

# 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: 48/22**

**Date to Members: 02/12/2022**

**Member's Deadline: 08/12/2022 (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 02 December 2022

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P21/01986/F	Approve with Conditions	Orchard Cottage Oldbury Naite Oldbury On Severn South Gloucestershire BS35 1RU	Severn Vale	Oldbury-on-Severn Parish Council
2	P21/05421/RM	Approve with Conditions	Land At Wyck Beck Road And Fishpool Hill Patchway Cribbs Causeway South Gloucestershire	Charlton And Cribbs	Almondsbury Parish Council
3	P22/01551/F	Approve with Conditions	Land At 126 Station Road Yate South Gloucestershire BS37 4PQ	Yate Central	Yate Town Council
4	P22/03812/F	Approve with Conditions	52 Begbrook Park Frenchay South Gloucestershire BS16 1NF	Frenchay And Downend	Winterbourne Parish Council
5	P22/04823/F	Approve with Conditions	Karwendel 1A Jubilee Road Kingswood South Gloucestershire BS15 4XG	New Cheltenham	
6	P22/05281/F	Approve with Conditions	Land At 87 Sutherland Avenue Downend South Gloucestershire BS16 6QP	Frenchay And Downend	Downend And Bromley Heath Parish Council
7	P22/05671/HH	Approve with Conditions	64 Long Croft Yate South Gloucestershire BS37 7YW	Yate North	Yate Town Council
8	P22/05812/RVC	Approve with Conditions	Land East Of Cedar Lodge Charlton Common Brentry Bristol South Gloucestershire BS10 6LB	Patchway Coniston	Almondsbury Parish Council
9	P22/06099/F	Approve with Conditions	15 Braemar Crescent Filton South Gloucestershire BS7 0TD	Filton	Filton Town Council

**CIRCULATED SCHEDULE NO. 48/22 -2nd December 2022**

<b>App No.:</b>	P21/01986/F	<b>Applicant:</b>	Sears
<b>Site:</b>	Orchard Cottage Oldbury Naite Oldbury On Severn South Gloucestershire BS35 1RU	<b>Date Reg:</b>	9th April 2021
<b>Proposal:</b>	Demolition of existing dwelling. Erection of 1 no. dwelling with associated works.	<b>Parish:</b>	Oldbury-on-Severn Parish Council
<b>Map Ref:</b>	361931 193354	<b>Ward:</b>	Severn Vale
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd June 2021



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P21/01986/F

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

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

The application appears on the Circulated Schedule because more than 3no. Responses have been received from interested parties that are contrary to the findings of this report and officer recommendation. A response from the Parish Council has also been received that is contrary to the findings of this report and officer recommendation.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the demolition of an existing dwelling and the erection of 1no. dwelling with associated works.
- 1.2 The application site is a detached cottage, located off Oldbury Naite within the open countryside and EA flood zone 3. The site is not within the Green Belt or any other sensitive planning designation.
- 1.3 During the application's consideration, protracted negotiations have taken place and revised plans have been accepted (received 28<sup>th</sup> October 2022) to reduce the scale of the development. Public and Parish re-consultation has taken place in light of this. A further set of revised plans has then been received on the 29<sup>th</sup> November 2022, to reduce the height of the building in addition to the previous reductions in scale. No further re-consultation was deemed necessary in light of the fact the final set of revised plans sought only to reduce the height of the building. The following report will consider the latest revised plans.
- 1.4 Consent to demolish the dwelling has already been granted by virtue of P21/02370/PND.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework July 2021  
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
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

Landscape Character Assessment SPD (Adopted) November 2014

CIL and S106 SPD (Adopted) March 2015

Waste Collection SPD (Adopted) January 2015 (updated March 2017)

**3. RELEVANT PLANNING HISTORY**

3.1 P21/02370/PND (approved 07/02/2022):

Prior notification of the intention to demolish Orchard Cottage.

3.2 *Other history is available that is neither recent nor relevant to this application.*

**4. CONSULTATION RESPONSES**

4.1 Oldbury on Severn Parish Council

[Previous consultations]

Objection as incongruous in landscape and street scene. Lacks disability access. Modern design is not in keeping.

[Consultation on revised plans]

No comments have been received.

4.2 Transport

Further information is required.

4.3 Ecology Officer

*Initial comments:* Further information is required.

*Updated comments:* No objection. Conditions recommended.

4.4 Landscape Officer

Initial comments: Further information is required.



Updated comments: comments made that the proposed building extending higher into the skyline does not fit with the established settlement character. No additional supporting information is provided. Conditions recommended.

4.5 Highway Structures

No comment.

4.6 Drainage (LLFA)

*Initial comments:* further information is required.

*Updated comments:* no objection.

4.7 Environment Agency (SW)

No comments have been received.

4.8 LDSB

No comments have been received.

4.9 Archaeology Officer

No comments have been received.

4.10 Local Residents

[Previous consultations]

5no. objection, 1no. general and 1no. support comment have been received. Summarised as follows:

Objection:

- Overbearing and out of place
- Too high
- Will remove privacy
- Too close to neighbouring property
- Architecturally unsympathetic
- Not consistent with building line
- Creates negative impact on neighbours whilst giving applicant expansive views and light
- Not shown in context with surrounding properties
- Building appears excessively dominant in plot
- Would devalue our property
- Building would not be accepted in the village settlement are
- Too modern
- Do not object to the principle of development
- Damaging effect on overall lifestyle and wellbeing
- External walls should be rendered to be in keeping
- Roof should be tiles
- Surprised consent is sought for 6 cars
- Measures to mitigate flood risk have a disproportionate impact on height of building
- Hope that a full ecological survey is carried out
- Intervisibility issues

- Would contrive 21 metre rule
- Impact on neighbouring property
- Should follow footprint of the plot and be located generally along the Northern boundary
- Fifth bedroom gives appearance of being stuck on
- Detrimental impact on immediate environment
- Disappointed that no consideration/change has been made in terms of height
- Street scene is inaccurate
- Agree with comment of landscape officer

#### General comment

- Changes made do not overcome previous reasons for objection.

#### Support comment

1no. responses has been received marked as a support comment. This response raises several comparisons with major developments in Thornbury which are remote from the application site.

[Consultation on revised plans received 28<sup>th</sup> October]

2no. responses has been received in objection:

- Revised plans do not address original objection (too close to our property)
- Revised plans do not address objection to first floor balcony
- Revised plans do not address full height windows facing our property
- The proposed carport being adjacent to our boundary would remove all objections
- Acknowledge no formal right to a view but have right to light and privacy
- Assume that a 'light and sunlight assessment' will be completed
- Proposal will have a disproportionate impact on our property, ourselves and way of life.
- If approved, I shall seek legal advice from a planning specialist.
- Roof materials should be tiles with solar PV
- Suggestion made in relation to materials
- Carport should be on the other side
- Supportive of comments made by other interested party

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 The proposal seeks to demolish an existing dwelling and erect 1no. dwelling, with associated works. The proposal can therefore be considered to be a replacement dwelling.

#### Principle of Development

- 5.2 The development site is within the open countryside. CS5 sets the spatial strategy for the district and directs new development to the urban areas and settlement boundaries as designated by the policies map. CS5 submits that within the open countryside, new development will be strictly limited. PSP40 (residential development in the countryside) sets out the limited forms of residential development that are acceptable in the open countryside. One

- exception listed under PSP40 is the replacement of a single dwelling, where it is of similar size and scale to the existing dwelling, within the same curtilage, and of a design in keeping with the locality and minimises visual intrusion into the countryside. As the proposal is to replace an existing single dwelling with another single dwelling, it is supported in principle, subject to consideration of scale and design.
- 5.3 The existing dwelling is a detached cottage which appears to the NE (front) as single storey but is two storey to the SW (rear), due to the roof structure. The design of the elevations as existing is such that the rear elevation appears more akin to the front elevation, as it is that elevation that is two storey and has the main windows. The proposed dwelling would be two storey, with an attached carport to the side extending to the NW.
- 5.4 The new dwelling would be taller than the existing dwelling, and slightly deeper. In terms of height, the new dwelling would be 7.5 metres to the ridge and c.4.9 metres to the eaves, whereas the existing is 6.15 metres to the ridge, and c.4.65 metres to the eaves. This represents a 1.35 metre and 250mm increase in ridge and eaves height respectively. It should also be noted that 300mm of the increase results from the raised platform, which is necessary given the location in flood zone 3. The main part of the dwelling (less the carport) would be shorter in terms of width than the existing dwelling. The new dwelling would due to the increased height and some increased massing, appear larger than the existing dwelling. The wording of the policy (PSP40) however stipulates a 'similar size', and not like for like in terms of scale/volume (this is as opposed to the more restrictive Green Belt requirement of not appearing 'materially bigger'). What is proposed still represents a singular two-storey 3-bedroom dwelling, in place of the existing two storey, 4 bed single dwelling. Following revision, the large side wing has been removed, which has vastly reduced the massing and bulk of the dwelling, with the carport appearing less prominent. The ridge has been reduced which also lowers the overall massing of the building. It is therefore considered that, in the round, the new dwelling would be of a similar size and scale to the existing dwelling. The dwelling would also be within the same curtilage, and so accords with PSP40 in that respect.
- 5.5 It is therefore the case that the proposed replacement dwelling is acceptable in principle, subject to the following consideration.
- 5.6 Design and Visual Amenity  
Policy CS1 is the Council's principal design policy. CS1 requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by respect and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.7 The proposed replacement dwelling would have a cropped hip roof and part hipped single storey rear projection, and hipped roof carport extending from the NW side elevation. The design of the new dwelling is more modern than the existing and is somewhat striking, however the Naite is characterised by a variety of differing styles of built form and so it would not be unreasonable to

- consider acceptable a dwelling that appears somewhat more modern, commensurate with the age in which it is constructed. The use of pitched roof and more traditional openings however reflects some of the more traditional buildings within the vicinity, whilst the cropped hip ends offers something of a contrast, however it is not the case that a differing roof structure would present any harm, when considering the variety that can be observed on The Naite. Subject to appropriate materials, the design is appropriate for the location, following the amendments sought to the design which have reduced the scale of the dwelling by removing the side wing, and by virtue of reducing the height to the ridge to a far more sensible/reasonable height. Should permission be granted, suitably worded conditions should be applied to require details of materials, to ensure a satisfactory standard of external appearance.
- 5.8 Given that the dwelling would see some increase in scale and change in design, it would also be reasonable to require by condition a landscaping plan, to include details of hard and soft landscaping and any boundary treatments. This would also ensure a suitable assimilation into the rural setting. Subject to this, the development accords with CS1 and PSP1.
- 5.9 Residential Amenity  
PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts.
- 5.10 In terms of future occupiers, the dwelling would offer acceptable levels of light and outlook to all primary rooms. In terms of amenity space, PSP43 sets out standards of private amenity space based on the no. of bedrooms within a dwelling. The proposed dwelling would have three bedrooms, and so to accord with PSP43, would require at least 60sqm private amenity space. The proposed dwelling would offer over 200sqm of amenity space, which vastly exceeds this standard. The amenity space would be somewhat overlooked by the East facing windows of Vine Cottage, however this would not differ from the existing situation and moreover, the windows on Vine Cottage exceed the '7 metre garden boundary test' set out in the Householder Design Guide SPD.
- 5.11 Turning to future occupiers, it is noted that concerns have been raised in terms of impacts on amenity. In terms of neighbours, Vine Cottage to the West stands to be most affected by the development. Vine Cottage is set within a similar sized plot to Orchard Cottage, and has openings facing towards the site. The new dwelling would be set c.2.5 metres further back in the plot than the existing and would be some 1.3 metres closer to the boundary with Vine Cottage. The rear elevation of the two-storey part of the dwelling would be c.3.7 metres behind the NE elevation of Vine Cottage. The separation from Vine Cottage and the Flank elevation of the new dwelling would be c.9.4 metres. This is some 2.6 metres below the 12 metre 'window-wall' test set out in the Household Design Guide SPD. That said, the two-storey part would not cover a substantial amount of the SE aspect of Vine Cottage's curtilage, and so the reduction in separation distance would not justify a refusal when considering the placement of openings on Vine Cottage, and that the remainder of the SE

aspect would remain entirely open. The new dwelling would have some overbearing impacts on the amenity space surrounding the garage of Vine Cottage, however the garden of Vine Cottage is large and wraps around to the rear (South), and so this overbearing would be limited to only a small part of that garden with the rest, including the Southern aspect, remaining unaffected. For the same reasoning as above, there would also be no considered unacceptable impacts in regards to light or outlook.

- 5.12 In terms of overlooking, the front first floor windows would face towards Yew Tree Cottage to the NE. Whilst these are new openings as there are currently no FF windows facing this direction, there is sufficient separation distances to avoid an unacceptable reduction in privacy in relation to this dwelling. Rear openings would not afford any greater level of overlooking than the existing situation posed by the existing cottage. There would be additional ground and first floor windows facing towards Vine Cottage, which would be far less than the usual 21 metre separation. The first floor window would serve a bathroom and so would be likely to be obscure glazed which in any event should be required by a suitably worded planning condition. The ground floor windows would be partially obscured by a 1.8 metre fence, however it is recognised that in light of the proximity to Vine Cottage, could still result in some intervisibility, particularly over the fence towards the first-floor windows of Vine Cottage and visa versa. As such, the above condition should apply to all openings on this elevation. An additional condition should also be applied to restrict the creation of any new openings, in the interest of protecting the neighbouring amenity. It is noted that concerns have been raised in respect of a balcony, however the plans do not suggest any balcony as being proposed. Nevertheless, it is noted that the roof of the single storey part to the rear could be used as such and so a suitably worded condition should be applied to ensure this is not the case, as a balcony in this position would raise overlooking concerns.
- 5.13 Subject to the above noted conditions, the case officer is satisfied that there would be no material unacceptable amenity impacts, should permission be granted.
- 5.14 Transport  
The site is located in a rural area and so is not in a location well served by public transport, nor is it located in close proximity to key services and facilities and will likely be car dependent. However, as the proposal is for a replacement dwelling then the less sustainable location is not considered to be a reason to resist the development.
- 5.15 PSP16 requires 3 and 4 bed dwellings to provide at least 2no. parking spaces, which is achieved in this instance and so there is no objection in terms of parking or access. A suitably worded condition would be required should permission be granted to secure the provision of at least 2no. parking spaces prior to occupation. A further condition would be required to ensure provision of an electric vehicle charging socket.
- 5.16 Ecology  
The site is not within any ecological designations, however as an older building in a rural area, it could offer the potential for roosting bats. As such, a

preliminary ecological appraisal (PEA) has been submitted, and a further bat survey addendum has also been submitted (MPEcology, August 2021 and MPEcology, September 2021 respectively).

- 5.17 The house has potential to support roosting bats and the site is adjacent to some foraging habitat for bats which will increase likelihood of presence. The building was considered to offer high potential for roosting bats and three emergence / re-entry surveys were undertaken. No bats emerged from the building; therefore a licence is not required for the development. As high potential still remains it would be expected that mitigation is to be in place such as soft demolition and inspection of property prior to works commencing. This has been addressed by the submission of updated information.
- 5.18 The report also identifies and considers impacts on GCN and nesting birds, which have been considered by the Council's planning ecologist who is satisfied with the findings, level of survey work undertaken and proposed mitigation. Consequently, officers are satisfied that appropriate mitigation is possible and the development is acceptable in ecological terms. Should permission be granted, suitably worded conditions will be required to ensure that works proceed in accordance with the mitigation measures. Conditions will also be required to capture details of any proposed lighting, and the location and specifications of the proposed ecological enhancements.
- 5.19 Flood Risk  
The site is within EA flood zone 3, an area within the district with the highest risk of flooding. The development proposals do not propose to introduce any further residential accommodation into the flood zone, and instead proposed to replace an existing/established dwelling. The LLFA have reviewed the submitted FRA and have no objection to its contents and therefore officers are satisfied that the development is acceptable in flood risk terms. Surface water is to be dispersed via a soakaway which is acceptable. Details of the specific design and siting of the soakaway will be appropriately addressed via building control.

### **Impact on Equalities**

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

## **Other Matters**

- 5.22 A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.23 Solar PV – at this stage there is no policy footing whereby the LPA can insist that solar PV is installed on a new dwelling.
- 5.24 Disabled access – there is no policy requirement in the local plan for a replacement dwelling to provide specific disability access measures, and this would instead be a matter for the resultant occupiers to consider as necessary.
- 5.25 Right to light is not a planning consideration and is a civil matter. Impacts on natural light and sunlight are material considerations however, and have been found to be acceptable.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 It is recommended that permission is **GRANTED** subject to the following conditions:

### **CONDITIONS**

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

#### Reason

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

2. Prior to application of any external materials and notwithstanding the approved plan, details and samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

3. Prior to commencement of development above DPC, a hard and soft landscaping plan shall be submitted to the local planning authority for approval in writing. The plan shall include locations, species, stock size and quantity of all planting, and details of all hard surface treatments and boundary treatments. Development shall proceed in accordance with the agreed landscaping plan and all new planting shall be implemented in the first planting season following completion of development.

Reason

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

4. Prior to the use or occupation of the development hereby permitted, and at all times thereafter, the proposed windows on the side (North-west) elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed'..

Reason

To protect the amenity of neighbouring occupiers and to accord with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side (North-west) elevation of the property.

Reason

To protect the amenity of neighbouring occupiers and to accord with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

6. The roof area of the single storey rear part of the dwelling shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason

To protect the amenity of neighbouring occupiers and to accord with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

7. Prior to occupation of the development, at least 2no. parking spaces as indicated on plan A105 (rev.7) (proposed ground floor plan, as received 29th November 2022) shall be provided and shall be retained thereafter.



Reason

To ensure sufficient parking is provided and to accord with PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

8. Prior to occupation, the dwelling shall be provided with at least 1no. electric vehicle charging socket rated at 7KW/32amp minimum, which shall be installed to operational standard and retained thereafter.

Reason

To ensure sustainable travel options are provided and to accord with CS8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) December 2013.

9. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal (MPEcology, August 2021) and Bat survey Addendum (MPEcology, January 2022).

Reason

To ensure that appropriate mitigation is in place and to accord with PSP19 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

10. Prior to installation of any external lighting as part of the development implementation, 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 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.

Reason

To ensure that any lighting does not harm protected species and to accord with PSP19 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

11. Prior to completion of works, a plan detailing the location and specifications of ecological enhancements detailed within Preliminary Ecological Appraisal (MPEcology, August 2021) and Bat survey Addendum (MPEcology, January 2022) is to be submitted to the local authority for approval in writing. This includes, but not

limited to bird boxes. Enhancements shall be installed in accordance with the agreed details within 2 months of written approval being given.

Reason

To ensure that appropriate enhancements are made and to accord with PSP19 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

12. Development shall proceed in accordance with the following plans:

A100 - Existing ground floor plan  
A101 - Existing second floor plan  
A102 - Existing elevations  
As received 22nd March 2021

A109 7 - 3D perspectives 1  
A110 7 - 3D perspectives 2  
A103 7 - location plan  
A104 7 - block plans  
A106 7 - Proposed car port  
A108 7 - Proposed elevations  
A107 7 - Proposed first floor  
A105 7 - Proposed ground floor  
As received 29th November 2022

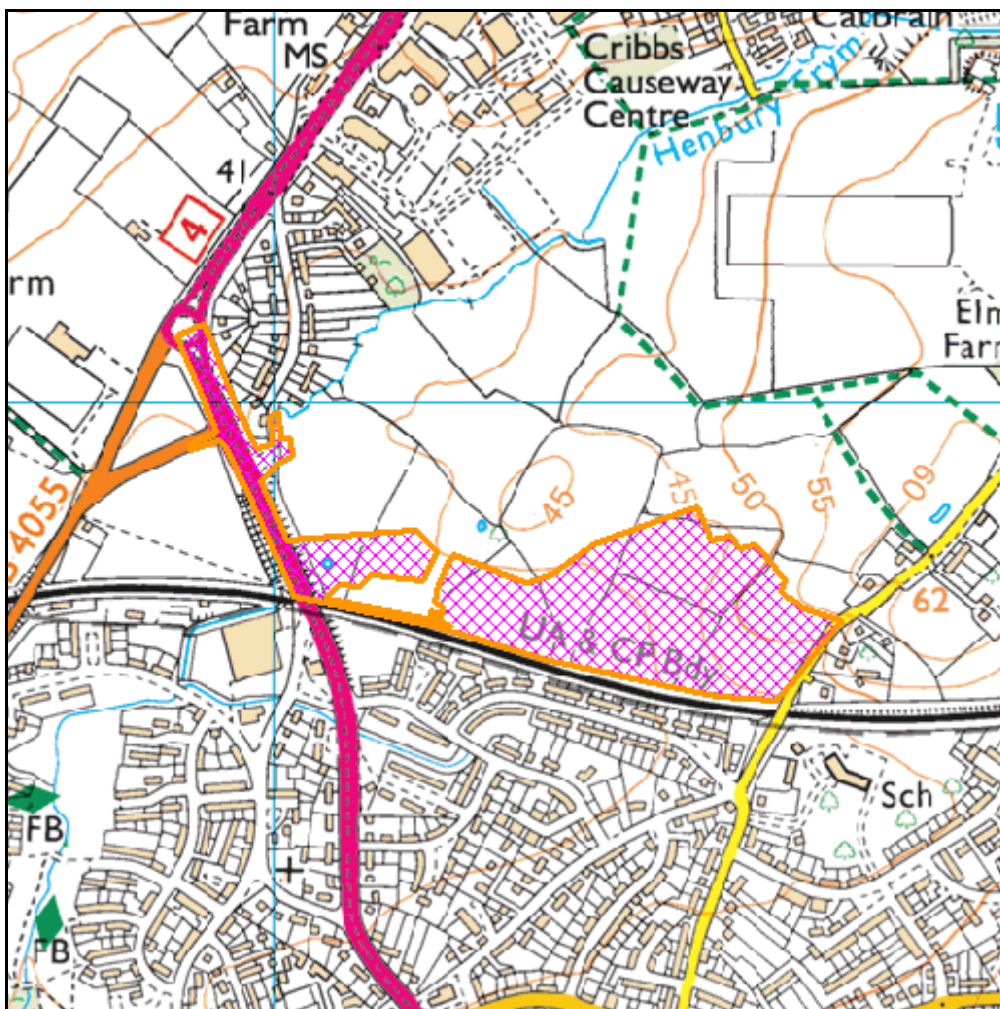
Reason

To define the exact terms of the permission.

**Case Officer: Alex Hemming**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 48/22 -2nd December 2022**

<b>App No.:</b>	P21/05421/RM	<b>Applicant:</b>	Persimmon Homes Severn Valley
<b>Site:</b>	Land At Wyck Beck Road And Fishpool Hill Patchway Cribbs Causeway South Gloucestershire	<b>Date Reg:</b>	20th August 2021
<b>Proposal:</b>	Erection of 235 no. dwellings and associated landscaping and infrastructure at Fishpool Hill (Parcel H4 & H7) with appearance, landscaping, layout and scale to be determined. (Approval of Reserved Matters to be read in conjunction with outline permission PT12/1930/O.).	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	356957 180139	<b>Ward:</b>	Charlton And Cribbs
<b>Application Category:</b>	Major	<b>Target Date:</b>	19th November 2021



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 100023410, 2008. **N.T.S.** **P21/05421/RM**

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

## **INTRODUCTION**

This application appears on the circulated schedule because objections have been received from members of the public contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application is for the approval of Reserved Matters (RMs) for 235 residential dwellings together with associated public open space, landscaping, highways and drainage infrastructure. This is the first RMs application for a residential parcel to be submitted for Phase 1 of this strategic site.
- 1.2 The wider strategic site has Outline permission (PT12/1930/O) to deliver 1100 new dwellings, a new primary school, community centre and local centre together with areas of public open space, outdoor sports facilities and children's play areas over two phases. The strategic site forms part of the Cribbs/Patchway New Neighbourhood (CPNN) Development Area allocated within the Core Strategy (adopted 2013) under Core Strategy Policy CS26 and has commenced by virtue of delivering the access, albeit further operations appear to have progressed.
- 1.3 The full extent of the strategic site comprises an area of land of approximately 54 hectares. Fishpool Hill itself runs north-south through the centre of the site, splitting Phases 1 and Phase 2 of the development. Existing residential properties off Fishpool Hill are largely not included within the strategic site boundary. At present the wider site comprises field parcels of former agricultural use with enabling construction works now underway.
- 1.4 The land generally falls away from north to south with Fishpool Hill in the centre on higher ground with the Henbury Trym corridor running along the western boundary of the Site. The southern boundary of the Site is bounded by the railway line which also broadly reflects the administrative boundary between South Gloucestershire Council and Bristol City Council areas. Areas of existing residential development within Bristol's administrative area lie to the south of the railway line. To the immediate north of the Site is the former Filton Airfield strategic development site. To the south-west, the site is bounded by the A4018 / Wyck Beck Road with the main access into the site comprising the junction with Passage Road. Passage Road runs north-south close to the site and comprises associated established residences. To the east of Phase 2 lies Charlton Common. The site is within close proximity to the Cribbs Causeway retail complex and Junction 17 of the M5.
- 1.5 This RMs application has been submitted pursuant to Conditions 1, 2 and 3 attached to Outline permission PT12/1930/O ('the Outline') and in accordance with the requirements of a number of conditions attached to the Outline decision notice as discussed in further detail within this report below.
- 1.6 As shown on the submitted Site Location Plan, the red line boundary for this RMs application is limited to the area including the residential parcels referred to as 'H4' and 'H7' situated in the south-east corner of Phase 1. The site boundary runs adjacent to the railway line to the south, Fishpool Hill to the east and the alignment of the future main spine Road to the north.
- 1.7 The H4 and H7 parcels are bounded to the west by an area of land being safeguarded for a new railway station to be delivered in the future via a separate Network Rail

planning application. The red line boundary for this RMs application also extends to the west to include the attenuation basin (referred to within the submission as 'S1') that will provide surface water drainage for both this phase and the future railway station. It also extends to the east to include an area of new public open space, a Local Equipped Area of Play (LEAP) and a second attenuation basin (referred to as 'S2').

