rear building line of the side extension would remain as existing and in line with the rear building line of the main dwelling. The proposals would not come any nearer to the shared boundary than that previously approved. The adjoining property has been previously extended up to the shared boundary. The proposals the subject of this application remain within the boundary of the application site and some 60cm off the shared boundary on the south west elevation. The building itself on this elevation, as stated would retain the same approved building line which follows the existing rear of the dwelling. The main difference therefore is the gable end roof design incorporating facing wall replacing the previous lean-to roof design. This would mean that the rear wall protrudes approximately 2.5 metres beyond the extent of the rear wall on the neighbouring property, at around 60cm off the shared boundary, as before. At eaves height, around 2.6 metres the roof pitch would slope inwards. The additional visible element would therefore be the corner of the roof slope and the end wall. The proposal is essentially a single storey design, although the sloping roofspace within is shown as being utilised for a bathroom. This would incorporate a velux window in the rear facing roofslope. This would not be considered to give rise to a material increase in overlooking in its own right. Given therefore the nature, scale, location and design of the amended proposals, the level of their additional scale and the relationship and orientation with neighbouring properties, the proposals are not considered to give rise to material or significant overlooking or overbearing amenity impact such as to warrant objection and sustain a refusal of the proposals on this basis.

5.5 Design

The proposals would integrate adequately within the existing plot and surrounding area. The proposals are considered acceptable in design terms and are an acceptable addition to the existing dwelling and the plot. Materials used would match those of the existing dwelling. Sufficient private amenity space would also remain within the site.

5.6 Sustainable Transportation

There are not considered to be any highways/transportation implications associated with the proposal and sufficient off-street parking provision and turning would exist within the site to serve the property.

5.7 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 It is considered that the proposals are satisfactory in terms of Green Belt, design and local amenity and as such are in accordance with Policies CS1, CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted December 2013) and PSP7 and PSP8 of the South Gloucestershire Local Plan – Policies Sites and Places Plan (Adopted) November 2017.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

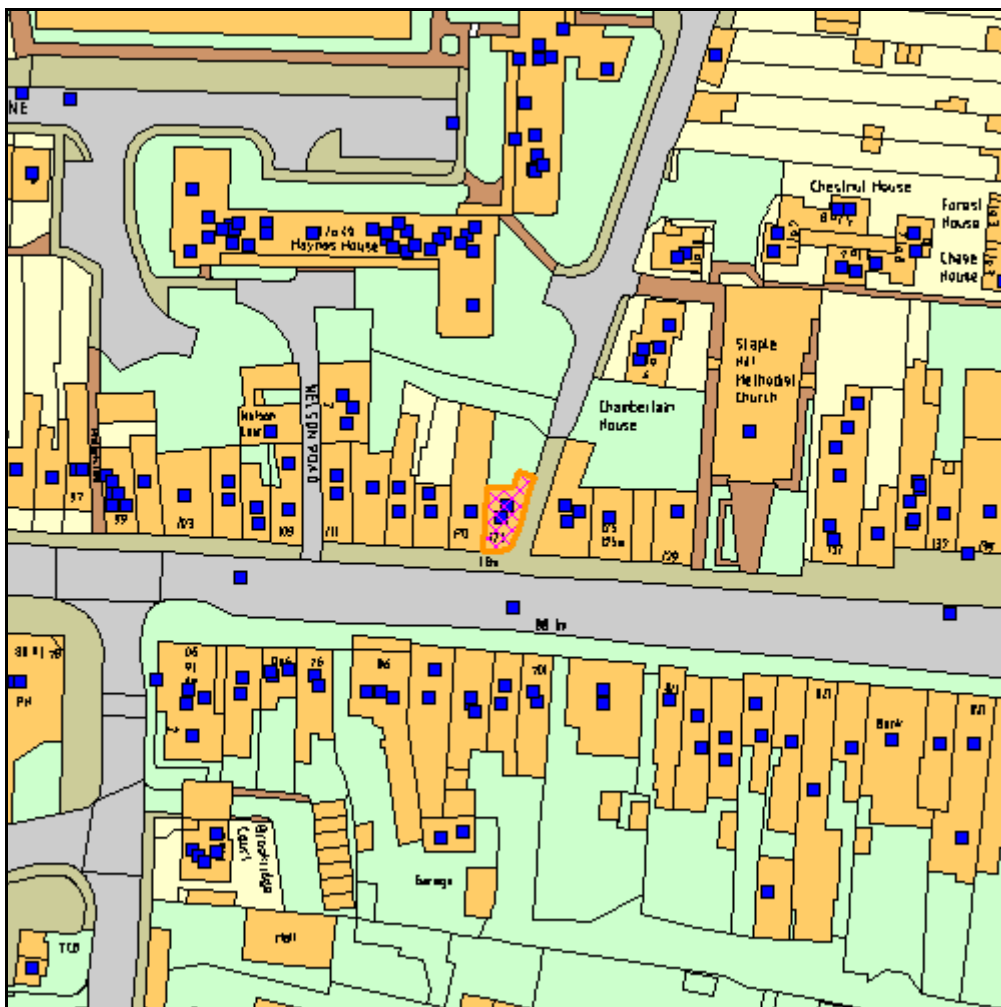
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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.

CIRCULATED SCHEDULE NO. 05/20 – 31 JANUARY 2020

App No.:	P19/19357/F	Applicant:	Mr And Mrs Cil
Site:	121 High Street Staple Hill Bristol South Gloucestershire BS16 5HF	Date Reg:	31st December 2019
Proposal:	Change of use of shop (Class A1) to takeaway shop (Class A5) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of the extraction flue system to the rear.	Parish:	None
Map Ref:	364809 175943	Ward:	Staple Hill And Mangotsfield
Application Category:	Minor	Target Date:	14th February 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 APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following objections from three Members of South Gloucestershire Council and over three representations from different individuals to the contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of a single retail unit (Class A1) to a takeaway (Class A5) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). In addition to the Installation of an extraction flue system to the rear.
- 1.2 Located on Staple Hill High Street, the site is located within the designated Town Centre Boundary, Primary Shopping Area, and forms part of the wider Primary Shopping Frontage. There are no other land designations that cover the site.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework

- 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
PSP21	Environmental Pollution and Impacts
PSP31	Town Centre Uses
PSP33	Shopping Frontages
PSP35	Food and Drink Uses

3. RELEVANT PLANNING HISTORY

- 3.1 Ref. PK02/1254/F. Proposal: Change of use of ground floor from retail (A1) to office use (A2). Approved. 23/9/2002.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The area is unparished.

