

# 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: 28/21

**Date to Members: 16/07/2021**

**Member's Deadline: 22/07/2021 (5.00pm)**

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2020. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

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

Before referring an item to the Committee, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee. You may also wish to refer to the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

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

## NOTES FOR COUNCILLORS

### – formal arrangements for referral to committee

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

- a) Be made in writing using the attached form by emailing [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk) identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

### **Additional guidance for Members**

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

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

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

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

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

**A template for referral is set out below:**

## **Referral from Circulated Schedule to Development Management Committee**

1. Application reference number:
2. Site Location:
3. Reasons for referral:

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

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

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

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

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

**Date:**

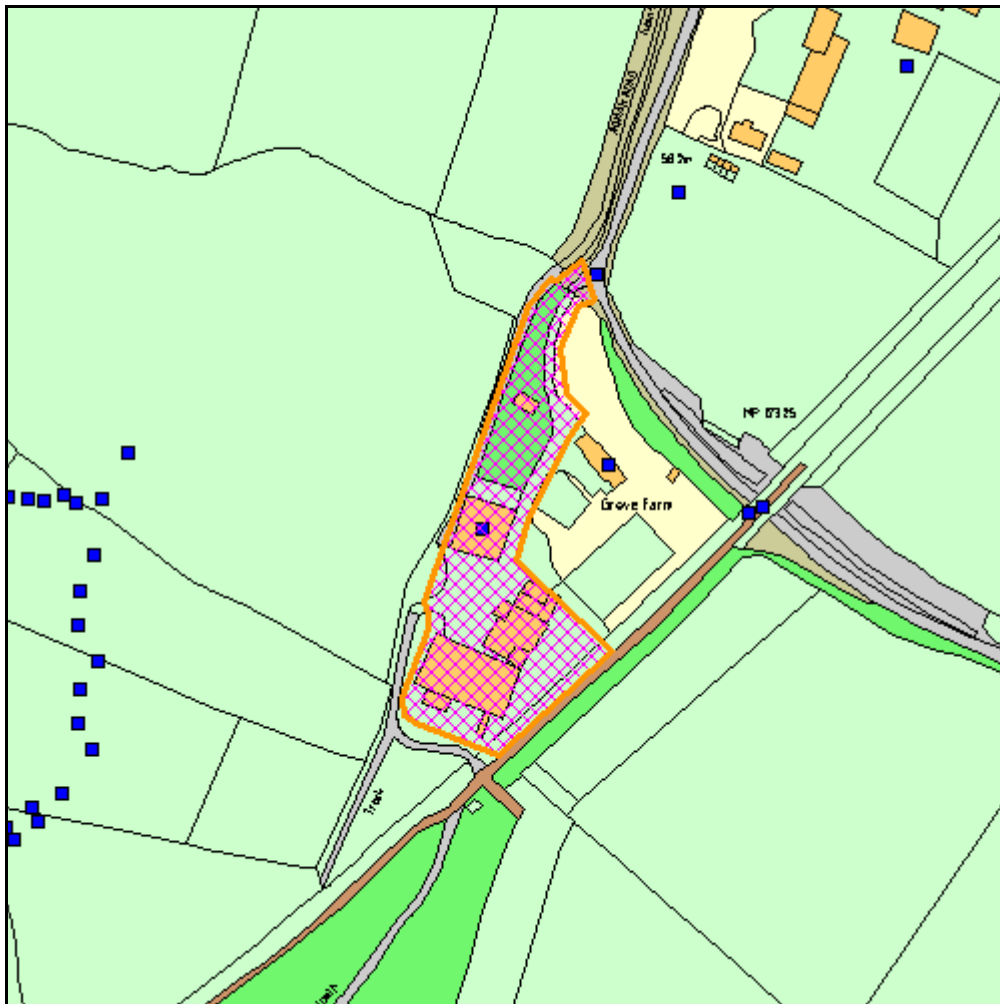
To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE - 16 July 2021

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>P20/23919/RVC</b>	Approve with Conditions	Grove Farm Coxgrove Hill Pucklechurch South Gloucestershire BS16 9NL	Boyd Valley	Pucklechurch Parish Council
2	<b>P21/00811/F</b>	Approve with Conditions	12 Aintree Drive Downend South Gloucestershire BS16 6SR	Frenchay And Downend	Downend And Bromley Heath Parish Council
3	<b>P21/01012/F</b>	Approve with Conditions	74-76 Poplar Road Warmley South Gloucestershire BS30 5JS	Bitton And Oldland Common	Bitton Parish Council
4	<b>P21/02390/RVC</b>	Approved Subject to Section 106	Former Filton Airfield Filton South Gloucestershire		
5	<b>P21/03111/F</b>	Approve with Conditions	13A Westcourt Drive Oldland Common South Gloucestershire BS30 9RU	Bitton And Oldland Common	Bitton Parish Council
6	<b>P21/03857/F</b>	Refusal	106 Long Road Mangotsfield South Gloucestershire BS16 9HP	Staple Hill And Mangotsfield	

**CIRCULATED SCHEDULE NO. 28/21 - 16th July 2021**

<b>App No.:</b>	P20/23919/RVC	<b>Applicant:</b>	Prestige Development (Bristol) Ltd
<b>Site:</b>	Grove Farm Coxgrove Hill Pucklechurch South Gloucestershire BS16 9NL	<b>Date Reg:</b>	9th December 2020
<b>Proposal:</b>	Variation of condition 6 attached to permission PK18/4150/F (erection of 9no. detached dwellings with altered access and associated works) to amend the approved elevations and plans relating to plot 1 and make minor amendments to houses on plots 3 & 5.	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	368322 177367	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Major	<b>Target Date:</b>	9th March 2021



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100023410, 2008.

N.T.S.

P20/23919/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. 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 permission to vary condition 6 attached to permission PK18/4150/F to amend the approved elevations and plans relating to plot 1. The application also seeks to make minor modifications to the units at plots 3 and 5.
- 1.2 Application PK18/4150/F granted planning permission for the erection of 9no. detached dwellings with altered access and associated works at Grove Farm, Coxgrove Hill, Pucklechurch. Permission was granted on 30<sup>th</sup> January 2020.
- 1.3 The application site previously comprised a yard in an equestrian use. The site is adjacent to the Bristol to Bath Cycle Path to the south east with the Lyde Green Housing development to the north-west. The site is accessed via Coxgrove Hill.
- 1.4 It should be noted that condition 6 attached to PK18/4150/F, which defined the plans to which the permission relates, has previously been varied through Section 73 application P21/00345/RVC. This varied the condition in order to make minor revisions to the units at plots 2, 4 and 6. The application was approved on 18<sup>th</sup> June 2021, and the previous variation of condition 6 will be taken in to account in the assessment of this application. However the applicant has confirmed that it was also intended for the same approved modifications to be made to plots 3 and 5. As such, an assessment of the changes to these units will be made through this Section 73 application.
- 1.5 During the course of the application, amended plans as well as revised information relating to landscape, trees and drainage were received and accepted by the Local Planning Authority.

### **2. POLICY CONTEXT**

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

## 2.2 Development Plans

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

CS1	High Quality Design
CS4a	Presumption in favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS24	Green Infrastructure, sport and recreation standards
CS29	Communities of the East Fringe of Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Managing the Environment and Heritage
PSP19	Wider Biodiversity
PSP20	Flood Risk
PSP21	Environmental Pollution and Impacts
PSP30	Horse Related Development
PSP43	Private Amenity Space Standards
PSP44	Open Space, Sport and Recreation

## 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

Waste Collection: Guidance for new developments SPD (Adopted) January 2015.

Revised Landscape Character Assessment SPD (Adopted 2014)

Renewables SPD (Adopted 2014)

CIL Charging Schedule and the CIL and S106 SPD (Adopted 2015)

Green Infrastructure SPD (Adopted 2021)

Sustainable Drainage Systems (SUDS) SPD (Adopted 2021)

Trees and Development Sites SPD (Adopted 2021)

## 3. RELEVANT PLANNING HISTORY

### *Application Site*

#### 3.1 **P21/00345/RVC**



Variation of condition 6 of PK18/4150/F to substitute plans to make minor amendments to houses on plots 2-6.

Approved: 18.06.2021

### 3.2 **P20/13716/RVC**

Erection of 9no. detached dwellings with altered access and associated works. Variation of condition 6 attached to planning permission PK18/4150/F to substitute the approved floor plan and elevation drawings of units 2-9 inclusive.

Refused: 21.10.2020

### 3.3 **PK18/4150/F**

Erection of 9no. detached dwellings with altered access and associated works.

Approved: 29.01.2020

### 3.4 **PK17/5683/F**

Erection of 10 no. detached dwellings with access, parking, hard/soft landscape works, drainage and associated works.

Refused: 26.03.2018

### 3.5 **PK17/3654/F**

Demolition of existing stables and erection of replacement stable block.

Approved: 08.11.2017

### *Adjacent Site*

### 3.6 **PK04/1965/O**

Urban extension on 99 hectares of land comprising of :-Residential development of up to 2550 dwellings; up to 100,000m<sup>2</sup> of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m<sup>2</sup> of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavilion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined.

Approved: 14.06.2013

### 3.7 **P19/09100/RVC**

Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m<sup>2</sup> of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m<sup>2</sup> of small scale A1,A2, A3 A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavilion (class D1). Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined. **Variation of Condition relating to trigger for construction of Tiger Tail on M32 attached to approved Outline application.**

Approved: 17.10.2019

- 3.8 Development Control East Committee on 15th February 2013 approved the Detailed Masterplan associated with outline planning permission PK04/1965/O at Emersons Green East.

## 4. **CONSULTATION RESPONSES**

### 4.1 Pucklechurch Parish Council

Objection - The resubmitted design is for a completely different design (now a larger 4-bed house with garage and no chimney). Pucklechurch Parish Council objects as this is not a revision to a condition but is a material change to the approved property as shown.

### 4.2 Westerleigh Parish Council

No comments received

### **Internal Consultees**

### 4.3 Archaeology Officer

No comment

### 4.4 Children and Young People

No comment

### 4.5 Conservation Officer

No comment

### 4.6 Ecology Officer

No comment

### 4.7 Environmental Policy

No comment

- 4.8 Highway Structures  
Details of excavations and the temporary support that is to be provided during construction of the private drive are to be submitted to satisfy the highway authority that support to Coxgrove Hill is to be provided at all times.
- 4.9 Housing Enabling  
No comment
- 4.10 Landscape Officer  
Following submission of revised landscaping plan, no objection.
- 4.11 Lead Local Flood Authority  
Following submission of up to date drainage plan, no objection.
- 4.12 Public Open Space  
No comment
- 4.13 Public Rights of Way  
No objection to changes, subject to informative notes.
- 4.14 Self Build Officer  
No comment
- 4.15 Sustainable Transport  
No objection
- 4.16 Tree Officer  
Following amendments to arboricultural report, no objection subject to a condition requiring an arboricultural watching brief for the installation of the cellular confinement.
- 4.17 Urban Design Officer  
No objection in terms of appearance or proposed changes to materials regarding other plots. Use of more limited range of materials would in fact improve appearance.
- 4.18 Waste Engineer  
No comment

#### **External Consultees**

- 4.19 Avon Fire and Rescue  
No comment
- 4.20 Avon Wildlife Trust  
No comment
- 4.21 Police Community Safety  
No objection or comments
- 4.22 NHS

No comment

### **Other Representations**

#### 4.23 Local Residents

No comments received

## 5. **ANALYSIS OF PROPOSAL**

1.1 This application seeks to vary a condition in order to make alterations to units within the 9-unit development.

### **Principle of Development**

1.2 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.

1.3 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.

1.4 Therefore, an analysis of other conditions attached to the previous planning consent should also be undertaken against the provisions of paragraph 55 of the National Planning Policy Framework.

### **Analysis of Variation**

1.5 In terms of proposed changes, the applicant is seeking to alter the proposed housetype for plot 1. The new design would see the floor area of the property increase by 40 sq m. The applicant has advised that the removal of trees following storm damage has allowed for a larger property to be constructed at plot 1.

1.6 In terms of plots 3 and 5, the applicant wishes to make the following changes to the approved plans:

- Fenestration – removing the windows from the gable ends and resizing the bedroom windows at the front.
- Cladding – removal of sections at the front under the landing and ensuite, and ground floor rooms.
- Removal of one of two chimneys from each unit.
- Photovoltaic Panels – moved from the rear to the front.
- Bifold door – one larger bifold door to replace the 2 smaller bifold doors at the rear.
- Rear dormer – amend form of rear dormer from pitched roof to flat roof.

- 1.7 It should be noted that these changes have previously been accepted for units 2, 4 and 6. As such, other than a degree of variation in terms of external brick colour, the finished appearance of units 3 and 5 would match that of units 2, 4 and 6, as approved under application P21/00345/RVC.
- 1.8 Design and Visual Amenity  
Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF.
- 1.9 In respect of the changes to plot 1, officers acknowledge that within the original approval, this unit was designed as a smaller, more traditional cottage-style dwelling; whereas the remainder of the units were to be notably larger, and constructed in a more formal, contemporary style. However upon reviewing the original officer report and submission, it does not appear that this was based on any fundamental design rationale, but rather the restricted size of the plot.
- 1.10 In terms of the newly proposed design of the plot 1 unit, whilst there would be some minor differences in terms of detailing, the overall scale, form and finish would be similar to the other 8 units making up the development. Having discussed the proposals with the urban design officer, officers are satisfied that this is an acceptable design approach. Plot 1 would face towards the entrance in to the development, and would therefore comprise the gateway feature in to the residential street. Overall it is not considered that altering the design to greater reflect the remainder of the development would have any negative visual impacts, compared to providing a more distinctive unit of reduced scale.
- 1.11 Originally some concerns were raised regarding the lack of a chimney on the unit, which is a feature of other units within the development. Revised plans were received during the course of the application which include a chimney along the ridgeline of the property.
- 1.12 In terms of the changes to plots 3 and 5, officers do not consider that making the same minor changes as agreed for plots 2, 4 and 6 would have any detrimental impacts in terms of visual amenity. Whilst some variation would be lost, different shades of brick would be used for different units. The urban design officer is satisfied that this would create a sufficient degree of variation and visual interest for a modestly sized development of 9 units.
- 1.13 Overall it is concluded that the proposed amendments would be acceptable with regards to design and visual amenity. The proposals are therefore compliant with policy CS1.
- 1.14 Highway Safety  
No fundamental issues regarding the impact of the development on highway safety were raised as part of the original application. It is not considered that the proposed changes would result in any greater impact above and beyond

that previously permitted, and no objections have been raised by Council highway officers. As such, there are no objections to the proposed amendments in transportation terms.

#### 1.15 Residential Amenity

On the basis that there are no residential units located immediately adjacent to the site, no issues regarding possible impacts on residential amenity were identified as part of the original application. It is not considered that the proposed alterations would result in any greater impact in this regard, and as such there are no objections to the scheme in respect of impact on local residents.

#### Environmental Impacts

Following consultation, updated information was requested by the landscape officer, tree officer and Council drainage engineer, to take account of the changes to plot one and the potential impact on each area of specialism. Updated information was submitted in this respect during the course of the application, and was found to be acceptable by consultees. Following this, it is not considered that the amendments sought under this s73 application would result in any significant environmental impacts; above and beyond those previously consented.

#### Parish Council Comments

The objections raised by the parish council are acknowledged. Officers are aware that the proposed changes would materially alter the overall scale, form and appearance of the residential unit at plot 1. However the overall scope of the wider development would remain unaltered; with 9 units still proposed. Furthermore the general layout of the development would also remain unaltered, with the only change being the footprint of plot 1. Given that the fundamentals of the scheme would not be altered by the proposed amendments, the overall scope of change is considered to be sufficiently limited as for the proposals to be considered through a Section 73 application.

#### S106 Legal Agreement

It is acknowledged that the original permission (PK18/4150/F) was granted subject to a s106 legal agreement ensuring the payment of a Scheduled Ancient Monument Contribution to the Council (in the sum of £10,000). The trigger for payment of this sum was upon occupation of the fifth dwelling approved by planning permission PK18/4150/F. Officers acknowledge that a s73 application would stand as a permission in its own right, and as such a varied legal agreement would ordinarily need to be agreed. However the applicant has provided evidence that the payment has already been made to the Council. Officers within the Council have also confirmed that the payment has been received. On the basis that the payment has been made and the legal agreement does not include a repayment clause, officers are satisfied that the required contribution has been made and would not be affected by the section 73 application. The application can therefore be determined without securing a new agreement.

### **Other Conditions**

- 1.16 As any permission granted under this application would stand as a planning permission in its own right, all other conditions should be reviewed. The conditions should only be reapplied where it is necessary to do so.
- 1.17 Condition 1 attached to PK18/4150/F required the development to commence within 3 years of the granting of permission; with the decision issued on 30th January 2020. It is understood that the works have commenced and a number of the units at the site are either complete or nearing completion. Furthermore, officers have reviewed the list of conditions and are satisfied that all pre-commencement conditions have been discharged. As such condition 1 does not need to be carried forwards given that the development has lawfully commenced.
- 1.18 Condition 2 relates to protective fencing, and required fencing to be erected prior to commencement and thereafter retained. Given that the development has commenced, the condition will be carried forwards as a compliance condition requiring the fencing to remain in place for the duration of the development. Condition 3 comprises a compliance condition which secured the provision of landscaping. This condition will be re-applied and updated to reflect the amended landscaping details that have been agreed. Condition 4 required street lighting to be provided prior to occupation, and this condition will be carried forwards.
- 1.19 Condition 5 required materials to be agreed. This condition has now been discharged and will be carried forwards as a compliance condition. Condition 6 relates to plans and is the subject of this application. The condition will be amended accordingly. Conditions 7 and 8 are compliance conditions relating to ecological mitigation. The conditions will be re-applied to any consent.
- 1.20 Condition 9 required a Landscape and Ecological Management Plan to be submitted and approved prior to the occupation of the development. This condition has not been discharged, and will therefore be re-applied to any decision and require discharge in the future. Condition 10 required further ecological surveys to be undertaken prior to commencement. The condition has been discharged and will be carried forwards as a compliance condition.
- 1.21 Conditions 11 and 12 required details of the proposed drainage strategy to be agreed prior to the commencement of development. The conditions have been discharged and will be re-applied as compliance conditions. Condition 13 is a compliance condition relating to the illumination of driveways and will be re-applied. Condition 14 required a Travel Plan to be agreed. The condition has been discharged and will be carried forwards as compliance. Condition 15 is a compliance condition relating to bin storage and will be re-applied.
- 1.22 Condition 16 required evidence of building energy performance to be provided prior to occupation. This condition has not been discharged and will be re-applied. Condition 17 is a compliance condition relating to PV panels and will be re-applied. Condition 18 relates to pollution during construction. The condition has been discharged and will be carried forwards as compliance.

Conditions 19 and 20 relate to public rights of way, and required details to be agreed prior to occupation. Both conditions have been discharged and will be amended and re-attached accordingly.

1.23 Condition 21 relates to the provision of windows at units on plots 7 and 8. This compliance condition will be re-applied. Condition 22 required a sample panel of dry stone walling to be erected and approved prior to the occupation of plots 8 and 9. This condition has not been discharged and will be re-applied in its current form. Condition 23 is a compliance condition relating to access and will be carried forwards. Condition 24 relates to contamination. The condition has been discharged and will be re-applied as a compliance condition.

1.24 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.

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

1.26

## 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 on the decision notice.

## CONDITIONS



1. The protective fencing erected at the site (in accordance with Drawing 210625-GF-TPP-REV-B - June 2021 - Assured Trees) shall be retained as such throughout the construction period and until the completion of the development hereby approved. All development shall also be carried out only in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement approved under application PK18/4150/F, and an Arboricultural Watching Brief shall be carried out for the installation of the cellular confinement. Thereafter, the trees and hedges shall be retained.

Reason

To protect the character and appearance of the area and to accord with Policy CS2 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

2. All planting, seeding or turfing comprised in the soft landscaping details set out within drawing 1289-01 Rev L, which shall include additional areas of neutral grassland, shall be carried out no later than the first planting and seeding season following the substantive completion of the development hereby approved, and any trees or plants (retained or planted) which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting seasons with others of a size and species as shall reasonably be specified by the Local Planning Authority. All hard landscaping proposals shall be provided in accordance with the details set out within drawing 1289-02 Rev F; with any hard landscaping which serves the development as a whole provided prior to the occupation of any dwellings, and any hard landscaping which specifically serves a dwelling provided prior to the occupation of that dwelling.

Reason

To prevent losses or damage and to achieve the earliest possible establishment of the landscape and its retention, and protect the character and appearance of the area, to accord with Policy CS2 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. Street lighting to the Council's adoptable standards and which prevents light spill over bat commuting/foraging habitat (European Protected Species habitat) shall be provided in accordance with the details agreed under discharge of conditions application DOC20/00183, and prior to the first occupation of the dwellings hereby approved.

Reason

In the interests of the provision of a satisfactory lighting scheme, and to prevent harm to protected species, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policies PSP1 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

4. In respect of the external finish of the dwellings hereby approved and the requirements of condition 5 attached to PK18/4150/F, the development shall be

carried out in accordance with the details agreed under discharge of conditions application DOC20/00076.

#### Reason

To ensure a good quality of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

5. The development shall conform in all aspects with the approved plans and documents shown on the application as listed in the schedule of drawings in the list below.

In respect of Plots 1, 3, 5 and the remainder of the development (where relevant), in accordance with the following plans approved under this s73 application:

Plans and Elevations - Plot 1 (Drawing no. 2947 403 Rev C - dated 13th July 2021)  
Proposed Site Plan (Drawing no. 2947 401 Rev A - dated 13th July 2021)  
Proposed Elevations - Plots 3 & 5 (Drawing no. 2947 404 Rev C - dated 13th July 2021)  
Soft Landscape Proposals (Drawing no. 1289-01 Rev L - dated 13th July 2021)  
Hard Landscape Proposals (Drawing no. 1289-02 Rev F - dated 13th July 2021)  
Tree Protection Plan (Drawing no. 210625-GF-TPP-Rev-B - dated 13th July 2021)

In respect of Plots 2, 4 and 6, in accordance with the following plan approved under s73 application P21/00345/RVC:

Proposed Plans and Elevations Plots 2 to 6 (Drawing no. 2947/404c - dated 7th May 2021)

In respect of the remainder of the development, in accordance with the following plans associated with application PK18/4150/F:

Site Location Plan 2947 420 location plan  
Proposed Site Plan with Drainage 2947 401b site plan drainage (2)  
Proposed Site Plan with Drainage 2947 401e site plan  
Proposed Site Plan with Drainage 2947 401f site plan k

Proposed Plans and Elevations 2947 405 proposed plans and elevations plots 7 8 and 9 Proposed Plans and Elevations  
Pedestrian Link Plan 2947 421 link drawing k  
Landscape Ecology Plan (Cambium)

Design & Access Statement DESIGN\_AND\_ACCESS\_STATEMENT-6286479 Stokes Morgan Ltd  
Building for Life BUILDING\_FOR\_LIFE\_REVIEW-6286476 Stokes Morgan  
Drainage Strategy  
ARCHAEOLOGICAL\_DESK\_BASED\_ASSESSMENT\_AND\_HERTITAGE\_IMPACT\_STATEMENT-6286486  
ARCHAEOLOGICAL\_EVALUATION\_REPORT-6286484 Avon Archaeology  
ARBORICULTURAL\_IMPACT\_ASSESSMENT\_AND\_METHOD\_STATEMENT-6286490 Assured Trees Consultancy

Reason

For the avoidance of doubt and to ensure that the scheme is implemented in full accordance with the plans submitted and assessed.

6. The development hereby approved shall accord with the mitigation strategy for wildlife as detailed in the Soft Landscaping Plan and Ecology Assessment approved under application PK18/4150/F, prior to the occupation of either plot 8 or plot 9.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

7. The strategy to avoid harm to habitats, birds, reptiles (slow-worm), hedgehogs and great crested newts, as detailed on the Ecological Assessment November 2017 (Ethos) approved under application PK18/4150/F shall be carried out in accordance with said statement.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

8. Prior to the first occupation of the development hereby approved, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan should accord with the plans and mitigation strategies approved under application PK18/4150/F and include details of the existing habitat to be safeguarded (hedges, grassland); any new habitat to be created (species-rich grassland, scrub); and its management. It should also include a programme of monitoring of all works for a period of 5 years. All works are to be carried out in accordance with said plan.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

9. In respect of the protection of badgers and the requirements of condition 10 attached to PK18/4150/F, the development shall proceed in accordance with the details agreed under discharge of conditions application DOC20/00066.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

10. In respect of the surface water and foul drainage strategy for the site and the requirements of condition 11 attached to PK18/4150/F, the development shall proceed in accordance with the details agreed under discharge of conditions application DOC20/00066.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and to ensure that a satisfactory means of drainage is provided, 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.

11. In respect of the Sewage Package Treatment Plan for the development and the requirements of condition 12 attached to PK18/4150/F, the development shall proceed in accordance with the details agreed under discharge of conditions application DOC20/00066.

Reason

To ensure that a satisfactory means of foul drainage is provided, 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.

12. Driveways in which the external car parking area is provided between two side elevations of dwellings shall be provided with external lighting to illuminate this area and external lighting to BS5489:2013 shall be provided for the private driveways/communal car parking areas.

Reason

In the interests of personal safety and crime prevention, to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

13. In respect of the Travel Plan for the development and the requirements of condition 14 attached to PK18/4150/F, the development shall proceed in accordance with the details agreed under discharge of conditions application DOC20/00183.

Reason

In the interests of sustainable development and in accordance with Policy CS26 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

14. The bin storage shown on the drawings approved under application PK18/4150/F shall be provided before the buildings are first occupied, and thereafter retained for that purpose.