- 1.8 A stand-alone RMs application for the central spine road that runs east-west through Phase 1 is currently in the final stages of determination (application P20/13719/RM). Following planning approval this internal spine road will be offered for adoption by the Council, as Highways Authority (under Section 38 agreement).
- 1.9 Details of the main vehicular access junction off Wyck Beck Road in to Phase 1 was approved under the Outline with highways technical approval having been subsequently granted (Section 278 agreement). The access junction works and associated works along Wyck Beck Road are underway on site.
- 1.10 Outline details of the two highway junctions where the new spine road will cross Fishpool Hill itself, that will eventually connect Phases 1 and 2 of the development, were approved in 2017 under two stand-alone Outline applications (PT13/0830/O and PT13/4413/O). Separate RMs applications will follow that will address detailed design matters for these junctions. The junctions between the spine road and Fishpool Hill itself are not covered under this RM application and are outside the red line boundary.
- 1.11 Following the Outline approval, the applicant was required to discharge a number of pre-commencement conditions before works could be started on site. These were approved under discharge of condition applications DOC20/00249 and DOC20/00339 submitted in 2020 and approved in May 2022. These conditions are listed below and discussed in further detail in Section 5 of this report. This application's compliance with these conditions has been assessed accordingly:

**Approved under application DOC20/00249:**

- Condition 6 – Detailed Masterplan for the phase
- Condition 7 – Design Code for the phase
- Condition 8 – Phasing Plan for the entire site
- Condition 13 – Programme of archaeological work
- Condition 14 – Waste Management Audit
- Condition 15 – Surface Water Drainage Masterplan
- Condition 30 – Details of construction compound
- Condition 34 – Energy Statement
- Condition 35 – Site-wide Waste Management and recycling strategy
- Condition 38 – Site-wide Affordable Housing Plan

- Condition 45 – Establish Residents Liaison Group

**Approved under application DOC20/00339:**

- Conditions 12/30 – Construction Environmental Management Plan (CEMP)
- Condition 14 – Waste Audit
- Condition 23 – Ecological Mitigation Strategy for slow worms
- Condition 24 - Ecological Mitigation Strategy for brown hare and hedgehogs
- Condition 25/26/27 – Ecological and Landscape Management Plan, ecological contractor and re-survey for badgers
- Condition 40 – Noise Mitigation

1.12 The Outline decision notice also contains a number of other conditions that specify the information that is required to be submitted as part of RM applications. These conditions are listed and discussed in the analyses section of this report below.

**Applicant's Supporting Information**

1.13 The following plans/documents have been submitted with this RMs application:

<b>Document/Plan</b>	<b>Latest Revision/Reference submitted</b>
H4 & H7 Location Plan	101-4 B
Character Areas Key Plan	000-4 B
Planning Layout Parcels H4 & H7	100-4 AA
Planning Layout 2 of 2	100-4 B
POS Boundary Plan Sheet 1	201-4 D
POS Boundary Plan Sheet 2	202-4 C
Materials Key Plan	102-4 E
Storey Heights Key Layout	103-4 F
Affordable Homes Key Plan	104-4 F
Refuse and Cycle Strategy Plan	105-4 D
Fences & Enclosures Detail Sheet 1	115-1 D
Fences & Enclosures Detail Sheet 2	115-2 B
Street Scenes	160 C
Overlapping Street Lighting, Engineering Drawings & Landscape Drawings Sheet 1	170 F
Overlapping Street Lighting, Engineering Drawings & Landscape Drawings Sheet 2	170 D

<b>Document/Plan</b>	<b>Latest Revision/Reference submitted</b>
Cross Section Plots 196 & 204	180
<b>Henbury Gateway Housetype Pack</b>	
Arden-R21	120.1 A
C1-R20	121.1 C
Glenmore-R21	123.1 B
Barnwood-R21	127.2 A
Ashdown Corner-R21	128.1 B
Ashdown Corner-R21	128.2 A
Ashdown-R21	128.3 B
Ashdown-R21	128.9 B
Burnham-R21	129.1 A
Whinfell-R21	130.1 B
Whinfell-R21	130.2 A
Whinfell-R21	130.5 A
2A	140.1 /
3A	141.1 /
<b>Henbury Drive Housetype Pack</b>	
C1-R20	121.2 B
Saunton-R21	124.1 B
Braunton-R21	125.1 B
Ashdown Corner-R21	128.4 A
Ashdown-R21	128.5 A
Ashdown-R21	128.6 B
Ashdown Corner-R21	128.7 A
Ashdown-R21	128.8 B
Ashdown Corner-R21	128.10 A
Ashdown-R21	128.11 A
Greenwood-R21	131.1 A
Apartments	136.1 D
Apartments	136.2 D
Apartments	136.3 D

<b>Document/Plan</b>	<b>Latest Revision/Reference submitted</b>
Apartments	136.4 D
Apartments	136.5 D
Apartments	136.6 B
<b>Beaufort Village Housetype Pack</b>	
Arden-R21	120.2 B
Arden-R21	120.3 B
Arden-R21	120.4 B
Arden-R21	120.5 C
C1	121.3 B
C1	121.4 A
Danbury Fog Unit-R21	122.1 C
Danbury Fog Unit-R21	122.2 B
Danbury-R21	122.3 C
Danbury-R21	122.4 C
Danbury Fog Unit-R21	122.5 B
Danbury-R21	122.6 C
Danbury-R21	122.7 C
Danbury-R21	122.8 C
Danbury-R21	122.9 C
Glenmore-R21	123.2 C
Glenmore-R21	123.4 D
Glenmore-R21	123.5 C
Glenmore-R21	123.6 C
Glenmore-R21	123.7 C
Sherwood-R21	126.1 C
Sherwood-R21	126.2 C
Sherwood Fishpool Variant	126.3 B
Sherwood-R21	126.5 C
Charnwood-R21	127.1 B
Barnwood-R21	127.3 B
Barnwood-R21	127.4 B



<b>Document/Plan</b>	<b>Latest Revision/Reference submitted</b>
Burnham-R21	129.2 C
Whinfell-R21	130.3 C
Whinfell-R21	130.6 B
Whinfell-R21	130.7 C
2A	140.2 B
2A	140.3 A
2A	140.4 A
2A	140.5 B
2A	140.6 B
3A	141.2 A
3A	141.3 B
3A	141.4 A
3A	141.5 A
4A	142.1 C
4A	142.2 B
2WC	145 C
3WC	146.1 A
3WC	146.2 A
<b>Village Edge House type Pack</b>	
Glenmore-R21	123.3 C
Sherwood-R21	126.4 C
Burnham-R21	129.3 B
Marston-R21	132.1 B
Brampton Variant-R21	133.1 A
Kielder	134.1 A
Brightstone-R21	135.1 A
Brightstone-R21	135.2 A
Garages	150.1 /
<b>Landscape Plans</b>	
Detailed Landscape Proposals for Plots Sheet 1	JBA 22-291-01 G
Detailed Landscape Proposals for Plots Sheet 2	JBA 22-291-02 G

<b>Document/Plan</b>	<b>Latest Revision/Reference submitted</b>
Detailed Landscape Proposals for Plots Sheet 3	JBA 22-291-03 G
Detailed Landscape Proposals for Plots Sheet 4	JBA 22-291-04 G
Detailed Landscape Proposals for Plots Sheet 5	JBA 22-291-05 G
Detailed Landscape Proposals for Plots Sheet 6	JBA 22-291-06 G
Detailed Landscape Proposals for Plots Sheet 7	JBA 22-291-07 G
Detailed Landscape Proposals for Plots Sheet 8	JBA 22-291-08 G
Detailed Landscape Proposals for POS Sheet 9	JBA 22-291-09 G
Detailed Landscape Proposals for POS Sheet 10	JBA 22-291-10 G
Detailed Landscape Proposals for POS Sheet 11	JBA 22-291-11 G
Detailed Landscape Proposals for POS Sheet 12	JBA 22-291-12 G
Detailed Landscape Proposals for POS Sheet 13	JBA 22-291-13 G
Detailed Landscape Proposals for POS Sheet 14	JBA 22-291-14 G
Detailed Landscape Proposals for POS Sheet 15	JBA 22-291-15 G
Detailed Landscape Proposals for POS Sheet 16	JBA 22-291-16 G
On Plot Drawing Location Plan	JBA 22-291-17 G
POS Drawing Location Plan	JBA 22-291-18 G
Detailed Landscape Proposals for POS Sheet 19	JBA 22-291-19 G
Landscape Management and Maintenance Plan	JBA 22/291 Rev C
Tree Pit Detail in Build-out with Soft Landscape	JBA 22-291-DT02
Tree Pit Detail in Spine Road Verge	JBA 22-291-DT03
<b>Engineering Plans</b>	
Section 38 Layout Plan	S38 G
Section 38 Layout Plan	S38-1 G
H4 Kerbing & Surfacing Plan	500 J
H7 Kerbing & Surfacing Plan	510 H
Refuse Vehicle Tracking	600 B
Private Drive Vehicle Tracking	625 *
Forward Visibility Splay Plan Sheet 1 of 3	655 B
Forward Visibility Splay Plan Sheet 2 of 3	656 B

<b>Document/Plan</b>	<b>Latest Revision/Reference submitted</b>
Forward Visibility Splay Plan Sheet 3 of 3	657 B
Drainage Strategy & Externals Plan Sheet 1	800 K
Drainage Strategy & Externals Plan Sheet 2	801 J
SUDS Maintenance & Management Plan	REDL129-SUDS-001 A
Red Civils Responses to LLFA Comments	P21.05421.RM dated Sept 2022
Overland Flood Route Plan Sheet 1 of 2	181 E
Overland Flood Route Plan Sheet 2 of 2	182 E
Parcel H4 Storm Catchment Plan	540 D
Parcel H7 Storm Catchment Plan	541 D
Site 3D - Flow Controls Information Sheet	/
Site 3D - Storage Structures Information Sheet	/
Storm Simulation Calculations - 1yr,30yr,100Yr+40%CC	/
App D1 - 13078-HYD-XX-XX-DR-D-2001-P04 Post dev Surface Water Catchment Areas	/
App D16 - 13078-HYD-XX-XX-DR-C-0950-P03 Catchment Plan	/
H7 Central Network Storm Calculations	Dated Sept 2022
H7 Eastern Network Storm Calculations	Dated Sept 2022
H7 Northern Network Storm Calculations	Dated Sept 2022
H7 Western Network Storm Calculations	Dated Sept 2022
Fishpool H4H7 (DM2) With RED Civils Comments	Dated 27/10/22
H4 Storm Calculations +10%Urban Creep	Dated 28/10/22
H7 Central Network Storm Calculations +10%Urban Creep	Dated 21/10/22
H7 Eastern Network Storm Calculations +10%Urban Creep	Dated 27/10/22
H7 Northern Network Storm Calculations +10%Urban Creep	Dated 21/10/22
H7 Western Network Storm Calculations +10%Urban Creep	Dated 21/10/22
<b>Flood Risk Assessment</b>	
FRA – Text and Appendices A and B	13078-HYD-XX-XX-D-5001 P11
FRA – Appendix C and D Part 1	
FRA – Appendix D Part 2	
FRA – Appendix D Part 3	
FRA – Appendix D Part 4	

<b>Document/Plan</b>	<b>Latest Revision/Reference submitted</b>
FRA – Appendix D Part 5	
FRA – Appendix D Part 6	
FRA – Appendix D Part 7	
FRA – Appendix E Part 1	
FRA – Appendix E Part 2	
FRA – Appendix F and G	
<b>Drainage Layout Plans</b>	
Drainage Layout Sheet 1	13078-HYD-XX-XX-DR-C-0600-P22 Drainage Layout-Sheet 1
Drainage Layout Sheet 2	13078-HYD-XX-XX-DR-C-0601-P17 Drainage Layout-Sheet 2
Drainage Layout Sheet 3	13078-HYD-XX-XX-DR-C-0602-P18 Drainage Layout-Sheet 3
<b>Lighting</b>	
INVO Solar Street Lighting - PL-008	Dated Sept 2022
P-20220917-100-4_W_H4 H7 Planning-pl008-v2	Dated Sept 2022
Street Lighting & Electrical Requirements – S38	SLD-528-001 A
EMU Online PDF Print	SLD-528-EB-001
EMU Online PDF Print	SLD-528-EB-002
Details of Fishpool Hill LEAP	2210.35840 dated 19/10/22
Render & Cladding Detail	896_PD001
Energy Statement	008057Ph1 Rev A
MCS PV Energy Calculation	20652 dated Aug 2022
Viridian Clearline Fusion PV Site Plan Sheets 1-4	20652/SK1 dated Aug 2022
Clearline Fusion PV16 G1 Data Sheet	80034 1.6 dated Aug 2022
Compliance Statement	Dated Aug 2022
FPH H4 and H7 Affordable Housing Housetype Schedule	V.3 dated Oct 2022
Bird and Bat Box Strategy for Parcels H4 & H7	V1.0
Badger Survey Report	Dated Nov 2022

### **Environmental Impact Assessment**

- 1.14 The original Outline application was accompanied by an Environmental Statement. This application is considered a 'subsequent' application in relation to the Environmental Impact

Assessment regulations (EIA Regs 2017) however it is considered that sufficient environmental information is already before the Council to ascertain the significant effects on the environment and requests for further environmental information (under Regulation 25) have not been required.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework (last updated July 2021)

National Planning Practice Guidance

### **2.2 Development Plans**

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

CS1 High Quality Design

CS2 Green Infrastructure

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS16 Housing Density

CS17 Housing Diversity

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**

PSP1 Local Distinctiveness

PSP2 Landscape

PSP3 Trees and Woodland

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP13 Safeguarding Strategic Transport Schemes and Infrastructure

PSP16 Parking Standards

PSP19 Wider Biodiversity

PSP20 Flood Risk, Surface Water and Watercourse Management

PSP21 Environmental Pollution and Impacts

PSP43 Private Amenity Space standards

PSP44 Open Space, Sport and Recreation

## 2.3 **Supplementary Planning Documents**

Cribbs/Patchway New Neighbourhood Development Framework SPD (adopted March 2014)

Green Infrastructure SPD (adopted April 2021)

Trees and Development Sites SPD (adopted April 2021)

Sustainable Drainage Systems (SuDs) SPD (adopted April 2021)

South Gloucestershire Statement of Community Involvement (2020)

The South Gloucestershire Residential Parking Standards SPD  
(adopted 2013)

Waste Collection: Guidance for New Developers SPD (adopted 2019) The South  
Gloucestershire Residential Parking Standards SPD  
(adopted)

Waste Collection: Guidance for New Developers SPD (adopted)

## 3. **RELEVANT PLANNING HISTORY**

3.1 In addition to the applications on the site itself listed below there have also been a number of recent applications relating to the surrounding strategic sites of Haw Wood and Filton Airfield that together comprise the Cribbs Patchway New Neighbourhood Area:

- P20/13719/RM - Creation of road infrastructure with appearance, layout and landscaping to be determined (Approval of Reserved Matters for Phase 1 to be read in conjunction with outline permission PT12/1930/O) Land At Wyck Beck Road And Fishpool Hill Patchway Cribbs Causeway South Gloucestershire – Validated 9<sup>th</sup> Oct 2020 - Decision Pending
- DOC20/00339 - Discharge of conditions 12 (Construction Environmental Management Plan (CEMP)), 14 (waste management audit), 23 (Ecology - slow worms), 24 (Ecology - brown hares and hedgehogs), 25 (landscape and ecological management plan), 26 (appointment of ecological contractor), 27 (Ecology- badgers), 29 and 30 (CEMP), 36 (Internet provision) and 40 (noise assessment) attached to planning permission PT12/1930/O. Validated 10<sup>th</sup> Nov 2020 – Discharged 6<sup>th</sup> June 2022
- DOC20/00249 - Discharge of Condition 6 (Detailed masterplan) Condition 7 (Design code) Condition 8 (Overall phasing plan) Condition 13 (archaeological) Condition 15 (Drainage) Condition 17 (Technical design) Condition 32 (Arboricultural) Condition 34 (Energy statement) Condition 35 (Waste management) Condition 38 (Affordable housing) and Condition 45 (Residents liaison group) attached to planning permission PT12/1930/O – Validated 29<sup>th</sup> July 2020 – Discharged 25<sup>th</sup> May 2022
- PT13/4413/O - Construction of an access road crossing the existing highway and 0.1ha of residential development. Outline application with access to be determined: all other matters reserved – Validated 3<sup>rd</sup> Dec 2013 – Approved 13<sup>th</sup> April 2017

- PT13/0830/O - Construction of an access road crossing the existing highway. Outline application with all matters reserved other than access – Validated 11<sup>th</sup> March 2013 – Approved 13<sup>th</sup> April 2017
- PT12/930/O - Mixed use development across 53.80 hectares of land comprising up to 1,100 new dwellings (Use Class C3) a local centre (Use Classes A1, A2, A3, A4, A5, B1, D1, D2) a primary school together with supporting infrastructure and facilities including: new vehicular access with Wyck Beck Road, public open space and landscaping. Outline application including access with all other matters reserved – Validated 18<sup>th</sup> June 2012 – Approved 16<sup>th</sup> July 2020

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

##### **Response from External Consultees**

##### **Almondsbury Parish Council**

#### 4.1 Approve with conditions:

- Sustainable management plan of trees, hedges, and landscape. The plan should be for 20 years. There is no Commitment from Almondsbury Parish Council to be responsible after this time. There should be a Homeowners Association or equivalent that would need to be responsible.
- The associate and ancillary in relation to the landscaping should not wait until completion of the development.
- The Road / Highways Officer to be consulted.
- All the conditions contained in the previous planning application be strictly adhered to (PT12/1930/O)

##### **Environment Agency**

#### 4.2 No objections:

4.3 The Environment Agency have no objection to this Reserved Matters application as our interests have been covered by conditions at the outline stage.

##### **Avon and Somerset Police**

#### 4.4 No objections subject to comments:

4.5 In relation to the revised plans Consultee Comments Tracker submitted September 22 I offer the below further comments:

4.6 1. The comments and clarification contained within the previous Consultee Trackers concerning crime prevention are welcomed.

4.7 2. The comments contained within the September Consultee Tracker are noted.

4.8 3. The comments in relation to the provision of rear courtyard parking are noted. It is accepted that the applicant has sought to comply with the Design Code, as agreed by officers. I apologise for the confusion between dwellings and spaces, 'monitor blindness' was such I only focused on the numbers.

4.9 4. However, our protocol with South Gloucestershire Planning Department is to advise them on all issues concerning an application even within their own policy if it would influence future residents, increase crime and demand for council services.

- 4.10 5. Rear car parking courtyards are discouraged for the following reasons:
- They introduce access to the vulnerable rear elevations of dwellings where most of the burglary is perpetrated
  - In private developments such areas are often left unlit and therefore increase the fear of crime
  - Particularly where un-gated the courtyards provide areas of concealment which can encourage anti-social behaviour.
- 4.11 6. Where they are necessary it is accepted by research and policy such “Car Parking What Works Where” and Manual For Streets that the numbers of parking spaces be limited.
- 4.12 7. This is also supported by South Gloucester Parking Policy SPD:
- “Rear parking courts should not have contiguous boundaries, generally serve no more than 6 houses and parking spaces should be well related to the dwellings they serve;  
And that “Car parking needs to be designed with security in mind”*
- 4.13 8. So, although it is accepted that for the reasons given in the Tracker the courtyards are supporting the design aim to avoid frontal parking on the spine road, from a crime prevention perspective I am still concerned with the number of spaces in the courtyards with as stated in the September Tracker two courtyards serving 9 dwellings/houses.
- 4.14 9. The requirement for the groupings of spaces to be limited, and the division being reasonably substantial, ie More than paving or grass, is from a perspective of reducing permeability and anonymity.
- 4.15 10. As mitigation for the courtyard designs it is welcomed the provision of lighting in the courtyards to the appropriate BS5489:2020 standard.
- 4.16 11. The documents Solar Street lights Details, and Luminaire Data Sheet (Lux Levels) are noted and accepted.
- 4.17 I therefore feel that this application now meets, subject to comments, the safety and security requirements of the National Planning Policy Framework or the South Gloucestershire Core Strategy.

### **Network Rail**

- 4.18 No objections:
- 4.19 Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.
- 4.20 Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk).



- 4.21 It is unclear from the plans whether the Swale is a new one or existing. If it is existing, the discharge into it must not exceed l/s.

### **Response from SGC Consultees**

#### **Archaeology**

- 4.22 No objections subject to condition:
- 4.23 These parcels have been subject to archaeological excavation as part of the outline consent and there is no requirement for further on-site work in this location or for any pre-commencement condition. However, post-excavation of the archaeological investigations leading publication will still need to take place and further archaeological work is needed in other parts of the site (outside of this RM boundary). It is beneficial to everyone if the results of all of these works are presented as one, rather than as separate reports for the different activities. As such, I recommend the following condition be attached to any consent granted: Final occupation of the development within Phase 1 shall not occur until (i) the post investigation assessment for the whole of the Phase 1 development has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

#### **Ecology**

- 4.24 No objections, subject to conditions and comments as follows:
- 4.25 The application boundary for this RM includes the mature hedgerow being retained and enhanced alongside the railway corridor and that which runs north-south between the spine road and railway corridor (between H4 and H7). Note: this area should currently be fenced-off by reptile exclusion fencing which should remain until the development is completed as it is also the receptor area for reptiles.
- 4.26 The Ecology Strategy Plan Rev H (approved under application DOC20/00339) includes the following ecological enhancements in this area which must be delivered as part of this RM:
- Enhancements to retained hedgerow;
  - 2 x new wildlife ponds;
  - 1 x log pile (along retained hedgerow);
  - Dormouse mitigation planting;
- 4.27 Immediately to the north of this stretch of hedgerow is a proposed Great Crested Newt/wildlife underpass (falls within the spine road RM), therefore any vegetation/landscaping enhancements required to maximise the effectiveness of this underpass must be factored into this RM.
- 4.28 Within the residential plots H4 and H7 themselves, the approved LEMP (Condition 25 dealt with under DOC20/00339) includes both bat and bird boxes integrated into the buildings at a density of 1 in every 3 dwellings. It also includes the planting of native species street trees.
- 4.29 The area of dormouse planting shown in the approved Clarkson & Woods LEMP for parcels H4 and H7 has now been achieved. Dormouse planting has been added, totalling 3,702m<sup>2</sup> in accordance with the approved LEMP:
- Sheet 11 and 12 – 1,085m<sup>2</sup> block of dormouse planting between the two retained hedgerows (around the proposed pond).
  - Sheet 13 and 14 – 1,412m<sup>2</sup> dormouse planting north and south of the ditch and wet wildflower seeded area.

- Sheet 15 and 16 – 1,205m<sup>2</sup> dormouse planting all down the east side of the attenuation basin wrapping around the southern side of the attenuation basin, extending all the way down to the railway. However, some of the proposed dormouse planting is isolated within areas of grassland.
- Arboreal connectivity should be maintained along the southern and eastern boundaries of the site to maximise the potential of the proposed habitat for dormouse, in accordance with the dormouse licence (2022-61749-EPS-MIT) supporting Figure E3.
- Sheet 12 - Native wildflower mix added to receptor area for reptiles.
- Sheet 11 and 12 – Native wildflower mix added.
- All sheets - Symbology for 'NATIVE BUFFER MIX A' and 'SUB CANOPY MIX B' has been added to the POS and plot landscaping sheets.
- Plant schedules now shown on Sheet 16. These match up with the suggested species mixes in the approved C&W LEMP (Appendix D: Illustrative Landscaping Plans for Development Parcels), with some additional species.

4.30 **Bat (Roosts)** – The approved LEMP (Condition 25 DOC20/00339) includes the following recommendation for bat boxes:

*To enhance the site for roosting bats and nesting birds, long-lasting roosting and nesting features of various design will be installed around the site at a ratio of approximately one feature for every three new dwellings. The precise location and number of boxes will be detailed at the reserved matters application stage. Various designs are available which can be installed flush with the outer walls of new buildings and painted or rendered to match the external colour, leaving only a small entrance visible. Bat/bird boxes can also be installed on suitably mature retained trees at the site. Recommended Box specifications are provided in Table 1.*

4.31 A plan showing the locations and types of bat boxes to be installed throughout H4 and H7 has now been provided within the Bird and Bat Box Strategy (V1.0 Dated November 2022).