4.2 Other Consultees

Sustainable Transport Officer – No objection.

Environmental Health Officer – No objection subject to conditions.

Economic Development Officer – No comment.

Other Representations

- 4.3 3 Councillors and 112 local residents have objected to the application. These comments have been summarised below.

4.4 Councillors

- Inappropriate location and on a school route;
- Contribute to poor local health and obesity;
- Impact to vibrancy and character at the loss of independent traders;
- Fumes, smells and poor air quality close to living accommodation;
- Close to Air Quality Management Zone;
- Accommodation above should not be converted to a HMO;
- Too many existing takeaways;
- The Council should think beyond business rates and filling voids and consider what would be useful and beneficial to residents;
- We need to promote good public health;
- Increase in littering;
- Inadequate supply of bins in ratio to food vendors;
- Discourage shoppers from using Staple Hill; and
- Damage to image and reputation.

4.5 Local Residents

- Increase to noise and smells;
- Encourage anti-social behaviour and general disturbance;
- Over concentration of cafés and takeaways;
- Increase in vermin;
- Increase to traffic, parking and pollution;
- Schools and nurseries close by;
- Encourage unhealthy eating and add pressure on the NHS;
- Harm the character of the town centre;
- Existing cafes and takeaways will lose business; and

- The council should be serious about improving life chances for local residents as this is a priority neighbourhood area.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The main issues here are whether the proposed use is appropriate in a town centre location, and its impact on the character of the area, residential amenity and public safety.

5.2 Land Use

The proposed use as a takeaway (Class A5) is classed as a town centre use and would be within a town centre location. It is of an acceptable scale and size, occupying a single ground floor unit which forms part of a parade of shops fronting Staple Hill High Street. It would therefore be an acceptable use for the location as per PSP31.

5.3 Character

Along the parade, there are a number of different units which are occupied for different uses, including A1, A2, A3 and A5 uses. Directly adjacent to the site and further along the High Street, the mix of town centre uses is continued, providing a positive contribution to the vitality and viability of the centre.

- 5.4 Policy PSP33 states that within Primary Shopping Frontages, change of use from retail units to another use at ground floor will only be acceptable where: the proposal makes a positive contribution to the vitality and viability of the centre; does not undermine the retail function and character of the frontage, part of it, or the wider Primary Shopping Area; includes a shopfront with a display function and be accessible to the public realm from the street; and maintains a ground floor active use.

- 5.5 Councillors and local residents have raised concerns regarding the over-provision of hot food takeaways and the viability and long-term future of existing shops, should this application be allowed. Subject to a survey conducted for Staple Hill Town Centre by the council in August 2019, it was demonstrated that 12 (7.89%) out of 152 units were in operation as A5 use. Furthermore, 73 units (48.03%) were in retail (A1 use), in addition to 5 (3.29%) vacant units. As such, one additional A5 use would not result in unreasonable harm to the vitality and viability of the centre, nor would it undermine the predominant retail function or result in a harmful concentration of food and drink uses in the town centre. An active ground floor use would be created in a vacant unit, which would include a shopfront and be accessible from the street. The proposed use would therefore comply with PSP33.

5.6 Living Conditions

Policy PSP35 makes provision for hot food establishments within local centres, provided that, amongst other criteria, it would not unduly affect the amenity of nearby residents. This is supported by the provisions of PSP8 and PSP38. Directly above the application site and its neighbours, are a number of residential units which look down onto the high street. Therefore, the amenity impact of the proposal onto these properties needs to be assessed.

- Fumes, smells and noise*
- 5.7 With regards to fumes, smells and noise, information on the proposed extraction system has been reviewed by the councils Environmental Health Officer. The proposal has been deemed acceptable, subject to the extraction system being installed as per the details provided. In addition, a condition to control noise levels from the extraction system has been recommended and deemed acceptable.
- General disturbance, late night activity and litter*
- 5.8 Within the immediate vicinity of the site, on this side of the highway, there is one Café (A3 use) and two takeaways (A5 use). The café located at 115 High Street, being the nearest unit not within retail (A1) use, was conditioned to operation hours between 8:30am to 5:30pm. With regards to the takeaway at 129 High Street, the use has been in operation for a period in excess of 10 years and therefore benefits from deemed consent as per s.171B of the Town and Country Planning Act 1990. The Council is unable to locate an initial consent or any other documentation regarding opening hours.
- 5.9 The takeaway located at 111 High Street was permitted at appeal (Ref. APP/P0119/A/05/1194917) extended opening hours to midnight on Sunday to Thursday and to 01:00 on Friday and Saturday. The Inspectorate noted that drinking excess alcohol combined with persons mingling in the street late at night can lead to disorder problems. However consideration was provided to two other premises within the immediate vicinity which opened until 1am or later. Subsequently, it was considered that by allowing the premises to open until the same time as others nearby on Fridays and Saturdays would have little cumulative effect on existing crime, noise and disturbance levels.
- 5.10 It is recognised that residents in close proximity to commercial uses should expect higher levels of noise and activity than what would be expected in a wholly residential area. Whilst the opening hours are proposed as 12pm – 12am Monday to Friday, Sundays and Bank Holidays, and 12am – 02:00 on Saturdays, a reduction of these hours to match those permitted in the neighbouring takeaway at no.111, for the reasons above, would not be unreasonable.
- 5.11 Whilst Officers note the concerns of local residents to litter, there is no specific evidence before Officers to suggest that the disposal of waste could not be adequately dealt with by the business or that the proposed use would result in additional litter being dropped by future customers in the surrounding area. Whilst Officers appreciate the concerns of local residents, there is also little information to suggest that the proposed use would necessarily result in anti-social behaviour or an increase in vermin, should this application to succeed.
- Highway safety*
- 5.12 Having viewed the application and visited the site to see the parking situation, Officers are satisfied that there is no transportation objection to the proposal. Motorists who park illegally and indiscriminately would be committing offences and are at risk of being dealt with accordingly.

Health and obesity

5.13 A good deal of concern has been raised by local residents, about the adverse impact on health that fast food outlets such as those proposed, would have on the local population; especially young people given the proximity of schools to the site.

5.14 During a recent appeal (Ref. APP/Z01116/W/15/3131829) for a similar application for an A5 premises, the inspector noted in his Decision Letter at para. 56:

“Evidence has been referred to that connects obesity in children with the consumption of fast food, and shows that this is higher in areas of deprivation. However, there is nothing conclusive to show that the appeal proposal would result in any significant increase in obesity in the area of Fishponds, even though it has been recognised as an area of multiple deprivation.”