Reason

To ensure appropriate bin storage for the proposed dwellings and to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

15. The development hereby approved shall be built to the fabric/energy efficiency measures set out in the Sustainability Statement approved under application PK18/4150/F and evidence shall be provided to the Local Planning Authority prior to the occupation of any of the dwellings to demonstrate that the building performance set out in the Energy Statement has been achieved.

Reason

To achieve improved energy conservation and protect environmental resources, to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

16. The proposed solar PV systems shall be installed and operational prior to the occupation of the dwellings which will have them installed as per the details agreed under application PK18/4150/F (or any amended details agreed under this Section 73 application) to achieve a minimum 20% carbon reduction through reduced energy demand.

Reason

To achieve improved energy conservation and protect environmental resources, to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

17. In respect of the prevention of pollution during the construction phase and the requirements of condition 18 attached to PK18/4150/F, the development shall proceed in accordance with the details agreed under discharge of conditions application DOC20/00066.

Reason

To prevent pollution and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

18. In respect of the 2m wide footpath link from the edge of the turning area to the front of plot 7 and 8, to the Bristol to Bath Railway Path bell mouth, and the requirements of condition 19 attached to PK18/4150/F, the development shall proceed in accordance with the details agreed under discharge of conditions application DOC20/00076.

Reason

To provide adequate pedestrian access to the site, to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

19. In respect of public footpath LPU 36/10 which runs to the rear of plots 1-8 and links to the open space at the north of the site, and the requirements of condition 20 attached

to PK18/4150/F, the development shall proceed in accordance with the details agreed under discharge of conditions application DOC20/00076.

Reason

To provide adequate pedestrian access to the site, to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

20. In accordance with the comments of the Crime Prevention Officer, notwithstanding the plans approved under application PK18/4150/F, the dwellings on plots 7 and 8 shall be constructed each with a window in the side elevation adjacent to the pedestrian footpath link running between these two plots.

Reason

In the interests of security and in accordance with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013, and the provisions of the NPPF.

21. Prior to the occupation of either plot 9 or plot 8, a representative sample panel of the proposed dry stone walling of at least one metre square to show the stone colour, texture, profile and coursing shall be erected on site and approved in writing by the Local Planning Authority. The dry stone wall shall be completed in its entirety in accordance with the Soft Landscaping plan approved under application PK18/4150/F, and the development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of development for consistency.

Reason

To enhance the adjacent Site of Nature Conservation Interest, and in the interests of visual amenity and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

22. All access, car parking and turning facilities shall be provided in accordance with the plans approved under application PK18/4150/F, and prior to the first occupation of the dwellings hereby approved.

Reason

To ensure the satisfactory provision of access, turning and parking facilities and in the interest of highway safety and the amenity of the area, to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

23. In respect of land contamination issues and the requirements of Parts A and B of condition 24 attached to application PK18/4150/F, the development shall proceed in accordance with the details agreed under discharge of conditions application DOC20/00129.

In respect of Parts C and D of condition 24, prior to occupation of any of the dwellings hereby approved, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority. If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

**Reason**

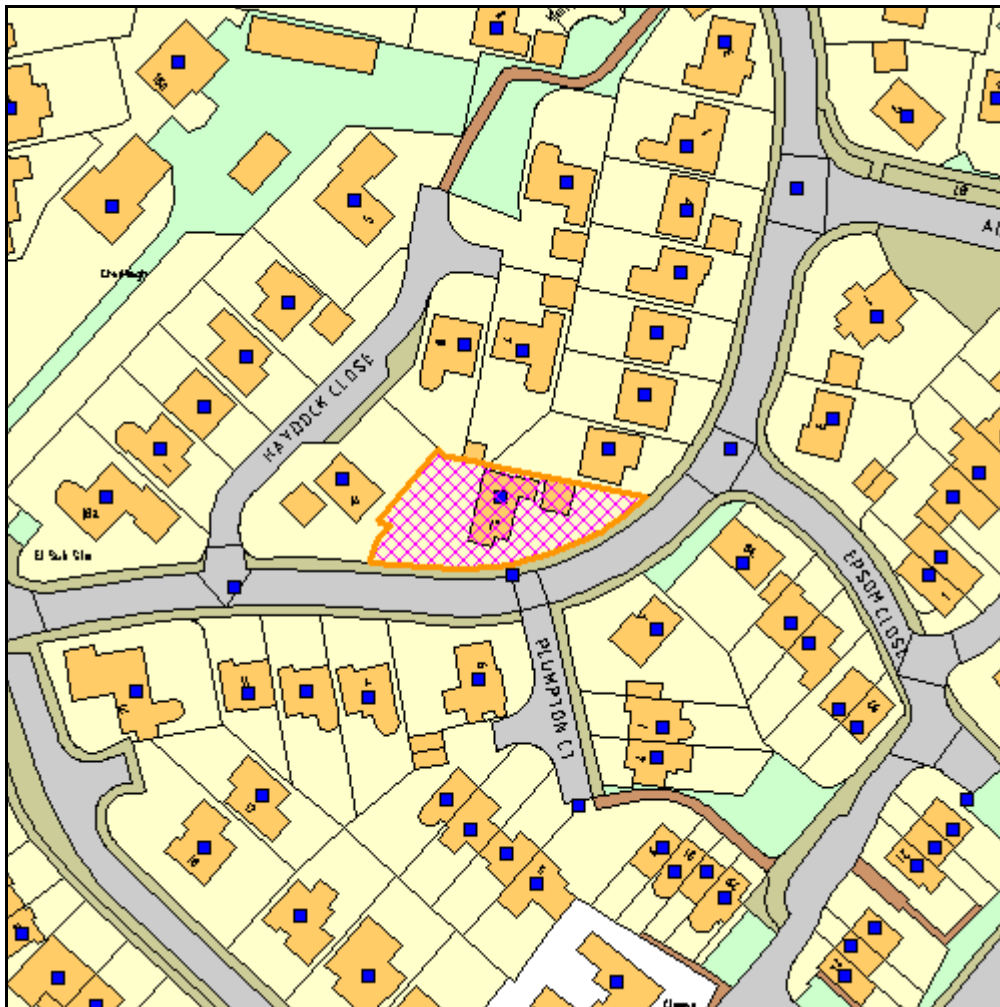
To prevent pollution and to protect the residential amenity of future occupants, to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

**Case Officer: Patrick Jackson**

**Authorising Officer: Jonathan Ryan**

**CIRCULATED SCHEDULE NO. 28/21 -16th July 2021**

<b>App No.:</b>	P21/00811/F	<b>Applicant:</b>	Mr Peter Hayman
<b>Site:</b>	12 Aintree Drive Downend South Gloucestershire BS16 6SR	<b>Date Reg:</b>	15th February 2021
<b>Proposal:</b>	Change of use of land from amenity land to garden (C3) including the re- location of the boundary wall	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365878 178229	<b>Ward:</b>	Frenchay And Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	8th April 2021



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P21/00811/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 REFERRAL TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule due to the receipt of three letters of objection contrary to the officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for a change of use of amenity land to residential garden (Class C3) and the demolition of an existing boundary wall and the erection of a new boundary wall, as detailed on the application form and illustrated on the accompanying drawings.
- 1.2 The application site can be found on Aintree Drive in Downend. The area of land in question is currently divided from the highway by a low post and rail fence.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework February 2019  
National Planning Policy Guidance

#### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP8	Residential Development
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Standards

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007  
Residential Parking Standards SPS (Adopted) 2013  
Householder Design Guide SPD (Adopted) 2021

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

- 3.1 None directly relevant

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

4.1 Emersons Green Town Council  
No comment

4.2 Other Consultees  
Sustainable Transport – Transportation DC  
No Objections.

The Tree Officer (Natural & Built Environment Team)  
No Comments received.

#### **Other Representations**

4.3 Local Residents  
3No letters of Objection have been received to the scheme. A summary of the main points of concern raised is as follows:

- Whilst have no significant objection to the proposed wall, does raise concerns about reduced visibility
- Cars travel faster than 30mph along Aintree Drive
- Highway safety – neighbours will have to pull out into the road to see around the corner
- Would like to see the bushes around the paved area adjacent to the garage removed.
- Impact on neighbours outlook, spoil neighbours view
- Out of keeping with the character of the area

#### **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. PSP38 also seeks to ensure that development will not have a detrimental impact on highway safety.

5.2 Design and Visual Amenity  
Policy CS1 of the Core Strategy and policy PSP1 and PSP38 of the Policies, Sites, and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.3 The proposed re-located new boundary screen wall will replace the existing wall and incorporate the existing grassed area strip but it will be set back from the back edge of the public footpath by 0.6 meters. The existing post and rail fence is shown to be removed and additional planting in the form of garden shrubs planted between the wall and the edge of the footpath.

- 5.4 The new boundary wall is proposed using brick that will match the existing material already found within the area. It is accepted that the relocation of the wall will impact on the street scene by pulling the boundary wall closer to the edge of the highway. It is hard to argue however that this change will be unacceptable. Other boundary walls in the vicinity are closer to the edge of the footpath than that proposed through this application. The design of the wall will not be detrimental to the surrounding area, and is therefore considered to be of an acceptable standard of design. As such, the proposal is deemed to comply with Policy CS1 of the Core Strategy
- 5.5 Residential Amenity  
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 outlines the types of issues that could result in an unacceptable impact. The proposal has been carefully assessed and has found to be in compliance with these policies.
- 5.6 Given position and scale of the proposed boundary wall, officers are satisfied that overall the impact will be minimal. Accordingly, officers are satisfied that the proposal would not result in a significant impact on visual amenity to the occupants of the neighbouring properties. Therefore, the proposal is deemed to comply with policy PSP8 of the Policies, Sites and Places Plan (adopted November 2017).
- 5.7 Officers are sensitive to the comments received from neighbours raising concerns that the wall would result in a loss of view and a strong feeling of enclosure and being hemmed in. The property potentially most affected is that sitting directly on the opposite side of the road. This neighbouring bungalow presents a blank gable elevation and a garden wall towards the application site. Officers are satisfied therefore that the impact on the dwellings on the opposite side of the road are acceptable.
- 5.8 Transport  
Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards. The wall is set back from the edge of the highway and includes tapers at either end to 'wrap around the corner of the site'. The Council's highway officer has assessed the information provided and is satisfied that the proposed wall will not obstruct the visibility splay required for safe exist from No. 14. Therefore, no highway objection is raised to the proposed development.
- 5.9 Consideration of likely impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could

positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.10 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 It is recommended that planning permission is granted and that the application be **APPROVED**.

## **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 bricks to be used externally in the development hereby permitted shall match those of the existing building in colour and texture.

Reason

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

3. The development hereby approved shall take place in accordance with the following plans:

Received by the Council on 11th February 2021:

Site Location Plan

Existing Plans

Proposed Block Plan

Proposed Plans

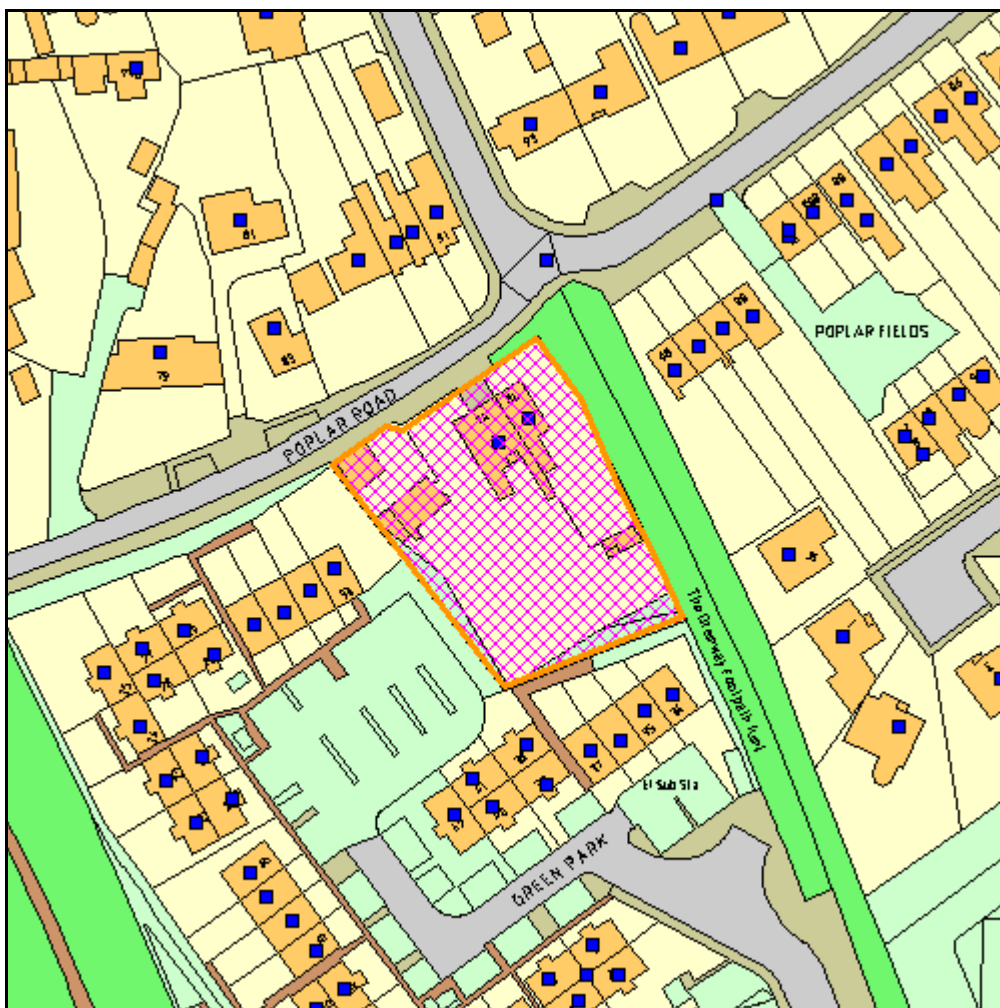
Reason

To define and clarify the permission.

**Case Officer: Marie Bath**  
**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 28/21 - 16th July 2021**

<b>App No.:</b>	P21/01012/F	<b>Applicant:</b>	Group Land Developments Ltd
<b>Site:</b>	74-76 Poplar Road Warmley South Gloucestershire BS30 5JS	<b>Date Reg:</b>	2nd March 2021
<b>Proposal:</b>	Demolition of 2no. existing dwellings. Erection of 7no. dwellings with access, parking and associated works (resubmission of P20/16806/F).	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367750 172686	<b>Ward:</b>	Bitton And Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th April 2021



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P21/01012/F

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

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

This application appears on the Council's Circulated Schedule procedure following the receipt of three objection comments contrary to the officer recommendation made below.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the demolition of 2no. existing dwellings and the erection of 7no. dwellings with access, parking and associated works.
- 1.2 The application site relates to 74 and 76 Poplar Road, Warmley, and is within an existing urban area. The two existing buildings on site are locally listed.
- 1.3 A previous application for the site, P20/16806/F, for 9no. dwellings was withdrawn.
- 1.4 This application has been amended since originally submitted, with revisions to design, layout and drainage details.

### **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
CS2	Green Infrastructure
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
CS18	Affordable Housing
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP5	Undesignated Open Spaces within Urban Areas and Settlements
PSP8	Residential Amenity

PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
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  
 South Gloucestershire Council Waste Collection: guidance for new developments SPD (Adopted) Jan 2015

## 3. RELEVANT PLANNING HISTORY

- 3.1 P20/16806/F - Demolition of 2no existing dwellings. Erection of 9no dwellings with access, parking and associated works. – Withdrawn 22.12.2020
- 3.2 P20/23090/PND - Prior notification of the intention to demolish 74 and 76 Poplar Road, Warmley. – Refused 15.12.2020

## 4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council - *The comments of the Parish Council are No Objection subject to detailed comments from South Gloucestershire Officers.*
- 4.2 Coal Authority – No objection subject to informative
- 4.3 Drainage – No objection subject to conditions
- 4.4 Ecology – No objection
- 4.5 Conservation – No objection subject to conditions
- 4.6 Landscape – Concerns regarding long term survival of trees in rear gardens
- 4.7 Highway Structures – No comment
- 4.8 Environmental Protection – No objection
- 4.9 Transportation DC – Concerns regarding parking provision

### Other Representations

- 4.10 Local Residents – 3no. objection comments have been received, summarised as:
- Underground fuel tanks not mentioned
  - Well in rear garden not mentioned
  - Orchards and vegetable beds not mentioned
  - Original internal Victorian shop fittings not mentioned



- Properties could be restored by building a single dwelling
- Access is one way only over a weak bridge
- Proposed plans do not retain existing buildings appeal and character
- Railway cottage style does not match immediate vicinity
- Proposal fails to respond to local character and history
- Proposed dropped kerb concerning for pedestrian safety
- Area already has inadequate parking
- Poor visibility
- Increase in pollution
- Loss of habitat
- Noise and disruption from demolition and building works
- Overdevelopment of plot
- Concerns regarding flooding
- The Dramway should not be disturbed

## 5. **ANALYSIS OF PROPOSAL**

### Principle of Development

- 5.1 The proposal is within the urban area of the east fringe of Bristol, where residential development is encouraged under both local and national planning policies. The proposal is considered to be acceptable in principle, subject to other material considerations.

### Loss of a non-designated Heritage Asset, Design and Visual Amenity

- 5.2 The proposal involves the demolition of a locally listed building, a two storey pennant stone structure with clay tile roof dating to 1892. The building historically appears to have been a pair of dwellings either side of a shop, the enclosed front gardens of the dwellings being seen on OS mapping either side of an open shop forecourt.
- 5.3 The building is in poor condition, with the collapse of the western gable and structural movement evident in the front and side elevations, including outward rotation of the panel of masonry above the shopfront
- 5.4 The building retains the majority of the shopfront, timber sashes and wooden doors, which help contribute to its historic character. It is a building that, prior to its deterioration, made a positive contribution to the traditional character and appearance of the local area, this being part of the reason for its inclusion in the local list.
- 5.5 Shopfront aside, the building is a relatively typical, unassuming Victorian building with fairly standard detailing, but its relative intactness in terms of form and original features, the use of traditional local materials and the evidential value of the shopfront (which contributes to an awareness of its historic function) all factor into appreciation of the buildings character and significance and its contribution to local distinctiveness.
- 5.6 In an area that is of mixed character, with many pseudo-Victorian modern houses, the demolition of a genuine Victorian building will have an adverse

impact on the local streetscape and character of the area, contrary to PSP17, and this needs to be weighed into the planning balance in accordance with paragraph 197 of the NPPF, which states:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

- 5.7 The deteriorating condition of the structure, and the extent of re-building, stabilisation and repairs will also be a factor in the weighing exercise. A Costings and Method Statement, alongside a Structural Engineering report, have been submitted with the application. These have confirmed that the retention of the building would not be viable.
- 5.8 The Council's Local List Supplementary Planning Document states: *The demolition of a building on the Local List will only be permitted where the replacement development is of such high quality design that the loss of character resulting from the demolition of the building of local importance will be adequately mitigated through the good design of the new development so as to conserve and enhance the character and distinctiveness of the locality.*
- 5.9 Policy CS1 of the core strategy also stipulates that: *Development proposals will be required to demonstrate that siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.*
- 5.10 Revisions to the scheme have resulted in some changes to the proposed site plan, reducing the house size of plot 7, and bring plots 5-7 forward by around 1m to increase distance between the properties and the rear boundary. This has been achieved by shortening the gardens to plots 1-4. The site is not considered to be overdeveloped, nor cramped.
- 5.11 Design alterations have also been made to the proposed elevations, at the suggestion of the Conservation Officer. The chimney stack has been altered to brick, a large window within the proposed gables has been removed and replaced with a smaller window to match the overall fenestration design of the front elevations. Windows serving the living rooms of the properties to the front of the plot have been reduced, with a wider single sash style window.
- 5.12 The proposed dwellings to the front of the site are detached, with the most immediate surroundings of the site being a mixture of terraced, semi-detached and detached dwellings.
- 5.13 The elevations of the dwellings to the front of the site emulate those of the existing property, using reclaimed materials from the properties to be demolished and repeating the brick detailing around the windows and doors.

- 5.14 To the front of the site, whilst parking is proposed it is within the context of semi-enclosed front gardens, retaining the verdant and suburban character of the site.
- 5.15 The proposed dwellings to the rear have less traditional character, and are proposed to be chalet bungalows due to height constraints to the rear of the site. Given the properties proposed along the sites frontage, views to the rear of the site are limited. The lack of visibility to the rear will reduce the impact upon the character and appearance of the area, and the proposed design and layout is not uncommon for backland development.
- 5.16 Subject to conditions requiring the submission of external materials and large scale details of eaves, verges and rainwater goods; chimneys; windows and doors; porches; and external vents flues and external meter boxes, the proposed development is considered to be of sufficiently high design quality that the loss of character resulting from the demolition of the building of local importance will be adequately mitigated through the good design of the new development so as to conserve and enhance the character and distinctiveness of the locality.
- 5.17 The condition of the buildings must also be taken into account, alongside the benefit of providing seven dwellings in place of one building in such poor condition. A balanced judgement must be made in regards to para 197 of the NPPF and on this occasion it is considered that the benefits of the scheme outweigh the loss of the locally listed building.

#### Landscape

- 5.18 There is no landscape designation cover on the site, which lies within the residential area of Warmley and is surrounded by development on three sides. The vegetated corridor of The Dramway footpath runs along the north east boundary of the site.
- 5.19 The existing property is dilapidated, as are the outbuildings within the south west margin of the site and lying adjacent to The Dramway.
- 5.20 In keeping with other curtilage frontages along Poplar Road, an existing low natural stone frontage wall with cock and hen coping delineates the site frontage; elsewhere along the road hedge planting encloses frontages. There are also examples of open frontages where such built and planted boundary treatments have been removed to make way for parking.
- 5.21 The site is bounded by a 1.8m palisade fence that effectively limits the adjacent boundary vegetation from extending into the site. A tree survey and tree protection plan will however be required prior to development starting on site.
- 5.22 Concerns were initially raised by the Landscape Officer in relation to the small size of the rear gardens to plots 5-7 in terms of retaining proposed fruit trees. The revised layout of the scheme however has mitigated this concern, giving larger rear gardens to these plots.

- 5.23 The proposal will result in the loss of the existing low natural stone frontage wall, and sections of new walling are shown diving and part wrapping around the frontage of Plots 1-4. This, and the adjoining areas of new shrub planting is an improvement on the previous scheme and will contribute to street level views in terms of softening the appearance of parked vehicles.
- 5.24 Subject to the submission of detailed hard and soft landscaping plans, the proposed is considered to be acceptable in Landscape terms and accords with the requirements of policy PSP2.

#### Transportation and highways

- 5.25 The proposed access is off Poplar Road. Four out of seven of the proposed properties have individual access from Poplar Road, and the other three dwellings will be served by a 5.5m wide private drive that runs between two properties facing Poplar Road. Transportation DC are satisfied with the proposed access arrangement.
- 5.26 The parking requirement for this development is assessed against policy PSP16 of SG Council. parking standards for 1-bed dwelling is 1 space; for 2-bed 1.5 spaces and for 3 or 4 –bed dwelling minimum of 2 spaces are required. Additional to dedicated parking for each dwelling, visitor's parking is required at a rate of 0.2 for each dwelling. Based on this and the mixture of proposed units on site therefore, minimum of 13 spaces are required including visitors' parking.
- 5.27 Concerns were raised by Transportation DC that the proposal had a deficit of spaces, and that the sole means of parking for plot 6 was a garage only. This was a mis-read of the plans, plot 6 and plot 7 have a partially covered parking space, and the proposal provides 13 spaces in line with the requirements of PSP16.
- 5.28 Subject to conditions requiring the provision and retention of the parking and access, and the provision of 1no electrical charging point per property, the proposal is considered to be acceptable in terms of impact on the wider highway network.

#### Drainage

- 5.29 Concerns were initially raised regarding drainage of the site, as foul sewage was indicated as being discharged into a South Gloucestershire Council highway drain.
- 5.30 The proposed drainage scheme has been through several iterations following discussion with the Council's Flood Prevention Officers. These details have included attenuation crates allowing the water to allow release at 2lt per second, an updated drainage plan showing a new proposed connection.
- 5.21 Officers have removed their objection to the proposals, subject to conditions requiring the submission of a detailed drainage scheme.

## Ecology

- 5.22 An Ecological Appraisal and Bat Survey Report (Ashgrove Ecology, July 2020) has been submitted. No designated sites will be impacted by the proposal.
- 5.23 A bat assessment was undertaken which identified as the main dwellings as having low potential for roosting bats, this was followed up by an emergence survey and no bats were found to be roosting within the building with low activity from common species. Appropriate mitigation and enhancements have been recommended.
- 5.24 The habitats on site are disturbed reducing the likelihood to be used by GCN and there are no waterbodies on site or within 500m of the site
- 5.25 The trees, scrub and the buildings provide suitable habitat for nesting birds, though no evidence within the building was recorded. Suitably mitigation and enhancements have been recommended.
- 5.26 The habitats on site are disturbed reducing the likelihood to be used by reptiles.
- 5.27 No evidence of badgers were recorded on site.
- 5.28 Hedgehog and fox were recorded during the bat emergence survey and further consideration will be required during development
- 5.29 Sufficient survey effort has been completed, therefore there are no objections subject to conditions requiring the development to proceed in strict accordance with the Mitigation Measures provided in the Ecological Appraisal and Bat Survey Report.
- 5.30 The ecological report recommends that not new external lighting is installed, however this would not be practical. A lighting design for biodiversity for the boundary features and any native planting should therefore be submitted instead.

## Residential amenity

- 5.31 Due to the location of the four dwellings to the front of the site, they are not considered to have an overbearing impact upon existing properties.
- 5.32 The dwellings to the rear of the site are located in close proximity to properties on Green Park, in particular numbers 34-37. The dwellings have been proposed as dormer bungalows.
- 5.33 At its closest point, house 7 is just over 4m from the rear boundary, house 6 is 5m, and house 5 4.7m. These distances do enlarge to 5.5m, 7m and 6.5m respectively, due to the oblique nature of the site. The rear properties are then separated from Green Park by existing boundary vegetation. Given the single storey nature of the proposed dwellings with only rooflights proposed to the upper level, the dwellings are not considered to cause significant harm to residential amenity. Permitted Development rights should however be removed

for dormer windows to protect the residential amenity of neighbouring properties.