4.32 **Bats and Lighting** – 'Overlapping street lighting, landscaping and engineering drawings' Dwg No. 170\_4&7\_1 shows light spill is minimised on the green infrastructure/retained and enhanced vegetation bordering the site to the south (along railway) and east. Light spill is also minimised on the area of retained hedgerow between H4 and H7 except at the northern end next to the spine road where column 17 is responsible for light spill of between 1 and 5 lux on the hedge. A back shield to these columns has now been detailed (as per email dated 18/10/2022)

4.33 **Great crested newt (GCN)** – as noted above, any vegetation/landscaping enhancements required to maximise the effectiveness of the GCN/wildlife underpass immediately to the north of this RM must be considered and accommodated. Landscaping plans have now been updated as per approved LEMP requirements, retaining hedgerow and ground flora to guide amphibians towards the underpass (Sheet 12).

4.34 **Dormice** – Appendix C of the approved LEMP for the outline (Condition 25 DOC20/00339) commits to the following to avoid impacts on dormice:

*As part of the Outline proposals, circa 2.26ha of native species-rich landscape planting will be planted, as indicated in Figure C2. The placement of the new planting has been designed to bolster and buffer the retained hedgerows and ensure connectivity around the site is maintained. The proposed mitigation will be detailed and secured at the reserved matters stage for each relevant phase as well as via a Natural England licence.*

4.35 The updated landscape plans now show sufficient dormouse planting (0.37ha) and appropriate species within the planting schedule. As noted above, arboreal connectivity

should be maintained along the southern and eastern boundaries of the site to maximise the potential of the proposed habitat for dormice.

- 4.36 Section 3.7 of the JBA LMMP Guide to the Management of Landscape REF JBA 22/291 Rev B (03.11.2022) has now incorporated the management prescriptions for dormouse habitat as set out in C&W approved LEMP.
- 4.37 **Nesting birds:** The approved LEMP (Condition 25 DOC20/00339) includes the following recommendation for bird boxes:  
*To enhance the site for roosting bats and nesting birds, long-lasting roosting and nesting features of various design will be installed around the site at a ratio of approximately one feature for every three new dwellings. The precise location and number of boxes will be detailed at the reserved matters application stage. Various designs are available which can be installed flush with the outer walls of new buildings and painted or rendered to match the external colour, leaving only a small entrance visible. Bat/bird boxes can also be installed on suitably mature retained trees at the site. Recommended Box specifications are provided in Table 1.*
- 4.38 A plan showing the locations and types of bird boxes to be installed on/integrated into buildings throughout H4 and H7 on buildings has now been provided within the Bird and Bat Box Strategy (V1.0 Dated November 2022).
- 4.39 **Badger:** Under Condition 27 (Badgers) it states: '*Prior to the commencement of any ground works for each respective phase of development (and approved in condition 8) that part of the site shall be resurveyed for badgers, and the findings shall be submitted to and approved in writing by the Local Planning Authority*'. The re-survey for badgers of H4 &H7 was undertaken in October 2022 and is sufficient to discharge this condition.
- 4.40 The ecological concerns and conditions have been adequately addressed by the additional submitted information. Planting should be undertaken in accordance with the updated landscape plans (submitted 18th November 2022).

### **Highways Authority**

- 4.41 No objections subject to conditions:
- 4.42 We have previously commented on this planning application seeking to construct the first phases of the Fishpool Hill residential development and although we did not object to this proposal in principle, we had a number of queries about which we sought clarification. We have now received further information about these matters and our responses are set out below.
- 4.43 We are pleased to note that the applicant has now revised their Swept Path analysis for refuse vehicles and it appears that this has now been carried out using the correct vehicle type as required by the Council's Waste Collection SPD. This analysis now appears to indicate that these can manoeuvre satisfactorily within this area.
- 4.44 Conversely, we note that no change seems to have been made to most of the residential car parking in these areas, so they retain their previous minimum dimensions. We do not consider this to be very satisfactory. However, as these conform to the Council's requirements, as set out in the adopted Residential Parking Standards SPD and Policy PSP16 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places document, we do not believe that we would be able to sustain an objection on this basis. Nevertheless, we are gratified to note that the large blocks of tandem parking present in the original layout plans have now been completely removed.

- 4.45 Moreover, we would also request that all on-plot parking areas are surfaced in a suitably drained, bound material so as to prevent it being dragged onto the public highway by vehicle tyres and that the applicant provide electric vehicle charging facilities in accordance with the Council's emerging policy.
- 4.46 We also previously raised a number of issues relating to junctions between these residential roads and the spine road. Our responses to these matters can be found in our comments on planning application for that road (ref P20/13719/RM).
- 4.47 Notwithstanding these comments, we would indicate that the final highway layouts and the limits of adoption for these residential areas, will not be agreed until a technical engineering application for the Section 38 agreement is submitted. Consequentially, the final approved layout may well differ from the plans submitted at this stage and so any 'adoption drawings' are considered as indicative only for information.

### **Housing Enabling**

- 4.48 No objections following amendments:
- 4.49 The following affordable housing comments are in addition to those comments dated the 18th October 2002 and relate to the following revised dwgs on the public planning website:
- Planning Website 20<sup>th</sup> October 2022:
    - o Affordable Housetype Schedule
  - Planning Website 08<sup>th</sup> November 2022:
    - o Beaufort Village Housetype Pack
    - o Henbury Drive Housetype Pack
- 4.50 Quantum: This application for 235 dwellings proposes 55 affordable homes (Base) 23.40% which is largely in line with the requirement of 25.5% and is deemed acceptable.
- 4.51 Enabling previously raised that there was no reference to Target Units. The agent has subsequently confirmed a copy of an email was sent directly to Housing Enabling Officer on the 1st September 2002. addressing the above point.
- 4.52 The proposed Affordable Housing scheme isn't in accordance with the tenure split of 73% social rent, 5% affordable rent and 22% intermediate housing as set out in the Site Specific Agreement (SSA) for BASE units which in this case would be 40 x Social Rent, 3 x Affordable Rented Units and 12 x Shared Ownership but instead the application proposes 44 x units for social rent and 8 x for shared ownership and 3 x for affordable rented.
- 4.53 By way of background, at the time of commenting on the Discharge of Condition 38 Housing Enabling fed back the following:
- Concern is raised by Enabling that the proposed affordable housing Tenure Split for each RMA does not accord with the approved Sites Specific Agreement i.e., 73% Social Rented, 5% Affordable Rented Units and 22% Shared Ownership. This must be addressed.*
- 4.54 The agent has advised the following "As per the approved Affordable Housing Schedule (Rev C) we are compliant with the schedule providing 44 SR, 3 AR and 8 SO. The percentages breakdown should be viewed as a whole as the table demonstrates, although each RM parcel does not strictly follow the overall percentage breakdown however the overall breakdown will be met once all RMs have been submitted and approved. Targets set out in the schedule will be met and ultimately providing the tenure split as per the S106 Agreement.

- 4.55 Housing Enabling would like to flag up that notwithstanding the Discharge of Condition 38 with regards the submitted Affordable Housing Schedule, Housing Enabling will review each RM application at the time of its submission in terms of tenure split and housetype split. The over provision of 4 SR units and under provision of 4 SO units regarding this RM application must be addressed on the next RM parcel.
- 4.56 The range of house types proposed must be in accordance with the S106 agreement.
- 4.57 Design- Development Standard definition as set out in the SSA:  
*A standard for Affordable Housing to meet or exceed the standards specified of Marker Housing which shall fully comply with "Technical housing standards-nationally described space standard" published by the Department for Communities and Local Government in March 2015 and the standard specified by Homes England or such other funding body as a condition of any grant as agreed in writing by the Council and achieve (a) Joseph Rowntree Foundation Lifetime Homes standard and (b) Secured by Design Part 2 standards and (c) equivalent to the outgoing Level 3 Code for Sustainable Homes*
- 4.58 The agent has confirmed in writing that the proposed affordable units comply with the development standards listed on parts a – c.
- 4.59 The Agent has confirmed by email dated the 14<sup>th</sup> October 2022 that they have re-submitted the Henbury Housetype Pack as the last set of floor plans were not updated in terms of footprint. The agent has confirmed the proposed 2 bed flats will measure 70m<sup>2</sup> and will accommodate 4 people. The latest Affordable Housing Plot Schedule received Oct 22 has been revised to reflect this.
- 4.60 The agent has confirmed that the Updated Affordable Housing Schedule V2 September 2022 shows 3 bed properties will accommodate 5 persons and 4 bed properties to accommodate 6 persons.
- 4.61 Clustering: Clause 1.5 of the SSA specifies:  
*(c) not more than 12 (twelve) Affordable Housing Units are grouped together in any one (1) Cluster and*
- 4.62 Plots 45-53 & 71-77 read as one large cluster due to their proximity with one another therefore resulting in a cluster of 16 affordable units which exceeds the restriction of no more than 12 units.
- 4.63 The agent has advised the following. *"We disagree with this comment as the apartment block (plots 45-53) and plots 71-77 are separated by market dwellings at plots 78 & 79 as well as 55-57. They also have separate access from different streets"*
- 4.64 Housing Enabling is of the view that it is unfortunate the agent hasn't taken the opportunity to break up this cluster by relocating plots 76 & 77.
- 4.65 Concern has been raised by Enabling regarding the number and concentration of large family properties within this cluster i.e 4 x 3 bed houses & 2 x 4 bed houses which could give rise to potential management problems. This must be addressed. The agent has confirmed that given the late stage in the design of the layout it would not be possible to move the larger AH units (as they are larger than market units) without wide scale knock on impacts on the layout. However, they have taken the advice on board and will design future parcels with this in mind.

- 4.66 This issue has been raised by Housing Enabling mainly for information purposes and for the developer to be aware that this could potentially be an issue for an RP. However, this would not be grounds for a refusal reason.
- 4.67 The affordable housing block (plots 45-53) originally proposed 9 flats sharing a communal entrance, this has been amended with 7 flats now sharing a communal entrance.
- 4.68 The agent has confirmed they have revised the apartment block and managed to achieve 7 flats per the main entrance and two via private entrance. Whilst this does not meet the requirement of 6, due to the constraints of the building and ensuring a balanced frontage, they are unable to achieve this. However, the SSA does state unless otherwise agreed and we have held informal conversations with RPs none of which would have a concern with this arrangement.
- 4.69 Housing Enabling would prefer to have no more than 6 flats sharing a communal entrance, however it is considered that on balance the proposed scheme would not have such a harmful impact particularly as the proposed 2 bed ground floor flat by reason of its design reads as though it has its own entrance.
- 4.70 Wheelchair Provision: Of the total 25.5% affordable housing requirement there is a 5 % requirement for wheelchair homes i.e., 14 homes in total. This RM application proposes 4 WC homes on Parcel 7 (2 x 2 bed WC homes on plots 176 & 177 and 2 x 3 WC on plots 134 & 135)
- 4.71 Revised WC plans have been submitted with dimensions and turning circles and the agent has confirmed they will meet the Council's wheelchair unit design specification. Issues were raised regarding plot number and size of through floor lift which have now been addressed.

#### **Landscape Officer**

- 4.72 No objections subject to conditions.
- 4.73 Generally, the landscape proposals are improved, and the revised planting plans show a greater level of detail, however minor amendments are required prior to determination.
- Some buildouts have no planting, with trees in grilles. These areas will either require bollards to prevent car overrun or planting; planting would be better aesthetically and also more cost effective;
  - There are areas where root barriers should be extended to give sufficient protection to adjacent hard surfacing;
  - There seems to be continuing discrepancies between the plot landscape and the POS landscape plans. This all needs to be rectified before the detailed planting plans can be approved. All plans should be coordinated and should not conflict.

*(note: matters above now resolved on final plans)*

#### **Lead Local Flood Authority**

- 4.74 No objections subject to conditions:
- 4.75 I can confirm that we are satisfied with the revisions to the Landscape Plans: JBA 22-291-9, 10, 15 and 16, detailing:
- Maintenance Track on Pond S1
  - Grasscrete (or similar) on Pond S2

- 4.76 Given that the swale is to be maintained using hand tools, we are happy with the wording of the compliance condition being amended to:

*Notwithstanding the details hereby approved, a suitably adequate buffer of 2m shall be maintained between the top of the bank of the swale and surrounding vegetation (on at least one side of the swale) in order to enable sufficient space for maintenance of the swale on an ongoing basis.*

### **Lighting Engineer**

- 4.77 No objections:
- 4.78 I can confirm that SGC was the appointed designer for the adoptable street lighting for this development, therefore, it is considered to be satisfactory from the council's street lighting team's perspective. I can also confirm that the submitted drawing (ref.: SLD-528-001-A) is the latest layout as far as we are aware. The proposed adoption plan shall be updated with the extra adoptions around street lighting columns where no path existed (these units are highlighted on the submitted street lighting design drawing.)
- 4.79 I've also noticed the private external lighting (solar powered LED lighting) for the private courtyards. We have no objection to these relatively low (3.5m high) solar powered lighting units, there's no direct upward light from the proposed lanterns and the light spill appears to be minimal. However, please note that I couldn't find a detailed drawing showing their exact locations so I can only assume the positioning of these private lighting will follow relevant guidance with respect to safety clearance.

### **Public Art**

- 4.80 No objections, comments as follows:
- 4.81 The agreed Design Code for the wider site states: In response to the identified priorities and projects of the CPNN Public Art Strategy, a coherent public art vision/strategy for the site will be developed and the following specific public art proposals will be brought forward as part of RM for those parcels to be delivered by Persimmon: Green Corridors arts commissions - integrated work to support wayfinding and enhance the Henbury Trym corridor and green movement corridors Artist led creative enhancement of local centre public realm.
- 4.82 My understanding is that this application comprises largely of housing parcels so I would not necessarily expect public art proposals to be brought forward at RM in line with the priorities identified in the Design Code; however, the developer should be mindful of connectivity through the site to future phases and how public art can support wayfinding through the green movement corridors.

### **Public Open Space Officer**

- 4.83 No objections following amendments, subject to conditions:
- 4.84 The vast majority of the issues raised have now been resolved. POS landscape plans now match the POS Boundary Plan. POS, Ancillary Open Space and Surface Water Infrastructure are all detailed on the Landscape Proposals for POS plans. I query whether there should be acknowledgement of the presence of the surface water infrastructure and the need for it not to become encroached into by planting, which is proposed as close as 0.5m from the edge of the swale in places. Swale will probably need manual maintenance to keep it from encroaching upon the swale.

### **Tree Officer**

4.85 No objections.

### **Sustainability - Low Carbon Projects/Heat Networks Consultant**

4.86 Comments and conditions:

4.87 Further to my previous comments about the proposal to specify gas boilers, I am concerned that in the course of discussions with the applicant they have not been able to assure me that the capacity of the power supply to the site will be sufficient to allow the gas boilers installed in *this* phase of the development to be replaced with renewable heating when these gas appliances reach the end of their operational life.

4.88 This presents a significant potential liability for prospective purchasers as the government has indicated that from 2035 it intends to phase out the installation of new and replacement natural gas boilers, meaning that householders may be required to replace gas appliances with electric heating. This provides a further reason for specifying heat pumps rather than gas boilers at the time of construction.

4.89 Though not a requirement under SGC's adopted policies I would still like further assurance that the dwellings in this phase of the overall development will not be liable to overheating during the lifetime of the scheme (assumed to be 60 years).

4.90 The applicant has pointed out that the dwellings meet Part O – (Overheating) of the Building Regulations, which I accept, however, the Part O assessment does not assess overheating risk against future weather files applicable over the operational life of the dwellings.

4.91 Without modelling to demonstrate future resilience I remain concerned that these dwellings may be liable to overheating as summers become warmer. Peak temperatures recorded this year were without precedent, and were not expected to be observed in England until the 2040's to 2050's. The fact that they *have* been experienced in 2022 suggests that assessing overheating risk on the basis of current weather data (which does not factor in recent observations) is not sufficient to provide confidence that dwellings will be resilient to overheating in the future.

### **Urban Design Officer**

4.92 No objections:

4.93 The applicant has amended and clarified points satisfactorily in respect of:

- Landscaping adjacent plot 32
- Apt block (45-53) materials and Mgt co arrangements
- Tree & POS to rear of plot 168.

4.94 Other issues identified are not considered sufficient either individually or cumulatively to maintain an objection. No further objection.

### **Other Representations**

#### **Public Comments**

4.95 Six letters have been received by members of the public expressing objections and raising queries (three from the same person). The following key points of concern have been raised:



- Oppose the principle of the development - involves building on good quality pasture land, rich in wildlife, trees and ancient hedges. The land forms a part of an essential green 'wedge' between the long-established Bristol suburbs of Brentry/Henbury, and the rapidly developing Patchway and Cribbs district in South Gloucestershire.
- Oppose because of the adverse impact on nature and wildlife from the replacement of species-rich pastureland by housing and infrastructure. There is a climate and nature crisis requiring, among other things, much closer consideration of the spatial needs of wildlife in any new development and ensuring joining up of 'wild spaces.'
- The need for easily accessible, open green space, abundant in nature, for people's mental health and wellbeing is now well understood. Footpaths and manicured grass areas within housing estates are not an adequate substitute for open land with expansive views where people can 'get away' for short periods from their immediate built environment without recourse to cars or other motorised transport.
- Concern over the depth of the attenuation basin adjacent to Fishpool Hill being too next to the children's play area and what safeguards will be implemented.
- Opposite Fishpool Hill there is currently a length of well-established hedgerows, which currently acts like a natural noise and pollution barrier from Fishpool Hill road itself. Although the hedgerow requires some trimming and general tidying up, we have noted this a biodiversity spot for songbirds and insects also. Will these hedgerows be retained.
- Queries over whether any alterations and highway works will be required for Fishpool Hill road and whether the access will be for pedestrians and bicycles only and timeframes for works.
- Concern over future traffic congestion - In pre-Covid, times, at peak hours of the day, there would be big traffic queues both at the Crow Lane roundabout and near the motorway junction. With the great increase in traffic when all the land around here is developed, driving about is going to be so difficult for old residents and new. Emergency services are already being slowed up and unable to get through, and the A4018 is a major road to Southmead Hospital. Is there going to be a flyover at the Old Crow for example, or what plan is there?
- Concerns over future flood risk and drainage strategy given that the area is sensitive to flooding. Impacts on residents of Passage Road, The Close and Hazelbrook Gardens should be considered.
- Report of a breach of the working hours condition.
- Concerns over noise of construction phase affecting Passage Road residents.

4.96 Whilst all of the comments raised in the public objections are noted, a number of these matters do not fall within the jurisdiction of this RMs application which only relates to outstanding details on a specific parcel of the wider site. Matters relating to the overall principle of the wider development on this site have been previously dealt with through the original allocation of the site in the Local Plan and the Outline planning application approved in July 2020. The matter of whether the overall principle of residential development is appropriate on this site is not for consideration through this application which is dealing with reserved matters only for the H4 and H7 parcel.

4.97 Off-site highway works to Wyck Beck Road and the A4018 are also outside the remits of this application. The location and details of the main access junction off Wyck Beck Road as well

as the broad alignment of the spine road through the site were approved as part of the Outline planning decision (followed by Highways technical approval) process. The future level of traffic and trips generated by the development along with cumulative traffic impact has also been previously dealt with at the Outline application stage. As such, whilst the concerns are noted, these matters fall outside the jurisdiction of this particular RMs application.

- 4.98 Some residents have raised queries regarding the details of the junctions between the new spine road with Fishpool Hill itself. It is important to note that the proposed details of these works will form part of a separate future RMs application and appropriate public consultation will take place at that time.
- 4.99 The importance of suitable provision of public open space and natural green space, as well as mitigations for wildlife are noted and these matters are discussed within the analysis section below.
- 4.100 Concerns regarding flood risk and drainage have been noted. Extensive updated flood modelling and collaboration with the Environment Agency (EA) has been taking place to ensure that the development is made safe from flood risk and that off-site flood risk is not increased by this development. The EA working with the LLFA approved the developer's proposed flood risk mitigation strategy earlier this year which involves managing ground levels to implement a series of flood compensation areas to direct flood waters off-site away from existing residential areas. This is discussed further within the analysis section below.
- 4.101 The report of the breach of the working hours condition has been flagged to the applicant. A Construction Management Plan has already been approved (under application DOC20/00339) to manage and avoid adverse impacts during the construction period. The applicant is also required to establish a Residents Liaison Group and the terms of reference for this group was approved as part of discharging condition 45 on application DOC20/00249. This group should include representatives of the existing residential areas surrounding the development. Persimmon have been reminded of this obligation in response to comments received.

## **5. ANALYSIS OF PROPOSAL**

### **Principle of Development**

- 5.1 The principle of this development has previously been established with the approval of Outline planning permission PT12/1930/O. The Fishpool Hill strategic site forms part of the Cribbs Causeway New Neighbourhood area, allocated by Policy CS26 of the adopted Core Strategy. The principle of residential development on this site has already therefore been found to be acceptable under these previous approvals.

### **Compliance with previously approved plans and documents**

- 5.2 Condition 1 of the Outline permission requires approval of the details of layout, scale and appearance of the buildings and the landscaping of the site (hereinafter called 'the reserved matters'). These matters are discussed in turn in detail below.
- 5.3 Condition 5 requires reserved matters to be in general conformity with the plans approved at the Outline stage, in particular:
- Development Concept Plan 19504 9306 Revision AB
  - Land Use Plan 19504 9600 Revision S

- Access and Movement 19504 9601 Revision R
- Building Heights 19504 9602 Revision K
- Density Plan 19504 9603 Revision O
- Landscape Plan 19504 9604 Revision O; and
- The approved Detailed Masterplan and Design Code for that geographical phase (approved under Conditions 6 and 7).

5.4 The submitted plans have been reviewed and are considered to satisfactorily conform with the plans and documents listed above. In particular they conform with the recently approved Detailed Masterplan (P001 - Rev Q) and Design Code Phase 1 (Rev Z) approved under discharge of condition application DOC20/00249 on the 25<sup>th</sup> May 2022.

5.5 The Outline permission includes conditions that specify the information that is required to be submitted with RM applications. The required information has been submitted and assessed accordingly as discussed below. These conditions include:

Condition 16 – drainage details for reserved matters

Condition 19 – Measures to ensure safety of railway line

Condition 21 – Detailed plans of car and cycle parking facilities

Condition 22 – Details of safer routes to school, walking/cycling routes

Condition 31 – Full details of hard and soft landscaping works

Condition 32: Tree protection details

Condition 33: Schedule of landscape maintenance for minimum of 5 years

Condition 37: Lighting scheme details

Condition 41: Details of strategic cycle network

Condition 42: Details of internal bus route infrastructure

Condition 43: Details of refuse collection strategy

Condition 46: Details of levels/scaled site sections

### **Layout, Scale and Appearance**

5.6 Policy CS1 of the adopted Core Strategy requires that, *'the highest possible standards of design and site planning are achieved'*.

5.7 The residential areas covered by this RM are known as 'Henbury Gateway' to the west, 'Henbury Drive' alongside the spine road and 'Beaufort Village' to the south and east.

5.8 The Henbury Gateway area is described within the Design Code as creating a formal entrance to the residential site from the A4018, providing a link from the parkland and sport provision

area to the higher density of the Henbury Drive and Local Centre. This area has a strong frontage along the Primary Route and Railway Access and creates a key streetscene including gateway buildings facing the Railway Access. This will consist of 3 storey terraces and strong corner turning units, with 2.5 storey dwellings to provide variation at a density of 40dph. Where parking courts are required to ensure a strong frontage these will be accessed via an under-croft. The remainder of Henbury Gateway, development Parcel H4, will continue the feel but provide a more balanced mix of housing.

- 5.9 The Henbury Drive area is intended to act as the primary movement route through the development, connecting from Henbury Gateway to the west through to the Local Centre, then onto Phase 2 and Filton Airfield site to the north. This area will consist of two sub-character areas, with a variation to the dwellings in development Parcels H8, H9, H10 and H11 in terms of colour of brick, slightly lower density and parking arrangements. This space will feel like an urban townscape, connecting transport and people throughout the development to key local nodes. This character area will contain a more contemporary feel and a higher density built form as it follows the main road and leads towards the Local Centre. This will take the form of 2.5 and 3 storey terraced and semi-detached dwellings at 50dph with a strong consistent build line and varying ridge line, stepping up as the area nears the Local Centre. There will be occasional use of 2 storey coach house dwellings with an under-croft providing access to parking courts.
- 5.10 The Beaufort Village area is proposed as the medium to high density character area at 40-50dph between Henbury Drive and the outer Village Edge areas. This area is designed with traditional starter and first-time mover housetypes aimed at meeting housing need whilst also creating an interesting space. Buildings are to have a consistent built form to mirror street layouts and setback distance variance. However, there are set scenarios to inform street designs as detailed in the architectural codes. This area is made up of Street, Shared Street and Private Drive Road types as detailed within the Design Code.
- 5.11 The principles of appearance and scale of the buildings that will apply within each of the above areas (including heights, density, building typologies, roofscape, materials, window and door detailing, boundary treatments and parking arrangements) have been previously approved within the Design Code. House type packs detailing how each of the individual buildings has been designed to reflect the agreed coding have been submitted. The proposals have been thoroughly examined and assessed by the Urban Design Officer and following a series of amendments and requests for further detail they have now been found to be acceptable. A number of improvements have been made as a result of the Urban Design Officer's feedback including the following:
- Amendments to the materials and elevational treatments to certain buildings to accord with the quality standard within the coding, particularly for 'focal' and 'gateway' buildings in key locations.
  - Improvements to the detail of boundary treatments in certain areas such as the use of robust gates, inclusion of front gates, details of paths and connections, boundaries of parking courts and gardens, detailing of walls and fences.
  - De-engineering of the tertiary/shared-spaces, maximising tree provision, reducing use of black-top and better defining shared spaces with paving.
  - Improving surveillance over rear parking courts through amendments to certain rear elevational treatments of buildings such as balconies and windows.
  - Clarifications over what areas are to be managed by Management Company and which will be private.