5.15 The Inspector goes on to say in para. 57:

“Whilst there is scope for developing the law, policies and guidance to try to reduce obesity levels, there are limited planning powers to prevent additional fast food outlets from being provided at appropriate locations on these grounds.”

5.16 It is noted that some pupils of nearby schools would no doubt walk past the application site. If individual schools have concerns about obesity and the consumption of fast food by their pupils, the school could impose their own controls on children visiting the Town Centre during school hours.

5.17 With regards to the previous appeal, the Inspector also noted at para.63:

“Whilst concerns have been expressed that McDonald’s is a popular place for young people to congregate and that they are not very likely to choose ‘healthy options’, this is insufficient to robustly demonstrate that the appeal proposal would fail to comply with development plan policy.”

5.18 Officers consider that the same reasoning must apply in the current proposal.

5.19 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 **THE APPLICATION BE APPROVED** subject to conditions.

Contact Officer: Thomas Smith
Tel. No. 01454 865785

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

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.

3. The use hereby permitted shall not be open to customers outside the following times: 07:00 to 24:00 Sunday to Thursday (and bank holidays), and 09:00 to 01:00 Friday to Saturday.

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.

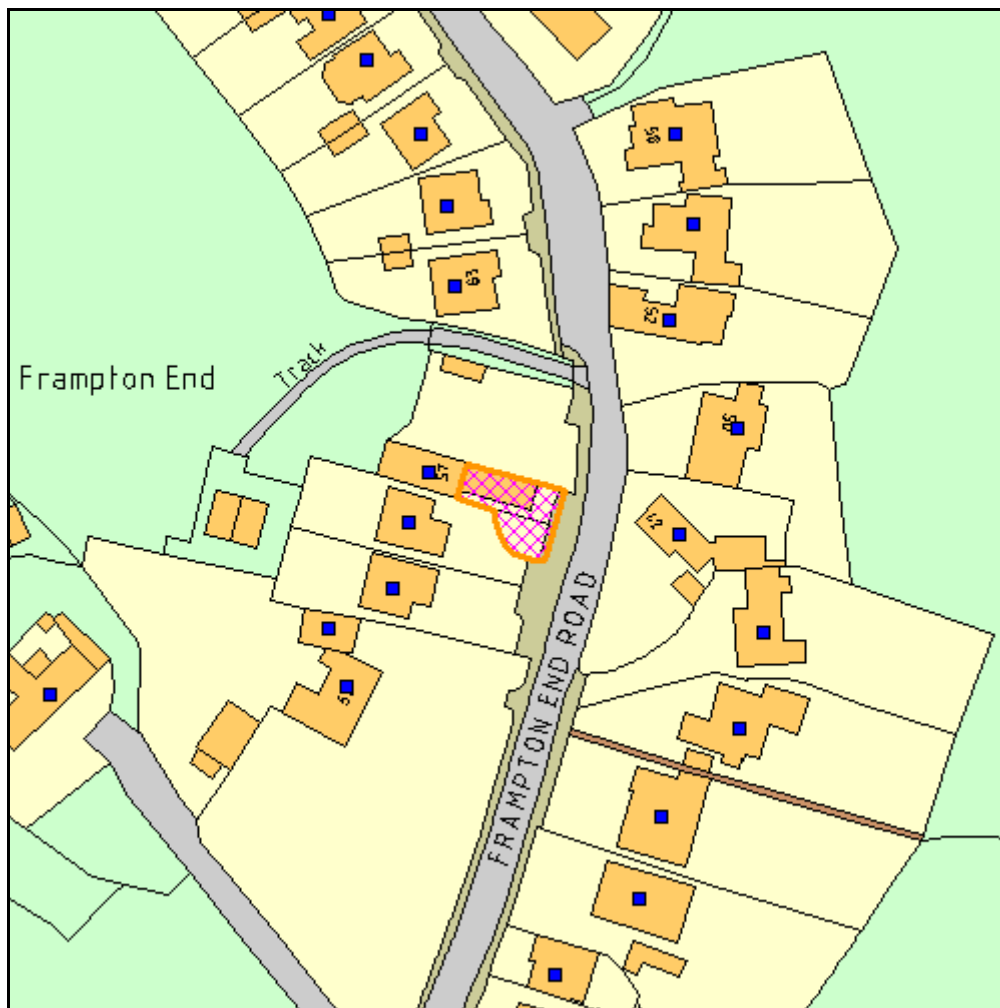
4. Prior to first operation of the A5 use hereby permitted, the extraction system must be installed as per the submitted drawings. Once installed, the equipment must be maintained and cleaned exactly in accordance with the manufacturers instructions.

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.

CIRCULATED SCHEDULE NO. 05/20 – 31 JANUARY 2020

App No.:	P19/19430/F	Applicant:	Mr And Mrs Howell
Site:	55 Frampton End Road Frampton Cotterell Bristol South Gloucestershire BS36 2JY	Date Reg:	3rd January 2020
Proposal:	Conversion of existing garage to form ancillary annexe with external works.	Parish:	Frampton Cotterell Parish Council
Map Ref:	367350 181863	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	18th February 2020



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 100023410, 2008. **N.T.S.** **P19/19430/F**

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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule following 7 support comments contrary to Officer Recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for Conversion of existing to form an ancillary annexe with external works.
- 1.2 The application site relates to the garage at No. 55 Frampton End Road, Frampton Cotterell. The site lies in a rural location outside the village boundary and within the Bristol and Bath Green Belt. The site is a garage (formerly an agricultural building), attached to an older property, No. 57 Frampton End Road. For the sake of clarity, No. 57 is a locally listed heritage asset but this list is currently under review.
- 1.3 This application follows application P19/16333/F for the conversion of the garage into a dwelling which was refused on 10.12.19 for the following reasons:

Reason 1:

The proposal is outside an established settlement boundary. The conversion of this building into a new house in this rural location has failed to accord with the criteria set out in adopted policies which seeks to ensure that such development in the countryside is strictly limited. The proposal fails to lead to an enhancement of its immediate setting and is therefore contrary to adopted Policy CS1 of the South Gloucestershire Local Plan (Adopted) 2013; PSP40 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.

Reason 2:

The proposal by reason of sub-division of the front garden of No. 55 Frampton End Road, would represent a contrived form of development and fail to comply with the highest standards of design expected in national guidance and local adopted planning policy. The sub-division of the front garden in this way would be out of keeping with the character of the area and would fail to respect its immediate surroundings. The scheme is therefore contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017, and the National Planning Policy Framework.