- 5.34 Within the site, separation distances between the front and rear dwellings are around 20m, with single storey garages providing some visual breaks.
- 5.35 There was some concern regarding the outlook from House 7 towards the proposed parking area and garage, however House 7 has now been proposed to emulate House 6, and as such the kitchen window now looks out onto a small front garden.
- 5.36 The proposed amenity areas are in compliance with the amenity space required under policy PSP43.

#### Contaminated Land

- 5.37 There is information to suggest historic use of the site have given rise to contamination. Historical mapping show the presence of a tank at the site, depending on the extent and use of tanks present and if leakage occurred, this may have caused contamination which could give rise to unacceptable risks to the proposed development. In order to ensure that the site is suitable for its proposed use and in accordance with the National Planning Policy Framework, conditions relating to a contaminated land assessment of the site are necessary.

#### Consideration of likely impact on Equalities

- 5.38 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.

#### Planning Balance

- 5.39 The proposal is afforded significant weight as it is appropriate development in a sustainable location within an existing urban area. Modest weight can be afforded as the proposal would have a net gain of 7 dwellings to the 5 year housing supply.
- 5.40 Significant weight is also given to the loss of a locally listed building. This is balanced against the condition of the building, and the design of the proposed replacement.

5.41 Concerns have been raised in relation to transport impact and the design of the proposal, as well as loss of habitat and disruption from construction. On balance, these issues are considered to be acceptable.

5.42 Overall, the application merits outweigh the perceived harms of the development.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 It is recommended that planning permission is GRANTED.

### **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 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. A detailed development layout showing the location of surface water proposals is required along with results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site. No public surface water sewer is available.

#### Reason

To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2012. This is a condition precedent to ensure drainage details have been set prior to the commencement of development.

3. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Appraisal and Bat Survey Report (Ashgrove Ecology, July 2020), this includes sensitive timing to demolish the buildings and clear the vegetation and the protection of the boundary features that will be retained(PSP19);

Reason

To protect against harm to protected species and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

4. Prior to occupation, a "lighting design strategy for biodiversity" for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - Identify those areas/features on site that are particularly sensitive for bats and hedgehogs and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason

To protect against harm to protected species and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

5. Prior to first occupation, an ecological enhancement plan is to be submitted to the local authority for review and should expand on the enhancements detailed within the Ecological Appraisal and Bat Survey Report (Ashgrove Ecology, July 2020) this should also include the specifications and locations of any ecological enhancements. This document should be completed to reflect any landscaping plans submitted.

Reason

To provide ecological enhancements and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

6. No development shall commence until a Detailed Arboricultural Method Statement with Tree and vegetation Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.



Reason

To ensure that trees and vegetation to be retained are not adversely affected by the development proposals in accordance with PSP3 and PSP19. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

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

Reason

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

8. Prior to the commencement of the construction of the external walls of the development, sample panels of stonework for the houses and boundary walls, demonstrating the coursing, jointing, pointing and coping (in respect of the boundary walls) are to be erected on site and approved in writing by the Local Planning Authority. The approved sample panels shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed samples.

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.

9. Prior to the commencement of the construction of the external walls of the development, a sample panel of the render indicating colour, texture and finish, shall be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure 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.

10. Prior to the commencement of the construction of the external walls of the development, large scale details comprising plans at a minimum scale of 1:10 of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

1. eaves, verges and rainwater goods
2. chimneys
3. all new windows and doors including reveal, head and sill details
4. porches
5. all new external vents, flues and external meter boxes

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.

11. No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason

To ensure the provision of an appropriate landscape setting to the development in accordance with PSP2.

12. All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason

To ensure that the landscape scheme is implemented and maintained in accordance with PSP2.

13. The development shall not be occupied until the access and parking (plus one 7Kw 32 Amp electric vehicle charging point per dwelling, and cycle store) arrangements have been completed in accordance with the submitted details.

Reason

In the interest of highway safety, to promote sustainable travel and to accord with policies PSP11, 16 and CS8.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of any part of any roof of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

15. Previous historic uses(s) of the site may have given rise to contamination. No development shall commence until an assessment of the risks posed by any contamination has been carried out and submitted to and approved in writing by the

local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's guidance - Land Contamination Risk Management (LCRM), and shall assess any contamination on the site, whether or not it originates on the site.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a condition precedent to ensure the site is suitable for its proposed use.

16. Where following the risk assessment referred to in Condition 15, land affected by contamination is found which could pose unacceptable risks, no development shall take place until detailed site investigations of the areas affected have been carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems.

Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

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

Reason

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

17. Prior to first occupation, where works have been required to mitigate contaminants (under condition 16) a report providing details of the verification undertaken, demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

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

18. Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification

schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason

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

19. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

23 Feb 2021	1224-20 / 1000		SITE PLAN EXISTING
23 Feb 2021	1224-20 / 3002	A	LANDSCAPE PLAN PROPOSED
23 Feb 2021	1224-20 / SLP	A	SITE LOCATION PLAN
23 Feb 2021	1224-20/ 1001	A	SITE PLAN EXISTING
23 Feb 2021	1224-20/ 1100		FLOOR PLANS EXISITING
23 Feb 2021	1224-20/ 1200		ELEVATIONS EXISTING
23 Feb 2021	1224-20/ 1201	-	OUTBUILDING A EXISTING
23 Feb 2021	1224-20/ 1202	A	OUTBUILDING B EXISTING
23 Feb 2021	1224-20/ 1203	A	OUTBUILDING C EXISTING
23 Feb 2021	1224-20/ 1300	A	STREET SCENE EXISTING
23 Feb 2021	1224-20/ 3100	A	HOUSES 1 & 3-FLOOR PLANS PROPOSED
23 Feb 2021	1224-20/ 3101	A	HOUSES 2 & 4-FLOOR PLANS PROPOSED
23 Feb 2021	1224-20/ 3102	A	HOUSE 5 FLOOR PLANS PROPOSED
23 Feb 2021	1224-20/ 3103	A	HOUSE 6 FLOOR PLANS PROPOSED
23 Feb 2021	1224-20/ 3105	A	TYPICAL SINGLE GARAGE PLANS PROPOSED
23 Feb 2021	1224-20/ 3202	A	HOUSE 5 ELEVATIONS PROPOSED
23 Feb 2021	1224-20/ 3203	A	HOUSE 6-ELEVATIONS PROPOSED
23 Feb 2021	1224-20/ 3301	A	SITE SECTION AA AS PROPOSED
23 Apr 2021	3104	B	HOUSE 7 - FLOOR PLANS, PROPOSED
23 Apr 2021	3200	B	HOUSES 1 AND 3 - ELEVATIONS PROPOSED
23 Apr 2021	3201	B	HOUSES 2 AND 4 - ELEVATIONS PROPOSED
23 Apr 2021	3204	B	HOUSE 7 - ELEVATIONS PROPOSED
23 Apr 2021	3300	B	STREET SCENE - PROPOSED
28 May 2021	1224-20/3000	D	SITE PLAN - PROPOSED
01 Jul 2021	1224-20/3001	E	SCHEMATIC DRAINAGE PLAN PROPOSED

Reason

To define the terms and extent of the permission.

**Case Officer: Rae Mepham**  
**Authorising Officer: Marie Bath**

## CIRCULATED SCHEDULE NO. 28/21 - 16th July 2021

App No.: P21/02390/RVC

Applicant: YTL Developments (UK) Ltd

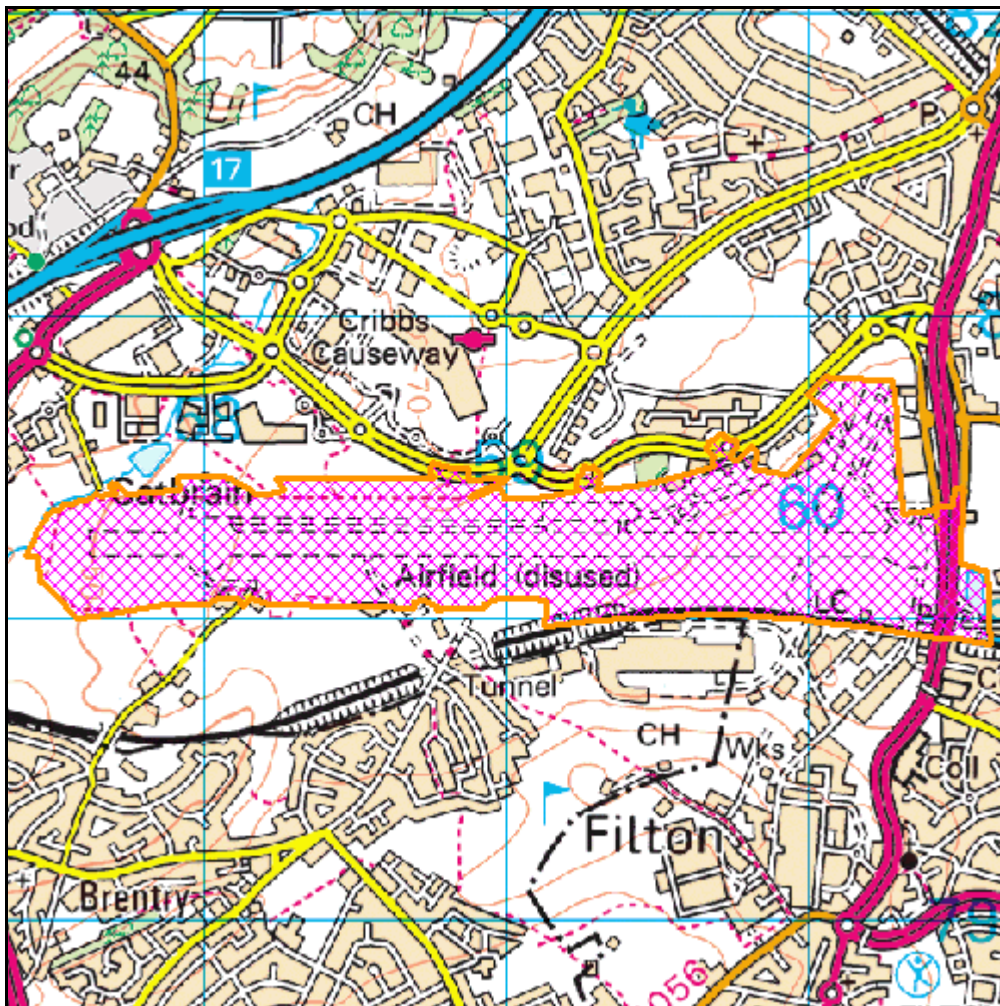
**Site:** Former Filton Airfield Filton South Gloucestershire  
**Proposal:** Removal of conditions 20 (newts), 42 (bird boxes) and 43 (Leasehold) and variations of conditions 9 (to apply only to construction phases), 22 (to require the development to be in accordance with the LEMP), 24 (to reference the new flood risk assessment), 32 (to amend the Way finding condition), 38 (to amend the wording to compliance with survey) and 41 (to amend the list of approved plans) as attached to permission PT14/3867/O (to be read in conjunction with P20/20118/NMA). PT14/3867/O- Mixed use development on 143.73 hectares of land comprising: residential development for up to 2,675 dwellings and apartments (comprising 2,635 x Use Class C3 and 40 x Live Work Units - Sui Generis); 24ha of stand-alone employment land (comprising up to 12ha Use Class B1a and a minimum of 12ha Use Class B1b/c, B2); 120 Bed Hotel up to 3,800 sqm (Use Class C1); Rail Station (0.45ha Use Class Sui Generis); Education provision to include a Secondary School (8.31ha), 2 no. Primary Schools (total 5ha) and 2 no. Childrens Nurseries (total 0.8ha) (all Use Class D1); Community Centre incorporating Library, Built Sports facilities and Doctors surgery up to 3,400 sqm (Use Classes D1 & D2); Dental Surgery up to 800sqm; (Use Class D1); 70 Bed Extra Care Facility up to 12,500sqm (Use Class C2); Shops/Financial Services/Food and Drink facilities up to 4,787sqm (Use Classes A1, A2, A3, A4 and A5) - comprising Retail Supermarket up to 2,787sqm gross maximum (Use Class A1); Business Offices up to 500sqm (Use Class B1) together with; supporting infrastructure and facilities including demolition, ground works and remediation, highways, utilities, landscaping, sustainable urban drainage system, wildlife water basins and public open space. Outline application including access, with all other matters reserved. 359003 180361

**Date Reg:** 6th April 2021  
**Parish:**

**Map Ref:**  
**Application Category:**

Major

**Ward:**  
**Target Date:** 22nd July 2021



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N.T.S.

P21/02390/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.

## **0. INTRODUCTION**

0.1 This application appeared on the Council's Circulated Schedule of applications in accordance with the Council's Constitution last week 8/7/21 to 15/7/21. Subsequently, Officers are requesting to amend conditions 2 and 3, as this application cannot extend the lifetime of the original outline approval PT14/3867/O, i.e. as the original outline decision was issued on 1<sup>st</sup> March 2018 the timeframes in conditions 2 and 3 can only begin from the March 2018 date and not from the issue of this new decision. No other text in the original report circulated last week has been changed.

0.2 Conditions 2 and 3 will read as follows (deleted text struck through and new text in **bold**).

2. Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 15 years from ~~the date of this permission~~ **1<sup>st</sup> March 2018**.

3. The development hereby permitted shall be begun either before the expiration of 3 years from ~~the date of this permission~~ **1<sup>st</sup> March 2018**, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

## **1. THE PROPOSAL**

1.1 This application seeks permission to amend planning conditions 9, 22, 24, 32, 38 and 41 and to remove planning conditions 20, 42 and 43 attached to Outline permission PT14/3867/O (to be read in conjunction with P20/20118/NMA) at the former Filton Airfield. This permission will hereafter be referred to as 'the original Outline' for the purposes of this report.

1.2 This application is submitted under Section 73 (S73) of the Town and Country Planning Act 1990 which enables applicants to apply to vary or remove specific conditions associated with a planning permission. It is important to note that a S73 application cannot be used to change the description of the development as originally consented.

1.3 A permission granted under S73 results in a new, independent permission to carry out the same development as previously permitted subject to the new and amended conditions. The new permission sits alongside the original permission which remains intact and unamended. It is then open to the applicant to decide whether to implement the new permission or the one originally granted.

### **Relationship with Bristol Arena**

1.4 The main purpose of this application is to seek amendments to some of the Parameter Plans consented under the original Outline (listed under the Approved Plans List –

Condition 41). All of the other proposed changes to conditions are largely being sought as an opportunity to 'tidy up' the decision notice.

1.5 The main reason why the changes to the Parameter Plans are being sought now is to support the integration of the YTL Bristol Arena which recently gained planning permission under Bristol City Council reference. 19/05500/P. As well as the main Arena building application itself there were three other linked planning applications granted at the same time to deliver access and parking infrastructure to serve the Arena. The package of Arena planning permissions are as follows:

- **Application A: Proposed Arena** (BCC application reference 19/05500/P): Hybrid planning application comprising the demolition of existing ancillary buildings and structures; full details associated with the change of use of, and associated external alterations to, the Brabazon Hangar buildings from Class B8 use to a mixture of Class D1, D2, A1, A3, A4 and B1a uses, along with outline details associated with infrastructure works including: revised vehicular access arrangements; redevelopment and reorganisation of the former aircraft apron to provide parking, servicing and associated infrastructure provision; plus associated landscaping, service infrastructure and other associated works and improvements. Address: Brabazon Hangars, Filton.
- **Application B: Highways Amendments** (SGC application reference P19/16740/F): Amendments to the existing highway and highway junction at Charlton Road and West Way. Address: Land at Charlton Road and West Way.
- **Application C: Temporary Car Park** (SGC application reference P19/16741/F): Formation of a temporary car park for up to 2,000 vehicles and bus, taxi, park and ride, pick up and drop off areas on the eastern end of the former Filton Airfield. Address: Land at the former Filton Airfield.
- **Application D: Pedestrian Bridge** (SGC application reference P19/16742/F and BCC application reference 19/05514/F): Construction of a new pedestrian bridge linking the former Filton Airfield and the Brabazon Hangar site over the Henbury Loop railway line, including associated demolition, earthworks and landscaping. Address: Land at the former Filton Airfield.

1.6 Given the overlapping between some aspects of the Arena applications with the original Outline permission, the applicants (YTL) were required to demonstrate how the Arena permissions could be brought forward without adversely affecting the original Outline or preventing it from being deliverable. Through the assessment process, some inconsistencies between the permissions were identified. As a result, as part of the committee resolution for the Arena applications, the applicants were invited to bring forward a Non-Material Amendment application under Section 96A of the Town and County Planning Act 1990 to amend the wording of certain conditions on the original Outline. The amended wording would add flexibility to approve details which do not strictly accord with parameter plans and other documents, however only in circumstances where such deviations are considered necessary to accommodate the Arena proposals, taking into account the potential for significant environmental effects. These matters were thoroughly assessed and the Non-Material Amendment application was approved on the 16<sup>th</sup> October 2020 (ref. P20/20118/NMA). For

completeness, the amended wording of the conditions will be reflected in the wording of the new decision notice attached to this S73 permission.

- 1.7 A series of planning conditions and a S106 agreement were attached to the Arena permissions that link all of the applications together to ensure that the Arena cannot become operational until all of the necessary supporting infrastructure and mitigation measures are in place. A Deed of Variation to the S106 Site Specific Agreement (hereafter 'SSA') attached to the original Outline was also required to make some minor amendments to certain obligations where they were affected by the Arena proposals.
- 1.8 Whilst it was resolved that the Arena permissions could come forward alongside the original Outline; it was recognised by the applicant that there were improvements that could be made to the 'Brabazon' Masterplan that would better facilitate the Arena, an approach considered to be acceptable to the LPA. For example, relating to crowd control and operational safety matters. In recognition of this the applicant undertook a pre-application enquiry process with the LPA in January 2021 whereby potential improvements to the Brabazon Masterplan were proposed and assessed. It was advised that these changes could come forward in accordance with the provisions of S73 to amend the approved Parameter Plans and wording of some of the conditions.
- 1.9 In conjunction with revised Parameter Plans, it was also advised that the previously approved Design Codes for the Eastern side of the site (the 'Eastern Framework') would need to be updated to reflect the changes and re-submitted for approval. In parallel, the amended Design Codes have now been submitted under a Discharge of Condition application (DOC21/00067) and are currently being assessed. The Phasing Plan (required under Condition 4 of the original Outline) has also been updated to reflect the changes to the layout and resubmitted under a Discharge of Condition application (DOC21/00125) and is currently being assessed.
- 1.10 To support the integration of the Arena with the Brabazon Masterplan, the applicant has proposed a number of amendments to access routes and areas of public open space to facilitate the safe and efficient movement of visitors, residents and public transport throughout the site. The following key changes are now proposed which are described in greater detail below:
  1. Amendment to the Metrobus route through the site in order to ensure pedestrian safety around the Arena pedestrian bridge landing area, to maximise Metrobus Route efficiency and to enable an additional Metrobus stop;
  2. The realignment of primary road infrastructure within the Eastern Framework of the Masterplan to prioritise pedestrian and cyclist movement;
  3. The enlargement of the central Brabazon Park including amendments to water features and updating of the Flood Risk and Drainage Strategy; and
  4. The repositioning of the 'urban centre' to improve its relationship to the Arena complex, Station Square and Brabazon Park and to enable it to be fully pedestrianised.



- 1.11 It is important to note that the changes proposed only affect the Eastern Framework area (i.e. the part of the site east of the North-South Link from San Andreas roundabout to Charlton Road). The entirety of the Western Framework area remains unaffected by this application.

### **Background to the Airfield 'Brabazon' Masterplan**

- 1.12 The original Outline planning permission PT14/3867/O was granted on the 1<sup>st</sup> March 2018 for a strategic scale mixed-use development including 2675 new dwellings on 143 hectares of land on the former Filton airfield. All matters were reserved for future reserved matters consideration, except for the main points of access into the site which were determined in detail at the Outline stage.
- 1.13 Many of the pre-commencement planning conditions that were attached to the original Outline permission have already been discharged. Reserved Matters applications have been approved for the first residential parcel of Geographic Phase 1 as well as the northernmost section of Brabazon Park.
- 1.14 Development commenced in 2018 on the first residential phase and its associated infrastructure with first occupations of residential dwellings now taking place.
- 1.15 There is a Site-Specific S106 agreement (hereafter referred to as the 'SSA') attached to the original Outline permission as well as a wider Framework S106 agreement that applies across the whole of the Cribbs Patchway New Neighbourhood (CPNN) area. The relationship of this S73 application to the SSA is set out within Section 6 of this report.
- 1.16 It is important to note that there are no changes to the overall package of developer obligations and community infrastructure commitments being delivered via the SSA as a result of this application.

### **Site Description**

- 1.17 The application site comprises the entirety of the former Filton Airfield strategic site. Historically, the Airfield was the UK home for the construction and testing of the first supersonic passenger jet, Concorde. The site is allocated for mixed-use regeneration as part of the Cribbs/Patchway New Neighbourhood under Policy CS26 of the South Gloucestershire Local Plan Core Strategy (adopted 2013) and falls within the Filton Enterprise Area.
- 1.18 The application site is 143.13ha in size, lying between the A38 (to the east), the Cribbs Causeway retail and business area and Charlton Hayes development site (to the north and west) and the Henbury Loop rail line and Fishpool Hill application site to the south. The administrative boundary of South Gloucestershire Council and Bristol City Council are defined by the railway line along the site's southern boundary. The application site is defined as the extent of the former airfield but includes some areas of highway access and drainage which lie outside of that. The site comprises the former 2.5 km long main east/west runway and part of the north/south runway. It includes areas of grass runoff and overspill.

### **Details of Proposed Amendments – Changes to Parameter Plans (Condition 41)**

1.19 The following is a summary of the amendments to the original Outline permission proposed via this S73 application:

### **Enlargement of Brabazon Park**

1.20 The original Masterplan included a linear park connecting Filton (Hayes) Wood to the north with the Brabazon Hangars to the south. It covered an area of 2.2ha and included a variety of uses including informal open space, children's play area (1no. LEAP and 1no. NEAP), allotments as well as SuDs attenuation linear water bodies. The changes now proposed are:

- Significant expansion of the park to cover 4.98ha to provide an "iconic counterpart to the Arena experience" as well as continuing to provide local amenity space for residents.
- The proposed facilities within the park (subject to a future Reserved Matters application) would include informal open space, an additional children's play area (2no. LEAPs, 1no. NEAP), outdoor sports provision, e.g. boule, table tennis, active eastern promenade, capacity for outdoor events.
- The park is proposed to include a large-scale lake which would provide an attenuation function.
- A significant increase in areas of planting and tree planting.
- The park will no longer be dissected by the Metrobus route adjacent to the Arena bridge landing area with the crossing point further to the north below Brabazon Park north.

### **Arena Transport Strategy**

1.21 The amendments to the layout have been designed to facilitate the delivery of a future multi-modal transport strategy required to deliver the Arena. The detail and assessment of which will be subject to a series of separate planning applications, required by the Arena S106 Agreement and condition discharge applications. The strategy will include parking areas, coach staging bays, park & ride and shuttle bus service, taxi pick up and drop off locations, cycle storage areas and pedestrian walkways. This S73 application, provides for those applications to come forward spatially.

### **Changes to the Metrobus Route**

1.22 As shown on the original Access Parameter Plan, the Metrobus route was previously shown as travelling east from the A38, entering the site at Combination Junction, running along a Metrobus-only route adjacent to the southern edge of the site before connecting to San Andreas roundabout to the north-west, via the North-South link. Two stops were provided, one adjacent to the proposed Filton North Station, and a second close to San Andreas roundabout. The proposed changes to this route are as follows:

- Metrobus route to enter the site from the east at the new A38 access junction from the Horizon 38 development;

- The route will then continue across the centre of the Masterplan along Runway Avenue within dedicated bus lanes, before connecting to San Andreas roundabout at the North-South Link;
- Three stops will be provided, one at the eastern end of the masterplan, shortly after entering the site, serving the light industrial and educational uses, a second in the centre of the masterplan serving the retail and commercial uses in 'East Lake', and a third close to San Andreas Roundabout serving the Western Residential Framework and the proposed school. These stops will be shared with the future local buses that would pass through the site;
- Combination Junction will remain solely to provide access to the Airbus campus and to provide a cycle link into the site.

### **Realignment of Primary Road and Pedestrian Infrastructure**

1.23 The amendments propose a realignment of primary road infrastructure within the Eastern Framework of the Masterplan to prioritise pedestrian and cyclist movements. The changes include the following:

- Consolidating the primary road, Metrobus route and cycle trunk route across the centre of the Airfield entering from the A38 junction in the east running through to exit from the San Andreas roundabout to the west;
- A secondary cycle route connection remains running across the site as per the original Access Parameter Plan, running adjacent to the Arena bridge landing area;
- Greater emphasis placed on several wider pedestrian promenades that link the significant spaces together including Aerospace Promenade that runs from Aerospace Park down to Station Square as well as City Walk (East) and City Walk (West) that run across the site through Brabazon Park, connecting with the potential parking area for the Arena.

### **Repositioning of 'Urban Centre'**

1.24 The previous masterplan located the 'urban centre' within the 'Runway Trace' zone.

The changes now proposed are as follows:

- The urban centre has been relocated to the south west to improve its relationship to the Arena, Station Square and Brabazon Park, whilst also maintaining a functional relationship to the metrobus route;
- Moving the urban centre away from 'Runway Avenue' allows for the central spaces to become fully pedestrianised. This creates the 'East Lake' urban square, which is enhanced through the proposed layering of terraces and landscaping;
- The functional relationship of the urban square to the YTL Arena Complex, and pedestrian promenades will allow for the safe disbursement of Arena visitors post events and to provide an additional amenity space.