- 5.12 The overall layout of the H4 and H7 residential parcels including the relationship between the residential areas, highway network and areas of public open space and attenuation basins accords within the previously approved detailed Masterplan and Design Code for Phase 1 (approved under DOC20/00249).
- 5.13 Following the various rounds of changes to plans, the proposals are now considered acceptable in terms of their accordance with the coding and overall appearance, scale and layout.

### **Housing Delivery and Affordable Housing**

- 5.14 This application proposes the delivery of 235 dwellings including 55 affordable homes (23.40%) which is largely in line with the overall Section 106 requirement for the wider site of 25.5% and is deemed acceptable by the Council's Housing Enabling Team.
- 5.15 Housing Enabling have flagged that the proposed Affordable Housing scheme isn't in accordance with the previously agreed tenure split of 73% social rent, 5% affordable rent and 22% intermediate housing as set out in the Section 106 Site Specific Agreement (SSA) for BASE units. However, they have accepted the split proposed and made the applicant aware that the over-provision of 4 Social rent units and under provision of 4 Shared Ownership units must be addressed within the next RM parcel application.
- 5.16 Of the total 25.5% requirement, there is a 5 % requirement for wheelchair (WC) homes i.e.14 homes in total. This RM application proposes 4 WC homes on Parcel H7 (2 x 2 bed WC homes on plots 176 & 177 and 2 x 3 WC on plots 134 & 135). The agent has confirmed they will meet the Council's wheelchair unit design specification. Issues were raised regarding plot number and size of through floor lift which have been now addressed.
- 5.17 Housing Enabling also raised a degree of concern regarding the perceived clustering of plots 45-53 and 71-77 which could read as a cluster of 16 affordable units, exceeding the restriction of no more than 12 units. However, it was considered that rearranging the layout at such a late stage would be problematic in other ways and on balance that this would be considered acceptable in this case but should be noted when designing future layouts for the other RMs parcels on this site.

### **Landscaping**

- 5.18 Policy PSP2 Landscape states that development proposals will be acceptable where they conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape.
- 5.19 A number of documents have been previously approved that are of particular relevance to the landscaping planting and future management of landscaping across the site. These include:
- Detailed Masterplan (approved via DOC20/00249) showing the locations of areas to be landscaped and key trees and hedgerow features to be retained and incorporated.
  - Design Code (approved via DOC20/00249) detailing the Green Infrastructure Strategy and Ecology Strategy for the site including details of street trees.
  - Phase 1 Landscape and Ecological Management Plan (LEMP, Rev 9, dated April 2022), approved via application DOC20/00339.

- Tree Protection Plan and Arboricultural Method Statement (approved via Condition 32 of DOC20/00249).
- Details of the various ecological mitigation strategies that interrelate with landscaping (approved via DOC20/00339).

5.20 The proposed tree and shrub species mix for this parcel has been found to be acceptable and the layout and quantum of landscaped areas accords with that previously approved. However, the initial submission did not include composite plans to enable the landscape proposals to be compared alongside the lighting, servicing and drainage plans to ensure no conflicts. Following the Landscape Officer's comments and requests, the following improvements were made:

- Tweaks to plans to remove various conflicts between lighting columns, entrances to dwelling and landscape features.
- Details of wildlife-friendly fencing and boundary walls submitted.
- Increased numbers of fruit trees included within rear gardens.
- Increased amounts of connected areas of Dormouse-friendly planting in response to the applicant's Dormouse Licence recently agreed with Natural England.
- Updated site-specific Landscape Management Plan (LMP) for this parcel setting out proposed maintenance schedules for landscape features.

5.21 Following the improvements, the proposals are now considered acceptable in terms of landscaping and the increased amount of vegetation proposed along the eastern and southern boundaries will help to mitigate adverse effects upon biodiversity in the longer term. The extent of the planting between Fishpool Hill road itself and the new development has been increased which will help to visually screen the new development, a query raised by a member of the public.

5.22 The proposals will be required by condition to accord with the site-specific LMP for this parcel in relation to the ongoing management and maintenance of the landscaped areas to be managed by the Management Company.

### **Ecological Considerations**

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*'.

5.24 As noted above, a number of ecological mitigation strategies have already been approved for Phase 1 in accordance with Outline conditions 23 (Reptile Mitigation), 24 (Brown Hare and Hedgehog) and 27 (Badger Mitigation). Together these features form part of the ecological strategy for the site which is summarised within the Phase 1 Design Code. A Dormice Mitigation Licence has also recently been secured (October 2022) by the applicant that requires certain mitigation measures to be put in place for Dormice across the Phase 1 area.

5.25 Key ecology features within this RM area include the following, which have been secured via condition where necessary:

- The retention and enhancement of the mature hedgerow corridor that runs along the eastern and southern boundary of the site connecting to the Henbury Trym corridor to the west;
- 2 new wildlife ponds;
- 1 log pile (along retained hedgerow);

- Bird and bat boxes;
- 3702m<sup>2</sup> of Dormouse mitigation planting, connected arboreally where possible;
- Sensitive lighting in certain locations to minimise light spill on to the boundary hedgerows; and
- Updated site-specific Landscape Management Plan for this parcel with landscape planting and management proposals coordinated with ecology requirements.

5.26 Following the submission of revised plans, the Council's ecologist is now satisfied with the proposals.

### **Public Open Space**

5.27 The principles of the amount and typologies of public open space to be provided within this site have already been previously agreed and committed to at the Outline permission stage and secured within the Section 106 agreement. The types and locations of the children's play areas within the site have also already been agreed through the approval of the Detailed Masterplan and Design Code for Phase 1.

5.28 In general terms the overall proposed quantum and layout of the public open spaces has been considered acceptable. A number of discrepancies between plans were identified by the Public Open Space Officer that required amendments to plans to resolve. The areas to be identified formally as Public Open Space are to be privately managed by the applicant's Management Company as opposed to being adopted by the Council. These include various planted build-outs within the highways and strips of planting adjacent to parking areas. Following various amendments an acceptable set of plans correctly identifying these areas has been submitted.

5.29 Following amendments, the details of the children's LEAP play area has been found to be satisfactory. The play area will be fenced off, providing a safeguard given the attenuation basin down the slope to the south of the play area which will be circa 2.75m deep. The play area will include a range of play experiences, including accessible equipment, and includes a roundabout, cradle and flat swings, multi-play climbing unit, see saw, springers as well as benches, bins with self-closing gates at either end.

5.30 A Management and Maintenance Scheme covering all of the areas of public open space, ancillary open space and surface water infrastructure has been submitted in parallel with this application as required by the Section 106 agreement which will be reviewed and approved under a separate approvals process to this application.

### **Access and Highways Matters**

5.31 Highways Officers have been closely involved in reviewing the proposed plans and ensuring the internal highway network will be suitable for subsequent adoption by the Council, as Highway Authority, where appropriate. Swept path and tracking analysis for the largest refuse vehicle has been submitted to the satisfaction of the Highway Authority. The visibility analysis for the junctions on to the spine road from this parcel have also now been considered satisfactory.

5.32 Highways Officers initially raised concerns over the amount of tandem parking proposed however following amendments made to the layout by the applicant these type of parking areas have now been largely avoided.

- 5.33 Highways also raised concerns over the minimal size of the proposed parking spaces however given that these meet with the Council's policy requirements it is not possible to maintain an objection on this basis.
- 5.34 Conditions have been placed to ensure that on-plot parking areas are surfaced within suitably bound and drained material and also that details of the electric vehicle charging facilities for each of the dwellings are submitted for approval.
- 5.35 Highways Officers have now found these RM proposals to be satisfactory but have highlighted that a subsequent Section 38 agreement process will need to be entered in to secure the Council's adoption of the highway and further tweaks to detailed design may need to take place at that time.

### **Flood Risk and Drainage**

- 5.36 The principles and details of the flood risk and drainage strategy that relate to this RMs have already been previously approved as part of discharging Condition 15 attached to the Outline permission. Condition 15 required the details of a surface water drainage masterplan to be approved prior to the submission of reserved matters. These details were approved in May 2022 under application DOC20/00249.
- 5.37 The Outline permission also requires ongoing compliance with Condition 17 which requires compliance with the approved Flood Risk Assessment (FRA) as well as certain mitigation measures as detailed in the FRA. After extensive liaison throughout 2021, the Environment Agency approved the flood risk modelling for Phase 1 as part of application DOC20/00249 in May 2022.
- 5.38 In the pre-development scenario, parts of the wider site close to the main access junction with Wyck Beck Road are considered by the EA to be at medium to high risk of flooding. The approved post-development mitigation strategy delivers three Flood Compensation Areas (FCAs) designed to store water so that during the 1 in 20 year event and above, flood waters would overtop into the FCAs and prevent flood waters spreading off-site. The FCAs will also ensure that the spine road and highway infrastructure are not at risk of flooding. Three culverts are to be constructed underneath part of the spine road to enable flood waters to flow from FCA2 underneath the highway in to FCA3 and then off-site via the Wyck Beck Road culvert. FCA3 to the south of the spine road will eventually have the dual purpose of also being sports pitches and public open space. A low flow channel has been designed around the western perimeter of FCA3 to direct the initial flood waters away from the sports pitches and act as a flood warning system for the evacuation of FCA3. The final detailed design of these pitches will come forward as part of a separate future reserved matters application. The applicant is aware that a suitable drainage system will be required to ensure FCA3 remains in an appropriate condition to be used as sports pitches (for example via a pumped system).
- 5.39 The details of the surface water and foul drainage strategy that will serve this RMs parcel are in the process of being approved via the spine road RMs application that was submitted in parallel with this one (P20/13719/RM). After an extensive process of liaison with the LLFA via that application the LLFA have now lifted their objections and found the strategy acceptable. The final agreed drainage layout plans have also been submitted under this application for completeness and to ensure consistency.



- 5.40 An increased amount of connected dormouse-friendly planting has now been provided along the southern boundary of the site that runs along the length of the swale. Some concern has been raised by Officers regarding the need for adequate space for access for maintenance between this planting and the swale to ensure the vegetation does not overgrow and compromise the function of the swale. This landscape strip including the swale is to be privately maintained by the applicant's Management Company. The applicant has committed within their LMP to maintain this area using hand tools and a condition has been placed to retain a 2m buffer strip between the swale and adjacent planting.
- 5.41 In assessing the drainage strategy, the LLFA underwent a checking process to ensure that the submitted micro-drainage model, plans and details accorded with the previously approved strategy and that any agreed mitigation measures are suitably designed in. The micro-drainage model has also accounted for attenuation storage related to the safeguarded railway station land. Following the review process and various amendments being made to the submitted details, the LLFA have now removed their objections subject to conditions.

### **Sustainability and Climate Change**

- 5.42 An Energy Statement (Energy Statement by FES, Reb G, dated July 2021) setting out the carbon reduction measures that will be applied across the whole of Phase 1 together with overheating analysis was previously approved in accordance with Outline Condition 34, under discharge of condition application DOC20/00249.
- 5.43 One of the terms of the discharge of this condition was that the Energy Statement would be reviewed upon the submission of each Reserved Matters application to reflect the evolving nature of legislative and policy requirements in relation to climate change, in particular the Future Homes Standard requirements from 2025. As such a site-specific Energy Statement has been prepared by FES for this parcel (dated September 2022). This report restates the commitment to incorporate measures into the design of the development, including solar PV, to reduce the predicted CO<sub>2</sub> consumption of the site equal to a 20% CO<sub>2</sub> reduction improvement over Part L 2013 in SAP2012 in accordance with Policy PSP6.
- 5.44 The Council's Sustainability Officer has accepted that the proposed Energy Statement for this first parcel is policy compliant against current adopted SGC policy and as such is unable to sustain an objection on the basis on Local Plan policy non-compliance. However, he has raised the general concern that this first residential parcel is going to be developed out using gas boilers (rather than heat pumps). Given the government's stated intention to phase out the installation of new and replacement natural gas boilers from 2035, the concern is that in the future when residents come to replace their boilers, it will be potentially costly and disruptive to undertake and uncertain as to whether there will be sufficient available electricity capacity to accommodate the switch at that point in time. The applicant has confirmed that the dwellings within this first parcel are registered under the Government's 2022 transitional arrangements in advance of the interim uplift of Part L given that works will commence before June 2023. Given that the first residential parcel falls under the transitional arrangements phase there is no national or local policy or legislative requirement currently to prevent them from installing gas boilers on this phase. Future phases of the development will be subject to the requirements of the Future Homes Standard as it is rolled out, requiring homes to generate some 75-80% lower CO<sub>2</sub> emissions than under the current building regulations. The applicants have said that they intend to deliver heat pumps within the future residential phases on the site.

- 5.45 Whilst it is disappointing that this approach has been taken despite the concerns raised, given the current local and national policy framework and the fact that the government's ambition to phase out boilers has not yet been specifically translated in to legislative, it is not considered that an objection could be sustained on this basis. An informative has been placed to highlight to future residents that they will be purchasing a dwelling comprising a gas boiler and that they may wish to seek advice as to the potential costs and disruption involved in the future to switch to an alternative technology such as a heat pump.
- 5.46 The Sustainability Officer also requested further analysis and assurances that the dwellings in this phase of the development will not be liable to overheating during the lifetime of the scheme (assumed to be 60 years). The applicant responded that the dwellings meet Part O (Overheating) of the Building Regulations and was not willing to undertake this further level of analysis. Whilst it is disappointing that the applicant was not willing to provide this further level of assurance, given that the proposed house types meet with current building regulations and there is no specific SGC policy requirement for this information it was not considered appropriate to sustain an objection on this basis.
- 5.47 Conditions have been secured for further details to be approved relating to the proposed sustainability measures including solar PV and electric charging points for every dwelling with a parking space.

#### **Archaeological Investigation**

- 5.48 In accordance with Condition 13 on the Outline permission, a programme of archaeological work and detailed mitigation strategy for Phase 1 has already been approved through a partial discharge of condition (application DOC20/00249). Since this approval the WSI has been updated to cover the whole of Phase 1 with the applicant's archaeologists working in collaboration with the Council's Archaeology Officer. As such a new discharge of condition application is in the process of being approved. A compliance condition is to be placed on each Reserved Matters application requiring the archaeological works for that parcel to accord with the latest version of the WSI. Prior to the final occupation of Phase 1, the post investigation assessment will need to be completed and provision made for the publication and dissemination of the results and archive deposition.

#### **Residential Amenity**

- 5.49 The proposed layout and design is such that no significant adverse residential amenity issues are anticipated. The private gardens proposed will be functional and will provide a good level of amenity for future occupiers and as such no objections have been raised by officers in relation to Policy PSP43.
- 5.50 As part of discharging Condition 40 (via application DOC20/00339), two locations were identified within this RMs parcel where acoustic screening mitigation (in the form of a high solid 1.8m masonry wall) should be included due to potential noise from the main highway and also the railway line. These walls have been included within the Materials Plans (for plots 1 and 8) submitted with this application in accordance with the approved condition.
- 5.51 In accordance with Condition 12 on the Outline permission, a Construction Environmental Management Plan (CEMP) for Phase 1 has recently been approved (CEMP, dated May 2022) under discharge of condition application DOC20/00249. The construction works will be

required to be undertaken in accordance with the approved CEMP. Restrictions on construction working hours are already in place via Condition 29 on the Outline permission.

### **Consideration of likely impact on Equalities**

- 5.52 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. Considerations of the needs of less physically able users have been taken in account. With regards to the above this planning application overall it is considered to have a positive impact on equalities in relation to providing additional accessible affordable housing.

### **Summary of the Planning Balance**

- 5.53 As set out above, the principle of this proposed development has already been previously approved under the Outline application which accords with the Development Plan allocation of this strategic site. The submitted reserved matters details have been considered in accordance with previously approved documents and conditions and have been assessed as acceptable. Accordingly, conditional approval is recommended.

## **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 reserved matters consent has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in this report.

## **7. RECOMMENDATION**

- 7.1 That the Reserved Matters submitted in accordance with Conditions 1, 2 and 3 associated with Outline Planning Permission PT12/1930/O dated 16<sup>th</sup> July 2020 be APPROVED, subject to:
- (a) The conditions attached to this report

## **CONDITIONS**

1. Prior to the development being brought in to first use, lighting shall be installed across the site in accordance with the approved lighting details.

Reason: In the interests of security and crime prevention and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December

2013 and in the interest of residential amenity and to protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013).

2. Prior to the development first being brought in to use, bird and bat boxes shall be installed in accordance with the details hereby approved.

Reason: To protect the wildlife and the ecological interests of the site in accordance with the Wildlife and Countryside Act 1982 (as amended) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013).

3. All hard and soft landscaping works, including Dormouse mitigation planting, shall be carried out in accordance with the details hereby approved. The works shall not be carried out any later than the first available planting season following the first occupation of any residential unit or in accordance with the programme agreed with the Local Planning Authority. Any vegetation that fails, is dying or is removed following planting shall be replaced in the next available planting season, with like species.

Landscaping within the areas defined as Public Open Space, Ancillary Open Space and Surface Water Infrastructure within the Site Specific S106 agreement shall be delivered, managed and maintained in accordance with S106 agreement obligations.

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

4. The development hereby approved shall be managed and maintained thereafter at all times in accordance with the approved Landscape Management Plan (JBA, Rev C, dated Sept 2022).

Reason: To comply with Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017); Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013).

5. All on-plot parking areas shall be surfaced in a suitably drained, bound material so as to prevent driveway material being dragged onto the public highway by vehicle tyres.

Reason: In the interests of highway safety in accordance with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan.

6. Prior to commencement of the development details of facilities for charging plug in or other ultra-low emission vehicles at each dwelling with an adjacent garage or parking space are to be submitted to and agreed in writing by the Local Planning Authority. The approved facilities are to be provided prior to occupation of each dwelling.

Reason: To promote sustainable transport choices and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013) and South Gloucestershire Council's Supplementary Planning Document residential car

parking. This is a prior to commencement condition to ensure requirements are taken into account during construction process.

7. Prior to construction of dwellings above slab level, details of the Photovoltaic system(s) to be installed including details of the location, dimensions, design/technical specification together with calculation of annual energy generation (kWh/annum) and associated reduction in residual CO2 emissions shall be submitted to and approved in writing by the Local Planning Authority.

The details hereby approved shall be implemented for each dwelling prior to its occupation, alongside relevant energy saving and fabric efficiency measures identified within the submitted Energy Strategy (Rev A, dated September 2022) to achieve a reduction of at least 20% in regulated and unregulated residual CO2 emissions through low carbon / renewable energy technologies.

Reason: To ensure the development incorporates measures to minimise energy consumption and reduce carbon emissions to mitigate and adapt to climate change in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013) and Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

8. Prior to the final occupation of all dwellings on the application site or for all occupied dwellings at a point 2 years from the date of this decision, whichever is sooner, the following details shall be submitted to the Local Planning Authority for its records:
  - a) A copy of the 'as built' Energy Performance Certificate (EPC), demonstrating compliance with the approved specifications; and
  - b) A copy of the MCS installer's certificates for the photovoltaic installation(s).

Reason: To ensure the development incorporates measures to minimise energy consumption and reduce carbon emissions to mitigate and adapt to climate change in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013) and Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

9. Tree protection fencing shall be installed, retained and maintained in accordance with the approved Tree Protection Plan throughout the course of the development. Other than trees approved for removal by the Local Planning Authority, no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped, other than in accordance with the prior written approval of the Local Planning Authority. If any retained tree is removed, uprooted, destroyed or dies, a replacement tree shall be planted. That tree shall be of such size and species and shall be planted at such a time and in a position to be agreed in writing with the Local Planning Authority.

Reason: To protect the arboricultural and ecological interests of the site, in accordance with Policy PSP3 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

10. The development shall be undertaken in accordance with the approved Written Scheme of Investigation for Archaeological Excavation, Archaeological Evaluation &

Archaeological Monitoring and Recording prepared by Wessex Archaeology (August 2022) and approved by South Gloucestershire Council.

Final occupation of the development within the whole of Phase 1 shall not occur until (i) the post investigation assessment for the whole of the Phase 1 development has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

Reason: In the interests of archaeological investigation, recording and mitigation to accord with policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013), and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan. This is a pre- commencement condition in order to protect any archaeology.

11. Notwithstanding the details hereby approved, a suitably adequate buffer (i.e minimum of 2m) shall be maintained between the top of the bank of the swale and surrounding vegetation (on at least one side of the swale) in order to enable sufficient space for maintenance of the swale on an ongoing basis.

Reason: To comply with Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017); Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013) and the National Planning Policy Framework 2021.

12. Notwithstanding the details hereby approved, the surface water drainage infrastructure shall be implemented in accordance with the drainage layout plans approved under application P20/13719/RM.

Reason: To comply with Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017); Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013) and the National Planning Policy Framework 2021.

13. The development shall be undertaken in accordance with the approved Phase 1 Construction Environmental Management Plan (dated May 2022) approved under application ref. DOC20/00339. Heavy plant, noisy equipment or construction-related operations shall not take place outside the hours of:
- Monday - Friday.....8.00 - 18.00
  - Saturday.....8.00 - 13.00.
  - No Sundays or Public Holiday working.