Reason 3:

The private amenity space allocated to the new dwelling would be adjacent to the main highway. In this way it would not be private and therefore detrimental to future occupiers. It is therefore contrary to Policy PSP43 of the Policies Sites and Places Plan (Adopted) 2017.

- 1.4 This current application was submitted on 24.12.19 and no pre-application planning advice was sought prior to the submission.
- 1.5 During the course of this application the applicant has tried to send in revised plans in an attempt to address comments made by local residents, The Parish and elected Member. However, no revisions have been requested by planning officers and as such the plans have not been accepted. There is sufficient information included within this submission, the recently refused scheme and correspondence to determine the application.
- 1.6 Plans indicate the proposed annexe would comprise 2 bedrooms, a bathroom, and a lounge diner. A parking space directly outside would serve the annexe.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS24	Green Infrastructure, Sport and Recreation Standards
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
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Trees on Development Sites SPG (Adopted) Nov. 2005.
South Gloucestershire Design Checklist (Adopted) 2007)
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

3. **RELEVANT PLANNING HISTORY**

Planning history associated with 57 Frampton End Road – neighbouring property

- 3.1 P19/1849/F Installation of 3 no. roof lights to the principal elevation, 3 no. rear dormer windows and 2 no. windows to the side elevations to facilitate loft conversion.
Approved 23.4.19

Planning history associated with 55 Frampton End Road

- 3.2 P19/16333/F Conversion of garage into 1no. dwelling with associated works.
Refused 10.12.19
- 3.3 PT18/0077/F Demolition of existing front porch. Erection of single storey front extension to form additional living accommodation
Approved 27.2.18
- 3.4 P93/2510 Erection of front porch
Approved 19.12.93
- 3.5 N1255 Conversion of an agricultural building to domestic garage. Construction of new vehicular access.
Approved 10.4.75

4. **CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council
Objection: The Parish council reiterates its previous observations (P19/16333/F - Due to impact on the heritage and street scene policies PSP17 and PSP38).

There is lack of amenity space and accessibility.

Internal Consultees

- 4.2 Highway Structures
No objection

Statutory / External Consultees

- 4.3 Drainage
No objection

- 4.4 Transport
No objection

Other Representations

4.5 Local Residents

10 Letters of **support** have been received by the LPA. 3 are from family members living at the application address and therefore cannot be counted, neither can support comments submitted by the applicant. 2 more have the same surname and could also be family members but without investigating further the LPA has included these comments making a total of **7** supporting the scheme. The points made are summarised as:

- Will provide additional residential capacity
- Not affect visual appearance of site
- Not place any additional requirements for street parking
- Not affect neighbouring properties
- No valid reason to object to this application
- Logical refurbishment of unused and deteriorating structure
- Does not raise overlooking issues
- Will add value to premises at No. 55
- Will make better use of underused space
- Will be an improvement by removing white PVC windows which are out of character with surrounding buildings, removing an ugly brown garage door and replacing missing render
- Planning should look on proposals as sustainable alternatives to using green spaces
- Would provide single storey accommodation which is severely lacking in the village
- I walk my dog here, I know this barn and it is an eyesore

2 letters of **objection** have been received by the LPA. The issues raised are summarised as:

- additional cars and parking
- although described as a granny annexe what happens to it at a later date – will it be extended, increasing it to a 2 or 3 bed family accommodation?
- Concerned about safety for pedestrians, horse riders and cyclists
- Only minor changes made to the previous proposal
- Witnessed garage in full use and merely needs to be maintained by current owners
- The building is locally listed and the village needs to maintain and protect heritage assets
- If the proposal is for an elderly relative why are 2 bedrooms proposed
- Seem to be mixed messages – a massive cause for concern over what is actually going on

Comments have also been received from a local councillor and are summarised as:

- Positioning / provision of amenity space remains a concern

- Applicants state the possible purpose is to accommodate an elderly family member, but it is questioned whether such a person could easily access the rear garden
- Query whether the garage is in a state of disrepair
- Query whether an annexe condition could be used

5. **ANALYSIS OF PROPOSAL**

5.1 The proposal is for the conversion of a garage into a dwelling.

5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. In addition, it is noted the location within the Green Belt where only certain types of development are considered acceptable. The introduction of new residential development in the countryside, its impact on residential amenity and on highway safety must also be considered.

5.3 Of particular material consideration is the recent refusal (10.12.19) for the conversion of this garage to a dwelling.

5.4 Save for changes to the number of parking spaces, reduced from 2 to 1, and the indicated separate garden space, submitted plans are exactly the same as those submitted under the refused scheme. The difference is therefore essentially the description of development which is now for an annexe rather than a separate dwelling. The applicant has stated that it may be an intention for it to be used by an elderly relative at some stage but that no decision has been made.

5.5 To be clear, full disclosure of intent of use is required at the start of any planning application so that firstly, the correct assessment can be made using the appropriate adopted planning policies and secondly, whether or not it would be appropriate to use conditions to make a scheme acceptable in that instance. Conditions must pass certain tests which, among other things, requires them to be enforceable – this is discussed more below.

5.6 It is therefore not unreasonable for Officers to consider that the intention of this application remains unchanged and that this conversion would be for a single dwelling, rather than an annexe. This is discussed more below.

5.7 Annexe test

The proposed annexe and its function in relation to the main dwelling needs to be assessed. Annexes must have some form of dependence on the main property to be regarded as ancillary accommodation otherwise they are treated as separate and independent of the host dwelling.

5.8 The proposed annexe would be a self-contained, single-storey structure converted from an existing garage building. It would have accommodation space for two bedrooms, living room/kitchen and bathroom. Plans show the proposed changes to openings in the south elevation and the existing garage door in the east elevation, which leads to a short driveway/parking space, would be replaced by windows. The annexe would therefore have its own