### **Details of Proposed Amendments – Updated Flood Risk Assessment**

- 1.25 As part of the update to the Environmental Statement, a Flood Risk Assessment (FRA) Addendum (dated June 2021) has been submitted to assess the implications of the changes to the layout in terms of flood risk and drainage.
- 1.26 The original FRA (FAD-BAE-000-RP-C0002\_Filton Flood Risk Assessment\_Rev4) was prepared in October 2014 with a previous addendum to this FRA submitted in March 2017, (FAD-PBA-000-XX-RP-D-0001\_170327\_FRA Addendum\_Rev C). Both produced by Peter Brett Associates (PBA). The key proposed changes to the strategy since the original FRA are as follows:
- A large lake is now proposed ('Brabazon Lake') within the Brabazon Park to act as an above ground basin attenuation feature;
  - The existing lagoon east of the A38 is proposed to be used for an increased amount of attenuation storage and reconfigured for that purpose involving the removal of the historic multi-interceptor downstream of the A38 culvert to be replaced with a concrete channel; the lagoon's existing inlet/outlet weirs will need to be filled in, and the base lowered to enable greater attenuation storage than previously available;
  - The use of the above features will lead to a reduction/removal in open basin features within the eastern part of the site, previously known as 'East Park' and 'Airfield Gateway'.
- 1.27 Attenuation storage within the north-eastern commercial parcels will be provided onsite via underground attenuation tanks as per the original strategy. A variety of SuDs features will continue to be integrated within the development including rain gardens, swales, permeable paving and so forth as per the original drainage strategy.
- 1.28 The western part of the site remains unaltered by this FRA addendum and no changes to surface water management are proposed as part of this S73 application.

### **Details of Proposed Amendments – Changes to Other Conditions**

- 1.29 The following changes to some of the other conditions on the original Outline have also been proposed. Officers' views on the acceptability of each of these requested changes is set out within the analysis section of this report:
- **Condition 9 – Sustainable Construction:** Amend wording to only apply to phases that include buildings.
  - **Condition 20 – Great Crested Newts:** Removal of condition as these works have been undertaken under licence and there are no longer newts present on the site.
  - **Condition 22 – Landscape and Ecological Management Plan:** Amend the wording from being a pre-commencement condition to being a compliance condition because the original condition was discharged in July 2020 (DOC18/0400) The amended condition should make reference to the need to submit an addendum to the approved LEMP to confirm the management remains for any additional open space typologies not currently covered within the approved LEMP.

- **Condition 24 – Sustainable Drainage:** Amend the wording to require reserved matters application to comply with the latest Flood Risk Assessment submitted with this Section 73 application.
- **Condition 32 – Way- Finding:** Amend wording to changes the triggers for submission of way-findings details.
- **Condition 38 – Hangar 16U:** Removal of the original condition which was discharged in full in February 2019 (DOC18/0100) and replacement with a compliance condition requiring adherence with the commitments set out in the Hangar 16U Urgent Works Reports.
- **Condition 42 – Bird Nest Boxes:** Removal of this pre-commencement condition as the works have been undertaken and the condition has been discharged in full in 2018 (DOC18/0131).
- **Condition 43 – Arlington Land Leasehold:** Removal of this pre-commencement condition as the condition was discharged in full in August 2019 (DOC18/0238/DOC18/0131).

### **Applicant’s Supporting Information**

1.30 The following plans/documents have been submitted with the application:

<b>Document/Plan</b>	<b>Drawing No./Revision/Date</b>
Section 73 Covering Letter	Dated 25 <sup>th</sup> March 2021
Environmental Statement	YTL, dated March 2021
Environmental Statement – Non-Technical Summary	YTL, dated March 2021
Figure 1.1 The Site	1074_00_07_001 (dated 04/04/2017)
Figure 3.1 Illustrative Land Use Masterplan	FAD_FCB_000_XX_PL_A_7011 Rev 02 (dated 13/05/21)
Figure 3.2 Movement And Access Parameter Plan	FAD_FCB_000_XX_PL_A_7006 Rev 03 (dated 13/05/21)
Figure 3.3 Landscape Parameter Plan	FAD_FCB_000_XX_PL_A_7010 Rev 04 (dated 18/06/21)
Figure 3.4 Land Use Parameter Plan	FAD_FCB_000_XX_PL_A_7002 Rev 01 (dated 19/02/21)
Figure 3.5 Building Heights Parameter Plan	FAD_FCB_000_XX_PL_A_7005 Rev 03 (dated 13/05/21)
Figure 3.6 Density Parameter Plan	FAD_FCB_000_XX_PL_A_7004 Rev 01 (dated 19/02/21)

Figure 3.7 Heritage Parameter Plan	1074_00_07_011 Rev 01 (dated 13/05/21)
Appendix 5.1 Arena Design And Access Statement Extract: Security	Dated January 2020
Appendix 5.2 Outline Energy and Sustainability Statement	Dated April 2017
Appendix 5.3 Sustainable Construction Energy Strategy for Geographic Phases 1 And 2	Dated 12 <sup>th</sup> December 2018
Appendix 5.4 Sustainable Energy Statement For First Phase Residential Development – Spitfire Quarter	Dated 30 <sup>th</sup> November 2018
Appendix 6.1 Geographic Phase 1 and 2 Construction and Environmental Management Plan	FAD-YTL-015-XX-RP-K-001 (dated April 2018)
Appendix 8.1 Report on historic airfield structures	Dated December 2017
Appendix 9.1 Filton Airfield - Phase 1- Ground Investigation Report	Dated 1 <sup>st</sup> March 2019
Appendix 9.2 Filton Airfield - Phase 1- Remediation and Verification Plan	Dated 3 <sup>rd</sup> April 2019
Appendix 11.1 Badger Survey Report and Mitigation Strategy	Dated 17 <sup>th</sup> November 2017
Appendix 11.2 Landscape Ecology Management Plan	Rev 08 – dated March 2019
Appendix 11.3 Bird Box Locations Plan	FAD-GRA-000-XX-DR-L-1002 S2 Rev P2 (dated 31/01/2018)
Appendix 14.1 Flood Risk Assessment Addendum	21101-FRA-ADD-01 v4 (dated June 2021)

### **Environmental Impact Assessment (EIA)**

- 1.31 The Outline proposals fall within Schedule 2 of the Environmental Impact Assessment (England and Wales) Regulations (2017). As such an Environmental Statement (ES) was provided as part of the original application approved by South Gloucestershire Council as part of determining application reference PT14/3867/O.
- 1.32 It is a requirement of a Section 73 application that an Environmental Statement (ES) be submitted in situations where the original application was considered to be EIA

development. As such an ES has been duly submitted with this application and subject to the publicity requirements in accordance with the EIA regulations. The purpose of this ES is to consider whether there are likely to be any new environmental effects arising from the changes to the proposed development or from changes in circumstances since the original ES was prepared. The following topics were included within the original ES:

- Air Quality
- Community, Economic and Social
- Cultural Heritage
- Ground Conditions
- Landscape and Visual Impact
- Natural Heritage (Ecology)
- Noise
- Transport
- Water Resources and Flood Risk

- 1.33 The most significant change to circumstances since the previous ES was prepared has been the granting of planning permission for the Arena. The Arena application itself was considered EIA development and as such was accompanied by a comprehensive ES which constitutes an up to date assessment of the effects of the Arena in combination with the Brabazon Masterplan. Given that this environmental information is already before the Council it has not been necessary to replicate all of this information within the ES submitted within this Section 73 application.
- 1.34 The EIA regulations were updated in 2017 and now include the requirement for applicants to consider the impacts of the project on climate as well as give consideration to the vulnerability of the project to risks of major accidents and/or disasters relevant to the project concerned. During an informal scoping exercise the applicants were advised that these matters should be considered within the ES accompanying the Section 73 application, in addition to those topics originally assessed.
- 1.35 The ES concludes that the majority of the identified environmental effects remain as per the original ES. Significant changes resulting from this application have included the need to update the Flood Risk Assessment and Drainage Strategy and the need to consider security and safety aspects as a result of the proximity to the Arena. The original Transport Assessment was comprehensively updated through the Arena application process with a package of mitigation measures agreed with Highways England and BCC and SGC Highways Authorities.
- 1.36 Whilst Officers do not necessarily agree with every statement made within this ES; it is considered that the conclusions sufficiently address the likely significant effects of the proposed development. It is considered sufficient to enable a full and proper assessment of this planning application.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework (February 2019)  
National Planning Practice Guidance

### **2.2 Development Plans**

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

CS1 High Quality Design  
CS2 Green Infrastructure  
CS4 Renewable or low carbon district heat networks  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS6 Infrastructure and Developer Contributions  
CS7 Strategic Transport Infrastructure  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS18 Affordable Housing  
CS20 Extra Care Housing  
CS23 Community Infrastructure and Cultural Activity  
CS24 Green Infrastructure, Sports and Recreational Standards  
CS25 Communities of the North Fringe of Bristol Urban Area  
CS26 Cribbs / Patchway New Neighbourhood

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

PSP2 Landscape  
PSP6 OnSite Renewable and Low Carbon Energy  
PSP8 Residential Amenity  
PSP10 Active Travel Routes  
PSP11 Transport Impact Management  
PSP13 Safeguarding Strategic Transport Schemes and Infrastructure  
PSP17 Heritage Assets and the Historic Environment  
PSP19 Wider Biodiversity  
PSP20 Flood Risk, Surface Water and Watercourse Management  
PSP21 Environmental Pollution and Impacts  
PSP26 Enterprise Areas

### **2.3 Supplementary Planning Documents**

Cribbs/Patchway New Neighbourhood Development Framework SPD (adopted March 2014)  
South Gloucestershire Biodiversity Action Plan (adopted)  
South Gloucestershire Landscape Character Assessment SPD



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

- P21/00001/MODA - Deed of Variation to Section 106 Legal Agreement attached to planning permission PT14/3867/O. Decision Pending.
- DOC21/00125 - Discharge of condition 4 (phasing plans) attached to planning permission PT14/3867/O. Decision Pending.
- DOC21/00067 - Discharge of condition 5 (Design Code), 6 (Tall Buildings), 27 (Remediation) attached to planning permission PT14/3867/O. Decision Pending.
- P20/24199/F - Application for the temporary change of use for a period of 3 years to mixed use retail (Class E), pop-up food and drink space (Classes A4, A5) and temporary events (sui generis) with associated car parking, as defined in the Town and Country Planning (use classes) Order 1987 (as amended), with proposed access via Concorde roundabout. Decision Pending.
- BCC application reference 19/05500/P – Bristol Arena - Hybrid planning application comprising the demolition of existing ancillary buildings and structures; full details associated with the change of use of, and associated external alterations to, the Brabazon Hangar buildings from Class B8 use to a mixture of Class D1, D2, A1, A3, A4 and B1a uses, along with outline details associated with infrastructure works including: revised vehicular access arrangements; redevelopment and reorganisation of the former aircraft apron to provide parking, servicing and associated infrastructure provision; plus associated landscaping, service infrastructure and other associated works and improvements. Address: Brabazon Hangars, Filton. Planning permission granted 29.04.2021 (S106 Signed)
- P19/16740/F (Arena) - Amendments to the existing highway and highway junction at Charlton Road and West Way. Address: Land at Charlton Road and West Way. Planning permission granted 29.04.2021 (S106 Signed)
- P19/16741/F (Arena) - Formation of a temporary car park for up to 2,000 vehicles and bus, taxi, park and ride, pick up and drop off areas on the eastern end of the former Filton Airfield. Planning permission granted 29.04.2021 (S106 Signed)
- P19/16742/F (Arena) - Construction of a new pedestrian bridge linking the former Filton Airfield and the Brabazon Hangar site over the Henbury Loop railway line, including associated demolition, earthworks and landscaping. Planning permission granted 29.04.2021 (S106 Signed)
- P19/020/SCO: Request for a Scoping Opinion as to whether an Environmental Impact Assessment is required for the redevelopment of land at the former Filton Airfield.
- PT18/2438/RM: Former Filton Airfield South Gloucestershire BS34 5BZ - Laying out of public open space for 'Brabazon Gardens North' including provision of Local Equipped Area of Play (LEAP), informal open space, meadow, landscaping,

sustainable drainage system (SuDS) - below ground crate storage, and all associated works. (Approval of Reserved Matters to be read in conjunction with Outline planning permission PT14/3867/O). Approved 26<sup>th</sup> Feb 2021.

- PT18/5892/RM: Parcels RO3 and RO4 Former Filton Airfield Filton South Gloucestershire. Erection of 278 no dwellings with landscaping, car parking and associated works. (Reserved matters application to be read in conjunction with Outline Planning Permission PT14/3867/O). Approved 15th March 2019.
- DOC18/0404: Former Filton Airfield Discharge of Condition 1 (Mitigation) attached to planning permission PT18/2274/RM Construction of primary access infrastructure (the 'U-Road') Condition discharge March 2020.
- PT18/2274/RM: Former Filton Airfield Filton South Gloucestershire BS34 8QN. Construction of primary access infrastructure (the 'U-Road') that facilitates a road link and associated pedestrian and cycle paths between the Brabazon and Blenheim roundabouts (Approval of reserved matters including access, appearance, landscaping, layout and scale to be read in conjunction with Outline Planning Permission PT14/3867/O). Approve with conditions 15th October 2018.
- PT18/2355/F: Former Filton Airfield Bristol South Gloucestershire BS99 7AR. Temporary mixed use (general storage; cars containers, building materials, temporary events, cabins/depot uses) on the western end of the former Filton Airfield on 14.45 hectares of land, with access from New Road, Filton, for a period of up to 10 years. Approve with Conditions. Tue 18 Sep 2018
- PT18/211/F and PT18/2112/LB – Hangar 16U: Change of use of existing hangar from B2 to mixed used B1 and A3 or use as a marketing office, general offices, café and flexible space. Demolition of part of the building and erection of extensions and construction of access and carpark and hardstanding areas and associated landscaping. Planning and Listed building consent granted August 2018.
- DOC18/0184: Former Filton Airfield: Discharge of Condition 17 (Archaeology) and Condition 36 (Historic building recording) attached to planning permission PT14/3867/O. Condition partially discharged Aug 2018.
- DOC18/0125: Former Filton Airfield: Partial discharge of conditions 4 (phasing plan), 5 (design code) and 6 (tall buildings) attached to planning permission PT14/3867/O. Approved 23rd May 2018.
- DOC18/0131: Former Filton Airfield: Discharge of conditions 15 (Tree Protection), 17 (Archaeology), 18 (Construction Waste Management Plan), 21 (Badgers), 27 (Remediation), 28 (Construction Environmental Management Plan) and 42 (Bird Box Scheme) attached to planning permission PT14/3867/O. Approved 5th June 2018.
- DOC18/0294: Former Filton Airfield. Partial discharge of Condition 27 (Remediation) covering Brabazon Gardens North and Residential Phase 1 attached to planning permission PT14/3867/O. Partial discharge February 2020.

- DOC18/0400: Former Filton Airfield - Discharge of condition 22 (LEMP) attached to planning permission PT14/3867/O. Approved 9<sup>th</sup> July 2020.
- DOC18/0238: Former Filton Airfield - Discharge of conditions 9 (sustainable construction) and 43 (Arlington Land) attached to planning permission PT14/3867/O. Approved 12th Dec 2018.
- DOC18/0100: Former Filton Airfield Proposal: Discharge of condition 38 (schedule of urgent works to Hangar 16U) attached to planning permission PT14/3867/O. Approved 5th June 2018.
- PT15/0321/F: Ecological enhancement works, including the creation of 2 no. ponds and related landscaping works associated with planning application PT14/3867/O, Former Filton Airfield. Approve with conditions – 5th August 2015
- DOC15/0137: Former Filton Airfield. Discharge of conditions 4 (Construction Environmental Management Plan) and 5 (archaeological investigation) of planning permission PT15/0322/F - Construction of an advanced surface water drainage swale works associated with planning application PT14/3867/O Approved 26th Oct 2015.
- PT15/0322/F Construction of an advanced surface water drainage swale works associated with planning application PT14/3867/O, Former Filton Airfield. Approved with condition. 18th June 2015.
- PT14/3867/O - Mixed use development on 143.73 hectares of land comprising: residential development for up to 2,675 dwellings and apartments (comprising 2,635 x Use Class C3 and 40 x Live Work Units - Sui Generis); 24ha of stand-alone employment land (comprising up to 12ha Use Class B1a and a minimum of 12ha Use Class B1b/c, B2 ) ; 120 Bed Hotel up to 3,800 sqm (Use Class C1); Rail Station (0.45ha Use Class Sui Generis); Education provision to include a Secondary School (8.31ha), 2 no. Primary Schools (total 5ha) and 2 no. Childrens' Nurseries (total 0.8ha) (all Use Class D1); Community Centre incorporating Library, Built Sports facilities and Doctors surgery up to 3,400 sqm (Use Classes D1 & D2); Dental Surgery up to 800sqm; (Use Class D1); 70 Bed Extra Care Facility up to 12,500sqm (Use Class C2); Shops/Financial Services/Food and Drink facilities up to 4,787sqm (Use Classes A1, A2, A3, A4 and A5) - comprising Retail Supermarket up to 2,787sqm gross maximum (Use Class A1); Business Offices up to 500sqm (Use Class B1) together with; supporting infrastructure and facilities including demolition, ground works and remediation, highways, utilities, landscaping, sustainable urban drainage system, wildlife water basins and public open space. Outline application including access, with all other matters reserved. Approved s106 signed off. 1st March 2018.
- PT14/007/SCO: Land at Filton Airfield South Gloucestershire. Mixed use Development. Scoping Opinion Complete. Wed 09 Apr 2014
- PT12/036/SCO: Land At Filton Airfield Filton Mixed use Development Scoping Opinion Complete Wed 24 Oct 2012.

## **4. CONSULTATION RESPONSES**

### **Response from External Consultees**

#### **Avon and Somerset Constabulary - Crime Prevention Design Advisor**

- 4.1 I am a Designing Out Crime Officer (DOCO) with a responsibility for Crime Prevention Through Environmental Design (CPTED) projects within South Gloucestershire area. As a Constabulary we offer advice and guidance on how the built environment can influence crime and disorder. Paragraphs 91, 95 and 127 of the National Planning Policy Framework July 2018 require crime and disorder and fear of crime to be considered in the design stage of a development. Other paragraphs such as 8, 104, 106, 110, and 117 also require the creation of safe environments within the context of the appropriate section. South Gloucestershire's Local Plan 2013 CS1 High Quality Design Paragraph 9 and Design Checklist 2007 Paragraphs 48-51 also contain requirements for an application to take community safety into account.
- 4.2 In order to promote resilience to terrorism the NaCTSO and Centre for the Protection of National Infrastructure (CPNI) standards for protective security measures should be applied to all proposed major developments, particularly those referred to in Paragraph 95 of the National Planning Policy Framework with the potential to create 'crowded places'. In order to fully comply with this Paragraph this application may require specialist advice and has been referred to the local Counter Terrorism Security Adviser who if necessary will submit an additional comment to the application.
- 4.3 The applicant has liaised both with the local Crime Prevention Design Advisors, South Gloucestershire and Bristol (CPDA's); as well as the Counter Terrorism Security Advisor (CTSA). As part of this liaison comments were supplied to the applicant as part of a pre-application submission to South Gloucestershire Council.
- 4.4 Generally all were happy with the way that the Masterplan has been re-designed and included the changes necessary to facilitate the safety and security of Arena users and the general public. Due to the Government's Covid19 restrictions on travel, the above analysis has been undertaken as a desktop study, and with reference to published guidance and internet imagery such as Google Earth and Street View.
1. The submission of the appropriate plans are noted in particular the parameter plans and the Environmental Statement (ES).
  2. The changes to the Metrobus Route referenced in paragraphs 3.2.6 and 3.3.6 are welcomed by the CPDA's and the CTSA as contributing immensely to the safety and security of the Eastern Framework. This addresses concerns raised not only with the Arena planning applications but also within the pre-application process.
  3. The changes to the design of the urban square contained in paragraph 3.3.8 are welcomed by the CPDA's and the CTSA as contributing immensely to the safety and security of the Eastern Framework. This addresses concerns raised not only with the Arena planning applications but also within the pre-application process.

4. Paragraphs 5.3.2 to 5.3.12 seeks to address the applications ability to comply with EIA Regulations 2017 in relation to Major Accidents and Disasters; i.e. as to whether to scope in or scope out any further detailed submissions.

5. In Paragraphs 5.3.8 to 5.3.10 the applicant links the proposals to the conditions attached to the Arena planning application and their adherence to the security strategy set out in Appendix 5.1 and in doing so in 5.3.11 comes to the conclusion “ ... the topic is therefore scoped out of this EIA and the necessary measures/assessments have been adequately signposted above.”

6. In my opinion this argument is not totally correct as the area referred to in this application as the Masterplan Area is different to the area described as the Masterplan Area in the Arena application. The Appendix 5.1 “Arena DAS Extract Security” shows the operational zone 1 as being the External Masterplan area.

7. However the Parameter Land Use plan submitted with this application and the illustrative phasing plan submitted with application DOC21/00125 both indicate changes in the land use of not only the urban square but also surrounding Brabazon Park and extending to car parking to the East, North East and West.

8. This is why application DOC21/00067 has a section within the codes referred to as a “Public Realm Security Strategy”, see pages 234 to 239. In fact this indicates there being 7 different security zones within the Masterplan Area, extending well away from the immediate Arena area.

9. These changed land uses is why the wider area of the Masterplan application does carry a significant major accident and disaster risk contrary to the statement contained in paragraph 5.3.12. As such subsequent Design Codes and all future related planning applications on the Airfield should take into account Arena related security matters as advised to applicant during determination of the Arena planning applications.

10. Ideally there should be similar planning condition to that attached to the Arena application but instead of referencing the Arena DAS security section reference the Public Realm Security Strategy, although I am uncertain as to which application such a condition would be attached.

11. In summary the application should either

- a. Have the risks and responses to major accidents and disasters scoped in OR
- b. Scoped out as a result of information contained in the Public Realm Security Strategy not the information contained in the Arena DAS security section.

*Response: Refer to paragraph 5.6 onwards in analysis section below.*

### **Bristol City Council**

4.5 I refer to the above application and confirm that Bristol City Council has no comments to make on it.

### **Henbury & Brentry Ward Councillors**

- 4.6 We are concerned with what we see as a material weakening of the language relating to Charlton Road. In the Parameter Plan-Access the map illustrates a two way arrow across the former airfield and down Charlton Road. It was always our understanding that traffic would NOT be allowed to make this journey.
- 4.7 We believe that this is still the aim however the map and description (point 12) is not at all clear and could be open to interpretation. We would like the point 12 description changed from:
- Bus, ped and cycle connection to Charlton Road, and controlled access to Arena to
  - Bus, ped and cycle connection to Charlton Road, and controlled access to Arena from the San Andreas roundabout (and not down Charlton Road)
- 4.8 This may seem a minor change but it is important to provide clarity. We trust that this can be accommodated.

*Response: Access parameter plan has since been updated with amended annotation to clarify access arrangements.*

### **Environment Agency**

- 4.9 The Environment Agency agree to reference to the Flood Risk Assessment 211101-FRA-ADD-01 V2 dated 17 March 2021, as the proposed development is within Flood Zone 1 and the FRA demonstrates there is no increased flood risk.
- 4.10 We advise the Local Planning Authority to consult the lead Local Flood Authority who should consider the development in terms of drainage on the wider catchment with regard to surface water. We would not be adversely affected by the discharge / variations and amendments of the other conditions relating to this application.

### **Highways England**

- 4.11 No objections: HIGHWAYS ENGLAND (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN).
- 4.12 The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. This response represents our formal recommendations to the planning application (Ref: P21/02390/RVC) and has been prepared by the Planning Manager for Gloucestershire. We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 02/2013 “The Strategic Road Network and the Delivery of Sustainable Development” and the MHCLG National Planning Policy Framework (NPPF).

Statement of Reasons

- 4.13 The S73 application seeks permission to amend conditions 9, 22, 24, 32, 38 & 41 and to remove conditions 20, 42 & 43 as attached to permission PT14/3867/O (to be read in conjunction with P20/20118/NMA), at former Filton Airfield, Filton, South Gloucestershire. The amendments are being proposed to support the integration of the Arena with Brabazon and to prioritise the safe movement of residents and visitors, and comprise:
- The amendment of the Metrobus route through the site to ensure pedestrian safety particularly around the pedestrian bridge from Brabazon to the Arena, maximum Metrobus Route efficiency and enabling an additional Metrobus stop
  - The realignment of primary road infrastructure to prioritise pedestrians and cyclists
  - The enlargement of Brabazon Park
  - The repositioning of the urban centre to improve its relationship to the Arena Complex, station square and Brabazon Park and to allow for it to be fully pedestrianised and safe

#### Impact on Strategic Road Network

- 4.14 Highways England has reviewed the documents submitted in support of the proposed variation of conditions 9 (Sustainable Construction) 22 (LEMP), 24 (Sustainable Drainage) 32 (Wayfinding), 38 (Hangar 16U Survey) and 41 (List of Approved Plans). On the basis of these documents, we are satisfied that the proposed variations are unlikely to result in an unacceptable impact on the safe and efficient operation of the strategic road network, as defined by NPPF.
- 4.15 In addition to the above amendments, the S73 application proposes to remove condition 20 (Great Crested Newts) on the basis the required works have been undertaken under licence, and conditions 42 (Bird Nest Boxes Scheme) and 43 (Leasehold Registered/Arlington Land) which have already been discharged under respective applications DOC18/0100 and DOC18/0131. As such Highways England has no objection to the proposed removal of these conditions from outline permission PT14/3867/O.