Reason: In the interests of residential amenity in accordance with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

14. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:

H4 & H7 Location Plan 101-4 B  
 Character Areas Key Plan 000-4 B  
 Planning Layout Parcels H4 & H7 100-4 AA  
 Planning Layout 2 of 2 100-4 B  
 POS Boundary Plan Sheet 1 201-4 D  
 POS Boundary Plan Sheet 2 202-4 C  
 Materials Key Plan 102-4 E  
 Storey Heights Key Layout 103-4 F  
 Affordable Homes Key Plan 104-4 F  
 Refuse and Cycle Strategy Plan 105-4 D  
 Fences & Enclosures Detail Sheet 1 115-1 D  
 Fences & Enclosures Detail Sheet 2 115-2 B  
 Street Scenes 160 C  
 Overlapping Street Lighting, Engineering Drawings & Landscape Drawings Sheet 1  
 170 F  
 Overlapping Street Lighting, Engineering Drawings & Landscape Drawings Sheet 2  
 170 D  
 Cross Section Plots 196 & 204 180  
 Henbury Gateway Housetype Pack  
 Arden-R21 120.1 A  
 C1-R20 121.1 C  
 Glenmore-R21 123.1 B  
 Barnwood-R21 127.2 A  
 Ashdown Corner-R21 128.1 B  
 Ashdown Corner-R21 128.2 A  
 Ashdown-R21 128.3 B  
 Ashdown-R21 128.9 B  
 Burnham-R21 129.1 A  
 Whinfell-R21 130.1 B  
 Whinfell-R21 130.2 A  
 Whinfell-R21 130.5 A  
 2A 140.1 /  
 3A 141.1 /  
 Henbury Drive Housetype Pack  
 C1-R20 121.2 B  
 Saunton-R21 124.1 B  
 Braunton-R21 125.1 B  
 Ashdown Corner-R21 128.4 A  
 Ashdown-R21 128.5 A  
 Ashdown-R21 128.6 B  
 Ashdown Corner-R21 128.7 A  
 Ashdown-R21 128.8 B  
 Ashdown Corner-R21 128.10 A  
 Ashdown-R21 128.11 A  
 Greenwood-R21 131.1 A  
 Apartments 136.1 D  
 Apartments 136.2 D  
 Apartments 136.3 D  
 Apartments 136.4 D  
 Apartments 136.5 D  
 Apartments 136.6 B

Beaufort Village Housetype Pack

Arden-R21 120.2 B  
Arden-R21 120.3 B  
Arden-R21 120.4 B  
Arden-R21 120.5 C  
C1 121.3 B  
C1 121.4 A  
Danbury Fog Unit-R21 122.1 C  
Danbury Fog Unit-R21 122.2 B  
Danbury-R21 122.3 C  
Danbury-R21 122.4 C  
Danbury Fog Unit-R21 122.5 B  
Danbury-R21 122.6 C  
Danbury-R21 122.7 C  
Danbury-R21 122.8 C  
Danbury-R21 122.9 C  
Glenmore-R21 123.2 C  
Glenmore-R21 123.4 D  
Glenmore-R21 123.5 C  
Glenmore-R21 123.6 C  
Glenmore-R21 123.7 C  
Sherwood-R21 126.1 C  
Sherwood-R21 126.2 C  
Sherwood Fishpool Variant 126.3 B  
Sherwood-R21 126.5 C  
Charnwood-R21 127.1 B  
Barnwood-R21 127.3 B  
Barnwood-R21 127.4 B  
Burnham-R21 129.2 C  
Whinfell-R21 130.3 C  
Whinfell-R21 130.6 B  
Whinfell-R21 130.7 C  
2A 140.2 B  
2A 140.3 A  
2A 140.4 A  
2A 140.5 B  
2A 140.6 B  
3A 141.2 A  
3A 141.3 B  
3A 141.4 A  
3A 141.5 A  
4A 142.1 C  
4A 142.2 B  
2WC 145 C  
3WC 146.1 A  
3WC 146.2 A  
Village Edge Housetype Pack  
Glenmore-R21 123.3 C  
Sherwood-R21 126.4 C  
Burnham-R21 129.3 B  
Marston-R21 132.1 B



Brampton Variant-R21 133.1 A  
 Kielder 134.1 A  
 Brightstone-R21 135.1 A  
 Brightstone-R21 135.2 A  
 Garages 150.1 /  
 Landscape Plans  
 Detailed Landscape Proposals for Plots Sheet 1 JBA 22-291-01 G  
 Detailed Landscape Proposals for Plots Sheet 2 JBA 22-291-02 G  
 Detailed Landscape Proposals for Plots Sheet 3 JBA 22-291-03 G  
 Detailed Landscape Proposals for Plots Sheet 4 JBA 22-291-04 G  
 Detailed Landscape Proposals for Plots Sheet 5 JBA 22-291-05 G  
 Detailed Landscape Proposals for Plots Sheet 6 JBA 22-291-06 G  
 Detailed Landscape Proposals for Plots Sheet 7 JBA 22-291-07 G  
 Detailed Landscape Proposals for Plots Sheet 8 JBA 22-291-08 G  
 Detailed Landscape Proposals for POS Sheet 9 JBA 22-291-09 G  
 Detailed Landscape Proposals for POS Sheet 10 JBA 22-291-10 G  
 Detailed Landscape Proposals for POS Sheet 11 JBA 22-291-11 G  
 Detailed Landscape Proposals for POS Sheet 12 JBA 22-291-12 G  
 Detailed Landscape Proposals for POS Sheet 13 JBA 22-291-13 G  
 Detailed Landscape Proposals for POS Sheet 14 JBA 22-291-14 G  
 Detailed Landscape Proposals for POS Sheet 15 JBA 22-291-15 G  
 Detailed Landscape Proposals for POS Sheet 16 JBA 22-291-16 G  
 On Plot Drawing Location Plan JBA 22-291-17 G  
 POS Drawing Location Plan JBA 22-291-18 G  
 Detailed Landscape Proposals for POS Sheet 19 JBA 22-291-19 G  
 Landscape Management and Maintenance Plan JBA 22/291 Rev C  
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 Tree Pit Detail in Spine Road Verge JBA 22-291-DT03  
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 Site 3D - Storage Structures Information Sheet /  
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 Catchment Plan (Surface Water) 13078-HYD-XX-XX-DR-C-0950-P03  
 H4 Storm Calculations +10%Urban Creep Dated 28/10/22

H7 Central Network Storm Calculations +10%Urban Creep Dated 21/10/22  
 H7 Eastern Network Storm Calculations +10%Urban Creep Dated 27/10/22  
 H7 Northern Network Storm Calculations +10%Urban Creep Dated 21/10/22  
 H7 Western Network Storm Calculations +10%Urban Creep Dated 21/10/22  
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 Lighting  
 INVO Solar Street Lighting - PL-008 Dated Sept 2022  
 P-20220917-100-4\_W\_H4 H7 Planning-pl008-v2 Dated Sept 2022  
 Street Lighting & Electrical Requirements - S38SLD-528-001 A  
 Details of Fishpool Hill LEAP 2210.35840 dated 19/10/22  
 Render & Cladding Detail 896\_PD001  
 Energy Statement 008057Ph1 Rev A  
 MCS PV Energy Calculation 20652 dated Aug 2022  
 Viridian Clearline Fusion PV Site Plan Sheets 1-4 20652/SK1 dated Aug 2022  
 Clearline Fusion PV16 G1 Data Sheet 80034 1.6 dated Aug 2022  
 FPH H4 and H7 Affordable Housing Housetype Schedule V.3 dated Oct 2022  
 Bird and Bat Box Strategy for Parcels H4 & H7 V1.0

Reason: For the avoidance of doubt.

**Case Officer: Jonathan Ryan**  
**Authorising Officer: Eileen Paterson**

**CIRCULATED SCHEDULE NO. 48/22 -2nd December 2022**

<b>App No.:</b>	P22/01551/F	<b>Applicant:</b>	Mr Ben Holbrook Ben Holbrook Architect
<b>Site:</b>	Land At 126 Station Road Yate South Gloucestershire BS37 4PQ	<b>Date Reg:</b>	15th March 2022
<b>Proposal:</b>	Demolition of outbuildings. Erection of 5 no. dwellings with parking, amenity space and associated works.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370919 182489	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Minor	<b>Target Date:</b>	10th May 2022



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N.T.S.

P22/01551/F

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

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

This application has been referred to the Circulated Schedule following the receipt of objections from Yate Town Council and 5no. local residents; the concerns raised being contrary to the officer recommendation.

## **1. THE PROPOSAL**

- 1.1 This application relates to the long established 'Pisces Fish and Chip Shop' (*sui generis*) i.e. no.126 Station Rd; its car park and two single-storey outbuildings, located at the eastern end of Station Road; adjacent to the established shopping area of Yate. The application site also encompasses part of the rear gardens of numbers 122 and 124 Station Road, also in the applicant's ownership. A cottage no.128 previously stood on the site, but this was demolished in the 1980's to make way for the current car park.
- 1.2 The properties on the southern side of Station Road are a mix of residential and commercial properties; the Fish and Chip Shop was formerly an end of terrace dwelling house. The property now comprises a take-away Fish and Chip Shop and associated kitchen at ground floor level, with a flat 126A above. Two-storey and single-storey extensions provide W.C. and storage facilities to the rear. Outbuildings used for storage and garaging also lie to the rear. The business is served by a substantial car park accessed from Station Road. The site is bounded on three sides by residential properties, with the B & Q Superstore lying on the opposite side of Station Road.
- 1.3 It is noted that neighbouring nos. 130 & 132 are locally listed buildings, the settings of which need to be respected.
- 1.4 It is proposed to demolish the existing single-storey outbuildings and erect 5no. dwelling houses i.e. 1 x 2 bed, 3 x 3 bed and 1 x 4 bed; with associated parking, amenity space and external works.
- 1.5 The application is supported by the following documents:
  - Transport Statement
  - Simplified Sustainability Statement
  - Design and Access Statement
  - Preliminary Arboricultural Assessment
  - Bat Survey Report
- 1.6 With regards to the existing Fish & Chip Shop, a separate change of use application P22/03146/PNC - Change of use from Sui Generis (Hot Food Takeaway) to Class E (Commercial, Business and Service) has now been approved with the change of use set to commence on 1<sup>st</sup> August 2023.

- 1.7 A scheme for 6no. dwellings was the subject of pre-application advice, see PRE18/0870. The current proposal for only 5no dwellings, has been designed in line with the officer advice given in response to the pre-application enquiry.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework July 2021  
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

CS9 Managing the Environment and Heritage

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

CS18 Affordable Housing

CS23 - Community Infrastructure and Cultural Activity

CS24 - Green Infrastructure, Sport and Recreation Standards

CS30 Yate and Chipping Sodbury

#### South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted 8<sup>th</sup> November 2017

PSP1 Local Distinctiveness

PSP2 Landscape

PSP3 Trees and Woodland

PSP6 - Onsite Renewable & Low Carbon Energy

PSP8 Residential Amenity

PSP10 Active Travel Routes

PSP11 Development Related Transport Impact Management

PSP16 Parking Standards

PSP17 Heritage Assets and the Historical Environment

PSP19 Wider Biodiversity

PSP20 - Flood Risk, Surface Water and Watercourses

PSP21 Environmental Pollution and Impacts

PSP22 Unstable Land

PSP38 Development within Existing Residential Curtilages including Extensions and New Dwellings.

PSP43 Private Amenity Space Standards

### **2.3 Supplementary Planning Guidance**

Residential Parking Standard SPD (Adopted) December 2013

South Gloucestershire Design Checklist SPD (Adopted) August 2007

South Gloucestershire Landscape Character Assessment SPD (Revised and Proposed for Adoption (Nov 2014)

Green Infrastructure: Guidance for New Development SPD (adopted April

2021)

Trees and Development Sites: Guidance for New Development SPD (adopted April 2021)

Affordable Housing and Extra Care Housing SPD (Adopted) April 2021.

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD – (Adopted) March 2021

Renewables SPD (Adopted) November 2014

South Gloucestershire Council Waste Collection: guidance for new developments SPD (Adopted) Jan 2015

Householder Design Guide SPD (Adopted) March 2021

- 2.4 In terms of local plan policy, it has recently been established via the 2020 annual Monitoring Revue (AMR) (March 2021 Addendum) that, using the Standard Method, South Gloucestershire Council can demonstrate that it currently has a 5.99 year housing land supply. As such the development plan policies are considered to be up to date and for the purposes of decision taking, sustainable development proposals that accord with an up-to-date development plan should be approved without delay (see NPPF para 11c).

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

- 3.1 P22/03146/PNC - Change of use from Sui Generis (Hot Food Takeaway) to Class E (Commercial, Business and Service) as defined in the Town and Country Planning (General Permitted Development) Order 2021.  
Notification received 7<sup>th</sup> June 2022  
Change of use to commence on 1<sup>st</sup> August 2023
- 3.2 PK16/0663/F - Demolition of existing storage shed. Erection of two-storey front, side and rear extensions with balcony to facilitate change of use of first floor Restaurant (Class A3) to 1no. two-bedroom flat (Class C3); single-storey rear extension to extend kitchen (Class A5) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).  
Approved 29<sup>th</sup> April 2016
- 3.3 PK10/3247/F - Change of use of land from residential curtilage to car park, revision of existing car park layout and creation of new vehicular access from Station Road.  
Approved 21 December 2010
- 3.4 PK08/3087/F - Erection of two-storey side extension to facilitate change of use of first floor restaurant (A3) to 1 no. flat (C3) with associated decked roof terrace. Erection of single-storey side and rear extensions to form additional kitchen area to existing take-away (A5) and new café unit (A3). Installation of new shop front.  
Approved 21 Jan 2009
- 3.5 PK07/1711/F - Change of use from restaurant to residential at first floor. Erection of two-storey side extension. Installation of new shop-front, windows and flue.  
Approved July 2007

- 3.6 PK03/2600/O - Demolition of existing garage and outbuilding to facilitate residential development.  
Approved April 2004

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

##### 4.1 Yate Town Council

Object - This represents overdevelopment. We would not object to a couple of dwellings suitably designed, but this is overdevelopment.

This will remove the entire car parking area at 126 station road, leaving zero staff parking spaces and only 2 visitor spaces for the retail unit at 126 Station Road. This is currently Pisces Fish and Chip Shop and needs more than 2 parking spaces for staff and customers.

The turning space inside the site, as indicated on the path analysis is only for a light commercial vehicle. There is no space for turning for anything larger, and even that requires vehicles to go right to the edge of very narrow strips by the houses i.e. very close to the buildings. So everything from removal vans to delivery vehicles will be reversing on the main road, at a location where there have been numerous crashes.

There is no location shown for bin collection and as a refuse vehicle could not turn in the site there needs to be a location for bins for all dwellings at curbside. The design and elevations do not reflect the local vernacular of Victorian buildings along Station Road.

The plan shows the required number of parking spaces for each NEW dwelling, but removes the parking for the existing dwellings. There are currently 2 x 2 bed houses and a flat over the shop.

Only one parking space is kept for the flat, and none are shown for the existing 2 bed units on site, who currently use the car park.

It is essential that the site plan shows the RETENTION of parking for the three existing dwellings (5 in total by SGC standards) plus the 12 spaces (10 + 2 visitor spaces) for the new, totalling 17, plus parking for the fish and chip shop for staff and customers. It currently shows 13, so is 4 short.

Plot 4 parking is laid out in such a way that it will obstruct the current right of access to the property behind.

No EV parking provision is shown.

Plots 1 and 2 will extend beyond the current building line and need to be set back to the building line.

##### 4.2 Other Consultees

###### Highway Structures

No response

Lead Local Flood Authority

No objection subject to a condition to secure a SUDS drainage scheme.

Sustainable Transport - Transportation DC

No objection to revised plans subject to conditions.

Env Protection

No objection subject to standard informative relating to construction sites.

Urban Design Officer

No objection subject to materials condition.

The Ecology Officer

No objection subject to standard conditions.

The Tree Team

No objection subject to conditions.

Sustainability Officer

No objection

Listed Buildings & Conservation Officer

No detailed comment – defer to case officer.

**Other Representations**

4.3 Local Residents

5no local residents have objected to the proposal. The concerns raised are summarised as follows:

- Overdevelopment
- Unit 3 Juliet balcony overlooks neighbour; loss of privacy.
- Loss of privacy from first floor and roof windows.
- The buildings are higher than the surrounding buildings.
- Loss of house values.
- Insufficient parking provision.
- Bats fly nearby.
- Will lead to illegal on-street parking.
- Noise and pollution during development phase.
- No parking for the Fish & Chip Shop.

**5. ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The development plan supports residential development within the established settlement boundaries. Policy CS5 of the Core Strategy encourages new residential development within settlement boundaries and urban areas.

- 5.2 Para. 119 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses,



while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

- 5.3 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and requires (para.60) the need to boost significantly the supply of homes.
- 5.4 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.
- 5.5 The proposal also includes land currently forming part of the rear gardens to no's. 122 and 124 Station Road, and Policy PSP38 is therefore relevant. This policy supports new dwellings within residential curtilages in settlements where it would be an efficient and sustainable use of the land, subject to criteria covering design, amenity, highways and loss of trees and vegetation, which are addressed in the relevant sections, below.
- 5.6 The principle of residential development on this previously developed site, within the urban area, is acceptable. Detailed matters relevant to this application will be assessed below.

#### **Scale, Design and Visual Amenity**

- 5.7 Core Strategy Policy CS1 reflects the NPPF in seeking to secure the highest possible standards of design and site planning; development proposals are required to demonstrate *inter alia*, 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. Furthermore, Policy PSP1 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan, seeks to ensure that development demonstrates an overall understanding of, and responds constructively to, the buildings and characteristics that make a particularly positive contribution to the distinctiveness of the locality.
- 5.8 The location is not characterised by any one established architectural vernacular, being predominantly an area of mixed development of varying styles and ages. The 'Pisces Fish and Chip Shop' is already read in design terms as an anomaly within the street scene. It is however in a prominent position at the end of Station Road and its side elevation is most prominent to views across the open expanse of the car park, especially for car drivers and pedestrians leaving the centre of Yate. The existing building has a somewhat uncoordinated appearance.

- 5.9 The scheme is of an appropriate density (36dph) and would make the most efficient use of a brownfield site in a highly sustainable location. This is not considered to be an overdevelopment of the site. Furthermore the scale of the proposed buildings would be commensurate with those in the vicinity. The front building line merely links that of no. 130 to the terrace containing nos. 124-126 and as such would not be viewed as a discordant feature within the street scene.
- 5.10 The largest massing on the site is greatest towards the north of the site where it faces onto Station Road, here the buildings are proposed at 2.5 storeys however, these have been designed to ensure that the parapet and ridge lines do not extend above the levels of no.130. The greatest massing on the side is on the north-west of the site, where it forms a gateway focal point for the site. It also helps to repair a part of the streetscape by reinforcing the building line where once another single dwelling stood.
- 5.11 The buildings towards the South of the site are 2-storeys only, reflecting the scale of most buildings in this area, as well being more appropriate to a back-land infill type development. The building line here has been carefully designed to provide a central 'courtyard' area which doubles as vehicular turning space.
- 5.12 The form of the respective houses is positive and responds well to the existing forms further to the west along Station Road, particularly focussing on the 2.5 storey style, which effectively uses the top floor, set into the roof space. This allows a better and more efficient use of space which is a key requirement of the NPPF.
- 5.13 The Council's Urban Design Officer considers the general and detailed architectural approach to be very positive. The use of the stone walls and thick slab facades, defined by contrasting adjacent materials, is considered very effective in creating a robust appearance. The zinc standing seam roof materials and cladding, raises the quality of the scheme. The use of stone chimneys is another key element and their positions create a series of landmark features. The scheme is considered to be a very good example of a modern approach, which references older styles, in fenestration, form and materials. The principle natural stone material relates well in particular with the older properties along the southern side of Station Road.
- 5.14 Subject to a condition to secure details of all the materials to be used, there are no objections on design grounds.

#### **Residential Amenity**

- 5.15 In line with Policy PSP8 and the recently adopted Householder Design Guide SPD, development proposals will only be acceptable where they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of the development or of nearby properties.

Matters to consider are:

- a) Loss of privacy and overlooking;
- b) Overbearing and dominant impact;
- c) Loss of light (daylight/sunlight)

- d) Noise or disturbance; and
  - e) Odours, fumes or vibration.
- 5.16 Some concerns have been raised about loss of privacy due to overlooking from first floor windows and Juliet balconies. The application site is however within a fairly densely populated, built up, residential/commercial area, close to Yate Town Centre, and as such, a degree of overlooking, including the perception of it, is to be reasonably expected, especially if the most efficient use of land within the Urban Area is to be achieved, as required by the NPPF. Nevertheless, given the location of the proposed windows and Juliet balconies, an assessment of this issue is required.
- 5.17 The distance between the rear of No.124 (property adjacent to the Fish and Chip shop) and the proposed Unit 5 northern elevation, measures around 9m. This elevation is essentially composed of blank elements, with two top floor and small skylights and a small high-level ground floor window. This relationship would present only minor overbearing impacts and very limited overlooking impacts.
- 5.18 The other possibly significant area is the SE corner of the site, where oblique overlooking impacts exist between the unit 3 eastern elevation and the existing properties. Given however the angle of the proposed building in relation to the existing properties, officers do not raise an objection in terms of overlooking.
- 5.19 The southern elevation could pose more significant impacts on the existing properties to the SE of the site. There is a similar oblique angle to the eastern elevation, but there are a number of windows to habitable rooms at first floor level, for the living room / bedroom and bedroom 1. The back-to-back distance measures over 20m so again officers would not raise an objection based on this distance and the angle.
- 5.20 The final possible impact could be from overlooking over the existing garden of No.130 Station Road, from the eastern elevation of unit 3. This elevation does directly face the garden, but overlooks the section of garden furthest from the property. Again, given the angle and type of overlooking, officers do not raise an objection.
- 5.21 In conclusion on this matter, any additional overlooking of neighbouring properties would be from a sufficient distance and angle as to result in only a minimum loss of privacy; this is not considered to warrant a refusal of planning permission on these grounds.
- 5.22 As regards increased noise and disturbance during the development phase, this would be short-term only and the hours of working on the site could be controlled by condition. Increased noise or anti-social behaviour from future residents is not a planning issue and falls to be controlled by the appropriate enforcement agencies. Given the existing uses of the site, it is considered that housing would be a more compatible use for the site.
- 5.23 Moving to the issue of amenity space provision; Policy PSP43 requires all new residential units, to have access to private amenity space. The space should

*inter alia* be easily accessible from living areas and of a sufficient size and functional shape to meet the needs of the likely number of occupiers. The Policy sets minimum space standards; the requirement for a 2-bedroom house is 50sq.m; for a 3-bedroom house 60sq.m and for a 4-bedroom house 70sq.m. Adequate private amenity space, to meet these standards, would be provided for each of the proposed dwellings and also retained for the existing dwellings nos. 122 & 124 Station Rd, as indicated on the Proposed Site Plan.

#### **Loss of Existing Fish & Chip Business**

- 5.24 It is understood that the existing Fish & Chip Shop is still operating under a short term lease, but the intention is for this business to cease operation in favour of a Class E (Commercial, Business and Service) use which has already been secured via prior notification application P22/03146/PNC with the new use commencing 1<sup>st</sup> August 2023. It is intended to market the property for use as a Hairdressers or a Beauty Salon. A business use is therefore retained on the site but one which will require far less parking provision.

#### **Transportation Issues**

- 5.25 Chapter 9 of the NPPF promotes sustainable transport and states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 'severe' (para. 111).
- 5.26 In travel sustainability terms, this is considered to be a sustainable location both in terms of its proximity to the many facilities available within the town of Yate, as well as the good public transport connections to the adjacent bus services on the A432 next to the site and the nearby railway station, as well as the recently installed cycle infrastructure along Station Road to help encourage that mode of travel. The application therefore accords with policy PSP11 of the Policy Sites and Places Local Plan.
- 5.27 Over the course of the application, there has been a good deal of negotiation with regard the access, egress, waste & recycling storage and related pick up, car parking and secure cycle storage arrangements. To assist matters, a Transport Statement has now been submitted. Elements of the design layout have been amended, to the extent that the Council's Transportation Officer now raises no objection to the scheme as shown on the revised plans.

#### **Layout and Access**

- 5.28 Vehicle and non-car access to the site would be via the existing access junctions from Station Road. The existing access currently used for arrivals to the Fish and Chip takeaway car park would provide a drive-way access to residential Unit 2. The existing access currently used for departures from the Fish and Chip takeaway would provide access to the other four dwellings alongside the proposed commercial unit parking, parking for 126A, and two visitor parking spaces.
- 5.29 A drawing displaying the visibility splays relevant to the speed of traffic and from Manual for Streets criteria has been provided within the Transport Statement, noting the cycle lane alongside Station Road. Swept path analysis has shown that the access arrangements for the proposed development are

suitable for the intended use. The height of walls/boundary treatment alongside the A432 will enable direct driver visibility of pedestrians, cyclists and other road users.

#### Car Parking and Electric Vehicle Charging Points for Proposed Dwellings

- 5.30 Each of the 5no. proposed dwellings would be provided with 2no. on-site parking spaces, which accords with the minimum parking standards outlined in Policy PSP16 i.e. for 3 or 4 bed houses 2-spaces and for a 2 bed house 1.5 spaces rounded down to the nearest whole number. Swept path analysis diagrams have been provided within the Transport Statement to demonstrate that the spaces are all accessible and can be accessed and egressed in forward gear. A single parking space is retained for no.126A i.e. the small flat above the existing Fish & Chip Shop and this is located adjacent to no.126 to the front of the visitor spaces.
- 5.31 It is also noted that the Transport Statement pg.25 confirms that the proposed dwellings will each provide one active electric vehicle charging facility, with passive charging provision (ducting etc.) to the other spaces; this can be secured by condition.

#### Visitor Spaces

- 5.32 Policy PSP16 states that an additional 0.2 spaces per dwelling for use by visitors should be provided, unless otherwise agreed by the Council. Footnote 3 confirms that the minimum number of dwellings that will require an additional visitor space is 5no., with the requirement for visitor spaces rounded to the nearest whole number; the visitor space requirement for this scheme, should it be deemed necessary, is  $5 \times 0.2 = 1$  space.
- 5.33 Notwithstanding the highly sustainable location of the application site, 2no. visitor spaces would be provided adjacent to the existing commercial unit and access driveway. Again, these can be accessed and egressed in forward gear.

#### Parking Provision for Fish and Chip Take-Away and Future Commercial Use

- 5.34 Most of the application site relates to the large car park that currently serves the Pisces Fish and Chip Shop. The Design and Access Statement highlights the planning history, which suggests the car parking area was added in the 1980's to help the expanded needs of the Fish and Chip Shop; then added to further through planning application PK10/3247/F.
- 5.35 The current use of the car park in vehicular terms was not provided or made clear in the original application, only the suggested parking capacity was provided on the Application Form, which states 20 car parking spaces. The subsequent Transport Statement however includes a comprehensive traffic assessment of trip generation based on TRICS database information (see pages 27-30). In terms of trip generation, the flat above 126 Station Road is unaltered by the proposals and so have not been considered.
- 5.36 The proposed change of use of no.126 has been taken forward in planning terms through the consented (June 2022) permitted development rights application (P22/03146/PNC) from Sui Generis (Hot Food Takeaway) to Class E (Commercial, Business and Service). If enacted, the change of use will

- reduce the parking need down to the spaces provided on site. It is proposed to market the property for use as a Hairdresser or Beauty Salon.
- 5.37 In the unlikely event that construction of the proposed development commences before the existing Fish and Chip Shop use has ceased (the newly consented Class E use is set to commence 1<sup>st</sup> August 2023 and the current lease on the Fish & Chip Shop expires May 2023) there will be a need to provide sufficient car parking for customers of the Fish & Chip Shop.
- 5.38 An agreement in principle to provide 8no. car parking spaces for the Fish & Chip Shop customers in the B&Q car park (on the north side of the A420) has been negotiated by the applicant. This land however lies outside the applicant's control and the spaces cannot therefore be conditioned.
- 5.39 As an alternative, a plan has been submitted to demonstrate that up to 11no. temporary car parking spaces could be safely provided within the application site, during any initial construction works. Works can be sequenced to ensure that these spaces remain available for customers of the Fish and Chip Shop should there be any small overlap between the operation of the Fish and Chip Shop and initial demolition/construction works for the houses, as shown on the submitted drawing no. PL23. This can be conditioned accordingly as also can a CEMP to cover contractor parking during construction.
- 5.40 As regards the future Class E commercial use of no.126, there are currently no parking standards for such uses. When enacted however, the new use will reduce the parking need down to the spaces provided on site, there being 2no. dedicated parking spaces located to the front of no.126.