- independent access and parking space. Given the internal components it is clear that the annex would not need to rely on the main dwelling for day-to-day needs.
- 5.9 By definition an annexe must be ancillary and subservient to the main dwellinghouse and should have some form of physical and functional reliance upon it. It is useful to examine recent appeal decisions.
- 5.10 In the appeal decision APP/L1765/D/18/3202102 for Bridge Cottage (8.8.18), the annexe was for an elderly relative and the Inspector acknowledged that annexes, or granny annexes as they can be referred to, can often cause difficulties. He stated:
- This is because on the one hand annexes often include self-contained accommodation to enable a degree of independence from the family dwelling, and on the other hand they need to be closely related in physical terms to the existing building to safeguard its appearance and to preclude their long term use as entirely independent dwellings.*
- 5.11 No details have been provided with the application as regards who would use the proposed annexe. Indeed the applicant has stated the development would be to potentially accommodate an elderly family member. No details of this person has been given.
- 5.12 In the appeal decision for APP/N6845/A/18/3197922 (13.7.18), Tegside, the Inspector decided that the building would to all intents and purposes be perceived as a separate new dwelling. She went on to declare that:
- Most commonly, a new granny annexe would be in the form of an extension to an existing building or a separate building within the curtilage of an existing dwelling with limited facilities such that there is a degree of reliance on the main dwelling for the needs of its occupant(s).*
- 5.13 In the Tegside appeal decision the Inspector discussed the use of conditions to control the annexe. She stated:
- ...as the development would effectively comprise a totally separate and independent new dwelling, imposing conditions to control the use of the buildings in this way would be difficult to enforce in the long term.*
- 5.14 The Inspector was clear when she stated:
- Taking account of the ... self-contained nature of the development, I shall deal with the proposal as one which should in effect, and in all practical terms, be considered as a development which is tantamount to the creation of a new dwelling.*
- 5.15 Accordingly, whilst officers acknowledge this application does not specifically seek to create a separate planning unit, given the recently refused scheme for a new independent dwelling and the use of essentially the same plans, the LPA considers that the proposed development is tantamount to the provision of a new dwelling.

5.16 This application will be assessed on that basis. The assessment will follow the lines of the previously refused scheme as the same issues are raised. Planning permission should only be granted if a separate dwelling would be granted permission in its own right.

5.17 Green Belt

The site lies within the Bristol/Bath Green Belt. The NPPF declares that *inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*. Substantial weight is given to the harm and very special circumstances will not exist unless the harm is clearly outweighed by other considerations. Development is therefore restricted to a list of exceptions. The proposal would fall under:

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

5.18 Given that the proposal is for internal changes to an existing building to facilitate the creation of additional residential accommodation the proposal is considered to accord with Green Belt policy.

5.19 Residential development in the countryside

PSP40 sets out that the conversion and re-use of buildings for residential purposes could be acceptable subject to criteria, which are set out below;

- i). the building is of permanent and substantial construction; and
- ii). it would not adversely affect the operation of a the rural business(es) or working farm(s); and
- iii). any extension as part of the conversion or subsequently is not disproportionate to the original building; and
- iv). If the building is redundant or disused; the proposal would also need to lead to an enhancement of its immediate setting.

5.20 Notwithstanding that comments state the building needs repair, it is considered that the building is of permanent construction. The proposed conversion, would not adversely affect a rural business and the proposed door canopy would not be a disproportionate addition. Although it has been stated that the building is redundant and in disrepair, Officers note that it is being used for domestic storage purposes. If the building is in disrepair its condition needs to be assessed as to whether or not it is fit for conversion. If is not fit for conversion then it would fail this policy test.

5.21 The final point is the issue of whether the change of use from a garage/workshop/storage area to residential living accommodation would lead to an enhancement of its immediate setting. The below assessment raises concerns regarding the quality of the amenity space for future residents of the new dwelling and as such for this reason it would fail to lead to an enhancement of its setting and be contrary to Policy PSP40.

5.22 Design and Visual Amenity

The application site relates to a single storey garage associated with No. 55 Frampton End Road but attached to No. 57 Frampton End Road. It is a low

- level, single storey building which planning history indicates was formerly used for agriculture. Since 1975 it has been used as a garage associated with No. 55. The building has a single garage door to its end (east) elevation and windows running along the southern side elevation. A narrow pathway runs alongside the southern side separating the building from the front garden of the main house which, given the topography of the site, is slightly raised.
- 5.23 The NPPF and local adopted policy under CS1 places great emphasis on the importance of design. Good quality design must ensure it respects both the character of a property and the character of an area in general. The updated NPPF suggests good design should, among other things, function well and add to the overall quality of the area; be visually attractive as a result of good architecture; and be sympathetic to local character. In essence development should respond to and be sensitive to local character, should aim to raise standards of design and enhance the immediate setting. Poor design that fails to take opportunities to improve the quality of an area should be resisted.
- 5.24 Changes to the external appearance of the building would be minimal in terms of the introduction of a small porch over the proposed front entrance, the replacement of the existing garage door with a series of windows, a change to the pattern of fenestration to the southern side and the introduction of a number of rooflights. These alterations in themselves would be acceptable but design goes further than appearance and it is necessary to consider if the introduction of a new dwelling in this particular location is appropriate in other ways.
- 5.25 To facilitate the change from garage/store into a separate dwelling it is necessary to create a residential curtilage to serve the future occupants. The applicant has noted comments from consultees and submitted unsolicited revised plans to address the points raised. These revisions were not requested by the LPA and were therefore not accepted, but for the sake of openness the proposed revisions were shown as being the removal of roof lights and the creation of a path leading to the rear garden of No. 55. As this application is being considered on the basis of being a separate dwelling and not an annexe, the residential amenity is discussed more below.
- 5.26 New dwellings require their own private garden. A new 2 bed dwelling without any amenity space would be contrary to policy and not acceptable. No garden space has been put forward on the basis of the applicant believing this scheme could now be regarded as an annexe. Due to its similarities with the recently refused scheme the above has shown this is not the case.
- 5.27 It is therefore not unreasonable to refer to the previous scheme which showed the garden for the proposed new house would be to the south of the garage and to the front of No. 55. This raised concerns regarding the use of part of the grass verge fronting the lane to accommodate the garden area and the subsequent quality of the proposed amenity space due to its position.
- 5.28 Grass verges are an attractive feature along Frampton End Road. Many properties, including No. 55, are separated from the highway by grass verges of varying widths followed by low stone walls. No. 55 benefits from a slightly larger verge area and it is recognised that only part of the grass verge would be