#### Recommendation

- 4.16 Highways England has no objection to S73 application P21/02390/RVC

#### **Historic England**

- 4.17 On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

#### **Natural England**

##### **NO OBJECTION**

- 4.18 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites or national protected landscapes and has no objection.

## **Biodiversity Net Gain**

- 4.19 Government policy is progressing to reverse the trend of biodiversity decline, which has continued to occur despite planning policy aimed towards no residual loss in biodiversity.
- 4.20 This includes the revised NPPF which sees a strengthening of provision for net gain through development. Defra have also consulted on updating planning requirements to make it mandatory. This is following the publishing of Defra's 25 Year Environmental Plan, in which net gain through development is the first key objective.
- 4.21 Natural England therefore recommends the proposals seek to achieve biodiversity net gain, over and above residual losses which should be accounted for and addressed. With careful planning using ecological expertise, this should be achievable for this development given its scale and opportunity for blue/green estate.
- 4.22 Applicants can make use of the Defra Biodiversity Metric 2, which is a clear and methodical calculation for net gain in biodiversity for individual planning proposals. The metric has been updated to include a wider range of habitat types and incorporate wider benefits of Green Infrastructure. The final version of the metric is due to be published in December 2020.

## **Network Rail**

- 4.23 No objections. Any works on this land will need to be undertaken following engagement with Asset Protection. The applicant will need to engage with Network Rail Asset Protection [AssetProtectionWestern@networkrail.co.uk](mailto:AssetProtectionWestern@networkrail.co.uk) and will need to enter into a Basis Asset Protection Agreement to manage the potential interfaces these works have on Network Rail assets and operations.

## **Sport England**

- 4.24 I have reviewed the submitted documents and have no objections to the removals and variations of conditions requested, being approved.

## **Response from SGC Consultees**

### **The Listed Building & Conservation Officer Natural & Built**

- 4.25 Further to previous comments, the applicant has submitted a revised Heritage Parameter plan to bring it in line with the other submitted parameter plans and this is now acceptable.
- 4.26 In respect of condition 38, the revised wording to create a compliance condition, as agreed on the 10th May 2021, is also acceptable. The application recommends the existing condition 38 be amended to a compliance condition. Initial holding repairs were completed and the original condition discharged so it is now important to secure a programme of regular inspection and maintenance as required to ensure the building remains secure and water-tight pending restoration. I would suggest the following wording:

*Prior to the completion of works (under application PT18/2111/F or replacement of a similar nature) Hangar 16U shall be regularly inspected in accordance with the Hangar 16U Urgent Works Statement (1st March 2018, updated 22nd November 2018) on a*



*quarterly basis as a minimum, in order to ensure that it remains secure, weather-tight and structurally sound. Where defects or instances of vandalism are identified, appropriate repairs or mitigation measures are to be undertaken in accordance with the commitments set out within the Hangar 16U Urgent Works Statement. The building shall also be regularly inspected for evidence of rodent activity and bird access, and appropriate control measures taken, including the re-fixing of bird access prevention netting.*

### **Ecologist**

- 4.27 The expansion of Brabazon Park is welcomed. This now also has one less E/W severance link which will help improve N/S ecological connectivity and form the 'green corridor' on the Outline Masterplan between Filton Wood and the southern boundary.
- 4.28 However, the new proposals are very formal in design. The Park is dissected with multiple pathways with blocks of semi-improved grassland, amenity grassland, woodland, sports and play areas and a large lake. Such revisions to this type of stylized semi-natural habitat, as opposed to a woodland/grassland mosaic e.g. wood pasture parkland with swales within Brabazon Park have deviated from the more naturalistic semi-improved habitat setting that was depicted on the Outline Masterplan.
- 4.29 To support statements such as "Contributes positively to habitat connectivity and biodiversity" Biodiversity metric calculations would be welcome prior to RM.

### **Environmental Protection – Air Quality Officer**

- 4.30 No comments at this stage.

### **Environmental Protection – Contaminated Land Officer**

- 4.31 The following information has been reviewed.
- YTL Letter dated 25<sup>th</sup> March 2021
  - YTL – Brabazon, Design Code – Summary of Changes dated March 2021.
  - YTL – Brabazon Design code, Eastern Framework (Geographic Phases A, B, C, E, F dated February 2021.
  - YTL – Environmental Statement Non-Technical Summary dated March 2021.
  - YTL – Environmental Statement dated March 2021
- 4.32 Ground investigations have been carried out across the site in relation to the original planning application (PT14/3867/O). Condition 27 of the Outline consent relates to the potential for land contamination. This current application does not propose any amendments to Condition 27.
- 4.33 An addendum to the ground conditions chapter (Chapter 9) of the 2014 Environmental Statement and 2017 ESA is included in the March 2021 Environmental Statement. It is noted in Chapter 9 that some additional site investigations are required and that detailed remediation specifications will need to be submitted on a phase by phase basis.
- 4.34 Where the 2021 Design Code has amended or provided additional detail on the end use within a phase, the initial conclusions of the ground investigation(s) within that phase will need to be reviewed prior to commencement in that phase. For example, it is proposed to include micro-allotments with potential for urban food production; edible privacy screens; communal planting beds; local fruiting trees; and potential for

foraging along the northern boundary buffer zone. Also where water features are designed to encourage interaction by the public (eg Brabazon Park southern lake), these should be included in the contaminated land risk assessment for the relevant phase.

- 4.35 When assessing the remediation required for each phase of the development, the most sensitive end use will need to be considered. When the findings of the original ground investigations are assessed, it may be considered that additional site investigation work may be required to further assess any potential risk, or better delineate areas of contamination in relation to the proposed end use. In addition, due to the passage of time, the assessor should ensure the most up to date guidance is considered when interpreting the data.
- 4.36 The applicant has reported that these issues will be considered for each future RM application. The Environmental Protection Team recommend Condition 27 remain in place.

### **Environmental Protection – Noise**

- 4.37 Note Sustainable Construction points and the listed 4 infrastructure amendments. Note YTL covering letter and don't believe any Noise and Pollution comments necessary.
- 4.38 The April 2018 CEMP remains valid

### **Highways Development Management**

- 4.39 We understand that this planning application refers to the already consented redevelopment of Filton Airfield (ref PT14/3867/O) and that it seeks to make a number of modifications to the site's authorised layout to allow it to accommodate the approved YTL Arena. We note that the revised layout is supported by a revised Design Guide submitted under planning application ref DOC21/00067 and so have responded in detail to that document as well. Hence, these comments made here should be read in conjunction with those responses.
- 4.40 From a highways and transportation perspective, the most important of the changes sought by the applicant is the relocation the metrobus route forming the Cribbs Pathway Metrobus Extension (CPME) onto the main east-west distributor corridor running across the site. We understand that this change intended to separate crowds leaving the Arena from through traffic movements, thereby minimising the potential for delay to metrobuses. Hence, we are supportive of this change especially as we understand it will also have significant security benefits. We would, however, we acknowledge that this makes interchange between the metrobus and trains calling at North Filton station somewhat less direct and so welcome the applicant's intentions to make this as seamless as possible as described in the Design Guide. Otherwise, we have no comments about these changes.
- 4.41 Given the nature of this Section 73 application we understand that it does not materially change the quantum of development permitted under PT14/3867/O. Consequently, we have no comments about the Environmental Statement or other items also submitted here.

### **Landscape and Open Spaces**

4.42 I confirm that my previous points have now been fully addressed and I have no further landscape comments to make.

### **Lead Local Flood Authority**

4.43 We welcome the FRA v4 and confirmation that our comments dated 28<sup>th</sup> May 2021 have been acknowledged and will be dealt with at detailed design, as requested.

4.44 From our observations, the following sections of the FRA have been amended:

- **Section 5.3.2:**

It is noted that the lagoon base is now believed to be made up in part of a “solid engineered material intermixed with relatively impermeable natural ground”, rather than a concrete base. It is therefore understood that there is capacity to “marginally lower” this to achieve the attenuation capacity required.

- **Appendix B: Proposed Drainage Strategy & Appendix D: Lagoon Storage Volume Analysis:**

We note that the existing surface water drainage discharging into the lagoon is to be diverted into a NEW public water surface water sewer in North Way. SGC Highways are being consulted regarding adoption.

Important Note: The LLFA have no objection to this in principle, however prior to any works on the lagoon we will require evidence to show that Wessex Water approve the connection and have sufficient capacity within the receiving Wessex Water surface water sewer network. Detailed design drawings will need to be submitted.

### **Urban Design Officer**

4.45 I have reviewed the information and understand the limited scope of the respective applications in seeking to retro-fit the Arena proposals into the pre-existing and approved wider airfield outline planning approval. I generally welcome the amendments made and otherwise defer to my respective transport and landscape colleagues given the nature of the proposed changes.

### **Sustainability and Climate Change Officer**

4.46 The statement provides a summary of the main requirements under current policy, but I can't see any reference to emerging (draft) policies which have been published for consultation. Also, I can't find any reference in the document to climate adaptation or projected changes in local climate, or to the electrification of transport. The references to heat networks are good.

4.47 In terms of local and national policy we are in a transition from policies which are relatively light to ones that will require new development to be zero carbon or very close to this. Gas will shortly be phased out in new buildings and we need new development to be designed to cope with very marked changes in the local climate including increases in average and peak summer temperatures and changes in rainfall patterns and intensity. We are also going to require comprehensive charging infrastructure to support the transition to electric vehicles, which is also addressed in emerging policy. Given that subsequent phases of the development will straddle this transition the statement should address this and set out how YTL will respond to the issues above.

## Other Representations:

### Local Community

4.48 A total of 22 letters were received by members of the public. 20 letters expressed objection and 2 were neutral.

4.49 *Key points of objection raised:*

- Concern over loss of large green areas that are beneficial to local residents' health and used for recreation;
- Concern the development will negatively affect visual amenity going from a green area to a high density built-up residential area;
- Concern the development will negatively affect wildlife and ecology that is already under pressure in the area due to development of neighbouring land;
- Traffic is already bad around Cribbs Causeway and the development will lead to an increase in traffic pressures, parking and pollution levels which will negatively impact health and wellbeing;
- Large increase in developments in the local area resulting in substantial increase in traffic and congestion in Southmead Road, The Wings roundabout on the A38, and the MOD roundabout.
- Perception that the area is taking a disproportionate burden of new housing – much of the housing is not aimed at the housing crisis – they are 4/5 bedroom properties;
- Impact of Pandemic means that people are more reliant on green spaces for mental wellbeing;
- Resident of Medlar Close told that they are unable to have street lighting due to the area being a bat conservation zone (despite numerous break ins reported to the police in recent months) and yet this development is in very close proximity;
- In relation to Condition 20, does not understand why you would risk moving an endangered species from a site where they were happy to an unknown location.
- Residents of Passage road concerned that have not been consulted over the new layout with the council ignoring previous issues raised about the current traffic issues, making the road unsafe and creating a gridlock environment damaging health and well-being.
- Massive impact on the eco system in this area including multiple plants, animals, insects and birds along with very old hedgerows and trees.
- After watching the total destruction of hedgerows and trees in the development along the A4018, against local planning laws, feel that the council is turning a blind eye to laws to gain a profit.
- Why is yet another supermarket complex planned when they are multiple establishments within a two mile radius.
- Further developments will have a major flooding impact. The area has been a designated flood plain for 23 Years and beyond, it takes a huge amount of water. Concern over the increased risk of flooding to properties.
- If this goes ahead' it will turn Bristol city into a ghost town. Its' a really bad idea and I am very opposed to it.'

- Concerned to ensure that there will be a more direct and safe route from Charlton Road directly across the old airfield to the Mall for cyclists.
- Query whether the width of the Bus route and combined cycle path and shared pedestrian path from Charlton Road be adequate to allow separate paths for Bus, Cycle and pedestrians. Please ensure full separation for safety.

4.50 A number of the public objections received relate to the area at the bottom of Catbrain Hill and their considered impact of this application on the use of rights of way in this area. The objections include an online petition signed by 151 local residents (at the time of writing). The key points raised are summarised as follows:

- Concern regarding the development of the field at the bottom of Catbrain Hill which is used by local residents for recreational purposes, such as dog walking and as a route between Cribbs and Henbury.
- Whilst there is already a designated public footpath, the majority of people walk through the field and around the perimeter as shown by the trodden paths which is evident on google maps.
- An application has been submitted for a definitive map modification order (DMMO) to reflect the route.
- There is strong community backing against development in this field due to loss of recreational space and significant damage to the ecology and visual amenity of the area. This area has been subjected to the building of disproportional amount of residential properties and should this go ahead as planning, we will be going from a predominately green area to a high density built up residential area.

- Below is the link to the petition:

[https://www.change.org/p/south-gloucestershire-council-protect-the-right-of-way-through-the-field-by-catbrain-hill?recruiter=301294225&recruited\\_by\\_id=2cbce4b0-feb5-11e4-a072-717cb5a7d991&utm\\_source=share\\_petition&utm\\_medium=copypink&utm\\_campaign=petition\\_dashboard](https://www.change.org/p/south-gloucestershire-council-protect-the-right-of-way-through-the-field-by-catbrain-hill?recruiter=301294225&recruited_by_id=2cbce4b0-feb5-11e4-a072-717cb5a7d991&utm_source=share_petition&utm_medium=copypink&utm_campaign=petition_dashboard)

4.51 *Neutral comments received:*

- Thinks it would be “a nice area to do this”
- Question regarding what changes will be made to Fishpool Hill Road as part of providing a 'Ped and cycle connection' detailed within the Perimeter Access Plan (doc ref: FAD-FCB-000-XX-PL-A-7006)? Would any changes necessitate cycle lanes or any other road modifications? Also, can you confirm there will be no vehicular access to the new development via Fishpool Hill? Secondly, what is the anticipated timescale for the development?

4.52 In response to the above objections, it is important to note that this application does not propose any amendments to the original Outline permission for the western part of the Airfield site.

4.53 The Council’s Rights of Way maps show an existing public right of way for pedestrians that runs along the western edge of the Airfield. However, local residents have

indicated that for some time members of the public have been taking a more direct route from north to south across privately owned land to the west of the end of the former runway. The area of land in question is fenced off due to it providing ecological mitigation function, as approved as part of the original Outline. The area is being maintained for protected species including great crested newts and slow worms.

- 4.54 It is important to note that the Landscape Parameter Plan approved in 2018 shows there will be a 50m protected ecological buffer of green space at the bottom of Catbrain Hill that will run all the way alongside the Henbury Trym corridor where no built development will take place. This is unchanged by this application.
- 4.55 The approved Access Parameter Plan also shows a future pedestrian and cycle connection between the Airfield and Catbrain Hill that will be integrated within the development when it is eventually built out. This part of the Western Framework has not been subject to detailed design so there is opportunity at the Reserved Matters stage for local desire lines to be taken in account in laying out the Masterplan.
- 4.56 Given that this application is not proposing any changes to the Western Framework and there is already an Outline consent is already in place, no significant weight has been afforded to these comments in the determination of this application.

## **5. ANALYSIS OF PROPOSAL**

### **Principle of Development**

#### **Primary and Secondary Legislation**

- 5.1 In establishing the principle of development, the starting point in primary legislation is Section 38 (6) of the 2004 Act which requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reinforced in paragraph 47 of the revised National Planning Policy Framework 2019 (NPPF). Therefore, this application has first to be considered in the context of the adopted development plan.
- 5.2 As this application is submitted under Section 73 (S73) of the Town and Country Planning Act 1990 the applicants have the right to apply to vary or remove specific conditions associated with a planning permission and to seek minor material amendments, where there is a relevant condition that can be varied. There is no statutory definition of what constitutes a 'minor material amendment'. Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made. Section 73 cannot be used to change the description of the development.

#### **The Development Plan**

- 5.3 The development plan includes the South Gloucestershire Local Plan Core Strategy 2006-2027 (CS) adopted in December 2013, the Policies, Sites and Places Development Plan Document (PSP) adopted in November 2017 and the Joint Waste Core Strategy. A Phase 1 Issues and Approaches consultation report for the new

South Gloucestershire Local Plan 2020 was published in November 2020-March 2021.

- 5.4 The site's location falls within the area defined in the Core Strategy as the North Fringe of the Bristol Urban Area. The priorities for this area are set out under Policy CS25. The application site constitutes a large area of land within the former Filton Airfield strategic site which is allocated for mixed-use regeneration as part of the Cribbs/Patchway New Neighbourhood under Policy CS26 of the South Gloucestershire Local Plan Core Strategy (adopted 2013). Supplementary to Policy CS26, the provisions of the Cribbs/Patchway New Neighbourhood Development Framework SPD apply to the site (adopted 2014).
- 5.5 In accordance with the allocation under Core Strategy Policy CS26, an Outline application was approved for development of the Airfield site in 2018 (PT14/3867/O). As listed in the Planning History section above, a number of related planning applications aimed at bringing forward the development have also been approved. The principle of development on this site has already been firmly established and the first phase of housing development is almost complete on the ground.
- 5.6 This application does not propose any changes to the original description of development, the land use mix or overall scale and quantum of development. The overall principle of the development does not need to be further discussed within this report.
- 5.7 The analysis below will focus on the acceptability of the proposed amendments to the approved plans and the proposed changes to the wording of certain conditions.

### **Relationship with Bristol Arena**

- 5.8 It is recognised that the principal reason for seeking to make these changes now is to better integrate the Arena development with the Brabazon Masterplan. The principle of the Arena coming forward in parallel with the Brabazon Masterplan was thoroughly assessed and scrutinised by both BCC and SGC through the process of determining the Arena applications. As such this report does not need to address this principle further.
- 5.9 The Arena applications were approved subject to a package of planning conditions and S106 obligations. These obligations require YTL to deliver enabling infrastructure within a certain time period in order for the Arena to become operational. The intended timeframe is for the Arena to open by the end of 2023/early 2024. Although it was assessed that the Arena infrastructure could come forward within the parameters of the original Outline permission, it was also recognised that there are amendments that can be made to the Brabazon Masterplan that would respond better to the presence of the Arena, both aesthetically and operationally.
- 5.10 Following legal advice, as part of the committee resolution for the Arena applications, the applicants were invited to bring forward a Non-Material Amendment (NMA) application to the original Outline which has since been approved. The NMA granted some minor amendments to the wording of conditions to allow some flexibility to approve details considered necessary to accommodate the Arena proposals. As such it is considered that the principle of seeking to adjust the Brabazon Masterplan to accommodate the Arena, in order to prevent adverse effects and to improve design

quality, has already been established. Not all of the changes now proposed are strictly necessary to accommodate the Arena, however the applicant can apply for amendments in any event as long as the original description of development remains unaffected.

- 5.11 For completeness, it is recommended that the amended worded approved under the NMA is now reflected within the wording of the new decision notice attached to this Section 73 permission.

### **Amendments to List of Approved Plans (Condition 41)**

- 5.12 The changes sought by this S73 application have the effect of amending mainly the Movement and Access Parameter Plan and the Landscape Parameter Plan. The other Parameter Plans (Heritage, Land Use, Density and Heights) have only been updated to reflect the changes to the layout as opposed to changing the principle of any of the parameters themselves. The Design Code and Phasing Plan conditions applications, under consideration, have also provided an additional level of detail to demonstrate that the amendments are deliverable and meet the requirements of the various Arena S106 obligations. It should be noted that these applications are not to be determined until such time as a new decision notice is issued following the determination of this Section 73 application.
- 5.13 It is important to note that the Parameter Plans approved at the Outline stage are intentionally high level to enable flexibility at the Reserved Matters stage when the detailed design and layout is assessed. As such there will be further rounds of consultation and determination when each of the Reserved Matters applications are submitted. Each of the elements of the proposed amended layout are assessed below in turn:

### ***Use of the North-South Link***

- 5.14 The Access parameter plan has been updated to reflect the usage of the North-South Link agreed as part of the determination of the Arena. Some concerns have been raised by consultees over whether this application could have the effect of relaxing the restrictions on general traffic from using Charlton Road to enter the site, and thereby risking rat running through. It is important to note that Officers are live to this issue and this is not considered to be the case.
- 5.15 Since submission, the Access parameter plan has been further amended to provide additional clarity around this. As per the original Outline, general traffic will not be able to travel northwards from Charlton Road into the site and beyond and similarly general traffic will not be able to travel southwards via the North-South link to exit the site. It was agreed through the determination of the Arena applications that only vehicles specifically authorised by S106 agreement would be able to come off the San Andreas Roundabout and travel southwards along the North-South link to enter the Arena car parks. These authorised vehicles are defined in the S106 as:

*“Permitted Arena Traffic” means heavy goods vehicles with a UK maximum gross weight of more than 7.5 tonnes associated with servicing the development authorised by the Arena Planning Permission and event-specific traffic, emergency vehicles and VIP transport identified pursuant to Condition 34 of the Arena Planning Permission.*



- 5.16 Non-authorised vehicles (i.e general visitor traffic) would only be able to enter the site via the other access points to the north (A38 junction, Blenheim and Brabazon roundabouts) and use the North-South link to drive to the Arena access drive on the West Way. However, these vehicles would not be able to exit via Charlton Road.
- 5.17 Furthermore, there is a pre-commencement condition placed on the Arena West Way permission (Condition 14 on application ref. P19/16740/F) that requires a report to be submitted for approval by the Highway Authority detailing the management procedures to ensure that access to the San Andreas roundabout or Charlton Road are limited to public transport and authorised vehicles only. As such Officers are satisfied this application will not have the effect of relaxing these controls.

### **Enlargement of Brabazon Park**

- 5.18 The increased size of Brabazon Park is generally welcomed by Officers. The park is proposed to be wider with a greater number of footpaths running through it which will be beneficial in terms of quicker crowd dispersal for those entering and exiting the Arena. Brabazon Park now includes a proposed large lake which could provide some additional amenity and leisure function as well as creating an attractive feature for residents and visitors to enjoy. There are also additional active uses, such as additional youth play areas as well as a greater number of footpaths and cycle routes throughout the area.
- 5.19 SGC's Conservation Officer has welcomed the widening of Brabazon Park and enlargement of Aerospace Park as this will provide the opportunity for enhancements to the setting of, and connectivity between, key heritage assets on the heritage trail. The Heritage Parameter Plan has been updated to reflect the proposed amendments to the site layout. There are no adverse implications in respect of designated heritage assets resulting from the proposals and no objections are raised in this regard.
- 5.20 The overall minimum quantum of POS required to be delivered across the site remains fixed by the SSA obligations. The linear runway park, which included smaller pocket parks within it has now largely been replaced by this larger central north-south feature.
- 5.21 The principle of the amended park layout remains in accordance with the CPNN SPD which indicated a strategic green infrastructure feature in this location, partly to provide an ecological corridor between Hayes (Filton) Wood and the railway line. There is some concern that the park has now shifted from the main focus of it providing an ecological corridor comprising semi-natural habitat to support a range of species to more of a formalised destination park, with more active uses, attracting a greater number of people.
- 5.22 The amended park layout does continue to respect the 30m planted woodland buffer from development which surrounds the Filton (Hayes) Wood SNCI which is designated for its semi-natural ancient woodland interest and known to support badger habitat.
- 5.23 Policy CS9 Managing the Environment and Heritage states that new development will be expected to *conserve and enhance the natural environment, avoiding or minimising*

*impacts on biodiversity and geodiversity.* As highlighted by the Ecologist and Landscape Officers in their comments, it will be essential that at the reserved matters stage considerable regard is given to the detail of planting plans, layout and features to ensure the park can provide an ecological corridor function. The applicants have been advised that use of the biodiversity metric as part of future reserved matters applications would be welcomed.

### **Changes to the Metrobus Route**

- 5.24 The applicant has worked closely with the Highway Authority and the Metrobus team in agreeing the details of amending the Metrobus route through the site. Highway Officers have expressed that they welcome the change to the bus routing which will separate crowds leaving the Arena from through traffic movements, thereby minimising safety risks and delays to buses. There is also now an additional stop proposed within the site.
- 5.25 The route takes the MetroBus closer to the centre of the development where much of the densest development will be, ensuring the average distance to the public transport from any plot is significantly reduced.

### **Realignment of Primary Road and Pedestrian Infrastructure**

- 5.26 The proposed realignment of the primary roads are considered acceptable in principle and no objections have been raised by highway Officers in this regard. The detailed design of the roads will be thoroughly assessed as part of a future infrastructure Reserved Matters application and the S278 adoption process that will follow.
- 5.27 The increased focus on pedestrian and cycle infrastructure, partly in response to the anticipated greater use of these access routes by Arena visitors, is welcomed. The pedestrian promenades have been widened and their role strengthened within the Masterplan, promoting active lifestyles and enabling crowds to disperse quickly in a range of directions from the Arena.
- 5.28 There are no changes proposed to the main points of access in and out of the site onto the wider local and strategic highway network and no changes proposed to the overall volume of traffic anticipated. There have been no objections raised in this regard and the change is considered acceptable.

### **Arena Transport Strategy**

- 5.29 The proposed amendments to the layout have responded to matters raised by Officers during the determination of the Arena applications in relation to the transport strategy. It is important to note that the majority of the detail of the future Arena Transport Strategy will be the subject of a series of future planning applications including the locations and design of the permanent transport hubs. The railway station and its parking area will be delivered by Network Rail under a separate planning application. The details of the park & ride, shuttle bus, taxi and drop-off points will all be included within future planning applications.
- 5.30 The Transport and Access chapter of the 2014 ES and 2017 ES Addendum previously assessed the likely significant effects arising from the proposal in terms of traffic as

well as public transport, pedestrian and cycling related matters. The 2014 ES considered the parameters of the development rather than assessing a detailed masterplan and as such it was considered to represent a likely worst case scenario of the impacts of development of the airfield. The quantum of development proposed remains as per the 2014 description of development and therefore much of the original assessment remains valid.