#### Traffic Generation

- 5.41 The current use of the Fish and Chip Shop car park has not been observed and is estimated within the applicant's Transport Statement of August 2022, using the industry standard "TRICS database" for the applicable land use. In trip generation terms and based on the opening hours shown on-line (updated in September 2022), the current Fish and Chip Shop could attract approximately 160 vehicles a day for its lunchtime and early evening opening hours (totalling 6½ hours a day). The maximum number of vehicular arrivals in an hour is estimated to be 38 vehicles between 7pm and 8pm, though the average through the opening hours is 24. Ideally traffic surveys observing actual use would be more helpful, but officers are satisfied that the TRICS information provides an acceptable and robust approximation.
- 5.42 The trip generation for the five dwellings would be considerably less – 25 traffic movements a day is estimated but with potential for reduction with the surrounding range of travel options. The proposed change of use from Sui Generis (Hot Food Takeaway) to Class E (Commercial, Business and Service) will also generate considerably fewer movements, noting the parking provision for the commercial unit would influence travel patterns and encourage sustainable travel modes.

#### Parking for Nos. 122 & 124 Station Rd.

- 5.43 At present nos. 122 and 124 use the Chip Shop car park for parking their cars; this however is an informal arrangement only, which means the arrangement could cease at any time, irrespective of this development proposal. In the event of the proposed development proceeding, these two properties would need to find alternative parking provision. Given the existing informal arrangement, it would not be a planning requirement of this application to provide replacement parking and as such the loss of this parking provision should not prejudice the success of this application.
- 5.44 In the Transport Statement, the applicant proposes to provide re-located parking for Nos 122 and 124 through dropped kerb accesses direct from the A432 Station Road to the front gardens of these properties, which would be secured via separate planning applications – Drawing 22066-Rev A in Appendix 6 of the Transport Statement illustrates. As the dropped kerbs would be onto a classified road, this would require both planning permission, as well as local highway authority permission in terms of its dropped kerb policy and related policy PSP16.
- 5.45 Whilst these applications would be determined on their individual merits, the Council's Transportation Officer has stated the following: "Although the dropped kerb proposals would be separate application(s), I would not support the proposals, or infer support through this application. The proposals require the bus stop and its infrastructure to be moved westwards which would have implications including significant costs; we require forward gear entry and exit to and from classified roads because of the volumes and mix of traffic, which in this location is also influenced by the cycle lane; the area of the front gardens are too constrained to allow such manoeuvres."

#### Cycle Parking

- 5.46 The cycle parking standards applicable to the proposed development are also set out in Policy PSP16. For newly built houses of 2 or more bedrooms, 2no. secure spaces are required per dwelling. The proposed development accords with the above standards, providing a storage shed for two cycles within the demise of each property. The location of secure cycle parking for each dwelling is now shown on the revised Site Plan to officer satisfaction. The precise details along with the location of the cycle parking can be secured by condition.
- 5.47 No cycle parking standards are provided under PSP16 for hairdressers/beauty salons, however for both takeaways and offices the standards state that two spaces should be provided per 100 sq.m and one per eight staff. Two Sheffield stands (providing for four cycles) are proposed to the front of the commercial unit, as shown on the revised Site Plan, these accord with the above standards and can also be secured by condition.

#### Bin Storage and Pick Up Arrangements

- 5.48 The SGC document 'Waste & recycling collection: guidance for new developments' SPD dated September 2019 provides guidance on refuse collection at new residential developments. The document states the following in relation to accessibility requirements: -

- Distance from property to external storage points - maximum of 10m.
  - Distance to collection point from collection vehicle - minimum of 2m, maximum of 25m.
    - Distance from litter bins to collection point maximum 15m.
    - Gradients of routes from property and the storage and/or collection points - not exceeding 1:20
    - Surfaces and routes - flat, all weather with suitable drainage
    - Lighting - suitable for all users 24 hours a day
    - Signage - clear signage
    - Design of bin stores – enough space to house all containers and allow them to be used without moving other containers.
- 5.49 As shown on the plan at Appendix 2 of the Transport Statement, each residential unit will have an on-plot external bin storage area within 10m of each property, which conforms to the above guidance.
- 5.50 The proposed on-plot external Bin Store areas (0.9 x 2m) are now plotted on the Revised Site Plan. The on-plot bin storage (between collections) areas have been relocated so as not to be behind parking spaces where possible (units 2 and 5), and in other locations the driveways have been widened to improve access.
- 5.51 Separate bin presentation/collection points, within the site, but at the edge of the public highway are now shown on the Plan at Appendix 2 of the Transport Statement and also on the Proposed Site Plan. These collection points will be within 2-25m of the collection vehicle, again in accordance with the above guidance.
- 5.52 Residents will move their bins to this point on collection day. The distance between the furthest external bin store and collection point is c40m which is above the distance recommended above, however this has been agreed with SGC Transportation Officer by email and residents will be notified of this before purchasing a property.
- 5.53 Officers are satisfied that on balance the collection points will adequately conform to the SGC guidance.

#### Servicing

- 5.54 Servicing of the proposed units will be undertaken via the proposed Station Road access junctions.
- 5.55 Swept path analysis shows a light commercial van (e.g. Ford Transit) can enter the site in forward gear, service the required houses, turn within the site and leave again in forward gear as shown at Appendix 4 of the Transport Statement. Servicing via vehicles larger than a van will be undertaken from the public highway on Station Road.
- 5.56 Deliveries for the future Hairdressers/Beauty Salon are envisaged to be minimal and if they do occur, they would be carried out using van sized vehicles.



### Right of Access

- 5.57 The existing 'pedestrian right of access' belongs to nos. 3 and 4 Tobias Gardens, and there is an existing gate at the southern boundary of the proposed development site. As far as the applicant's agent is aware, from conversations with the client and personal observations (the agent is based at the application site) this access is never used. Nonetheless this right of access will be retained, via the parking area belonging to unit 4.

### Landscape & Tree Issues

- 5.58 The only vegetation of note within the site are the two trees on the south-western boundary of the site; there is also a tree to the south-east within the garden of no. 130. One of the trees to the south-west would be lost, but the tree is of low value. The rest of the trees are however shown retained and should not be adversely affected by the scheme. Some minor landscaping was implemented when the car park was extended under PK10/3247/F and more landscaping was proposed under the subsequent permissions, for the areas around the north-eastern part of the car park, but this is not significant. The loss of part of the gardens to nos. 122 & 124 is regrettable but these gardens are not readily visible from the public domain. New tree planting is however shown to the front of the site and to the south of the Visitor Parking, so there would be a net gain in trees on the site.
- 5.59 Whilst there is no objection to the removal of the tree to the South-West of the site, the trees within the gardens of 122 and 124 Station Road require consideration during the planning process to ensure their retention during and post development. This also applies to any trees or shrubs within the adjoining garden of 130 Station Road.
- 5.60 A Tree Protection Plan is required which can be secured by condition.

### Ecology

- 5.61 The site is not covered by any ecological designations and offers only limited scope for ecological habitat, being mostly laid to hard-standing and outbuildings. A Preliminary Ecological Assessment (Silverback, April 2022) and a Bat Survey Report (Abricon, August 2022) has been submitted.
- 5.62 The buildings were assessed for their bat roosting potential and were found to be of low potential. An emergence survey was undertaken, and no bats were seen emerging or re-entering the buildings. No further surveys are required. The trees on site were assessed as being negligible for roosting bats. No evidence of nesting birds was recorded.
- 5.63 Appropriate survey effort has been undertaken which has been supported by suitable mitigation and enhancements. Subject to standard conditions to secure mitigation measures and Ecological enhancements, there are no objections on ecological grounds.

### Environmental Issues

- 5.64 Although historically coal was mined in the Yate area, the site itself does not lie within a Coal referral area. The site has in the past been in residential use and is not the subject of excessive noise, dust or vibration. The site lies in flood

zone 1 and the Council's Drainage Engineer raises no objection subject to a standard condition to secure a SUDS Drainage Scheme. The change of use from car park to residential use will inevitably lead to greater permeable areas than exist currently, which will aid in managing surface water runoff. Connections to the mains sewer would need to be agreed with Wessex Water. The Council's EHO raises no objection subject to a standard informative relating to construction sites.

### **Sustainability**

- 5.65 A full Sustainable Energy Statement is only a requirement for major schemes, which this is not, being only 5no. houses. A simplified Sustainability Statement has however been submitted and is generally supported by the Council's Sustainability Officer.
- 5.66 Environmental sustainability is at the core of the proposal, which would be built with a target EPC rating of A. It is proposed to integrate PV solar panels into the scheme as indicated on the drawings. The roof-scape has been deliberately designed to maximise south facing roofs wherever possible. This can be utilised to contribute towards the energy needs of an air source heat pump system, providing low carbon heating for each unit.
- 5.67 The scheme would be assessed under the latest Building Regulations incorporating recent amendments, which came into force in June 2022. The updated regulations include amendments to existing Approved Documents as well as additional parts, aimed at reducing operational carbon and providing steps on the roadmap towards 'Net Zero' by 2050. These are as follows:
- Part F – Ventilation
  - Part L - Conservation of fuel and power
  - Part O - Overheating
  - Part S - Infrastructure for charging electric vehicles
- 5.68 The scheme is considered to be a sustainable one. A condition will ensure that the houses are built in accordance with the Sustainability Statement.

### **Heritage Issues**

- 5.69 Whilst the proposal would not directly affect any Listed buildings and does not lie within a Conservation Area, in accordance with paragraph 195 of the NPPF (July 2021), it does have the potential to affect the setting of locally listed buildings at nos. 130 & 132 Station Road.
- 5.70 Para. 202 of the NPPF states that, "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 5.71 Officers note that no.132 Station Rd. is reasonably divorced from the site whilst no.130 lies immediately adjacent and is therefore more likely to be affected. It is material that the application site was used for housing in the past and that the rather stark existing car park and side elevation of the Fish & Chip Shop do little, if nothing, to enhance the setting of the Locally Listed Buildings.

- 5.72 Proposed unit 2 would be located next to no.130 Station Rd. but would be a reasonable distance from it i.e. 4.4m. Furthermore, the overall massing, form and materiality of the proposed buildings is relatively traditional and would sufficiently respect the setting of no.130, so much so that any harm, such as it is, would certainly be less than substantial. Such a level of harm is considered to be comfortably outweighed by the public benefits of the scheme.

#### CIL Matters and S106 Obligations

- 5.73 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was first adopted March 2015. CIL charging commenced on 1st August 2015 and this development, if approved, would be liable to CIL charging. The scheme is not of a scale that would generate contributions to affordable housing or POS

#### 5.74 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. This planning application it is considered to have a neutral impact on equality.

#### Overall Planning Balance

- 5.75 At the heart of the NPPF is a presumption in favour of sustainable development. In determining whether the proposal would be a sustainable form of development, there are three dimensions to consider, these being an economic objective, a social objective, and an environmental objective.
- 5.76 The proposal would provide 5no. open-market, residential units on previously developed land, which has historically been used for housing; this would make a positive, if small contribution to housing stock within the County, at a time when there is a national housing shortage; this can be given moderate weight in favour of the scheme.
- 5.77 The land is in a highly sustainable location, within the settlement boundary, close to Yate Town centre and within easy reach of shops, leisure facilities and a variety of sustainable travel options. This carries significant weight in favour of the proposal. There would be a net reduction in traffic generation to the site. With the mitigation measures proposed, the transportation and parking issue is considered to be neutral.
- 5.78 The proposal makes efficient use of previously developed land and retains a business use within no.126. The new dwellings would provide work for local construction workers and suppliers. The proposed density and overall design of the scheme are considered appropriate for the site. The proposal would enhance the vitality and viability of the Town Centre due to increased footfall, which weighs in favour of the scheme.

- 5.79 There would be a net increase in trees on the site and ecological enhancements.
- 5.80 The proposal would be well designed to provide suitable living and working conditions respectively for future occupiers, especially given the highly sustainable location of the site. The proposal would not be harmful to the character and appearance of the area, indeed on balance it would enhance it. The scheme incorporates sustainable construction techniques and renewable energy sources, which weigh in its favour.
- 5.81 The only real harm identified would be some minor loss of privacy due to overlooking of neighbouring property. The loss of some garden space to nos. 122 and 124 is not significant as ample amenity space would be retained to serve these small properties. Any harm to the setting of the neighbouring locally listed buildings would be minimal and less than substantial.
- 5.82 Any identified harm is outweighed by the public benefits of the scheme. Any other potential harms are mitigated by condition and are therefore neutral in the planning balance.
- 5.83 Officers are satisfied that the scheme represents sustainable development, that should be approved without delay.

## **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 planning permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.”

## **7. RECOMMENDATION**

- 7.1 That planning permission be GRANTED subject to the conditions listed below:

### **CONDITIONS**

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

#### Reason

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

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

Site Location Plan Drawing No. 1009-PL01 received 08th March 2022

Existing Site Plan Drawing No. 1009-PL02 received 08th March 2022

Existing Site Photos Drawing No. 1009-PL03 received 08th March 2022

Rendered Views 1 Drawing No. 1009-PL14 received 08th March 2022

Rendered Views 2 Drawing No. 1009-PL15 received 08th March 2022

Aerial Perspective From North West Drawing No. 1009-PL16 received 08th March 2022

Aerial Perspective From North East Drawing No. 1009-PL17 received 08th March 2022

Aerial Perspective From South East Drawing No. 1009-PL18 received 08th March 2022

Aerial Perspective From South West Drawing No. 1009-PL19 received 08th March 2022

Proposed Site Plan Drawing No. 1009-PL04 Rev C received 02nd August 2022

Units 1 and 2 Floor Plans - 1 (Ground and First) Drawing No. 1009-PL05 received 08th March 2022

Units 1 and 2 Floor Plans - 2 (Second and Roof) Drawing No. 1009-PL06 received 08th March 2022

Unit 3 Floor Plans Drawing No. 1009-PL07 received 08th March 2022

Units 4 and 5 Floor Plans Drawing No. 1009-PL08 received 08th March 2022

Units 1 and 2 - Elevations Drawing No. 1009-PL09 received 08th March 2022

Unit 3 - Elevations Drawing No. 1009-PL10 received 08th March 2022

Units 4 and 5 - Elevations Drawing No. 1009-PL11 received 08th March 2022

Street Scene and Site Sections Existing Drawing No. 1009-PL12 received 08th March 2022

Street Scene and Site Sections Proposed Drawing No. 1009-PL13 received 08th March 2022

Existing Outbuildings - Plans Drawing No. 1009-PL20 received 14th March 2022

Existing Outbuildings - Elevations Drawing No. 1009-PL21 received 14th March 2022

Photos of Trees 12B received 15th March 2022

Temporary Retained Parking During Construction Drawing No. 1009-PL23 received 22nd October 2022

Reason:

To define the terms and extent of the permission.

3. The hours of working on site during the period of demolition and construction, shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

4. Prior to the first occupation of the dwellings hereby approved, the car parking spaces, access, cycle parking facilities and bin storage & pick up facilities shall be provided in accordance with the approved Proposed Site Plan Drawing No. 1009-PL04 Rev C received 2nd August 2022 (the visitor parking spaces and parking space for no. 126A Station Rd, as well as the parking spaces retained for the commercial use of no.126 Station Rd, shall be clearly designated and marked out as such) and thereafter retained as such for the purposes intended.

Reason

To ensure the satisfactory provision of car & cycle parking, access and bin storage/pick up facilities; in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the Waste Collection: Guidance for New Development SPD (Adopted) January 2015.

5. The dwelling houses hereby approved, shall not be occupied until each has been provided with one active 7Kw 32 Amp Electric Vehicle Charging Point and one passive (ducting) charging facility for the respective parking spaces shown on the approved Proposed Site Plan Drawing No. 1009-PL04 Rev C received 2nd August 2022 and thereafter retained as such for the purposes intended.

Reason

To promote sustainable travel and to accord with Policy CS8 of the South Gloucestershire Local Plan ; Core Strategy (Adopted) Dec. 2013.

6. In the event that the development works hereby approved commence prior to the cessation of the Fish & Chip Shop (sui generis) use of no.126 Station Road, temporary car parking facilities for users of the Fish & Chip Shop shall be provided in accordance with the 'Temporary Retained Parking During Construction' Plan - Drawing No. 1009-PL23 received 22nd October 2022. The temporary parking thus provided shall be retained until such time that the Fish & Chip Shop (sui generis) use ceases.

Reason

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

7. Prior to the commencement of the development hereby approved, a site specific Construction Environmental Management Plan (CEMP), to include construction workers parking, shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the CEMP so approved.

Reason

In the interests of residential amenity and highway safety and to accord with Policies PSP8, PSP11 and PSP21 of the The South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013 and the provisions of the NPPF.

This is a pre-commencement condition to ensure that the site can be safely developed.

8. The development hereby approved shall proceed in strict accordance with the Mitigation Measures detailed in the Preliminary Ecological Assessment by Silverback (April 2022).

Reason

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

9. Prior to the first occupation of the dwellings hereby approved, a plan detailing the location and specifications of ecological enhancements detailed within the Preliminary Ecological Assessment by Silverback (April 2022), is to be submitted to and approved in writing by, the Local Planning Authority. This includes, but not limited to bat and bird boxes. Thereafter the ecological enhancements so approved shall be implemented in full also prior to the first occupation of the dwellings.

Reason

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

10. Prior to the first occupation of the dwellings hereby approved, details of all proposed external lighting are to be submitted to and approved in writing by, the Local Planning Authority and is to include the location and specification of the proposed lighting. All external lighting shall be installed, also prior to fist occupation, in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

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

11. No development shall commence until surface water and foul sewage 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 to and approved by the Local Planning Authority.

A detailed development layout showing surface water and SUDS proposals is required as part of this submission.

No public surface water sewer is available.

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

- A clearly labelled drainage layout plan showing the exact location of any soakaways.
  - Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results in accordance with BRE Digest 365 and as described in Building Regs H - Drainage and Waste Disposal.
  - The submitted infiltration rate/s must be expressed in m/s (meters per second).
- Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.
  - Sp. Note; - Soakaways must be located 5 Metres from any structure including the Public Highway
  - Sp. Note: - No surface water discharge will be permitted to an existing foul sewer without the expressed approval of the sewage undertaker.

#### Reason

To comply with Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017; Policy CS1 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 ; and National Planning Policy Framework July 2021.

This is a pre-commencement condition to ensure that the site can be appropriately drained.

12. No first floor windows other than those shown on the plans hereby approved shall be inserted at any time in the North side elevation of Unit 5 and the East and South elevations of Unit 3 as indicated on the approved Proposed Site Plan Drawing No. 1009-PL04 Rev C received 2nd August 2022.

#### Reason

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

13. Prior to the commencement of above ground development a scheme of landscaping, specifying the species, stock sizes, planting centres and quantities of all proposed tree and structure planting (to be implemented in the first season following completion of construction works); plus a Tree Protection Plan for any retained trees, shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the landscaping and tree protection shall be carried out in accordance with the agreed details.



Reason

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

14. No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows on site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land. No machinery shall be stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

Reason

To ensure the retention of trees on and off the site in the interests of visual amenity, and to accord with Policy PSP3 of The South Gloucestershire Local Plan, Policies, Sites and Places Plan (Adopted) November 2017.

15. Prior to the commencement of the relevant parts of the development hereby approved, details/samples of the main external facing materials and mortar colour proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter 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.

16. Sample panels (min 1 sq.m.) of stonework (natural and reconstituted), demonstrating the colour, texture, coursing and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel/s shall be kept on site for reference until the stonework is complete. The development hereby approved shall be carried out in accordance with the agreed sample panel/s.

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.

17. Prior to the first occupation of any of the dwellings hereby approved, the Fish and Chip Shop/Take-away (sui generis) use of no. 126 Station Road shall cease in perpetuity.

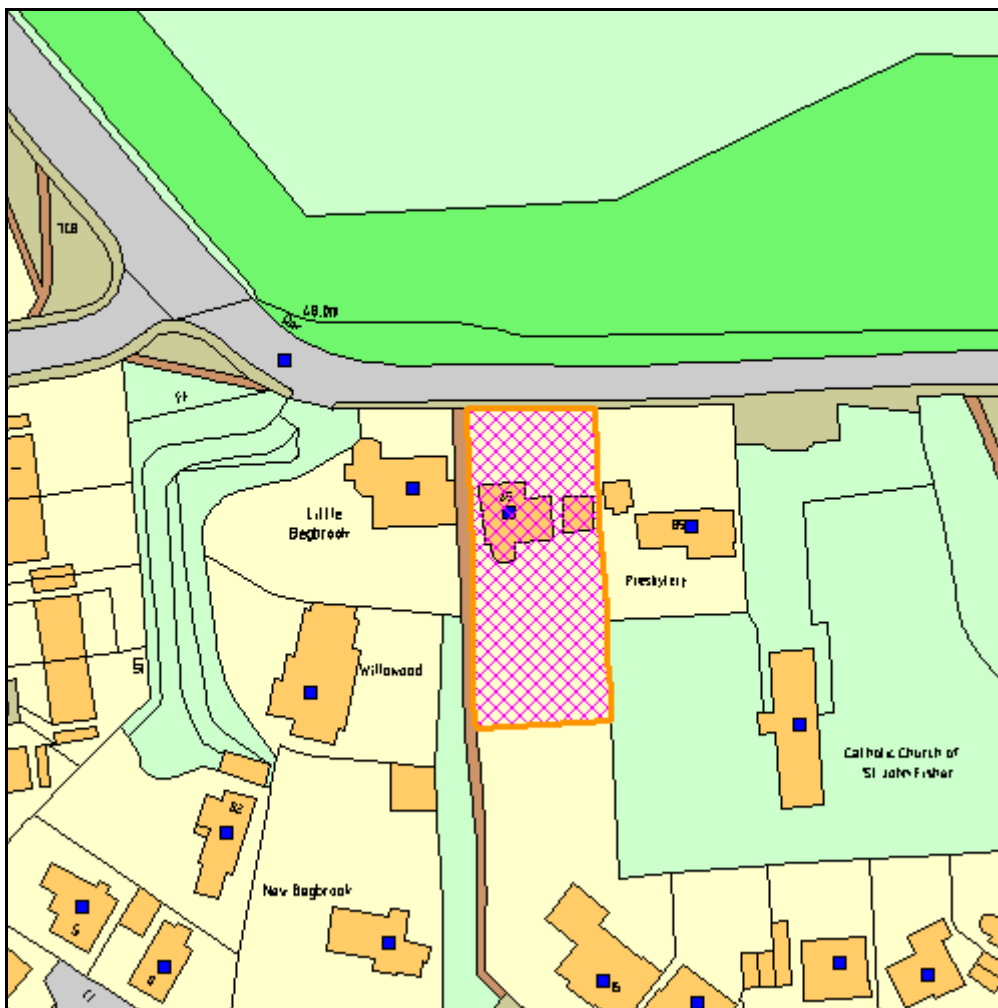
Reason

There would be insufficient parking provision retained on the site to support such a use and in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

**Case Officer: Roger Hemming**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 48/22 -2nd December 2022**

<b>App No.:</b>	P22/03812/F	<b>Applicant:</b>	Atif Javid Clifton Architects Ltd
<b>Site:</b>	52 Begbrook Park Frenchay South Gloucestershire BS16 1NF	<b>Date Reg:</b>	12th August 2022
<b>Proposal:</b>	Demolition of existing dwelling. Erection of 1 no. detached dwelling with associated works.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	363494 177433	<b>Ward:</b>	Frenchay And Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th October 2022



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P22/03812/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 THE CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule due to the number of objection comments received from local residents and the comments of the Parish Council, contrary to the officer recommendation.

## **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the demolition of existing dwelling. Erection of 1 no. detached dwelling with associated works at 52 Begbrook Park, Frenchay.
- 1.2 The application site is within the north fringe of the Bristol Urban Area and comprises a two-storey detached dwellinghouse set within approx. 0.10 hectares. The site is within the Frenchay Conversation Area, bounded by Begbrook Park to the north, a pedestrian lane to the west, and residential properties to the remaining sides.
- 1.3 Several sets of revised plans have been received accordingly 2.no rounds of 14-day re-consultations have been undertaken.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework  
National Planning Policy Guidance  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)

### **2.2 Development Plans**

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

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage

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

PSP1	Local Distinctiveness
PSP3	Trees & Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity

PSP38 Development within Existing Residential Curtilages  
PSP43 Private Amenity Space Standards

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

2.4 Frenchay Conservation Area SPG (March 2007)

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

3.1 P21/03066/TCA - Works to fell 1no. Holly, 1no. Tulip, 1no. Yew, 2no. Apple, 1no. Leylandii, 1no. Blue Cedar, 2no. Cherry, 4no. Cypress, 1no. Norway Maple, 2no. Leylandii and 1no. Eucalyptus all situated in the Frenchay Conservation Area.  
No objection 02.06.2021.