- used for the new house. The retention of some of the verge area is important but no details of boundary treatments have been given. The replacement of a low stone boundary wall would be important to the character of this area. The lack of clarity regarding the boundary treatment counts against the scheme and has the potential to adversely impact on the character of the area.
- 5.29 The requirement for amenity areas to be private is written into adopted policy. To achieve this the proposed garden area would need to be separated from No. 55 and from the highway. No details have been given but the use, for example of high fencing would be inappropriate and it is difficult to see how the proposed garden could be successfully screened to achieve privacy but at the same time not have an adverse impact on the character of the area. This is indicative of poor site planning.
- 5.30 Similarly, the subdivision of the front garden of No. 55 to create a garden space for a new dwelling is considered to be contrived and this counts against the scheme.
- 5.31 Overall, given the above the proposal fails to accord with the highest design standards expected and is therefore contrary to both local and national design policies.
- 5.32 Residential amenity
Adopted Policy PSP43 requires that all new residential units will be expected to have access to private amenity space which among other things should be: functional, orientated to maximise sunlight and designed to take account of the context of the development including the character of the surrounding area.
- 5.33 The proposed dwelling would have 2 bedrooms and Policy PSP43 indicates that for a dwelling of this size a minimum of 50 square metres of amenity space is required and that this space should be functional and private. Parking areas cannot be included in the total provision.
- 5.34 It is considered appropriate to use the plans submitted under the previously refused scheme to assist in this assessment. The proposed amenity space for this new dwelling would be to the front of No. 55 and therefore to the side of the new house. Plans indicate the garden would be around 50 square metres, albeit, an awkward shape. However, it would be immediately next to the road and highly visible from the public realm. As such it cannot be regarded as being private and would not accord with policy. No details of the boundary treatment has been given, but the subdivision of this front garden currently serving No. 55 would fail to represent the highest quality design standards and this also counts against the scheme.
- 5.35 Moving on to impact on neighbours: It is acknowledged that the building is single storey and its main elevation would face the front garden of No. 55. However, firstly, No. 55 benefits from a large rear garden and secondly, the new dwelling would be at right angles to the main house. In this way it is considered that the amenity of No. 55 would not be adversely affected. With regards to No. 57, the garden of this property runs adjacent to the north elevation of the existing garage. Four rooflights are proposed in the roof.

Although not accepted as revised plans, it is noted that the applicant has offered to remove the rooflights. However, it is Officer assessment that there would be no overlooking issues if the rooflights were to remain as they would be on the north roof slope, furthest away from existing and approved windows in the east end elevation of No. 57. In addition, plans indicate the rooflights would be 2.4 metres at their lowest point and therefore on balance, it is considered that there would be no unacceptable overlooking issues resulting from the proposal.

5.36 Notwithstanding the above, the issue of lack of appropriate amenity space remains an issue for this scheme.

5.37 Transport

The proposal is being assessed as a new dwelling. It is noted that there would be sufficient room to park up to two vehicles alongside the east elevation of the garage/store and to serve the new 2 bed dwelling. Given the above, the new dwelling would not impact on the existing parking arrangements for No. 55 which includes off street parking and on-site turning and sufficient space to serve what is assumed to be a three to four bed property.

5.38 Although the site is located outside a settlement boundary it is located within an acceptable walking distance to some facilities that include bus service, some shops and a primary school. The proposal would not have a negative impact on existing highway users such as pedestrians or horse riders. There are no highway objections to the scheme.

5.39 Impact on Equalities

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

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

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

5.42 Planning conclusion:

The above assessment has shown that the proposal does not meet the test of an annexe, and could be a totally independent building with no reliance on the main dwelling house. The assessment has therefore, been made on the basis that it would be for a separate new dwelling and as such has followed that of the previously refused scheme. The same conclusion has been reached that the proposal would be contrary to policy and inappropriate in this location.

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

7. RECOMMENDATION

- 7.1 It is recommended that the proposal be **REFUSED**.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

REFUSAL REASONS

1. The proposal has been described as an annexe to the main dwellinghouse. Annexe accommodation is expected to have some form of reliance on the main dwellinghouse but given the internal layout which includes 2 bedrooms, all the necessary living accommodation for independent living plus its own parking provision the scheme has been assessed as a separate unit. The resultant residential unit would not respect the scale, form and layout of other residential units in the locality, and would therefore appear as an incongruous addition to the immediate streetscene and would result in harm to the visual amenity and the character of the surrounding area. The proposal fails to meet high standards of design and site planning, and the proposed development is contrary to Policies CS1, CS16 and CS17 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.
2. The proposal is outside an established settlement boundary. The conversion of this building into a new house in this rural location has failed to accord with the criteria set out in adopted policies which seeks to ensure that such development in the countryside is strictly limited. The proposal fails to lead to an enhancement of its immediate setting and is therefore contrary to adopted Policy CS1 of the South Gloucestershire Local Plan (Adopted) 2013; PSP40 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.
3. The proposal by reason of sub-division of the front garden of No. 55 Frampton End Road, would represent a contrived form of development and fail to comply with the highest standards of design expected in national guidance and local adopted planning policy. The sub-division of the front garden in this way would be out of keeping with the character of the area and would fail to respect its immediate surroundings. The scheme is therefore contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, Policy PSP1 of the South Gloucestershire Local Plan:

Policies, Sites and Places Plan (Adopted) 2017, and the National Planning Policy Framework

4. The private amenity space allocated to the new dwelling would be adjacent to the main highway. In this way it would not be private and therefore detrimental to future occupiers. It is therefore contrary to Policy PSP43 of the Policies Sites and Places Plan (Adopted) 2017.

CIRCULATED SCHEDULE NO. 05/20 – 31 JANUARY 2020

App No.:	P19/3047/F	Applicant:	Bristol City Council
Site:	Stoke Park Estate Bristol South Gloucestershire BS16 1WJ	Date Reg:	4th April 2019
Proposal:	Restoration of existing historic access route and former carriage ride with a self binding gravel path surface.	Parish:	Stoke Gifford Parish Council
Map Ref:	361827 177366	Ward:	Stoke Park And Cheswick
Application Category:	Minor	Target Date:	27th May 2019



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 100023410, 2008. **N.T.S.** **P19/3047/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.

This application appears on the Circulated Schedule due to the receipt of more than 3 letters of objection from local residents contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for development of a proposed shared use (pedestrian and cyclist) path which would run broadly north/south through the park, joining existing routes at either end as well as two other points along the route.
- 1.2 The section of the path within South Gloucestershire jurisdiction runs from Jellicoe Avenue in the west, along the ridge of the park to meet the Bristol City Council (BCC) boundary. From that point the path will split to follow two routes, one joining up with Longwood Meadows to the north and a second route heading down to Sir John Lane to the South.
- 1.3 The application is a cross boundary application and the application is submitted on behalf of Bristol City Council. The majority of the path lies in Bristol City Council. Stoke Park Estate is owned and managed by Bristol City Council although the northern quarter is located within South Gloucestershire. Consequently, a concurrent planning application was made to Bristol City Council for development within their area which was approved in November 2019. South Gloucestershire Council are only required to assess development proposed within South Gloucestershire e.g. the extent of the proposed path up to the Bristol boundary.
- 1.4 Stoke Park occupies a wedge of open land extending from 2km to 5km north-east of the centre of Bristol. It is bound by the M32 on the eastern side, with Stapleton, Broomhill and Fishponds beyond. Lockleaze is located to the west of the park. The park is subject of numerous designations; most notably it is nationally significant featuring on Historic England's Register of Historic Parks and Gardens of Special Historic Interest at Grade II level. This relates to the historic landscape design of the estate which was formally planned by Thomas Wright between 1748 and 1766. The site also includes a WW2 camp and anti-aircraft gun battery which is now classified a Scheduled Monument.
- 1.5 The site is also located within the Stapleton and Frome Valley Conservation Area, is a Regionally Important Geological Site, a Site of Nature Conservation Interest, a Local Historic Park and Garden as well as being designated Important Open Space.
- 1.6 The proposed path would follow the route of a historic carriage drive which was part of Thomas Wright's original layout for the estate. It would measure a maximum of 3m in width and would be surfaced with a self-binding gravel surface which when laid forms a broadly smooth and continuous surface. This would be similar to paths found in Queens Square, Ashton Court as well as frequently at National Trust sites and the like.