- 5.31 Required mitigation works on the local and strategic highway network were agreed to be delivered via the CPNN Transport package associated with the original Outline permission. This included a tariff (£5,700 per dwelling) secured via the S106 Framework Agreement. A range of other transport obligations were secured such as safeguarding land for a new railway station, providing a cycle trunk route through the site, facilitating bus routes through the site, delivering on Travel Plan commitments. The package of transport-related mitigations and contributions agreed under the original Outline are unaffected by this Section 73 application.
- 5.32 The highways modelling (2031 scenario) that was undertaken as part of the 2017 update to the ES already took in to account the predicted impacts of traffic arising from the combination of the CPNN developments. However, it is also important to take account of predicted levels of traffic associated with the Arena in combination with the Brabazon development. The Arena application was accompanied by a Transport Assessment which compared the future baseline traffic flows (2022 and 2036) with the future development traffic flows (2022 and 2036) for each scenario, based on the Greater Bristol Area Transport Study (GBATS) model outputs. The Arena future transport strategy (2036) relies on the majority of visitors arriving by non-car transport modes, including via park & ride, Metrobus and the North Filton Rail Station. The applicant has committed to a specific set of modal share targets as part of the obligations for delivering the Arena.
- 5.33 Highways England, alongside SGC and BCC thoroughly scrutinised the effects of the Transport Assessment accompanying the Arena application in combination with the Brabazon development. A package of financial contributions to on-site and off-site highways works as well as a range of transport management obligations was agreed. These included contributions towards feasibility studies and improvements to Junction 16 and 17 of the M5. Refer to the S106 attached to the Arena permission for full details.
- 5.34 In summary, whilst it is acknowledged that the combination of the Arena operation together with the Brabazon development will give rise to additional impacts, this matter has been thoroughly assessed and mitigated by way of the Arena applications. There have been no fundamental highways objections raised and as such the principle of amending the layout to better facilitate the future Arena Transport Strategy is considered good planning and acceptable.

### **Repositioning of Urban Centre**

- 5.35 The repositioning of the 'Urban Centre' has the benefit of enabling this space to become fully pedestrianised and also improves its relationship with the Arena, providing a further safe space for visitors to disburse through. This change has been particularly welcomed by the police on safety grounds. The detailed design of the urban centre will be thoroughly assessed through the Reserved Matters application

that covers this phase. There are no objections from Officers in relation to the amendments to the Urban Centre.

### **Building Heights and Density**

- 5.36 The building heights and density parameter plans have been revised to accommodate the amended site layout for the Eastern Framework however the broad approach to heights and density remains unchanged from the original Outline.

### **Amendments to Flood Risk Assessment (Condition 24)**

- 5.37 The site remains in Flood Zone 1 and as such is at low risk of flooding. The updated Flood Risk Assessment has been scrutinised by the LLFA who have agreed with the conclusions that the conclusions of the strategy remain as per the original FRA.
- 5.38 The FRA Addendum concludes that the alterations to the plans will not affect the impact of the development on flood risk to the site or surrounding area. No additional risks of flooding to the development have been identified since the original FRA and the principles of surface water management established in the original FRA are still applicable to the revised masterplan. The offsite discharge rate will remain the same as previously approved as the development catchment boundary has not changed. The LLFA have highlighted some points to note within their consultation response that will be dealt with at the detailed design stage.
- 5.39 The suggested amendment to the wording of Condition 24 has been agreed with the LLFA and the EA and is considered acceptable.

### **Proposed Amendments to Wording of other Conditions**

- 5.40 In relation to the changes to the wording of certain other Outline conditions, Officer's views on these are as follows:

#### **Condition 9 – Sustainable Construction**

- 5.41 It is acknowledged that predominantly the matters covered by Energy Statements relate to the development of new buildings and homes and it would be onerous for applications only relating to infrastructure to submit a full Energy Statement. However, the Sustainability Officers' need to ensure that work underway on delivering the Heat Network for the site is taken into account within all reserved matter applications. For example this may have a bearing on the way that utilities infrastructure is provided. As such the following wording for amended Condition 9 is recommended:
- Except for reserved matters applications for the first site access road infrastructure within a phase. Applications for approval of reserved matters within each geographical phase that include buildings identified in the approved Phasing Plan submitted pursuant to condition 4 above shall not be approved until an Energy Statement for the phase in question has been submitted to and approved by the Local Planning Authority. The Energy Statement shall be updated for each phase and shall also include, for the airfield site as a whole, the emerging CPNN District Heating Feasibility Study. It shall also commit to requiring developers to build to Building Regulations and local planning policy compliant renewable energy measures current at the time of the commencement of construction of that phase. The Energy Statement as well as all reserved matters applications shall comply with the requirements of the Utilities and Renewable Energy chapter within the adopted Cribbs/Patchway New Neighbourhood*

*Development Framework SPD and be in accordance with Policy CS4 of the South Gloucestershire Local Plan – Core Strategy and the prevailing development plans policy at the time. Applications for approval of reserved matters shall be in accordance with the relevant approved Energy Statement, and the development of each phase shall be implemented in all respects in accordance with the relevant approved Energy Statement. All reserved matters applications (including applications without buildings) shall take account of the emerging CPNN District Heating Feasibility Study.*

#### **Condition 20 – Great Crested Newts**

- 5.42 The Council's Ecologist has been consulted on this proposed change and the removal of Condition 20 is not accepted. There will be ongoing updates to ecological surveys over time and this condition stands as a standard compliance condition in recognition of the potential for newts to be present within this locality.

#### **Condition 22 - LEMP**

- 5.43 Following consultation with the Landscape Officer, the principle of the proposed amendment to Condition 22 is accepted given that the original LEMP condition has been fully discharged. The following wording is proposed for the new compliance condition:

*All development shall accord with the Landscape Ecological Management Plan (LEMP) (FAD-GRA-000-XX-RP-L-9005) Rev 08 (March 2019). Where required, Reserved Matters applications shall include the submission of an addendum to the approved LEMP confirming the management regime for any additional open space typologies not currently covered by the LEMP to be approved in writing by the Local Planning Authority. Thereafter, the LEMP and any approved addendum shall be adhered to in full.*

#### **Condition 24 – Sustainable Drainage**

- 5.44 Following consultation with the Environment Agency and the LLFA, the amended wording is considered acceptable reflecting the latest version of the Flood Risk Strategy.

#### **Condition 32 - Wayfinding**

- 5.45 Following consultation with Officers and based on the experience of discharging this condition for the first phase, the wording of the condition is proposed to be improved as follows:

- 5.46 *Prior to first occupation of each geographic phase, a Way-finding strategy to include full signage proposals shall be submitted to and agreed with the Local Planning Authority. The way finding strategy shall consider the following: reserved matters development parcel, full details of signage and way-finding, including an implementation programme, shall be submitted for approval in writing by the Local Planning Authority. The way-finding details shall include where relevant the following:*

- *HGV routing*
  - *Access to the Concorde Museum*
  - *Access to Employment Areas*
  - *Access to development Parcels with confirmation of residential area and street names*
  - *Directional signing to Metrobus Stops*
  - *Cycle Trunk Route signage*

- Cycle Route signage
- Pedestrian and recreational route signage
- Strategic routing signage to:
  - ♣ Bristol City Centre
  - ♣ Motorway Junctions

The Way-Finding and signage shall be implemented in accordance with the approved details and the implementation programme and thereafter retained.

### **Condition 38 – Hangar 16U Survey**

- 5.47 Following consultation with the Conservation Officer, it is recommended that Condition 38 be amended from a pre-commencement condition to the following compliance condition, in order to ensure the maintenance and condition of this Listed Building until it is redeveloped into its final use:

*Prior to the completion of works (under application PT18/2111/F or replacement of a similar nature) Hangar 16U shall be regularly inspected in accordance with the Hangar 16U Urgent Works Statement (1st March 2018, updated 22nd November 2018) on a quarterly basis as a minimum, in order to ensure that it remains secure, weather-tight and structurally sound. Where defects or instances of vandalism are identified, appropriate repairs or mitigation measures are to be undertaken in accordance with the commitments set out within the Hangar 16U Urgent Works Statement. The building shall also be regularly inspected for evidence of rodent activity and bird access, and appropriate control measures taken, including the re-fixing of bird access prevention netting.*

### **Condition 42 – Bird Nest Boxes Scheme**

- 5.48 Following consultation with the ecologist it is accepted this condition can now be removed given that the condition was discharged in full via application DOC18/0131.

### **Condition 43 – Leasehold Agreement/Arlington Land**

- 5.49 It is accepted this condition can now be removed given that the condition has already been discharged was discharged in full via application DOC18/0131.

### **Other Planning Considerations**

#### **Sustainability and Climate Change**

- 5.50 The Council declared a climate emergency in 2019 and as such it is important that large strategic sites delivering housing over the next period are required to align with the Council's objectives for addressing the impacts of future climate change. The EIA regulations were amended in 2017 to require that impacts related to climate change are given due consideration within environmental impact assessments. The previous ES for the site was prepared prior to this change however the matter was dealt with through the usual planning process resulting in a condition (9) being placed on the Outline consent. This condition requires an Energy Statement to be submitted and approved with Reserved Matters application that commits the developers to build to whatever the Building Regulations and local planning policy is at that time. The condition therefore builds in the flexibility to accommodate stricter measures in terms

of emissions reductions as these emerge over the next period. The condition also requires account to be taken of the district heating network feasibility work that is underway.

- 5.51 The ES prepared for the Arena application included an energy assessment for that development resulting in a number of conditions and obligations being placed on the development. These included the applicants being required to deliver a culvert under the railway line to transport waste heat from the Arena complex to the airfield site.
- 5.52 There are already conditions placed on the Outline consent which will remain in place which are considered to provide a robust framework to enable each of the future reserved matters application to be considered in the context of sustainability policies at the time of submission.

### **Delivery of Community Infrastructure**

- 5.53 The items of community infrastructure that will be delivered via the development remain the same as under the existing Outline and there are no changes to these proposed through this application. The SSA S106 obligations remain in place that establish timing triggers and delivery parameters for schools, early years, community centre, health care and sports facilities.
- 5.54 The triggers for the delivery on infrastructure are based on the numbers of dwellings completed across the CPNN area. Given delays in some of the other strategic sites coming forward, there is some concern that the multi-purpose community centre facility will not need to be delivered until late on in the development (by the 2500<sup>th</sup> CPNN dwelling), estimated at 2027-2029. Given the integration with the operation of the Arena, the Community Infrastructure Officer considers there is now an even greater need for some form of community facility early on in the development to provide a space for residents' groups, host stakeholder liaison meetings and so forth. Discussions have taken place with the applicant as to whether some form of temporary community space provision could be accommodated in the short term and this is currently being explored.

### **Landscape and Visual Effects**

- 5.55 The landscape officer is satisfied with the proposed changes. In relation to visual effects, it is considered that the larger park leading up to the Arena entrance area with additional provision for pedestrians and cyclists should overall enhance the aesthetic of this part of the masterplan. The scale of the parameter plans in terms of overall quantum of development and heights remains unaffected.

### **Safety and Security Matters**

- 5.56 Core Strategy Policy CS1 'High Quality Design' states that development proposals are required to take account of personal safety, security and crime prevention. As the main entry, exit and parking area for visitors to the Arena it is critical that the Brabazon Masterplan is fit for purpose in terms of safety and security both in Event and Non-Event modes including during an evacuation incident.
- 5.57 YTL's Security Consultants have held ongoing consultation meetings with Avon and Somerset Police Crime Prevention Through Design Officer and the local Counter

Terrorism Security Adviser (CTSA) in designing the Arena and its supporting infrastructure. YTL's Security Consultants prepared the Security Section within the Design and Access Statement (that accompanied the Arena application) which detailed the range of internal and external Security measures that will be designed in as part of the Security Management System.

- 5.58 YTL provided a high-level 'Masterplan Security Report' which confirmed their commitment to preparing an 'Integrated Security Strategy' to cover the Arena as well as the wider Airfield site which has been secured via S106 legal agreement. The S106 also requires an Arena Steering Group to be formed with security and safety to be a key matter for ongoing monitoring.
- 5.59 External Crowd Modelling was undertaken as part of the Arena application which highlighted that the pedestrian bridge, its landing area, the 'Station Square' and the footway widths along the adjacent highway ('Arena Way') leading to the Station are all key factors in enabling quick and safe egress. The outcomes of these assessments as well as feedback from the police and Counter Terrorism advisors informed some of the amendments to the layout now included within the application.
- 5.60 The consultee response to this application from the Avon and Somerset Police confirms that from a crime and safety perspective generally they welcome the way the Masterplan has been re-designed. In particular, they welcome the change to the Metrobus route and the changes to the Urban Square.
- 5.61 The police disagreed with some of the wording that was used within the ES in relation risk of major accidents and disasters. They have reiterated that the security matters previously considered as part of the Arena applications only related to a limited geographical area, covered by those applications. They want to ensure that security matters, related to the Arena-operation, are fully taken account of within all of the forthcoming applications on the Airfield site in proximity to the Arena. Officers share this objective and conditions have already been placed on the Arena-related permissions, including the temporary car park permission, to require Reserved Matters applications to be prepared in accordance with the principles set out within the Security section of the Design and Access Statement (P2, February 2020). In response to the comments raised, for completeness it is now recommended that an additional point is added to Condition 7 (compliance requirements for Reserved Matters applications) to require future applications to accord with the principles set out within the Security section of the Arena Design and Access Statement.
- 5.62 The Design Code application which is in the process of being determined, has now included a section on 'Public Realm Security Strategy' demonstrating that the applicants are fully considering this matter from the outset within the design principles for each phase.
- 5.63 In summary it is considered that the changes proposed are welcomed in terms of improving security and safety and that sufficient safeguards are in place via planning conditions and S106 obligations to ensure this matter remains a key consideration. The Police and the CTSA will continue to be consulted on all future planning applications.

## **Contaminated Land and Pollution**



- 5.64 SGC Policy PSP21 (Environmental Pollution and Impacts) states that *proposals for development on land, which may be affected by contamination, will be acceptable where adequate remedial measures are taken.*
- 5.65 These Section 73 proposals are not considered to give rise to any new effects related to environmental pollution that have not already been account of within the original Outline conditions and the conditions placed on the Arena applications. Control measures already in place include:
- Condition 28 on the Outline requires a phase specific Construction Environmental Management Plan to be submitted and approved;
  - Condition 24 and 26 require details of the surface water drainage strategy and foul water drainage strategy to be submitted and approved with each reserved matters application;
  - Condition 27 requires ground investigations, proposals for remediation and verification reports to be submitted in relation to land contamination to be submitted for each phase.
- 5.66 The Contaminated land Officer has noted that some of the amendments to the layout will give rise to the need for additional site investigations and when assessing the remediation required for each phase, the most sensitive end use will need to be considered. Any additional assessments required will take place via Condition 27 as part of the future Reserved Matters applications.

## **Air Quality**

- 5.67 In relation to air quality, SGC Policy PSP21 – Environmental Pollution and Impacts states that *“development that, on its own or cumulatively, has the potential for significant emissions to the detriment of air quality, particularly in or adjacent to air quality management areas, will be acceptable where potential adverse effects are mitigated to an acceptable level, by an appropriate scheme of mitigation.”*
- 5.68 The site itself is not located within an Air Quality Management Area (AQMA). The 2021 ES concludes that changes to the layout would not give rise to any significant new effects in relation to air quality. The existing Condition 28 requires phase specific Construction Environmental Management Plans to be prepared to manage impacts during the construction phases.
- 5.69 An Air Quality assessment of the Arena proposals, in combination with the Brabazon Masterplan was undertaken as part of the Arena ES which identified that the effects would not be significant subject to a range of appropriate mitigation measures being secured. For the construction phase, measures identified within Arena ES Chapter 10 (paragraph 7.4.1) will be incorporated into a Dust Management Plan that will form part of the Arena Construction Environmental Management Plan (CEMP).
- 5.70 In terms of operational impacts, the technical assessment considered the potential impacts of emissions from the additional traffic generated by the proposed Arena development. It concluded that the impacts on NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations in relation to the South Gloucestershire worse-case existing and new (Brabazon)

receptors were predicted to be negligible, with concentrations remaining below the relevant objectives. Overall, the operational air quality impacts in South Gloucestershire were judged to be not significant and the Council's air quality specialist agreed that the assessment conclusions were appropriate in this respect. Measures to promote electric vehicle charging points have been secured under condition in order to further reduce air quality impacts. The measures to limit the Arena's start and finish times to avoid peak traffic periods will also serve to avoid further compounding air pollution impacts during the busiest periods.

## **Residential Amenity**

- 5.71 Local Plan Policy PSP8 - *Residential Amenity* – states that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on residential amenity of occupiers of the development or of nearby properties.
- 5.72 The changes proposed through this Section 73 application are generally considered to improve amenity for future and existing residents given the increased amount of public open space with additional active uses, increased footpaths and cycle routes. Concern has been raised by Officers in relation to the proximity of some of the new active uses within Brabazon Park and their potential proximity to the residential areas of the development. Suitable minimum buffer distances will need to be respected, appropriate to the uses to avoid nuisance effects. These buffers will be secured by the Design Code application and at Reserved Matters stage.
- 5.73 It is also acknowledged that the presence of the Arena, with the increased use of Brabazon Park by visitors has the potential to give rise nuisance effects. This matter was assessed through the determination of the Arena applications. Noise mitigation conditions have been attached to the main Arena permission requiring appropriate sound insulation to be built into the design which will be monitored both prior and post first operation to prevent noise impacts on existing and future local residents.
- 5.74 An Event Management Plan is required by the Arena S106 agreement which will be regularly reviewed by an Arena Steering Group which will ensure matters such as waste collection and stewarding of pedestrians after events are appropriately managed. During the construction phase of the Arena bridge, potential impacts arising are to be dealt with via a Construction Management Plan as well as a Construction Environmental Management Plan to be secured via condition.

## **6. PLANNING OBLIGATIONS AND DELIVERY OF STRATEGIC INFRASTRUCTURE**

- 6.1 As set out above, there are no changes proposed to the overall package of obligations to be delivered via the Site Specific S106 Agreement (SSA) or the CPNN Framework Agreement arising from this Section 73 application.
- 6.2 A Deed of Variation has been submitted by the applicants requesting a set of specific changes to the wording of the original SSA to ensure consistency between the SSA and the revised parameter plans and in particular to amend certain references to the Metrobus route. These requests for changes to the original S106 SSA are being scrutinised by highways officers, the Metrobus team and the Council's legal advisors.

It is recommended that the determination of this application is subject to the resolution of this deed.

6.3 The full details of the proposed amendments to the wording requested are within Section 10 of this report and can be summarised as follows:

1. **Roundabouts** - Amendment to clarify that no development on any part of the Site shall be occupied until either the Blenheim Roundabout Works or the Brabazon Roundabout Works have been completed and dedicated as highway, whereas originally both the roundabouts needed to be completed prior to occupation (paragraph 1.5).
2. **Railway Station Site Reservation** - Amendment to include a new trigger for the reservation of the Railway Station Site for the construction of and use as a railway station to not less than 6 months before [X date] (date to be agreed) or such earlier date; (paragraph 2.1(a))
3. **Railway Station Site Boundaries** - Update to the trigger date for the Council's written agreement to the precise boundaries of the Railway Station Site to not less than 6 months before [X date] (new date to be agreed) or such earlier date. Previously the trigger date stated was 1 May 2020 which has now passed (paragraph 2.2(a)).
4. **Railway Station Site Freehold Transfer** – Update to the trigger date for the delivery of the freehold transfer of the Railway Station Site before [X date] (new date to be agreed) or such earlier date. Previously the trigger date stated was 1 May 2020 which has now passed (paragraph 2.2(e)).
5. **Railway Station Access Road** – Amendment to specify that rights of access shall be provided along the Railway Station Access Road or along any temporary route through the Site constructed in accordance with the agreement (paragraph 2.5(a))
6. **Metrobus temporary route** - Amendment to add a new subsection (c) as an alternative to (b) to provide a new temporary route through the Site for the purposes of accommodating the Metrobus route (paragraph 2.6 (b))
7. **Metrobus Use of A38 Junction** - The following changes are required as a consequence of the Metrobus utilising the A38 Junction rather than Combination Junction as its principal access from the A38:
  - Amendment to the sub-heading 3 to 'Combination Junction Works and A38 Junction Works';
  - Amendment to the trigger relating to the Combination Junction works in paragraph 3.1 to prior to Occupation of the 2,176th Residential Unit rather than 400<sup>th</sup> unit as it was previously;
  - Adding a new paragraph 3.3 to state that "should the Council confirm in writing to YTL that the Combination Junction is no longer required for Metrobus

purposes, YTL can utilise the junction for alternative uses subject to the appropriate consents being obtained.”

- Insertion of new paragraph 3.4 to state that the Owner shall use reasonable endeavours prior to the Occupation of the 400th Residential Unit or within two years of the Council informing the Owner in writing that it has commenced the construction of the Metrobus Extension (whichever is the later) to:
  - (a) enter into a Highways Agreement to procure the dedication and adoption of the A38 Junction Works; and
  - (b) complete the A38 Junction Works and procure their dedication pursuant to the Highways Agreement and following the date on which this paragraph fails to be complied with there shall be no Occupation of any further Residential Units until the A38 Junction Works have been completed and dedicated.
  
- Insertion of new paragraph that the Owner shall be entitled to use the A38 Junction as a construction access in connection with the Development from the date of completion of this Deed. (paragraphs 3.5)
  
- Amending paragraph 4.3 to state that for the avoidance of doubt the Owner shall be entitled to use the Temporary Metrobus Extension Route for construction traffic in connection with the Development from the A38 Junction (rather than Combination Junction) and any temporary wearing course forming part of the approved temporary Metrobus Extension Route Scheme may be extended during this time.
  
- Deletion of paragraphs 4.4 to 4.7 that reference the ‘Extension of Temporary Metrobus Extension to Railway Station Site’. Since the Metrobus will no longer utilise the Combination Junction, there is no longer scope to deliver a temporary (or permanent) Metrobus route that runs past the railway station.
  
- The definition for Permanent Metrobus Extension to be amended to reference the route as being from the San Andreas Roundabout to A38 Junction and remove reference to running past the Railway Station.

## **7. PLANNING BALANCE AND CONCLUSION**

- 7.1 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. The provisions of Section 73 of the Town and Country Planning Act 1990 also enable a planning authority to determine applications to develop land without compliance with conditions previously attached. In doing so, they shall consider only the question of the condition subject to which planning permission should be granted. In assessing the application they can grant permission subject to conditions differing from those subject to which the original permission was granted or unconditionally. In other words, the accompanying S73 application will result in the issue of a new decision notice for the original planning permission (without any change to the original agreed timeframes) and can include the provision of alternative conditions.

- 7.2 In assessing this application, regard has also been had to the Environmental Impact Assessment Regulations (2017).
- 7.3 As set out above this Section 73 application seeks alterations to the layout of certain land uses within the site and does not affect the overall scale and mix of development originally approved. The principle of the proposal remains in accordance with Policy CS26 and the other relevant policies of the Development Plan.
- 7.4 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the development plan set out above, and to all of the relevant material considerations set out in this report. The comments raised by consultees have all been given due regard and discussed within this report. The objections raised by members of the public have been duly noted and considered. Matters raised that relate to the overall principle of the original Outline permission on this site or matters that are not affected by this application cannot be afforded any significant weight in this determination process.
- 7.5 The successful delivery of the Bristol Arena provides a significant physical, economic and social regeneration opportunity for this location. The integration of the Arena with the Brabazon Masterplan in a way that balances design quality and visitor experience with security and operational considerations whilst taking account of all of the other planning considerations set out above is supported. This matter has been afforded significant weight in the planning balance. The advice provided on security matters in relation to the integration of the Arena operations with the wider masterplan has been afforded significant weight.
- 7.6 The amendments to the other conditions sought are largely considered a 'tidying up' of the original permission reflecting that many of the conditions have now been discharged and therefore no longer meet the planning test of being 'necessary' to be attached to the permission. The proposed amended wording of the new set conditions are set out at Section 9 below.
- 7.7 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.
- 7.8 "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."

## **8. RECOMMENDATION**

- 8.1 That authority be delegated to the Director of Environment and Community Services to grant permission, subject to:
- (a) The conditions set out below.
  - (b) The completion of deed of variation P21/00003/MOD pursuant to s106A of the Town and Country Planning Act 1990 (as amended) to secure the amendments to the site specific s106 agreement for the Airfield Outline

## CONDITIONS

1. Details of the layout, scale and appearance of the buildings to be erected, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before development on land to which the reserved matters relate commences. Development thereafter shall be carried out in accordance with the approved details.

Reason:

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 15 years from 1st March 2018.

Reason:

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

3. The development hereby permitted shall be begun either before the expiration of 3 years from 1st March 2018, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

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

4. Prior to the submission of the first reserved matters application in a particular geographical phase, a Phasing Plan comprising all of the elements listed in (i) and (ii) below, shall be submitted to and approved in writing by the Local Planning Authority:

(i) For the geographical phase in question:

- The subdivision of the geographical phase into parcels to provide the basis for reserved matters applications;
- Location, extent and timing of infrastructure and facilities;
- Location, extent, timing and type of POS and structural landscaping;
- Location, extent, timing and type of SUDS;
- A schedule identifying the number of residential dwellings proposed for each reserved matters area within the geographical phase.

(ii) A schedule identifying the percentage of, and mix between social rented and intermediate affordable dwellings and number of wheelchair units to be provided in each reserved matters area.

For the remainder of the site as a whole:

- Geographical phases that will form the basis of each later Phasing Plan;
- Indicative location and timing of infrastructure and facilities;
- Indicative location and timing of POS, which shall comply with the overall amounts set out in the Site Specific Section 106 Agreement entered into in connection with and

on the same date as this permission (hereinafter referred to as the "S106 Agreement");

- Indicative location, extent and timing of SUDs;
- A schedule identifying the number of residential dwellings proposed in each geographical phase within the site
- A schedule identifying the indicative percentage of affordable dwellings to be provided in each geographical phase.

The Local Planning Authority may in its absolute discretion accept reserved matters applications for primary access roads in advance of the approval by the LPA of the first Phasing Plan.