### **4. CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council  
Objection.

4.2 The Listed Building & Conservation Officer Natural & Built  
In light of the significant amendments that have been made to the proposed scheme while it is not considered that the proposals would enhance the character and appearance of the Frenchay Conservation Area, it is considered that it would now at least preserve it (subject to the following conditions) and so can be considered to meet the requirements of national guidance and local plan policy.

4.3 Sustainable Transport – Transportation DC  
No objection subject to conditions.

4.4 Tree Team  
No objection subject to condition.

4.5 Ecology  
No objection subject to condition.

4.6 Lead Local Flood Authority  
No objection.

4.7 Local Residents  
20 comments from 15 individuals objecting to the proposal have been received. Key points summarised below:  
- Demolition of a structurally sound building. Environmental cost must be considered.  
- Overdevelopment of the site leading to unacceptable impact on neighbour's light and privacy. Significant loss of light to Little Begbrook.

- Balconies are inappropriate. Proposed development, specifically first and second floor windows overlook neighbouring properties.
- Size and scale of building is overbearing and dominant.
- Planting should be required to restore previous canopy.
- Georgian style is not in keeping with the style of this part of the conservation area. Nor sympathetic to other detached properties and will alter character of the street.
- Could set a precedent for other nearby plots.
- Neighbouring properties will depreciate in value.
- Validity of tree report as the garden was previously cleared.
- Dwelling much closer to the garden and rear to the property known as Willowood. Closer to the rear boundary.
- Risk of new stone wall collapsing into the lane.
- Area prone to subsidence.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy PSP38 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. The proposal therefore accords with the principle of development subject to the following considerations.

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

Policy CS1 of the Core Strategy and policy PSP38 of Policies, Sites and Places Plans seeks 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 application site and its context.

5.3 Furthermore, paragraph 206 of the NPPF states that new development in conservation areas should be sought to better enhance their significance. In this instance, proposals which make a positive contribution to the setting or asset will be considered favourably. This is backed up by policy PSP17 of the Policies, Sites and Places Plan which places importance on preserving or enhancing elements which contribute to the special character and appearance of the area and pay attention to opportunities to enhance negative aspects of conservation areas and draw on those opportunities to improve local character and distinctiveness. Proposals should therefore demonstrate appropriate size, forms, scale, materials and design to have proper regard to local character.

5.4 The proposal seeks to demolish the existing detached house and replace it with a large two-storey dwelling with basement. The existing building is not considered to be of any significant architectural or historical significance. The main contribution the existing property makes to the Conservation area is the planting to the front boundary and the gaps between the buildings. The revised scale of the proposed new dwelling ensures it will remain subservient in height to no.56 Begbrook Park albeit with a larger floor area. Furthermore, the valued existing stone boundary wall to the front will be retained as well as a similar flat

- roofed garage to preserve views through the site. The proposed building will appear considerably different to the existing property however, as noted by the Conservation Officer, this is largely due to the mundane modern house characterises of the exiting building. In this part of Frenchay there is no prevailing forms or styles which any development should adhere to, and it is somewhat of a transition point. Accordingly, whilst the new building introduces a distinctive style to the immediate area, it would not be unacceptable in design terms.
- 5.5 Proposed materials are detailed as bricks in a grey/white multi tonal colour, slate roof tiles, aluminium dark grey windows and doors, and pennant stone boundary walls. Whilst the existing house has dark brown bricks, there is a variety of materials in the locality. The use of a neutral grey/white brick with slate tiles is acceptable in design terms.
- 5.6 Overall, the proposal introduces a distinctive new dwelling to the site which preserves the character and appearance of the Frenchay Conservation Area. A standard condition requesting, the detailed design of windows, lanterns, doors, and eaves will be applied. Subject to the above condition, the proposal is acceptable in design terms, in the context of CS1, CS9, PSP1, PSP17, and PSP38.
- 5.7 Residential Amenity  
Policy PSP8 of the Polices, Sites and Places Plan relates specifically to residential amenity in which it states development proposals are acceptable, provided that they do not create unacceptable living conditions or result in unacceptable impacts on the residential amenities of occupiers of the development or of neighbouring properties. These are outlined as follows (but 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 Numerous objection comments have been received regarding the perceived impact of the proposal on the residential amenity of neighbouring occupiers, specifically in relation to loss of privacy and light. It should be noted that since the original comments were received, the proposal has been reduced in scale, with the contested rear balconies and second floor being removed. The impact of the revised proposal on the neighbouring properties will now be assessed in turn.
- 5.9 No.56 Begbrook Park is the closest adjoining neighbour located to the east of the site. The proposed single storey garage is sited along the boundary in a similar location to the existing garage and the main two-storey built form will be located 3.8 metres away from the boundary. Owing to the separation distance between the buildings there will be no overbearing impact on 56 Begbrook Park.
- 5.10 Little Begbrook is situated to the west of the site and is separated by the pedestrian lane. Little Begbrook has a first-floor dormer window facing the existing side elevation, which has less than the recommend 12m gap between windows and blank walls as instructed by the Householder Design Guide SPD.

Post development, the side facing dormer window will experience a similar relationship, as it will face out onto the new blank side wall elevation. 2. no bathroom windows will be in the side elevation however these will be obscurely glazed and a condition will be attached to secure this. It is acknowledged the distance, approximately 10.3 metres, between the window and wall will be below the recommended 12 metre distance however considering the current situation is under the recommended distance it is not considered a sufficient reason to raise an amenity objection. Furthermore, the dormer window is located on the first floor so will still benefit from sufficient vistas to the side and above the proposed building. To the rear of Little Begbrook, the proposed dwelling will not break the 45-degree line from the nearest rear first floor windows, ensuring Little Begbrook satisfactory outlook and light levels.

- 5.11 Willowood is located to the southwest of the replacement building and comments have been received objecting to the increase in overlooking to both the garden and living areas. Whilst there could be a perceived increase in overlooking due to the larger building, the distance between the buildings, approximately 27 metres, and the angle of outlook will not result in direct views. Furthermore, the rear garden of Willowood is already subject to some overlooking by Little Begsbrook and the existing building at No.56, therefore the new building will not make the current situation materially worse.
- 5.12 The distance to other neighbouring properties is sufficient to ensure there will be no impact to residential amenity. A standard condition relating to hours of working will be attached to any permission to ensure the protection of neighbours amenity during construction. Subject to the above conditions and by reason of scale the proposed development will not result in any unreasonable harm to residential amenity, satisfying policy PSP8.

#### Private Amenity Space

- 5.13 Supplementary to this, policy PSP43 sets out that residential units, are expected to have access to private external amenity space that is: functional and safe; of a sufficient size in relation to number of occupants; and be easily accessible. The proposal has been carefully assessed and has found to be in compliance with these policies.
- 5.14 Transport (Access and 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. An Electric vehicle charging point is to be provided with the proposal and a condition will be attached to any permission to ensure it. The proposal has been carefully assessed and has found to be in compliance with these policies.
- 5.15 Trees  
Policy PSP 3 of the Policies, Sites and Places Plan sets out the Councils Tree requirements. Development proposals should minimise the loss of existing vegetation on a site and should, where appropriate, include the protection of trees. The application has been submitted with an Arboricultural report which indicates 1.no maple tree to the front of the site is to be removed as it is a category U tree and the 2.no trees to the rear garden are to be retained and



protected during construction. The tree team offer no objections to the proposal subject to a condition ensuring all works are in accordance with the Arboricultural report and tree protection plan. The proposal has been carefully assessed and subject to the recommended conditions is in compliance with these policies.

5.16 Several comments have been received concerning the clearance of trees on the site prior to this application. A prior notification informing the Local Planning Authority of proposed works to trees in a conservation area was submitted in 2021 and received no objections.

5.17 Ecology

Policy PSP19 of the Policies, Sites and Places Plan sets out the Councils Biodiversity standards. Development proposals where they would result in significant harm to sites of value for local biodiversity, which cannot be adequately mitigated will be refused. A preliminary ecological appraisal has been submitted. The building and garage were assessed as being negligible potential for roosting bats. Accordingly, the planning ecologist has raised no objections to the proposal, subject to conditions.

5.18 Other matters

The public comments received also related to other matters which will now be discussed in turn. The sustainability impact of the demolition of the existing building and its replacement is acknowledged, however there is no planning reason or policy currently in place to ensure the retention of existing buildings or the refusal of this type of proposal. Issues of subsidence and boundary walls collapsing are not material planning considerations and would be civil and building control matters. The alleged depreciation on the value of neighbouring properties is not a material planning consideration nor is whether a precedent is to be set by this application, each application is assessed on its own merits.

5.19 Consideration of likely impact on Equalities

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

With regards to the above, this planning application 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 development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Site location and block plan (EX00)  
Existing site plan (EX01)  
Existing street and lane elevations (EX02)  
Existing plans and elevations (EX03)  
Existing N&S Elevations (EX04)  
(above plans received 29/07/2022)

Proposed site plan (PLA01 Rev F)  
Proposed first floor plan (PLA04 Rev C)  
Proposed basement plan (PLA05 Rev C)  
Proposed section AA (PLA06 Rev D)  
Proposed south elevation (PLA08 Rev D)  
Proposed east elevation (PLA10 Rev C)  
(above plans received 26/10/2022)

Proposed street and lane elevations (PLA02 Rev D)  
Proposed ground floor plan (PLA03 Rev D)  
Proposed north elevation (PL07 Rev D)  
Proposed west elevation (PL09 Rev D)  
(above plans received 18/11/2022)

#### Reason

To define the terms and extent of the permission.

3. Prior to the commencement of the relevant works, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
  - a. All new windows and fixed glazing (including cill, head, reveal and glass details)
  - b. Central lantern
  - c. All new doors (including frames and furniture)
  - d. Eaves (including rainwater goods), verges and ridges

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

#### Reason

To ensure the development serves to preserve the character and appearance of the Frenchay Conservation Area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

4. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech, August 2022).

#### Reason

To ensure the works are carried out in an appropriate manner and in the interests of ecology and wildlife protection, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

5. Prior to the use or occupation of the building hereby permitted, details of all proposed external lighting are to be submitted to the local authority for review and is to include the location and specification. 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. The development thereafter shall be carried out strictly in accordance with the details agreed.

#### Reason

To ensure the works are carried out in an appropriate manner and in the interests of ecology and wildlife protection, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

6. Prior to the use or occupation of the building hereby permitted, a plan detailing the location and specifications of ecological enhancements detailed within Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech, August 2022) is to be submitted to the local authority. This includes, but not limited to tree, hedgerow, wildflower and shrub planting, pond creation, bat provisions, nesting bird provisions

and hedgehog holes (13cm x 13cm) in any proposed fencing. The development thereafter shall be carried out strictly in accordance with the details agreed.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of ecology and wildlife protection, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

7. The development shall be carried out in strict accordance with the submitted Arboricultural Report Impact assessment and method statement (Wotton Tree Consulting ref WTC\_968.01 ) July 2022 and tree protection plan.

Reason:

To ensure that trees and vegetation to be retained are not adversely affected by the development proposals in accordance with PSP3 and PSP19 of the Policies Sites and Places DPD (Adopted) November 2017.

8. Prior to first occupation, one electric vehicle charging point must be fully installed and retained in a working condition for the lifetime of the development.

Reason

To promote sustainable forms of transport and to comply with policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

9. The glazing on the first floor side elevations shall at all times be of obscured glass to a level 3 standard or above and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason

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

10. The hours of working on site during the period of construction shall be restricted to  
Monday - Friday.....7:30am - 6:00pm  
Saturday.....8:00am - 1:00pm  
No working shall take place on Sundays or Public Holidays.  
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

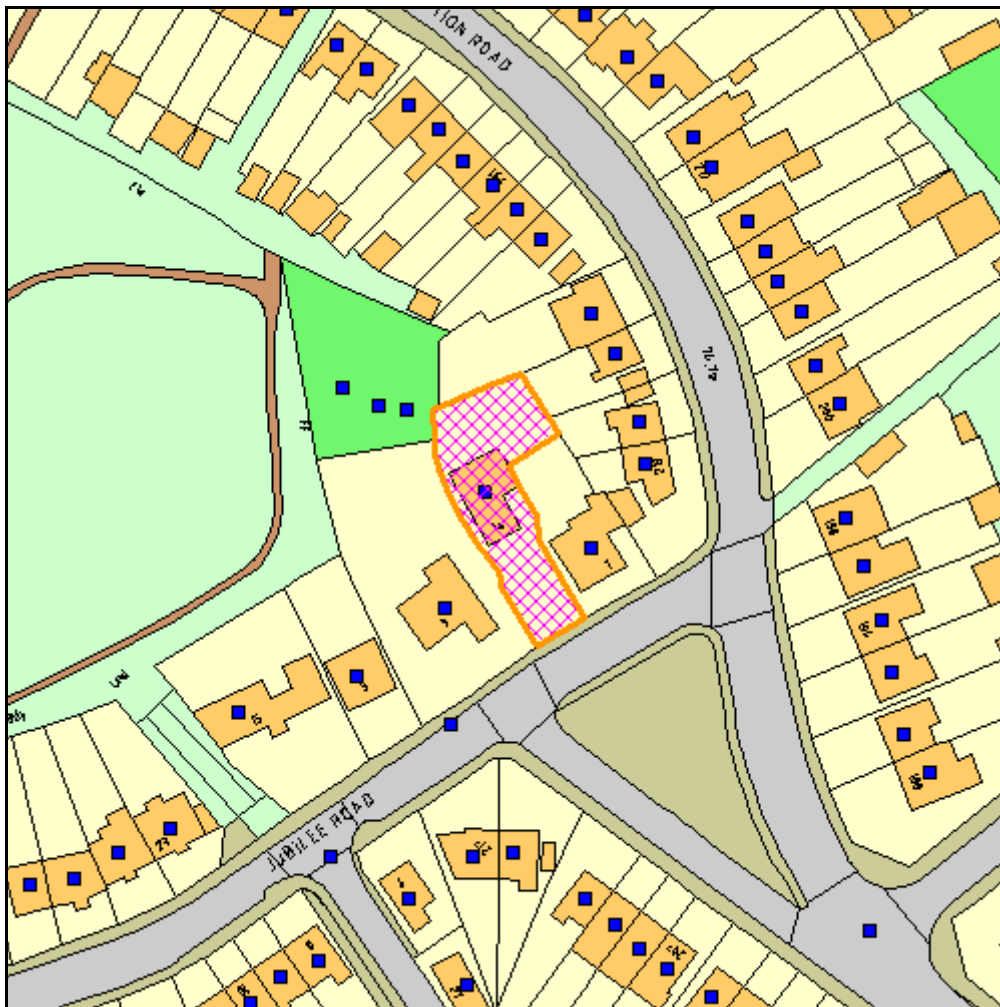
Reason

To protect the amenities of neighbours during construction and to accord with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

**Case Officer: Charlie Morris**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 48/22 -2nd December 2022**

<b>App No.:</b>	P22/04823/F	<b>Applicant:</b>	Hannah Maynard
<b>Site:</b>	Karwendel 1A Jubilee Road Kingswood South Gloucestershire BS15 4XG	<b>Date Reg:</b>	19th August 2022
<b>Proposal:</b>	Change of use of land from residential (Class C3) to mixed use residential and personal fitness classes (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with the erection of building to form fitness studio (Retrospective).	<b>Parish:</b>	
<b>Map Ref:</b>	365615 175514	<b>Ward:</b>	New Cheltenham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th October 2022



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 100023410, 2008. **N.T.S.** **P22/04823/F**

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

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

This application has been referred to the Circulated Schedule following the receipt of objections from Councillor Sandie Davis and 3no. local residents; the concerns raised being contrary to the officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The application relates to 'Karwendel' i.e. 1A Jubilee Rd, Kingswood, which is a relatively modern, detached, two-storey, 4-bedroom dwelling with a large rear garden; located on the north side of Jubilee Rd. close to the junction with Station Rd. and within the East of Bristol Urban Fringe Settlement Boundary.
- 1.2 Planning permission is sought for a change of use from residential (Use Class C3) to a mixed use of residential and business (*sui generis*). The part business use proposed is a private fitness studio, operated from an outbuilding that has recently been erected in the rear garden of the dwelling. As the operational works have already been completed and the use has been carried out prior to consent being granted, this application is retrospective.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework July 2021  
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
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS23	Community Infrastructure and Cultural Activity
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
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP31	Town Centre Uses

PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards
PSP44	Open Space, Sport and Recreation

- 2.3 Supplementary Planning Guidance  
 Design Checklist SPD (Adopted) August 2007  
 South Gloucestershire Household Design (Adopted) 2021)  
 South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013.  
 Trees and Development Sites: Guidance for New Development SPD (adopted April 2021)

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

- 3.1 P98/4604 - Erection of two storey rear extension and conservatory at front, Approved 19<sup>th</sup> Oct. 1998
- Enforcement
- 3.2 COM/22/0267/BUS- Breach Type: BUS- Description: Running a Personal Training Studio business from home.- Status: PCO
- 3.3 COM/22/0267/BUS/1- Breach Type: - Description: Without planning permission and within the past four years the construction of a Gym with the curtilage of 'Karwendel' 1A Jubilee Road, Kingswood South Gloucestershire BS15 4XG and within the past ten years without planning permission, the change of use of the land from domestic curtilage to a mixed use of domestic curtilage and business use.- Status: CLOSED

### 4. **CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
 Not a parished area.

- 4.2 Other Consultees

Councillor Sandie Davis

I am the local councillor for Jubilee Road as part of New Cheltenham Ward. I do object to this retrospective planning application as I believe it is inappropriately sited in this residential area in close proximity to other dwellings. I believe that the noise from the gym would impact other local residents when using their gardens and possibly even if they have their windows open. I would also note that there are at least two other local gyms that are available for the public.

Planning Enforcement

No response

Economic Development

No response

Sustainable Transport - Transportation DC

No objection



Planning Policy

No response

The Coal Authority

No objection

Environmental Protection

No objection subject to conditions.

**Other Representations**

4.3 Local Residents

3 no. local residents have objected to the scheme. The concerns raised are summarised as follows:

- The building is larger than necessary.
- The number of users is greater than described.
- The doors are not always closed resulting in noise breakout.
- Training sometimes takes place outside the building.
- Classes can start at 07:00hrs and finish at 21:00hrs.
- Excessive noise – can't sit in the garden.
- Mixed use will adversely affect neighbouring property values.
- Building is too close to the hedge.
- Reduction in bird life – hedge removed.
- Appearance of building is not acceptable.
- Other Gyms are available in Staple Hill.
- Another Gym is not needed.

There have been 53no. letters/emails of support. The comments in favour of the scheme are summarised as follows:

- This is a valuable community facility.
- The classes improve health and well-being.
- Personal training only takes place at certain times and on certain days.
- The doors are always kept closed.
- There is ample off-street parking.
- Women feel safe in this gym.
- Air conditioning is on throughout the sessions so doors are kept closed.
- Good for mental health.
- The studio is not open for the general public, it is a private studio, sessions have to be booked.
- There are no sessions at weekends.
- Only 3 people (female only) per session.
- The studio is a safe and secure environment where women do not feel self-conscious or intimidated.
- Parking is also available on the road.
- Noise is kept to a minimum – the children at the nearby school make more noise.
- The building is in-keeping and looks like a summer house.
- There is no comparable service in the area.

- Small businesses should be supported.
- The studio is sound proofed.

## 5. **ANALYSIS OF PROPOSAL**

### The Proposal

- 5.1 The proposal seeks the retention of a single-storey outbuilding within the rear garden of 'Karwendel'. The outbuilding is used by the applicant (Hannah Maynard), who resides at 1a Jubilee Road, for personal fitness classes, for up to four people at a time. It is proposed that classes run from 08:00hrs to 21:00hrs Mon-Fri. only, with no classes at weekends or bank holidays.

### Principle of Development

- 5.2 The application stands to be assessed against the above listed policies and all material considerations. The proposal does not fall neatly into any policy area but of particular relevance is the suitability of the location, the impact on amenities of any neighbouring occupiers, and the impact on highway safety and parking provision.
- 5.3 PSP38 is supportive of development within existing residential curtilages (including outbuildings) in the urban areas, subject to design, amenity and highways considerations. Subject to these matters being acceptable (see below) there would be no in-principle objections to the building.
- 5.4 The use of the building as a fitness studio would fall within Use Class E (formerly D2), which is considered to be a Main Town Centre Use (MTCU) as defined within the NPPF Annex 2 - glossary of terms.
- 5.5 Policy PSP31 states that proposals for MTCU, outside of the main town and district centres, will only be acceptable where no centre or edge-of-centre sites are available, the site is accessible, and alternative formats for the proposed uses have been considered. The policy also lists general criteria for MTCU, which will be assessed in the relevant sections below.
- 5.6 Outside of the town and district centres, policy PSP32 supports MTCU of a scale and character appropriate to the location, which address and provide for day to day needs of the local community.
- 5.7 The site is not within a town or district centre. Staple Hill town centre boundary lies 600 metres to the northwest, and the Station Road local centre lies 350 metres to the southeast. The purpose of policy PSP31, in line with Chapter 7 of the NPPF, is to ensure that the vitality of the town centres is maintained.
- 5.8 As the proposal is for a small fitness studio within the garden of the homeowner (and the use could be controlled by way of conditions), it would have no impact on the vitality of the Town Centre, and a sequential test is not considered proportionate or necessary, given the lack of conflict with the aims of PSP31.
- 5.9 With regards to PSP32, the proposal is domestic in scale, and would address the day-to-day needs of the local community, providing small-scale fitness classes for women only in a safe and secure environment. It is noted that the

nearest alternative fitness facilities are in Staple Hill and at Kingswood Leisure Centre (1km) but these are not restricted to women only. As such NPPF para 92c is of relevance, which supports decisions which enable and support healthy lifestyles, including through the provision of sports facilities. In conclusion, the principle of development is considered to be acceptable

#### Character of the Area

- 5.10 The application site is a large, detached, two-storey property, benefitting from a large garden to the rear. The house is relatively modern and as such is atypical when compared to the older terraced and semi-detached properties and bungalows along Station Rd. and Jubilee Road. The properties in nearby Elizabeth Court, to the North-West, have only recently been constructed. Further west lies the playing field of The Tynings Primary School. The immediate location is residential in character although there are commercial uses and the HGV Learner Driver Centre further down Station Rd.

#### Design and Appearance

- 5.11 The outbuilding is a box type construction measuring 3m in depth x 8.5m in width x 2.72m in height. The flat-roofed building is a quality construction, clad in black composite timber, with bi-fold doors to the front elevation, and a lead-grey EPDM (rubber) roof.
- 5.12 The rear garden measures 202sqm (excluding the area to the side of the house) and the 25.5sqm building is discreetly sited in the south-east corner of the garden, where it is not visible from the public realm. This leaves a large amount of usable amenity space (175sqm). As such, there are not considered to be any in-principle objections to the building, which has the form and appearance of a typical domestic outbuilding or garden room.
- 5.13 It is a material consideration that, notwithstanding the use proposed, the building would fall within Permitted Development if the roof height was reduced by 220mm, to 2.5 metres. Given the attractive appearance of the building, typical of many a garden room, high quality materials and lack of visibility from the public realm, the proposal is considered to represent an acceptable scale and appearance.

#### Impact on Residential Amenity

- 5.14 Policy CS1 requires (*inter alia*) proposals to respect and enhance the amenity of the site and its context. Policies PSP8 and PSP38 states that development should not create unacceptable living standards for occupiers or nearby properties, through (but not limited to) loss of privacy, overbearing impact or loss of light.
- 5.15 As noted above, the building is only 220mm higher than what could be constructed under Permitted Development Rights, and would extend only circa 900mm above the timber boundary fencing (1.8 metres high). Given the orientation and distances to the nearest dwellings (13 metres to 1 Jubilee Road to the south, and 8.5 metres to 221 Station Road to the east), there would be no overshadowing, and whilst the building is visible above the fence line, given what could be built under PDR, there would be limited overbearing impact or overshadowing of neighbouring gardens.

- 5.16 With regards to the potential for noise and disturbance, it is noted that the size of the fitness classes would not exceed 4no, plus the instructor i.e. the applicant, who already lives at the property. The building contains a variety of weight training equipment, so more than 5no. people could not be accommodated within the building anyway. Despite this, the applicant is happy to accept a condition to restrict class sizes to no more than 4no. clients, plus the fitness instructor.
- 5.17 Furthermore, the fitness studio is only used for classes for a limited number of hours a week, i.e. 08:00hrs to 21:00hrs Mon-Fri. only, with no classes at weekends or bank holidays. Again, the applicant is content for these hours to be controlled by condition.
- 5.18 The building is soundproofed and has air-conditioning and a W.C. The windows and doors have opaque glass so that lessons are not visible from the outside. Whilst music is played during class time, it is not excessively loud, thus allowing the instructor to speak over it. During classes the bi-fold doors are kept shut and once inside the building, there is no need for clients or the instructor, to leave the building until the class has finished. A further condition could ensure that the outbuilding doors are kept closed for the full duration of each class.
- 5.19 It is acknowledged that some local residents in Station Road have complained about noise. (It can equally be said that residents of Elizabeth Court have stated that they do not hear any noise from the fitness studio.) It is believed that these complaints stem from a session the applicant held in the garden, which has an astro-turf lawn. The applicant is keen not to upset the neighbours and all classes are now held within the building only. A further condition can ensure that this is always the case in the future.
- 5.20 In order to further protect residential amenity, the applicant is happy to accept a personal permission secured by condition and one that ensures that if the applicant moves elsewhere or the fitness studio closes, the use of the planning unit would revert back to C3 residential use only.