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
CS2	Green Infrastructure
CS4a	Presumption in Favour of Sustainable Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS25	Communities in the North Fringe of the Bristol Urban Area

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodlands
PSP5	Undesignated Open Spaces within Urban Areas
PSP8	Residential Amenity
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP44	Open Space, Sport and Recreation

- 2.3 Supplementary Planning Guidance
Stoke Park Conservation Management Plan

3. RELEVANT PLANNING HISTORY

- 3.1 19/01213/fb – Associated full planning application with Bristol City Council for the remaining section of the path.
Approved subject to conditions November 2019

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No Objection

4.2 Other Consultees

South Gloucestershire Ecology Officer
No objection subject to the attachment of conditions

South Gloucestershire PROW Officer
Have no objection to the principle of the proposed works but share concerns of the local residents regarding motorcyclists and speeding cyclists

South Gloucestershire Highway Structures Officer

No objection

South Gloucestershire Conservation Officer

No Objection

South Gloucestershire Landscape Officer

No Objection

South Gloucestershire Lead Local Flood Authority

No objection

South Gloucestershire Transportation Officers

Consider the path to be beneficial and have no objection. Recommend conditions

Other Representations

4.3 Local Residents

10 letters of objection have been received from Local Residents. Below is a summary of the main points of concern raised.

- Friends of Stoke Park have not been asked to help with litter picking – Its misleading to assume the group will help to monitor the path
- Stoke park should not become a playground filled with attractions but must be recognised for its passive recreational value
- Path is un-necessary
- Domino effect – very likely lead to further inappropriate development
- A bicycle route would be an inappropriate intrusion
- Poor record of maintenance
- Likely to lead to inappropriate use of existing woodland paths
- Bikes might go too fast as the path is straight
- Concerns about the need to remove trees
- It will be an eyesore
- Will result in the loss of historic significance
- Danger of collision between cyclists and pedestrians
- Detrimental to the historic park and its wildlife
- It would be ugly
- Will increase anti-social behaviour
- Security Issues
- Above ground lighting should not be used
- Contrary to Bristol City Council policies

4.4 Bristol Tree Forum

Raise concerns regarding the BS Standard used and object to the loss of trees. Suggest conditions in the event that the application is approved

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Paragraph 96 of the National Planning Policy Framework (NPPF) states "Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate".

5.2 Paragraph 97 then states "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use".

5.3 PSP5 of the South Gloucestershire Policies Sites and Places DPD confirms that development on undesignated open space within urban areas will be acceptable if it does not adversely affect the quality, character, biodiversity, sustainable water management, recreation opportunities, heritage value, amenity or distinctiveness of the locality.

5.4 PSP17 of the South Gloucestershire Policies Sites and Places DPD confirms that development will be expected to protect, and where appropriate enhance, the design, character, appearance and settings of historic parks and gardens.

5.5 In this case, the proposals involve development comprising creation of a new shared use path through the open space, following the course of a historic carriage drive, from Purdown in the south to Jellicoe Avenue in the north. The path would run across the existing parkland. Paragraph 97 of the NPPF indicates open space should only be developed in the limited circumstances outlined above.

5.6 Design, Appearance and Heritage Assets

Under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) the Authority is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area as well as the setting and significance of Listed buildings or structures. The case of R (Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin) ("Forge Field") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight".

- 5.7 Section 12 (Achieving well-designed places) of the NPPF outlines that *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*.
Section 16 (Conserving and enhancing the historic environment) of the NPPF outlines that heritage assets *"are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations"*. Paragraph 189 of the NPPF states that *"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary"*.
- 5.8 PSP17 sets out that development proposal should conserve and enhance the significance of heritage assets and their settings. In this case, Stoke Park is listed by Historic England on the Register of Historic Parks and Gardens of Special Historic Interest in England (List Entry Number: 1000129) at Grade II level and therefore the park is of national importance.
- 5.9 The proposed path would commence adjacent to the BT Tower and WW2 anti-aircraft site to the south at Purdown. It would run north bound for a total of 1.75km including a westbound curve before returning east again. The path would cross the outer and upper fields of the park with only a small section falling within the jurisdiction of South Glos.
- 5.10 The proposed course of the path would follow a path or carriage drive which featured in Thomas Wright's original layout for the estate. This is an 18th century carriage drive route which runs north/south following the route now proposed and leading to Dower House/Stoke Park House (Grade II* Listed). This is the driveway which is quoted and described in the Historic England Register of Historic Parks and Gardens. The southern part of this route is now no longer visible however the northern part remains a popular and clear desire line through the estate. The section of this route which remains is in a poor state of repair however. The proposed works would restore this historic route by laying a protective membrane on the historic carriage drive stone surface and building the new path construction on top. The path would be a maximum of 3m in width and would be finished with a self binding gravel surface. This material is essentially stone ground to dust/gravel consistency which when laid forms a broadly smooth and continuous surface. It is noted that the material is commonly used for paths in sensitive historic settings.
- 5.11 In terms of the impact of the proposed path to the significance of the historic landscape, it is known that a path, track or carriage drive originally followed a very similar course to that now proposed within Thomas Wright's original 18th Century layout. This is evidenced on both historic city plans (earliest being the 1840 Tithe plan) as well as on the ground today. As a result, the proposal to