The Phasing Plan shall be in accordance with the approved Illustrative Landscape Distribution Masterplan, however in the event of any variation that the Local Planning Authority considers to be significant, a revised Illustrative Landscape Distribution Masterplan for the whole site shall be submitted to and approved in writing by the Local Planning Authority prior to the approval of the Phasing Plan in question.

Following approval of the first Phasing Plan, subsequent Phasing Plan submissions shall take the amount of POS within the approved previous Phasing Plan(s) into account in the POS calculations for the remainder of the site as a whole in order to demonstrate that the total POS quantity is in accordance with Schedule 5 of the S106 Agreement.

All Phasing Plans (both detailed and indicative) shall be in compliance with the approved Parameter Plans, the principles and concepts contained in the approved Design and Access Statement (April 2017 and October 2017 Amendments), and the approved Strategic Drainage Strategy (FRA Addendum April 2017) and the Flood Risk Addendum 21101-FRA-ADD-01 v4 (June 2021), except where an application for approval of a Phasing Plan demonstrates (to the Local Planning Authority's satisfaction) that any non-compliance with these documents is (a) necessary to accommodate the Arena Proposals and (b) unlikely to give rise to any new or different significant environmental effects in comparison with the development as approved in the Environmental Statement or the application is accompanied by environmental information assessing the likely significant environmental effects of the development having regard to the proposed variation. The timing of provision of infrastructure, and facilities within the Phasing Plan(s) shall comply with any triggers set out elsewhere in these conditions, the Section 106 Agreement or the Framework Agreement.

Reason:

To ensure the highest standards of urban design and comprehensively planned development in accordance with policies CS1 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy, and the adopted Cribbs/Patchway Development Framework SPD.

5. Prior to the submission of the first reserved matters application in a geographical phase, as identified in the approved Phasing Plan pursuant to condition 4, a Design Code for that geographical phase shall be submitted to and approved in writing by the Local Planning Authority.

The Local Planning Authority may in its absolute discretion accept reserved matters applications for primary access roads in advance of the approval by the LPA of the first Design Code, but these must be wholly compliant with the approved Parameter Plans, and the principles and concepts contained in the approved Design and Access Statement (April 2017 and October 2017 Amendments).

The Design Code shall be in accordance with and facilitate the principles and parameters set out in the approved Design and Access Statement (April 2017 and October 2017 Amendments) including the Urban Design Framework (Fig 88 Rev 1) of the latter, and the approved Parameter Plans except where an application for approval of a Design Code demonstrates (to the Local Planning Authority's satisfaction) that any non-compliance with these documents is (a) necessary to accommodate the Arena Proposals and (b) unlikely to give rise to any new or different significant environmental effects in comparison with the development as approved in the Environmental Statement or the application is accompanied by environmental information assessing the likely significant environmental effects of the development having regard to the proposed variation. It shall include:

- A regulating plan at a scale no less than 1:1,000 (to be based on an accurate site survey), which also illustrates the urban structure and form of the immediate context;
- A plan setting out the subdivision of the geographical phase in question into parcels to provide the basis for reserved matters applications;
- A plan showing safe routes to school through the phase;
- Specification of the extent and nature of any character areas and the key elements of urban form within them;
- Details of street types and junctions, block principles, frontage treatment, and landscape, open space and public realm treatment;
  - Information relating to architectural detail and identity, energy efficiency and renewable energy generation and sustainable construction in accordance with Local Plan policy, and street furniture, electric vehicle charging points, and signage including Heritage Interpretation Panels; and
- The mechanism for and timing of a review of the Design Code to test its effectiveness.

Any subsequent applications for agreed revisions to an approved Design Code shall be subject to the written approval of the Local Planning Authority.

Reason:

To ensure the highest standards of urban design and comprehensively planned development in accordance with policies CS1 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy, and the adopted Cribbs/Patchway Development Framework SPD.

6. Any Design Code submitted for approval pursuant to condition 5 containing either buildings within the Linear Park axis (as shown in Fig 88 rev.1 of the Urban Design Framework) or an area in whole or in part defined on the approved 'Heights' Parameter Plan (drawing ref: FAD-FCB-000-XX-PL-A-7005 Rev 03) as being appropriate for buildings up to 10 storeys shall contain (as well as information required by condition 5 above) specific instructions for:
  - the siting, orientation, height, form and massing of building(s), individually and where relevant within the surrounding townscape,



- any hard and soft landscaping associated with the building(s),
- how the proposed mix of uses within the building(s) will have a positive relationship with the surrounding public realm and any other buildings in the immediate area, including the location and frequency of access/egress points,
- sustainable design and construction of the building(s) having reference to the Energy Statement to be updated and approved with each geographical phase (in accordance with condition 5).

Any reserved matters application for a building or buildings either within the Linear Park axis (as shown in Fig 88 rev.1 of the Urban Design Framework) or within the area defined on the approved 'Heights' Parameter Plan (drawing ref: FAD-FCB-000-XX-PL-A-7005 Rev 03) as being appropriate for buildings up to 10 storeys and over 6 storeys shall include the following supporting information:

- details of scale, proportion and silhouette, facing materials and detailed surface design, including night-time appearance,
- details of hard and soft landscaping,
- details of the proposed mix of uses within the building(s) and their relationship with the surrounding public realm,
- details of their impact on identified views within the approved Environmental Statement (ref) and impact on proposed townscape and public realm, including accurate and realistic representations of the proposal,
- consideration of their impact on the settings of identified heritage assets,
- details of environmental performance including microclimate (particularly street level wind environment and pedestrian experience), overshadowing, light pollution, and any necessary vehicle movements to support/ service the proposed uses,
- details of how the proposals have been the subject of independent design review, and how the outcomes of the design review have been incorporated into the proposed design.

Reason:

To ensure the highest standards of urban design and comprehensively planned development in accordance with policies CS1 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy, and the adopted Cribbs/Patchway Development Framework SPD.

7. Applications for the approval of the reserved matters shall be in accordance with:

- the approved Parameter Plans;
- the principles and parameters set out in the Design and Access Statement (April 2017 and October 2017 Amendments) including the Urban Design Framework (Fig 88 Rev 1 of the latter) except where a reserved matters application demonstrates (to the Local Planning Authority's satisfaction) that any non-compliance with these documents is (a) necessary to accommodate the Arena Proposals and (b) unlikely to give rise to any new or different significant environmental effects in comparison with the development as approved in the Environmental Statement or the application is accompanied by environmental information assessing the likely significant environmental effects of the development having regard to the proposed variation;
- the approved Phasing Plan and Affordable Housing Schedule (condition 4);
- the approved Design Code (condition 5) for the relevant geographical phase to which the reserved matters application relates;

- the principles set out in the Security section of the Design and Access Statement submitted with the Arena Proposals

A Compliance Statement shall be submitted with each reserved matters application that demonstrates the proposals are in compliance with this condition.

In relation to any building(s) either within the Linear Park axis (as shown on Fig 88 Rev 1) or within the area defined on the approved 'Heights' Parameter Plan (drawing ref: FAD-FCB-000-XX-PL-A-7005 Rev 03) as being appropriate for buildings up to 10 storeys and over 6 storeys, the Compliance Statement must also demonstrate how the proposal will result in an exemplary standard of design.

Reason:

To ensure the highest standards of urban design and comprehensively planned development in accordance with policies CS1 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy, and the adopted Cribbs/Patchway Development Framework SPD.

8. Delivery of affordable housing shall be carried out in accordance with the relevant approved Phasing Plan, and its accompanying Affordable Housing Schedule (condition 4) and reserved matters approvals, unless otherwise agreed in writing by the Local Planning Authority.

If there are discrepancies between the affordable housing targets established in the approved Phasing Plan for the geographical phase in question and the relevant reserved matters application(s) for that geographical phase, subsequent applications for the approval of reserved matters and Phasing Plans will be amended to ensure that the overall provision and required proportions are maintained as closely as possible. The numbers and mix for each reserved matters application will be informed by the principles in the Framework Agreement, Parameter Plans, Phasing Plan and the Design Code, including any amendments to the approved Affordable Housing Schedule (condition 4) as may be reasonably agreed with the Council from time to time.

Reason:

To ensure that the distribution of affordable houses assists the creation of an inclusive mixed community in accordance with Policy CS 18 of the adopted South Gloucestershire Local Plan: Core Strategy.

9. Except for reserved matters applications for the first site access road infrastructure within a phase, applications for approval of reserved matters within each geographical phase that include buildings identified in the approved Phasing Plan submitted pursuant to condition 4 above shall not be approved until an Energy Statement for the phase in question has been submitted to and approved by the Local Planning Authority. The Energy Statement shall be updated for each phase and shall also include, for the airfield site as a whole, the emerging CPNN District Heating Feasibility Study. It shall also commit to requiring developers to build to Building Regulations and local planning policy compliant renewable energy measures current at the time of the commencement of construction of that phase. The Energy Statement as well as all reserved matters applications shall comply with the requirements of the Utilities and Renewable Energy chapter within the adopted Cribbs/Patchway New Neighbourhood Development Framework SPD and be in accordance with Policy CS4 of the South

Gloucestershire Local Plan - Core Strategy and the prevailing development plans policy at the time.

Applications for approval of reserved matters shall be in accordance with the relevant approved Energy Statement, and the development of each phase shall be implemented in all respects in accordance with the relevant approved Energy Statement. All reserved matters applications (including applications without buildings) shall take into account of the emerging CPNN District Heating Feasibility Study.

Reason:

To achieve improved energy conservation and protect environmental resources in accordance Policies CS1 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy and the Cribbs/Patchway New Neighbourhood Development Framework SPD.

10. Each reserved matters application shall include full details of both hard and soft landscaping works and these works shall be carried out as approved. Such details shall accord with the principles of:

- the approved Landscape Parameter Plan, the principles and concepts contained in the approved Design and Access Statement (April 2017 and October 2017 Amendments) except where a reserved matters application demonstrates (to the Local Planning Authority's satisfaction) that any non-compliance with these documents is (a) necessary to accommodate the Arena Proposals and (b) unlikely to give rise to any new or different significant environmental effects in comparison with the development as approved in the Environmental Statement or the application is accompanied by environmental information assessing the likely significant environmental effects of the development having regard to the proposed variation; and
- the approved Design Code.

These details shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, manholes); retained historic landscape features and proposals for restoration where relevant.

Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. Detailed planting plans shall detail size, type and specification, mixes and quantities of all proposed planting. Where appropriate, construction details of ground retention/acoustic bund along the railway boundary, boundary and surfacing treatments; construction details of all SUDS elements and maintenance proposals shall be submitted and approved.

Reason:

To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with policies CS1 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy.

11. All hard and soft landscape works shall be carried out in accordance with the approved implementation programme on land to which the reserved matter relates or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason:

To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with policies CS1 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy.

12. With reference to retained trees the plans and particulars submitted in accordance with condition 1 and 10 shall include:

a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;

b) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

c) details of any proposed tree works to any retained tree or of any tree on land adjacent to the site;

d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the RPA (root protection area) as defined in BS5837 2005 of any retained tree or of any tree on land adjacent to the site; and

e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

f) details of street trees shall include specification of root protection measures, and details of street tree management to encourage high level growth and maintain a clear zone directly above sewers.

All fencing to be in accordance with BS5837 2012 'Trees in Relation to Construction' and retained and maintained for the duration of the construction period.

Reason:

To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with policies CS1 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy.

13. The plans and particulars for each Reserved Matters to be submitted in accordance with Condition 1 shall include a schedule of landscape maintenance for a minimum period of 5 years. The schedule shall include details of individual plot ownership, areas of amenity space and the arrangements for its implementation. Development shall be carried out in accordance with the approved scheme.

Reason:

To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with South Gloucestershire Local Plan Policy L1 and to accord with policies CS1 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy.

14. The submission of any reserved matters pursuant to condition 1 above adjacent to the Henbury Trym Corridor shall include detailed sections of the Henbury Trym Corridor and its associated public open space. Only such details as approved by the Local Planning Authority shall be implemented.

Reason:

In the interests of nature conservation and landscape character, in accordance with policies CS1, CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and Policy PSP19 of the South Gloucestershire Local Plan Policies, Sites and Places Plan November 2017.

15. Prior to the commencement of the development in any geographical phase, (including the commencement of any site preparation works as defined by the S106 Agreement) plans for the phase indicating the location of tree protection measures shall be submitted to and approved in writing by the LPA. Such details shall be in accordance with the tree protection measures to safeguard the retained trees as set out in the Tree Retention and Removal Table FAD-GRA000-XX-DR-L-0122 P1 and set out how the development will not adversely affect the trees to be retained. All such details as approved shall be fully implemented in advance of any works on site and retained in situ as approved for the duration of works.

Reason:

To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with policies CS1 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy.

16. The particulars submitted as part of condition 1 for the relevant reserved matters shall include details of a refuse collection strategy including routing details, bin stores and refuse collection points. The details so approved shall be implemented prior to the first occupation of any or each individual dwelling to which the refuse collection strategy relates and maintained as such thereafter.

Reason:

To ensure there is appropriate refuse storage and in accordance with Policy CS26 of the adopted Core Strategy.

17. Prior to the commencement of any groundworks, including site investigation works, clearance or remediation and prior to the approval of any reserved matters, a programme of archaeological work and subsequent detailed mitigation and publication strategy, including a timetable for the mitigation strategy (phase 1), must be submitted to and approved by the local planning authority. Thereafter the approved programme of mitigation measures (phases 2, 3) and method of publication (phase 4) shall be implemented in all respects. The condition requires a four phase approach, comprising field evaluation and production of mitigation and publication strategy

(phase 1), open area excavation where necessary (phase 2), watching brief (phase 3) and publication/archiving (phase 4).

Reason:

In the interest of archaeological investigation or recording, and to accord with Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017) and policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy.

18. Prior to the commencement of any development, including site preparation works as defined by the S106 Agreement (with the exception of ground investigation/site survey work, construction of boundary fencing or hoarding, archaeological investigation, and ecological mitigation works) on any phase, a Waste Management Audit and cut and fill details for that phase shall be submitted to and approved by the Local Planning Authority in writing. Details to be submitted shall comprise:
- i. The volume and nature of the waste which will be generated through the demolition and/or excavation process;
  - ii. The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc;
  - iii. Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant;
  - iv. The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction; and
  - v. The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it in order to reduce the amount of waste sent to landfill.
  - vi. Detailed plans and sections at 1:500 of existing and proposed finished ground levels.

Development shall be carried out in accordance with the approved details.

Reason:

To control the production of waste and to ensure satisfactory finished ground levels, in accordance with policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy and policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017). Pre- commencement is required in order to ensure that any contamination is dealt with at the correct time when the remediation is still possible.

19. Applications for Reserved Matters for residential or landscape development shall include measures to implement the strategy for the creation of suitable foraging and nesting habitats for hedgehogs, including vegetated linear features and garden habitats which shall have been incorporated into the LEMP to be approved under condition 22. All works shall be carried out in accordance with said hedgehog habitat enhancement strategy.

Reason:

To protect the wildlife and the ecological interests of the site, in accordance with Policy PSP19 of the South Gloucestershire Local Plan Policies, Sites and Places Plan November 2017 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

20. All development, including site preparation works as defined by the S106 Agreement, affecting great crested newt habitat (European Protected Species), must accord with the mitigation strategy for great crested newts included within Chapter 11 Natural Heritage of the Environmental Statement dated April 2017 hereby approved. All works are to be carried out in accordance with said strategy.

Reason:

To protect the wildlife and the ecological interests of the site, in accordance with Policy PSP19 of the South Gloucestershire Local Plan Policies, Sites and Places Plan November 2017 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

21. No development shall take place (including clearance of vegetation) in a particular phase until there has been submitted and approved in writing by the Local Planning Authority measures in respect of:

(i) The identification, through an updated site survey, of badgers, and/or their setts, as required by the badger Act 1992.

(ii) The protection of badgers, and/or their setts as identified through the site survey, and a badger mitigation strategy for the site as a whole.

Reason:

To protect the wildlife and ecological interests of the site, in accordance with Policy PSP19 of the South Gloucestershire Local Plan Policies, Sites and Places Plan November 2017, and Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013). Pre commencement is required in order to ensure that there is no harm to badgers through construction works.

22. All development shall accord with the approved Landscape Ecological Management Plan (LEMP) (FAD-GRA-OOO-XX-RP-L-9005) Rev 08 (March 2019). Where required, Reserved Matters applications shall include the submission of an addendum to the approved LEMP confirming the management regime for any additional proposed open space typologies that are not currently covered by the approved LEMP to be approved in writing by the Local Planning Authority. Thereafter, the LEMP and any approved addendum shall be adhered to in full.

Reason:

To protect and manage any retained hedgerows, new semi natural habitat and Henbury Trym corridor, in accordance with Policy PSP19 of the South Gloucestershire Local Plan Policies, Sites and Places Plan November 2017: Core Strategy, (adopted Dec 2013). Pre-commencement is required in order to ensure that there is no harm to ecological interest during construction works.

23. Hangar 16U shall be monitored for use by barn owl, in accordance with Chapter 11 Natural Heritage of the Environmental Statement (dated April 2017) hereby approved. A report on said monitoring together with any mitigation strategy as required shall be submitted to the LPA for approval with any Reserved Matters Application in respect of Hangar 16U.

Reason:

To protect the wildlife and ecological interests of the site, in accordance with Policy PSP19 of the South Gloucestershire Local Plan Policies, Sites and Places Plan November 2017, and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

24. All reserved matters applications shall include detailed surface water drainage plans, which shall accord with the principles of the 2014 Flood Risk Assessment (FRA) (by PBA Version 7), the Flood Risk Assessment Addendum (by PBA April 2017) and the Flood Risk Addendum 21101-FRA-ADD-01 v4 (by Jubb June 2021), for each phase or parcel of land. The plans shall incorporate sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development and shall be approved by the LPA. The scheme shall subsequently be implemented in accordance with the approved details before the parcel is completed.

Sufficient attenuation storage shall be provided for each phase of development and this shall be clearly demonstrated in an updated FRA which show discharge rates and SuDs control measures for each parcel. Attenuation ponds and SuDs components shall be in place and operational before the completion of development in each separate phase. Should the site layout change, the FRA shall be updated and resubmitted to the LPA for approval in writing prior to approval of the reserved matters application in question.

Each reserved matters application will need to demonstrate a suitable drainage scheme in accordance with the approved FRA. The following details shall be submitted in order to discharge this condition:

- A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes.
- A manhole schedule.
- Model runs to demonstrate that the critical storm duration is being used.
- Confirmation of the agreed discharge rate referring to the FRA, with any flow control devices indicated on the plan with the rate of discharge stated.
- Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event. If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with Table 5 of the Technical Guidance to the National Planning Policy Framework.
- Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.



Reason:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system, in accordance with Policy CS9 and CS26 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

25. The reserved matters for a layout submitted pursuant to condition 1 shall include cross sections of any proposed culverts and/or SUDs features, swales or attenuation ponds, including finished floor levels of any adjacent housing areas and roads.

Reason:

To ensure a satisfactory means of drainage is provided, and in the interests of visual amenity and to accord with policies CS9 and CS26 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

26. No development shall take place on land to which the reserved matters relate until a foul water drainage strategy is submitted and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker:
- The drainage strategy shall include appropriate arrangements for the points of connection and the capacity improvements required to serve the proposed development phasing;
  - The drainage strategy shall be completed in accordance with the approved details and to a timetable agreed with the Local Planning Authority.

Reason:

To ensure that proper provision is made for foul water disposal in the interests of public health and ensure that development proposals do not increase the risk of sewer flooding to downstream property and to accord with policies CS9 and CS26 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

27. Prior to commencement of each phase of remediation and prior to the commencement of any development within that phase, the following must be submitted to and approved in writing by the Local Planning Authority:

o A summary of the findings of the ground investigation in relation to that phase and interpretation of the findings in relation to the proposed end use(s) (e.g. residential with gardens/ commercial/ school/ public open space).

o Proposals for remediation of each phase (where this is necessary to mitigate against unacceptable risks to the development) which should accord with the broad terms of the Peter Brett Revised Contaminated Land Risk Assessment and Land Risk Assessment and Remediation Strategy (March 2017); and include details of the proposed strategy for verification post- completion of the remediation works. Should the proposed end use of a phase be revised to a more sensitive end use, then the findings of the ground investigation shall be re-assessed in line with that more sensitive end use.

Post Completion

- Post completion of each phase of remediation and prior to the commencement of any development within that phase, a verification report shall be submitted to the LPA demonstrating that any necessary remediation has been implemented satisfactorily. To aid review and audit, the verification report shall include a summary of the ground investigation for that phase, the remediation requirements, the remediation undertaken, and demonstrate adequate supervision.

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

Reason:

In the interest of public safety as a potential result of land contamination and to accord with policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

28. Prior to the commencement of development other than site investigations, a phase specific Construction Environmental Management Plan (CEMP) will be submitted to and approved in writing by the LPA and shall include details of:
- Construction access details
  - On-site materials, accommodation and vehicle storage
  - Vehicle Routing from the agreed External Construction Route
  - Vehicle Routing Dilapidation Survey
  - Delivery vehicle size and frequency
  - Minimizing temporary noise and vibration impacts as set out in Chapter 12 of the Environmental Statement Addendum (April 2017).
  - Ecology requirements as set out in 11 of the Environmental Statement Addendum (April 2017).
  - Neighbourhood liaison group
  - Location and form of Wheel Washing
  - All other matters as required by the Framework Environmental Management Plan (April 2017). All works are to be carried out in accordance with said plan as approved.

The phase will be implemented in accordance with the approved CEMP.

Reason:

In the interests of residential amenity and to accord with Policy CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy and Policy PSP21 of the South Gloucestershire Local Plan Policies, Sites and Places Plan November 2017. Pre-commencement is required as the condition relates to the construction period.

29. The hours of working on site during the period of construction shall be restricted to 7.30am-6pm Mondays to Fridays; and 8am-1.00pm on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery

(mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the site. Any 'working' outside these hours shall have the prior written consent of the Local Planning Authority.

Reason:

To minimise disturbance to neighbouring occupiers and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy.

30. No more than 500 occupied dwellings shall be served from a single access point onto the existing Highway Network.

Reason:

To ensure sufficient access onto a Highway Maintainable at public expense is provided in the interests of Highway Safety.

31. The particulars submitted as part of condition 1 for the relevant reserved matters shall include the following, which shall be in accordance with the approved Design Code and Regulating Plan (condition 5):

- Details of all 'Safer Routes to School' serving on-site and off-site education facilities;
- Details of walking and cycling routes and how these link with the wider external network.

The details so approved shall be implemented prior to the first occupation of the first residential dwelling of each individual reserved matters consent.

Reason:

To encourage means of transport other than the private car and to accord with Policy PSP11 of the South Gloucestershire Local Plan Policies, Sites and Places Plan November 2017 and with policies CS8 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

32. Prior to first occupation of each reserved matters development parcel, full details of signage and way-finding, including an implementation programme, shall be submitted for approval in writing by the Local Planning Authority. The way-finding details shall include where relevant the following:

- HGV routing
- Access to the Concorde Museum
- Access to Employment Areas
- Access to development Parcels with confirmation of residential area and street names
- Directional signing to Metrobus Stops
- Cycle Trunk Route signage
- Cycle Route signage
- Pedestrian and recreational route signage
- Strategic routing signage to:
  - Bristol City Centre
  - Motorway Junctions

The Way-Finding and signage shall be implemented in accordance with the approved details and the implementation programme and thereafter retained.

Reason:

To maximise appropriate routes to avoid unnecessary route choice and to maximise sustainable transport modes in compliance with Core Strategy Policy CS8 and in the interests of highway safety.

33. The Metrobus stops illustrated on the approved access parameter plan shall be provided upon completion of the relevant serving road to wearing course presented in full Metrobus livery and attaining Metrobus Stop Type specification as agreed with the Local Planning Authority. Local bus stops shall be provided to a specification that shall include as a minimum a shelter, lighting and real time information. All shelter designs shall be submitted to and approved in writing by the Local Planning Authority. Additional stops shall be provided where walking distances to planned dwellings exceed 400m.

Reason:

To ensure sufficient Public Transport infrastructure is provided to accommodate Public Transport Modal Share and modal shift in compliance with Core Strategy Policy CS8.

34. Dwellings shall be located within 400m walking distance of a bus stop, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure sufficient Public Transport infrastructure is provided to accommodate Public Transport Modal Share and modal shift in compliance with Core Strategy Policy CS8.

35. Prior to their first use, all community and education facilities shall be linked to highway maintainable at public expense and by appropriate vehicle and sustainable transport infrastructure.

Reason:

To ensure that promotion and provision of sustainable modes of transport are maximised in compliance with Core Strategy Policy CS8 and that suitable vehicle access is provided in the interests of highway safety.

36. . A programme of historic building recording and analysis shall be secured and implemented in accordance with the approved Written Scheme of Investigation (October 2017) prior to the commencement of any demolition of, or site clearance operations affecting, the following buildings/structures:

- Control Tower
- Underground Structure near Gun Butts N side of runway
- Former Gun Butts
- Compass Testing Circle
- Air Raid Shelters
- Pillbox, Gun emplacement and associated structures S side of runway

The programme of recording shall accord with the guidance for recording historic buildings set out within the Historic England publication entitled 'Understanding

Historic Buildings: A Guide to Good Recording Practices (2016) and shall cover the interior and exterior of all the relevant historic buildings. The completed building records shall be submitted, together with evidence of the structures having been offered to the Bristol Aerospace Museum (BACT) (to be moved at their expense), to the Local Planning Authority for approval in writing and for deposition in the South Gloucestershire Historic Environment Record. The recording shall be carried out at all times in strict accordance with the approved scheme.

Reason:

To ensure that an appropriate record is made of the historic building fabric that may be affected by the development. All in accordance with Policy PSP17 of the South Gloucestershire Local Plan Policies, Sites and Places Plan November 2017, policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted 2013) and the provisions of the National Planning Policy Framework (2019).