- reinstate this route would be true to the original historic layout of the estate which has warranted listed status.
- 5.12 To conclude, the development is found to present an appropriate response to the sensitivity of the setting and would have an acceptable impact to the significance of the park as a designated heritage asset as well as the surrounding conservation area. The proposals are found to broadly accord with the intentions of national and local planning policy in this regard and are consequently acceptable.
- 5.13 Open Space, Sports and Recreation
PSP44 sets out the criteria that should be taken into consideration. The proposed development would provide access to the open space itself, thereby encouraging and enhancing use of the park. The fundamental use of the park is for leisure, recreation and in some cases sports purposes (i.e. running, Frisbee, kite flying, angling). The proposed path would be directly linked to encouraging and enhancing recreational and to an extent sports use of the park. The Local Planning Authority is satisfied that the path would support the use of the open space for sports and recreational purposes.
- 5.14 The concerns of neighbours that cyclists may speed are noted. However, the route of the path is dictated by the historic layout as explained above. Whilst it is true that cyclists may go fast on the track, this is not unusual or bespoke to this specific application. This issue alone, whilst noted, does not warrant refusal of the application.
- 5.15 Trees
As clarified in the submitted arboricultural details, a cellular confinement system is to be used along most of the section of the path that will be within South Glos. Although some trees will need to be removed, the works will allow for the retention of the vast majority of the most significant trees. Additional tree planting is proposed to mitigate against the trees lost. However, the replacement trees are covered by Bristol City Council and therefore do not need to form the basis of a planning condition.
- 5.16 Nature Conservation
Only the north of the park falls within the administrative boundary of South Gloucestershire. Here the path proposals fall between Long Wood, Hermitage Wood and Barn Wood, therefore ecology comments will focus on the results from the bat survey reports due to the woodland nature of the habitat. The Extended Phase 1 Survey is predominantly focused on the grassland habitats and other possible protected species found in the park.
- 5.17 Stoke Park is a Site of Nature Conservation Interest (SNCI), with the area in the north, which includes Barn Wood, Long Wood and Hermitage Wood, falling within South Gloucestershire. The path proposal will not have an adverse impact on the SNCI.
- 5.18 Bats - high levels of foraging and commuting activity were recorded within and around the edges of Barn Wood and commuting along the edges of Long Wood and Hermitage Wood; all three woods are ancient woodland and offer excellent

foraging, commuting and roosting opportunities for bats. Any artificial lighting that would illuminate woodlands is likely to have a negative impact on bats using Stoke Park by causing avoidance of potential roosts and foraging areas or disrupting commuting routes. In addition, an assessment of trees for their potential to provide roosts for bats along the northern edge of Barn Wood was also undertaken as these trees will need to be removed for the proposed path widening.

5.19 A total of 12 trees and four tree groups were surveyed during the survey and all were considered to offer negligible roosting potential for bats as the majority of trees were young and had not aged sufficiently to provide roosting opportunities. However, it may be that by removing the trees along the northern edge of the footpath that internal light fittings of the neighbouring houses may not be screened as effectively.

5.20 The Councils ecologist concludes that, subject to conditions there are no ecological objections to this application.

5.21 Consideration of likely impact on Equalities

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

5.22 With regards to the above this planning application 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 below

Contact Officer: Marie Bath
Tel. No. 01454 864769

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. No development shall take place on the section of the path within South Gloucestershire until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic
- Method of preventing mud being carried onto the highway
- Pedestrian and cyclist protection
- Proposed temporary traffic arrangements including hoardings and/or footway closures
- Arrangements for turning vehicles
- Arrangements to receive abnormal loads or unusually large vehicles
- How the delivery of construction materials and the collection of waste will be managed
- Where construction materials and waste will be stored
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses

Development must take place exactly in accordance with the details agreed.

Reason

In the interests of safe operation of the highway in the lead into development both during the demolition and construction phase of the development in accordance with the NPPF.

3. No clearance of vegetation or structures suitable for nesting birds, shall take place between 1st March and 30th September inclusive in any year without the prior written approval of the Local Planning Authority. If clearance is to take place within this period, the Local Planning Authority will require evidence provided by a suitably qualified ecologist that no breeding birds would be adversely affected including by disturbance before giving approval. Where checks for nesting birds by a qualified ecological consultant are required they shall be undertaken no more than 48 hours prior to the removal of vegetation or the demolition of, or works to buildings. Any clearance agreed by the Local Planning Authority must then be undertaken in accordance with the recommendations of the project ecologist.

Reason

To ensure that wild birds, building or using their nests are protected to accord with the requirements of the NPPF and Policy PSP19 of the Policies Sites and Places DPD (Adopted).

4. The development must proceed in accordance with the recommendations made in the Bat Survey Report (October, 2018) and the Tree Assessment for Bats Report (March, 2019) by Wild Service. This includes avoiding disturbance/harm to bats and nesting birds, including a bat friendly lighting scheme (avoiding artificial lighting within or nearby the woodland resource).

Reason

To protect the ecological interests of the site and to accord with the requirements of the NPPF and Policy PSP19 of the Policies Sites and Places DPD (Adopted).

5. Prior to the installation of any lighting, full details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. The lighting plan should follow guidance set out in the Bat Survey Report (October, 2018) and the Tree Assessment for Bats Report (March, 2019) by Wild Service. Development shall be carried out in accordance with the approved details.

Reason

To protect the ecological interests of the site and to accord with the requirements of the NPPF and Policy PSP19 of the Policies Sites and Places DPD (Adopted).

6. This development must take place in accordance with the following plans and reports:

Received by the Council on 23rd December 2019 - Archaeological Desk Based Assessment, Arboricultural Impact Assessment, Arboricultural Method Statement, Arboricultural Survey Evaluations, Conservation Management Plan, Detailed Cross Section 2 of 5, Detailed Cross Section 5 of 5, General Stoke Park Tree Planting Plan, K Frame Detail, Management Statement, Proposed General Arrangement 4 of 8, Proposed General Arrangement 5 of 8, Proposed General Arrangement 8 of 8, Typical Cross Section 1 of 2, Typical Cross Section 2 of 2, Typical Filter Drain Detail

Received by the Council on 4th April 2019 - Park Access Detail 1 of 3, Park Access Detail 2 of 3, Park Access Detail 3 of 3

Received by the Council on 29th March 2019 - Bat Survey Report, Supplementary Location Plan, Detailed Cross Sections 1 of 5, Detailed Cross Section 3 of 5, Detailed Cross Section 4 of 5, Archaeological Evaluation Report, Desk Based Heritage Report, Environmental Statement, Extended Phase 1 Survey, Drainage Detail

Received by the Council on 19th March 2019 - Proposed Surfacing, Site Location Plan, Temporary Site Compound,

Reason

For the avoidance of doubt.