37. Prior to the approval of the Design code for the relevant Phase of development including the group of structures comprising the Sunken Pill Box and Gun Emplacement on southern boundary (originally identified as possible Battlefield Headquarters), further survey work shall be undertaken in accordance with the approved Written Scheme of Investigation (October 2017) in order to assess the extent, former function, degree of survival and heritage significance of the structures. The record shall be to Level 3 in order to enable an assessment of the significance of the asset at a local, regional and national level and to secure a full record of the structures should the assessment conclude that they are of local rather than national significance and their retention as part of the development is not practicable. The recording shall be carried out in strict accordance with the approved scheme and shall inform the Design Code and future development of the area in question.

Reason:

In the interests of ensuring the appearance, scale, form, materials and overall aesthetic and architectural contribution of the historic buildings is recorded for future generations and to enable any redevelopment proposals to be read in historic context. All in accordance with Policy PSP17 of the South Gloucestershire Local Plan Policies, Sites and Places Plan November 2017, policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted 2013) and the provisions of the National Planning Policy Framework (2019).

38. Prior to the completion of works (under application PT18/2111/F or replacement of a similar nature) Hangar 16U shall be regularly inspected in accordance with the Hangar 16U Urgent Works Statement (1st March 2018, updated 22nd November 2018) on a quarterly basis as a minimum, in order to ensure that it remains secure, weather-tight and structurally sound. Where defects or instances of vandalism are identified, appropriate repairs or mitigation measures are to be undertaken in accordance with the commitments set out within the Hangar 16U Urgent Works Statement. The building shall also be regularly inspected for evidence of rodent activity and bird access, and appropriate control measures taken, including the re-fixing of bird access prevention netting.

Reason:

To reduce the risk of the building becoming identified as being 'at risk' and potentially subject to formal action by the council. In accordance with Policy PSP17 of the South

Gloucestershire Local Plan Policies, Sites and Places Plan November 2017, policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted 2013) and the provisions of the National Planning Policy Framework (2019).

39. The extra care accommodation hereby permitted shall only be used for the provision of Assisted Living Dwellings to people in need of care, being a use within Class C2 of the Town and Country Planning (Use Classes) Order 1987, (as amended), and for no other purpose. Assisted Living Dwellings means the dwelling which can accommodate up to a maximum of two occupants and shall be occupied by the Assisted Living Person and where for the avoidance of doubt there is more than one occupant, at least one occupant must be over the age of 70. Assisted Living Person shall mean a person who is identified as a person in assessed need of at least one element of care, and or support provided by a registered domiciliary car provider and can be suitably housed in such accommodation in order to maintain independence, health, wellbeing and social inclusion.

Reason:

To ensure that the use of the building remains in a C2 use at all times, to ensure that the scheme remains policy compliant.

40. The extra care accommodation hereby permitted shall be registered for the provision of extra care with the Care Quality Commission, or any successor body.

Reason:

To ensure that the use of the building at all times, to ensure that the scheme remains policy compliant.

41. The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision:

1074\_00\_07\_001 Rev P10- Site Application Boundary  
FAD-FCB-000-XX-PL-A-7002 Parameter Plan Land Use Rev 01  
FAD-FCB-000-XX-PL-A-7004 Parameter Plan Density Rev 01  
FAD-FCB-000-XX-PL-A-7005 Parameter Plan Heights Rev 03  
FAD-FCB-000-XX-PL-A-7006 Parameter Plan Access.pdf Rev 03  
FAD-FCB-000-XX-PL-A-7010 Parameter Plan Landscape Rev 04  
FAD-FCB-000-XX-PL-A-7015 Parameter Plan-Heritage Rev 01

36713-2012-001 Rev A- Airfield Access Strategy\_ Proposed A38 Access  
FAD-PBA-011-XX-DR-C-002 Brabazon Roundabout Access  
FAD-PBA-012-XX-DR-C-001 Blenheim Roundabout Access  
470310. AX.01.14-SK01 Rev P4 Combination Ground Access junction

Tree Retention and Removal Overview\_FAD-GRA-000-XX-DR-L-0110 P1  
Tree Retention and Removal Plan Page 01\_FAD-GRA-000-XX-DR-L-0111 P1  
Tree Retention and Removal Plan Page 02\_FAD-GRA-000-XX-DR-L-0112 P1  
Tree Retention and Removal Plan Page 03\_FAD-GRA-000-XX-DR-L-0113 P1  
Tree Retention and Removal Plan Page 04\_FAD-GRA-000-XX-DR-L-0114 P1  
Tree Retention and Removal Plan Page 05\_FAD-GRA-000-XX-DR-L-0115 P1  
Tree Retention and Removal Plan Page 06\_FAD-GRA-000-XX-DR-L-0116 P1

Tree Retention and Removal Plan Page 07\_FAD-GRA-000-XX-DR-L-0117 P1  
Tree Retention and Removal Plan Page 08\_FAD-GRA-000-XX-DR-L-0118 P1  
Tree Retention and Removal Plan Page 09\_FAD-GRA-000-XX-DR-L-0119 P1  
Tree Retention and Removal Plan Page 10\_FAD-GRA-000-XX-DR-L-0120 P1  
Tree Retention and Removal Plan Page 11\_FAD-GRA-000-XX-DR-L-0121 P1  
Tree Retention and Removal Table\_FAD-GRA-000-XX-DR-L-0122 P1

Plans - submitted for information only:

Illustrative Landscape Distribution Masterplan - FAD-GRA-000-XX-DR-L-1001 Rev 06

Illustrative Masterplan Land Use & Quantum -FAD-FCB-000-XX-PL-A-7011 Rev 02

Reason:

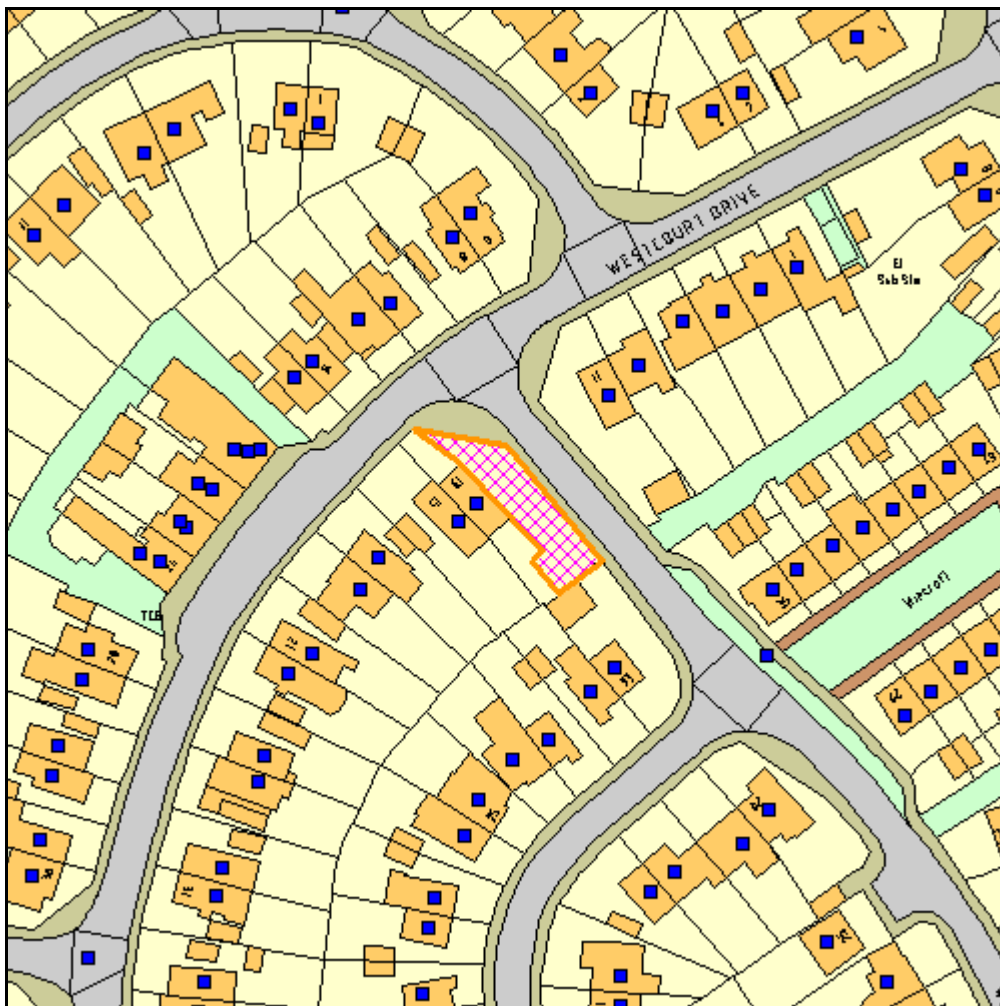
For the avoidance of doubt.

**Case Officer: Sean Herbert**

**Authorising Officer: Catherine Loveday**

**CIRCULATED SCHEDULE NO.28/21 - 16th July 2021**

<b>App No.:</b>	P21/03111/F	<b>Applicant:</b>	B Dowding
<b>Site:</b>	13A Westcourt Drive Oldland Common South Gloucestershire BS30 9RU	<b>Date Reg:</b>	18th May 2021
<b>Proposal:</b>	Erection of a detached garage/store.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367017 171720	<b>Ward:</b>	Bitton And Oldland Common
<b>Application Category:</b>	Householder	<b>Target Date:</b>	12th July 2021



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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 the receipt of more than 3 objection comments by local residents, contrary of the officer recommendation detailed below.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a detached garage/store at 13A Westcourt Drive, Oldland Common.
- 1.2 The applicant site comprises a small end plot with the property itself forming a two-storey semi-detached dwelling that benefits from off street parking and a rear garden. Likewise, it is recognised on-site development is not limited by any local development plan policies.
- 1.3 *Procedural Matters:* amended plans have been received from the applicant's agent. This has not altered the scope or description of development, and as such, no further public consultation has been conducted. The case officer is satisfied this does not disadvantage the public interest.

### **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 Space

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)  
Residential Parking Standards SPS (Adopted 2013)  
SGC Householder Design Guide (Adopted March 2021)

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

- 3.1 Ref: P20/23568/RVC, Approve with conditions, 10.02.2021  
Proposal: *Removal of condition 3 (conservatory removal) and variation of condition 5 (parking arrangements) attached to planning approval P19/5289/F - Erection of 1no semidetached dwelling and associated works.*
- 3.2 Ref: P19/5289/F, Approve with conditions, 19.07.2019  
Proposal: *Erection of 1no semi-detached dwelling and associated works. (Re submission of P19/2131/F)*

### 4. **CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
No objection.

4.2 Sustainable Transport Officer

Key points from the sustainable transport officer are summarised as follows:

- No highway or transport objections in principle.
- Proposed garage conforms to the Council's Residential Parking Standards SPD.
- Concerned that residual parking space does not meet minimum standards of PSP16.
- Ideally, applicant would provide electric vehicle charging facilities in accordance with Council's emerging policy.
- Although it is considered that the proposal is unlikely to raise any highway or transportation issues, final comment has been reserved until concerns above are clarified.

- 4.3 [*Officer Comment*] The above comments have been noted, with further discussion of transport (including as assessment of parking) found in section 5 of this report.

- 4.4 Enforcement Officer  
No comments received.

4.5 Local Residents

Four objection comments have been received from neighbouring properties. These are summarised below:

- The proposed plans are basic and lack detail regarding height.
- Proposed garage does not resemble others found in the immediate vicinity and would make the site look over developed, causing harm to the residential area.
- Concerned the proposal is more akin to a small dwelling with worries that a future application for a change of use would be submitted.
- Believed that applicant has not adhered to previous planning conditions and would likely breach any further plans.
- Concerned that building works may damage corresponding pedestrian pathway.

- 4.6 [Officer Comment] The above concerns have been noted. However, the case officer notes this application seeks planning permission for a detached garage with relevant policies applied in this assessment. Should the applicant wish to submit a further application – and as implied by comments from local residents, a small dwelling – a separate analysis would be required to determine the planning merits associated with the formation of an annex / isolated planning unit. Until such a time, any concerns (relating to the above) do not apply to this application. Likewise, it is recognised the purpose of this report is determine if the proposed structure conforms to national and local planning policy, whereby any concerns relating to a breach in planning conditions falls outside the scope of this report. Lastly, an assessment of the potential harm caused by this proposal is discussed below.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy PSP38 states that the construction of outbuildings within established residential curtilages are accepted in principle, subject to detailed development control considerations in respect of local amenity, design and transportation.

- 5.2 However, with regard to the RVC application identified above, any development on this site that alters the provision and longevity of parking spaces for the host dwelling (as per condition 2 attached to P20/23568/RVC) should be resisted unless submitted evidence confirms that the relevant policy is adhered to. The case officer is satisfied that adequate information has been supplied to permit the principle of development (see paragraph 5.9 for further analysis).

### 5.3 Design and Visual Amenity

Policies CS1, PSP38 and the SGC Householder Design Guide seek to ensure that development proposals are of the highest possible standards of design in which they respond to the context of their environment. This means that developments should demonstrate a clear understanding of both the site and local history to ensure the character, distinctiveness and amenity is well assessed and incorporated into design.

- 5.4 The proposed scheme would introduce a single storey building measuring approximately 7.5 meters in length, 6.8 meters in width and 3.5 meters in height. The structure would be positioned to the Southeast of the host property (on the existent parking area) and would include 1.no 'up-and-over' garage door with pedestrian access granted via the Northwest. The proposed finishing materials of the garage appear to be of a similar nature to those used on the existing dwellinghouse.

- 5.5 Whilst the principle of development is accepted and the case officer recognises there are no restrictive local development plan policies that cover the site, some concern is raised regarding the extent to which this development would appear as a discordant and incongruous structure as to cause harm to the existing character of the immediate vicinity. Here, reference is made to the sitting of the proposed building in which any design features, especially those not found within the surrounding locality, would be highly visible within the public realm

and therefore indicates the proposed garage should reflect the neighbouring context.

5.6 The case officer notes the adjacent properties of No.33 Wincroft and No.11 Westcourt Drive feature detached garages with a similar scale, massing and sitting to this application (these garages represent a footprint of an approximate 36sqm with the proposed measuring 37sqm), which has not only formed a material consideration in the officer's assessment, but also demonstrates this scheme would not impede the existing quality of the immediate vicinity as to refuse permission. Similarly, and as indicated above, revised plans have been received from the applicant's agent which have improved the design of the proposal. Due to this, the case officer is satisfied that the development is adequate in terms of design and complies with policies CS1 and PSP38.

5.7 Residential Amenity

Policy PSP8 relates specifically to residential amenity in which it states development proposals are acceptable, provided they do not create unacceptable living conditions or result in unacceptable impacts on residential amenities. These are outlined as follows (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.

5.8 Given the sitting, scale and location of the proposed single storey garage and in consideration to the neighbouring properties, the development would not result in any unacceptable impacts as described above and is judged to comply with policy PSP8.

5.9 Transport (Access and Parking)

In respect of the planning application P20/23568/RVC and to clarify the principle of development, this site must maintain the provision of 2no. parking spaces which as identified by policy PSP16, is the minimum standard expected of a 3-bedroom property. Drawing No. PLN-1:A (received 14<sup>th</sup> July) indicates the proposed garage would be located on the existent parking spaces, which suggests the capacities of PSP16 would not be fulfilled and the condition attached to P20/23568/RVC (and as stated above) would be neglected.

5.10 However, PLN-1:A (received 14<sup>th</sup> July) also demonstrates that 2no. parking spaces would be retained at the site. One of which would be internal, via the garage itself, and the other, external, which is considered to be residual land to the North of the proposed garage. Both these spaces would meet the required dimensions set out in PSP16, and as such, it is considered that the on-site parking arrangements remain effectively unchanged. The case officer is also satisfied that such arrangements can be maintained for parking purposes and therefore raises no objection, subject to an appropriate condition that ensures parking provision is retained for the site.

5.11 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.

5.12 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 conditions

### CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the garage hereby permitted shall match those used on the existing host dwelling.

Reason

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

3. Prior to first use of the garage hereby permitted, the parking spaces shown on the Proposed Plan PLN-1 (received 17th May 2021) for the existing dwelling shall be implemented as demonstrated on the plans (specifically, the garage must retain 1no. parking space for motor vehicle), and thereafter maintained for parking purposes.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South

Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; policy PSP11 and PSP16 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

4. The development hereby approved shall be carried out in accordance with the following plans (received 14th July 2021):

Combined Plans (PLN-1:A)

Reason

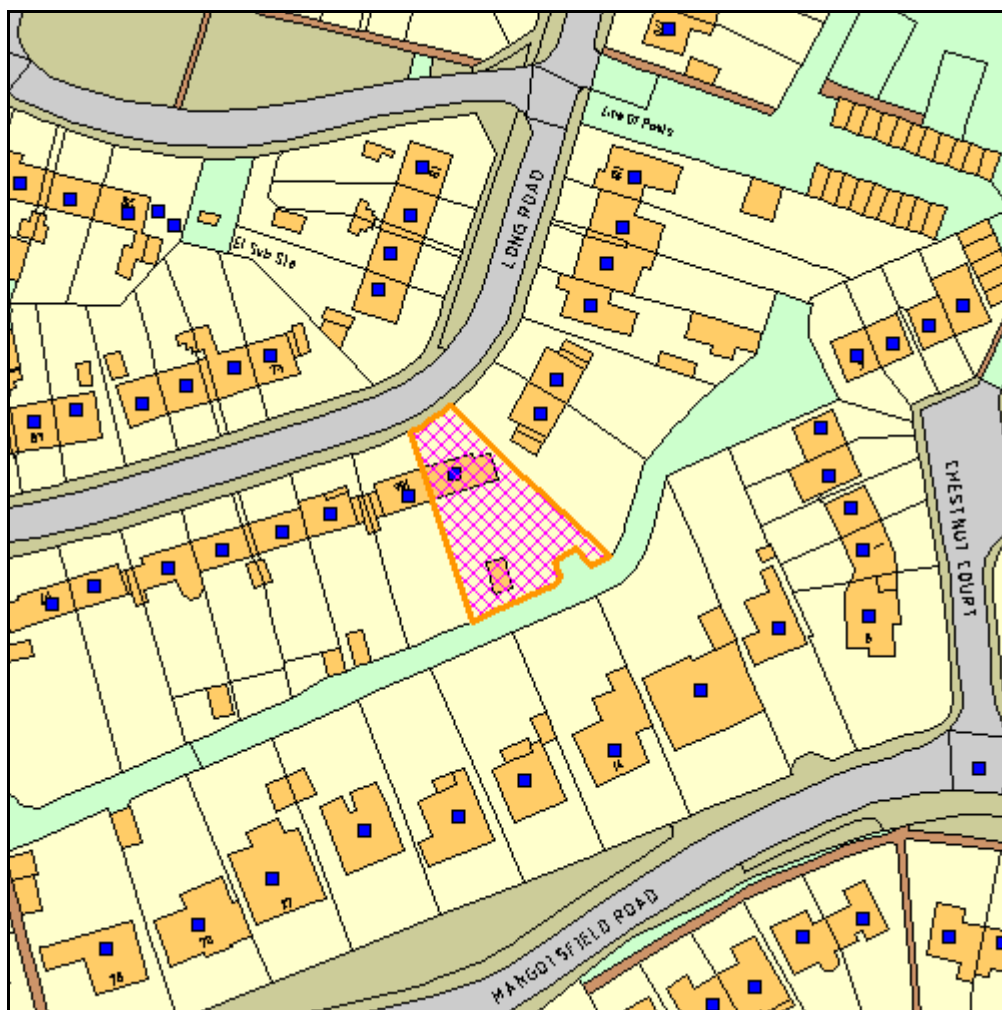
To define the terms and extent of the permission.

**Case Officer: Ben France**

**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 28/21 - 16th July 2021**

<b>App No.:</b>	P21/03857/F	<b>Applicant:</b>	Mr And Mrs Kilpatrick
<b>Site:</b>	106 Long Road Mangotsfield South Gloucestershire BS16 9HP	<b>Date Reg:</b>	28th May 2021
<b>Proposal:</b>	Erection of a detached garage/workshop (retrospective) (Resubmission of P21/00819/F)	<b>Parish:</b>	
<b>Map Ref:</b>	366236 176140	<b>Ward:</b>	Staple Hill And Mangotsfield
<b>Application Category:</b>	Householder	<b>Target Date:</b>	19th July 2021



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P21/03857/F

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

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

This application appears on the Council's Circulated Schedule procedure following the receipt of more than 3 support comments by local residents, contrary of the officer recommendation detailed below.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission (retrospective) for the erection of a detached garage/workshop at 106 Long Road, Mangotsfield.
- 1.2 The application site comprises a modest plot with the property itself forming a two-storey, semi-detached dwelling. The property benefits from off street parking (via a private track) and a rear garden, providing ample amenity space to current residents, with the case officer recognising there are no restrictive policies that cover the site.
- 1.3 Lastly, it is noted this proposal is a further submission of P21/00819/F which sought to gain retrospective permission for different aspects (massing and form) to those of the previously approved garage. Although the previous submission was withdrawn following the Council's circulated schedule procedure, it is expected that this proposal (P21/03857/F) can demonstrate the previous refusal reason attached to P21/00819/F has been addressed as to avoid the application being refused. This analysis is set out in section 5.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS8	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 Space

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)



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

- 3.1 Ref: P21/00819/F. Withdrawn, 28.04.2021  
Proposal: *Erection of a detached garage/workshop (retrospective).*
- 3.2 Ref: P20/16790/F. Permission Granted, 30.10.2020  
Proposal: *Erection of a two-storey side extension to form additional living accommodation. Erection of a detached double garage and workshop. (Amendment to previously approved scheme P19/13488/F).*
- 3.3 Ref: P20/13405/NMA. Objection, 21.08.2020  
Proposal: *Non material amendment to planning permission P19/13488/F to increase the pitch of the garage roof.*
- 3.4 Ref: P20/02368/NMA. No Objection, 16.03.2020  
Proposal: *Non material amendment to P19/13488/F to add double doors to garage/workshop and single door to side extension.*
- 3.5 Ref: P19/13488/F. Permission Granted, 11.11.2019  
Proposal: *Erection of a two-storey side extension to form additional living accommodation. Erection of a detached double garage and workshop.*

### 4. **CONSULTATION RESPONSES**

- 4.1 Emerson Green Town Council  
The Town Council have taken the position of no comment with regards to this application.
- 4.2 Councillor Boulton  
The councillor has raised an objection on behalf of local residents which is summarised as follows:
- Object on the grounds that there are no material changes in the proposed scheme from the previously assessed.
- 4.3 *[Officer Comment]* The above comment has been noted, with analysis conducted in section 5 of this report.
- 4.4 Seabank Power Station  
No comments received.
- 4.5 Planning Enforcement Officer  
No comments received.
- 4.6 Local Residents  
Six letters of support have been received from neighbours. Key points have been summarised as follows:
- Proposed design is attractive that would create a positive improvement to the street scene.

- Applicant has worked hard on garage.

4.7 *[Officer Comment]* The above comments have been noted, with analysis conducted below.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The principle of development for the erection of a detached garage/workshop has been established at this site (see P19/13488/F) and as such, an assessment of design, amenity and transport can now proceed.

### 5.2 Design and Visual Amenity

Policies CS1, PSP38 and the SGC Householder Design Guide seek to ensure that development proposals are of the highest possible standards of design in which they respond to the context of their environment. This means that developments should demonstrate a clear understanding of both the site and local history to ensure the character, distinctiveness and amenity is well assessed and incorporated into design.

5.3 The most significant changes between this scheme and the previously refused consists of a reduction in the West elevation roof pitch and the introduction of boundary treatment. Prior to any assessment, the case officer notes the previous application (P21/00819/F) was refused on the grounds the proposed development maintained both a height increase from the approved plans – as indicated in the report attached to the P20/16790/F, any advance of the approved 4.5 meters would likely result in unreasonable harm to the immediate area – and ‘bulkier’ qualities in form, which were judged by the case officer to exceed the appropriate scale and proportions of the plot. Although the revised scheme represents an approximate 17 degrees reduction in roof pitch, implying that previous concerns have been observed, the height of the proposed development remains as before (approximately 4.9 meters). Likewise, it is noted that the East elevation reveals a mansard style is featured, suggesting design characteristics that were previously refused have been retained in the proposed design.

5.4 The boundary treatment included in this scheme forms a fence that would be installed along the South and West edge of the applicant site and measures an approximate 1.8 meters. No objection is raised by the case officer with regard to the proposed fence but notes that the change in roof (reduction in West elevation pitch) would remain visible within the public realm and therefore any attempt to mitigate the impacts previously described by this boundary treatment would be futile.

5.5 In respect of the factors listed, the case officer considers the design of the proposed garage to be unacceptable and contrary to policies within the Development Plan, and as such, there is not sufficient mitigation to overcome the impacts described above.

### 5.6 Residential Amenity

Policy PSP8 relates specifically to residential amenity in which it states development proposals are acceptable, provided they do not create

unacceptable living conditions or result in unacceptable impacts on residential amenities. These are outlined as follows (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations. The case officer's position has not changed from the previous assessment.

#### 5.7 Parking

Policy PSP16 sets out the Council's criteria for parking specifications. It states that parking space provision per dwellinghouse is proportionate to bedroom number. The case officer's position has not changed from the previous assessment.

#### 5.8 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.

5.9 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 **refuse** 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 **REFUSED** for the reason below:

#### REFUSAL REASONS

1. The proposed development would result in a poorly designed building with inappropriate proportions as to create a garage that is visually dominant and excessively large for its context. Due to this, it is considered the development is contrary to policies CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), PSP38 of the South Gloucestershire Local Plan: Policies,

Sites and Places Plan (Adopted November 2017) and the Householder Design Guide (Adopted).

**Case Officer: Ben France**  
**Authorising Officer: Marie Bath**