#### Noise

- 5.21 In order to experience noise levels first hand, your case officer, along with the Council's Environmental Health Officer (EHO), visited the site when a class was being held. A Noise Assessment, submitted prior to the visit, is available to view on the public website (posted 10<sup>th</sup> Sept. 2022).
- 5.22 Following the site visit, the EHO noted that:

"A typical activity in the built fitness studio was observed to be barely audible in the external garden and therefore, almost certainly inaudible inside neighbouring properties given the continuous screen fence. The built structure meets noise attenuation specifications with mechanical ventilation to maintain noise attenuation. There is no sustainable noise objection on this basis."

- 5.23 Officers are therefore satisfied that subject to the conditions outlined above, that the impact on residential amenity is not sufficient to justify a reason for refusal on this issue.

#### Environmental Issues

- 5.24 The site lies in Flood Zone 1 and is not prone to flood. The W.C. is connected to the main sewer. The Coal Authority note that the site lies within the defined Development High Risk Area. Details provided by the applicant's agent state that no foundations have been required for the erection of the outbuilding; i.e. no ground works were required. A Coal Mining Risk Assessment is not therefore required in this case and the Coal Authority raise no objection.

#### Transportation Issues

- 5.25 NPPF paragraph 110 requires proposals to provide appropriate opportunities to promote sustainable travel, provide safe and appropriate access, whilst paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.26 The main transportation issue relating to this is the provision of off-street parking for both the existing house and the new business.
- 5.27 The existing property is a 4-bedroom house which, under the Council's minimum parking standards, requires 2 car parking spaces. The Council does not have adopted parking standards for commercial uses such as Class E uses (formerly D2) although the transportation officers recommend that, former parking standards under policy T8 from the 2006 Local Plan for non-residential parking standards, is used as parking guidance. This stated that for D2 uses, a maximum of 1 parking space per 22sqm should be provided.
- 5.28 The entire frontage of the property is made over to hard-standing. The driveway measures 9.2 metres wide and could comfortably accommodate 4 vehicles without resorting to tandem parking. With a depth of 18 metres, a further 4 spaces could be provided as tandem spaces which, given the way the classes operate (with people starting and finishing at the same time, and change over time between classes), would not be inappropriate. There is no evidence of on-street parking stress in the vicinity of the dwelling, and overall vehicle movements on to a non-classified road would be domestic in scale.
- 5.29 The proposed use, given the limited [small scale] size of the business use would not adversely impact on highway safety and therefore there are no objections on highway safety grounds.

#### Other Matters

- 5.30 It has been suggested that there is no need for the fitness studio, as alternative facilities already exist nearby. The applicant Mrs Hannah Maynard, is an experienced and highly regarded fitness instructor, who used to work for ITS Fitness. With the onset of covid however, Ms Maynard found herself without work, so decided to set up her own business, specialising in small fitness classes for women only.

5.31 It is quite evident from the numerous letters/e,mails of support received, mainly from Ms Maynard's clients, that these private classes are very popular with women who would otherwise feel insecure, self-conscious and intimidated at a public gym. What Ms Maynard provides is a private, intimate, safe and secure environment, which benefits the health and well-being for her clients that other gyms cannot provide.

5.32 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.

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

**Overall Planning Balance**

5.34 The outbuilding is appropriately located and is not excessive in scale, being only slightly bigger than could be built under permitted development rights. The building is of a modern design and is visually acceptable, not that it can be seen from the public realm anyway.

5.35 The fitness studio lies in a sustainable location, within an urban area and is readily accessible on foot or by all forms of transport. There is more than ample parking provision to serve the occupants of the dwelling, as well as people attending fitness classes. The applicant/instructor already lives on the site.

5.36 The applicant Ms Hannah Maynard, in providing private fitness lessons to women only, in a safe and secure environment, offers a very specific service, which is not otherwise available within the wider locality. The business makes a valuable contribution to the health and wellbeing of specific members of the community, which is positively supported in this post-covid age, when the cost of living crises is also affecting mental health. The business does therefore provide for the day to day needs of the local community.

5.37 The business is low-key in nature and classes are limited to no more than 4no. plus the instructor, so comings and goings to the site are negligible. Furthermore, classes only take place Mondays to Fridays 08:00hrs to 21:00hrs. Any noise generated by the activities within the building are adequately mitigated for and can be further controlled by condition.

5.38 A condition can ensure that if Ms Maynard moves elsewhere or the business ceases, that the planning unit would revert back to a C3 residential use only.

5.39 On balance your officer considers that the proposal is sustainable development, that is a valuable community asset, which provides employment for the applicant and one that, despite being in a residential location, can be carried out with no significant adverse impact on residential amenity. Retrospective planning permission should therefore be granted.

## 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 retrospective planning permission be **GRANTED** subject to the conditions listed below

### CONDITIONS

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

Site Location Plan Drawing No. 4081.PL.01 received 12th August 2022

Existing and Proposed Block Plans Drawing No. 4081.PL.02 Rev A received 17th August 2022

Proposed Plans and Elevations Drawing No. 4081.PL.03 Rev A received 17th August 2022

Reason:

To define the terms and extent of the permission.

2. The business hereby approved shall be operated by Ms Hannah Maynard only, with no external agency involvement whatsoever. Upon the cessation of the business or in the event of Ms Maynard no longer living at 'Karwnedel' 1A Jubilee Road, Kingswood, whichever is the sooner; the use of the overall planning unit, the subject of this application, shall revert back to a C3 residential use only.

Reason

The applicant offers a specific service and the fitness studio lies within a residential location where residential amenity should be protected in accordance with Policy PSP8 of The South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) 8th Nov. 2017.

3. The business activities hereby approved i.e. fitness classes, shall take place only within the fitness studio building hereby approved, with no classes to be held in the

open garden area. The building's bi-fold doors shall be kept closed for the full duration of each class.

**Reason**

To prevent noise breakout to protect the residential amenity of neighbouring occupiers and to accord with Policies PSP21 and PSP43 of The South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) 8th Nov. 2017.

4. The fitness studio hereby approved, shall be used for fitness classes only between the hours of 08:00hrs to 21:00hrs Monday to Friday incl. with no classes held on weekends or bank holidays.

**Reason**

To protect the residential amenity of neighbouring occupiers and to accord with Policies PSP21 and PSP43 of The South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) 8th Nov. 2017.

5. For the business use hereby approved, the size of each individual fitness class shall not exceed 5no. persons i.e. 4no. clients plus the fitness instructor.

**Reason**

To protect the residential amenity of neighbouring occupiers and to accord with Policies PSP21 and PSP43 of The South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) 8th Nov. 2017.

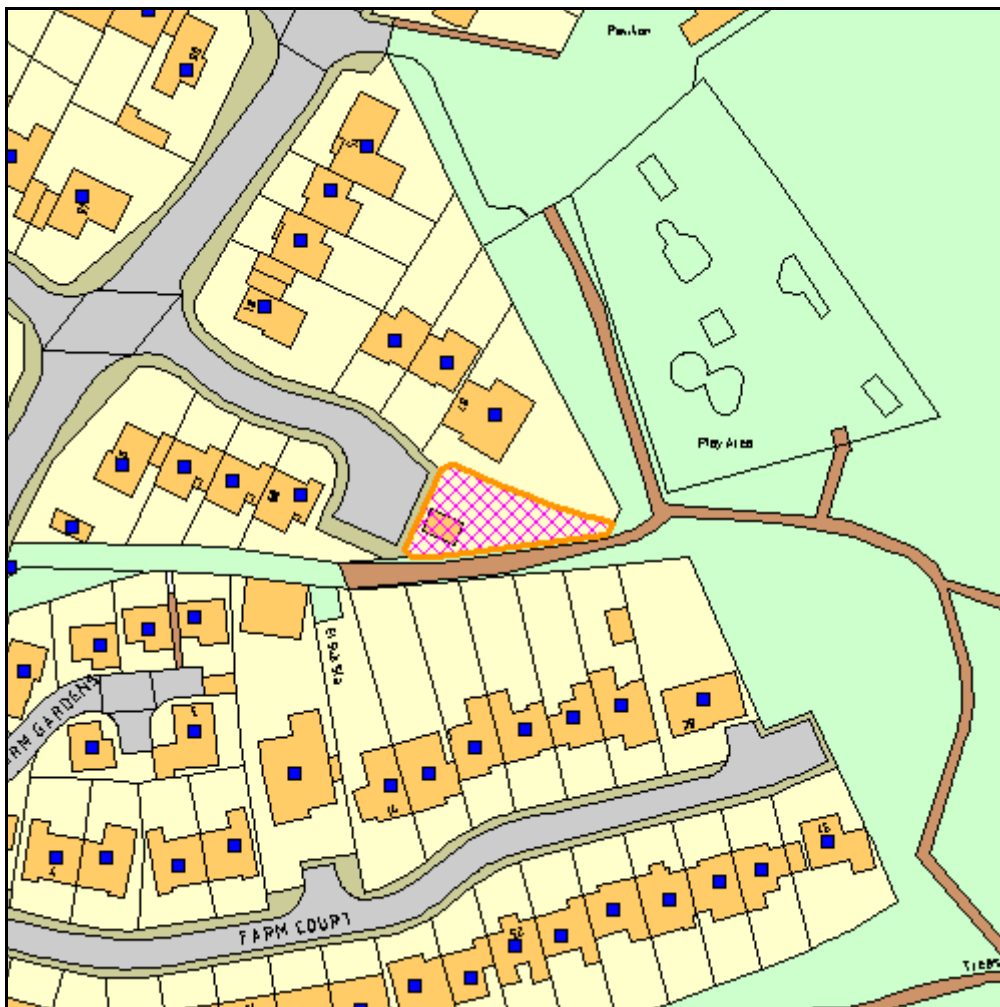
**Case Officer: Roger Hemming**  
**Authorising Officer: David Stockdale**



## CIRCULATED SCHEDULE NO. 48/22 -2nd December 2022

<b>App No.:</b> P22/05281/F	<b>Applicant:</b> Mr Kevin Shellard
<b>Site:</b> Land At 87 Sutherland Avenue Downend South Gloucestershire BS16 6QP	<b>Date Reg:</b> 5th September 2022
<b>Proposal:</b> Demolition of detached garage. Erection of 1 no. detached dwelling with associated works.	<b>Parish:</b> Downend And Bromley Heath Parish Council
<b>Map Ref:</b> 365386 177162	<b>Ward:</b> Frenchay And Downend
<b>Application Category:</b> Minor	<b>Target Date:</b> 27th October 2022

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 100023410, 2008. N.T.S. P22/05281/F

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

## **INTRODUCTION**

This application appears on the Circulated Schedule due to more than three objections received, contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of 1 no. detached dwelling and associated works.
- 1.2 The site is situated in a residential area in Downend. The site consists of side/front of the curtilage of 87 Sutherland Avenue.

### **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 Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity

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

PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP37 Internal Space and Accessibility Standards for dwellings  
PSP38 Development in Residential Curtilages, Including Extensions and New Dwellings  
PSP43 Private Amenity Space Standards

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

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

- 3.1 K5766 – Dwelling and Garage (Outline). Approved 9/5/88
- 3.2 PK02/3108/F – Detached garage. Approved 3/12/02

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Parish Council  
No objection.

4.2 Other Consultees

Lead Local Flood Authority

No objection in principle, recommend informative due to proximity to public sewer.

Highways Structures

No comments

Sustainable Transport

No objections in principle

#### **Other Representations**

4.3 Local Residents

6 letters of objection have been received, raising the following points:

- Concern over loss of privacy and overlooking to the front and side
- Concern over light and noise pollution
- Intervisibility issues
- the current outlook is onto greenery, trees and shrubs
- impact upon outlook
- single storey would be preferable
- there are issues with anti-social behaviour in the area which may increase
- concerns over impact upon ecology
- a previous application was turned down, why should it be approved now
- there is a covenant on the property preventing building of a dwelling

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

5.1 Principle of Development

The NPPF emphasis is on sustainable growth, including boosting housing supply and building including through windfall development, except where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policy framework.

Policy CS5 sets out the locational strategy for development in the district. New development is directed towards existing urban areas and defined settlements. As the site is located within the settlement boundary, development is supported in this location. As such, based solely on the location of the site, the principle of the development is acceptable.

PSP38 establishes that new residential development on sites within the urban area and the curtilage of dwellings are acceptable in principle, subject to the proposal satisfying other material considerations, such as density, design, residential amenity, and highway safety. Policies CS16 and CS17 of the Core Strategy seek to achieve an efficient use of land, maximise housing supplied at locations where there is good pedestrian access to frequent public transport services, and provide a mix of housing types. Whilst the principle of the proposed development is acceptable under the provisions of the relevant policies, the impacts of the development require further assessment to identify any potential harm.

## 5.2 Design

The application site consists of a relatively large front/side curtilage of an existing dwelling, at the end of a cul de sac. The application is for a single detached dwelling. The cul de sac generally is characterised by linked detached properties, although there are a number of different types, designs and layouts of properties in the wider area. It is not considered that the addition of a detached dwelling to the area at this location in its own right would be unacceptable. Due to the layout and orientation of the various surrounding dwellings and road pattern the proposals are not considered to materially detract from any layout, pattern or streetscene. The design is a relatively simple two storey design set to be in keeping with the immediate streetscene. Materials proposed consist of brown concrete interlocking tiles, and rendered block with a lower section of faced brick on front elevation. The proposed dwelling in this case is of an appropriate standard of design and would have no material or significant detrimental impact upon the surrounding area in design terms. Materials are considered acceptable for the proposed dwelling. The density of development at the site in this location is governed by the size, shape and location of the plot and the proposals are considered acceptable in this respect.

## 5.3 Local Amenity

The comments above are noted. The proposed property is around 25m or so from the rear of the nearest dwellings on Farm Court, to the south, and a similar distance from the property opposite the front elevation on Sutherland Rd, to the east. Between the application site and the properties to the east is also a public right of way leading to the nearby playing fields, and associated outbuildings at the border of the neighbouring gardens to the footpath. The second floor window in the east elevation serves a landing area at the top of the stairs so, although some distance away anyway, would not be habitable room. To the east the road and associated pavements separate the dwellings beyond the curtilage boundaries. The area is residential in nature and the site is flanked by other residential properties, it is not considered that one additional dwelling would materially impact upon lighting issues. There is a larger gap between properties as proposed here than compared with the proximity of the rear of other properties on Farm Court with others on Sutherland Avenue. Taking the above into account this is considered sufficient to satisfactorily address issues of overbearing impact or overlooking/inter-visibility. The proposals are of scale and location, and distance that would not be considered to give rise to material

overbearing impact upon surrounding properties. It is not therefore considered that the proposals would give rise to an unreasonable or material overlooking or overbearing impact such as to sustain an objection and warrant refusal of the application on this basis.

- 5.4 There would be sufficient scope for private amenity space to serve both the host dwelling and the proposed dwelling, the provision of which for the proposed dwellings appears to be larger than 60m<sup>2</sup>.
- 5.5 With regards to views, there is no right to a view as such, impact is judged on amenity terms and whether overbearing impact would occur. In terms of the comments regarding ecology, the site is part of the existing residential curtilage, residential development at this location is acceptable in principle. The area the subject of the application is part of the private residential curtilage of the application property.
- 5.6 It is not clear what previous applications are being referred to above, available planning history is listed in the relevant section. Notwithstanding this each application must be addressed on its own individual merits and prevalent to development management policies at the time. It would be for the applicant to investigate fully any restrictive covenant on the land, planning permission would not grant or override legal rights over the land.
- 5.7 Transportation  
The site is located within an existing residential area, hence the development fully complies with the locational requirements of the Local Plan. It appears that a minimum of two spaces can be provided within the site and this is compliant with the number of bedrooms on the property. A detailed parking plan and provision of electric charging points are recommend through condition. An additional space is proposed for the host dwelling, making two and replacing the one lost by the garage so there is no loss of available spaces for the dwelling which remains as existing.
- 5.8 Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

### **CONDITIONS**

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:  
Location Plan, Block Plan and Existing and Proposed Plans and Elevations (Ref 01, 02, 03, 04, 05 and 06), received by the Council on the 1st September 2022.

Reason:

To define the terms and extent of the permission.

3. Parking details illustrating two parking spaces with dimensions to meet the adopted requirements of South Gloucestershire Council, and one 7Kw 32 Amp electric vehicle charging point, shall be submitted to the Council for written approval, implemented and thereafter retained prior to the occupation of the dwelling hereby approved.

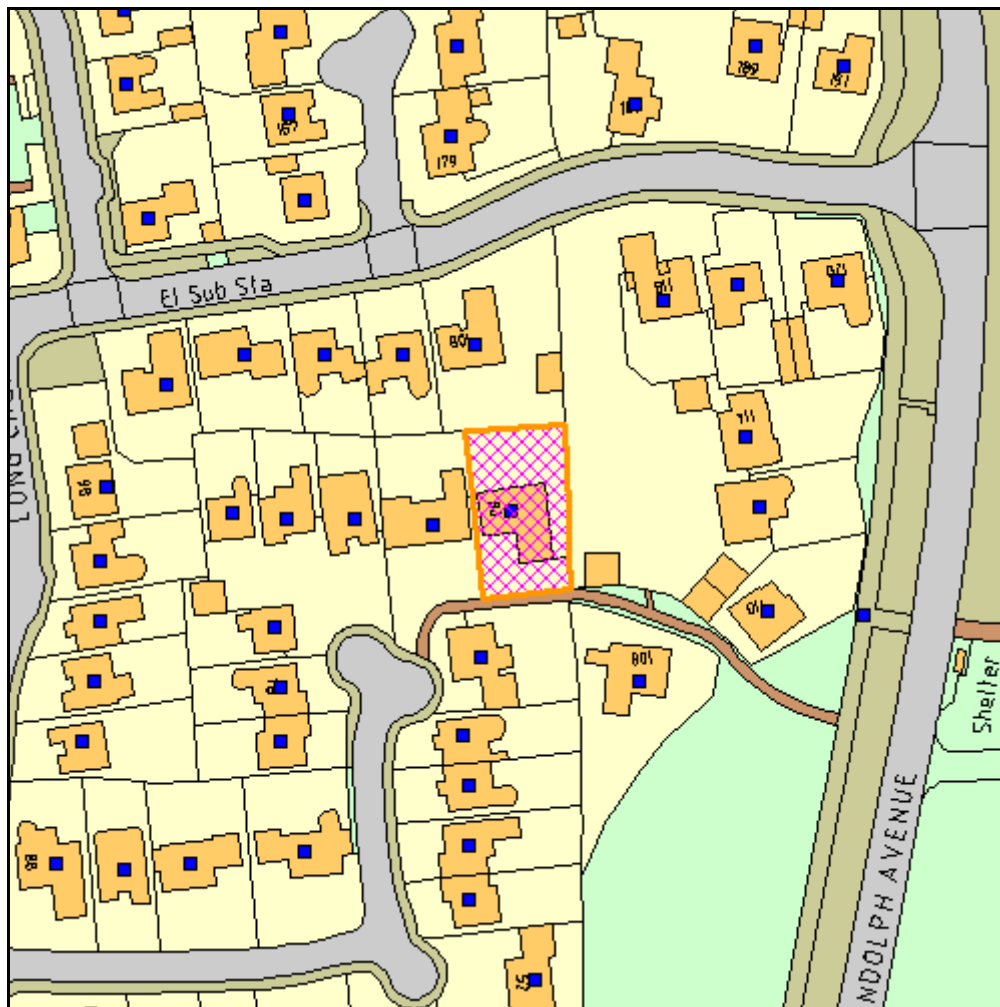
Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, to provide sustainable travel options and to accord with Policies CS1, CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

**Case Officer: Simon Ford**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 48/22 -2nd December 2022**

<b>App No.:</b>	P22/05671/HH	<b>Applicant:</b>	Mr and Mrs Peacock
<b>Site:</b>	64 Long Croft Yate South Gloucestershire BS37 7YW	<b>Date Reg:</b>	3rd October 2022
<b>Proposal:</b>	Erection of single storey rear extension to existing garage to facilitate garage conversion to provide annexe ancillary to the main dwelling.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370896 184087	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	28th November 2022



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P22/05671/HH

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

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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a single storey rear extension to existing garage to facilitate garage conversion to provide annexe ancillary to the main dwelling.
- 1.2 The application site can be found at No.64 Long Croft, located within the established built-up residential area of Yate, and is set within a good-sized plot. The dominant feature within the site is a two-storey detached dwellinghouse with integral garage.
- 1.3 A TPO lies within the site boundary located to the east of the property.

### **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
PSP3	Trees and Woodland
PSP5	Undesignated Open Spaces within Urban Areas
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP24	Mineral Safeguarding Areas
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Standards



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

### 3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

### 4. CONSULTATION RESPONSES

#### 4.1 Yate Town Council

*Object unless two items are addressed:*

1. *Current design shows no internal connection to existing dwelling so does not seem to be ancillary to existing dwelling and could form a separate unit - needs to be designed to be ancillary and to have a suitable condition so that it is not separately occupied.*
2. *Loss of parking, through the loss of the garage without alternative provision being shown for parking. This will become a 5-bed dwelling and therefore needs to demonstrate parking for 3 vehicles.*

#### 4.2 Sustainable Transport – Transportation DC

*The applicant seeks to erect a single storey rear extension to existing garage to facilitate garage conversion to provide annexe ancillary to the main dwelling. Information is not provided on the number of bedrooms within the main dwelling; however, 3 off street parking spaces will remain to the front of the proposed annexe and as such there are no transportation objections.*

*If recommended for approval, we would require the development to provide electric vehicle charging in line with our emerging EV policy, which is for all individual dwellings with one or more dedicated parking spaces or garage to include provision for 7Kw (32 amp) charging infrastructure suitable for charging an electric or other ultra-low emission vehicle. These items should be fully approved by this Council before use. To this end, we would recommend that appropriate conditions are imposed on any planning permission granted for this site to ensure that this takes place.*

#### 4.3 The Tree Team

*The Tree Officer has no objection to this application.*

#### 4.4 Local Residents

*1no. comment of support has been received from local resident. The associated comment reads the following:*

*My husband and I have no objection to the planning application as long as our shared drive remains clear and undamaged.*

*(Officer note: This is a matter between the parties and is not a material planning consideration)*

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application site is situated within an area of established residential development in Yate and is currently utilised as a C3 dwellinghouse. The proposed development will extend the property to form an annexe ancillary to the host dwelling.

Policy PSP38 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 is relevant to this application. The policy indicates that residential extensions are acceptable in principle subject to considerations of visual amenity, residential amenity and highway safety. The proposal therefore accords with the principle of development subject to the following considerations.

### 5.2 Annexe Test

For a proposal to be an annexe it should only contain ancillary accommodation to the main dwelling and have some form of functional and physical reliance upon the main dwelling.

5.3 The proposed extension is noted to be required to form an annexe ancillary to the main dwelling, which will have accommodation space for 1no. bedroom, an open plan kitchen/dining/living space, bathroom and entrance hall set across a single storey. The annexe will be physically attached to the main dwelling but will have an external door providing independent access.

5.4 As set out in the Annexes and Outbuildings SPD, a key consideration with any annexe is to ensure an appropriate relationship with the main dwelling. Generally, annexes need to be physically and functionally reliant on the main dwelling to be considered an annexe. In this particular case, the annexe will be formed through a combined conversion and extension to the properties existing integral garage. As such the annexe would be within the same curtilage and would utilise the same parking, vehicle access and amenity space by reason of being an attached part of the main dwelling. The proposed annexe therefore has a satisfactory physical and functional relationship with the host dwelling, and officers are satisfied that the annexe will be used ancillary to the main house. A condition will be included on the decision to secure this should the application be found acceptable in all other respects. Any unauthorised subdivision of a dwelling would in any event be liable to face enforcement action.

### 5.5 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of Policies, Sites and Places Plans seeks 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 application site and its context.

5.6 The application property benefits from a front projecting integral garage. An extension is proposed to said garage, the new addition will essentially be an (approx.) 1.8 metre extrusion of the garages existing south gable.

- 5.7 Conversion of the enlarged garage to living accommodation in the form of an annexe also forms part of the proposed scheme. The conversion comprises infill of the existing garage door to the west elevation and personnel door to the east elevation to form 3no. windows. Furthermore, a single and double external door will be introduced to the south elevation. Infill and external finish to the proposals will be facing brickwork and tiled roof to match the host dwelling. A condition to support the use of matching materials will be attached to the decision notice.
- 5.8 The proposed development appears subservient to the host dwelling, maintaining the properties architectural integrity, balance of the pair and character of the area. Furthermore, the proposals have been designed to respect the existing property through its proportions and choice of materials, ensuring that the aesthetical appearance of the dwelling is harmonious and continues to complement neighbouring properties. Overall, the scheme displays an acceptable standard of design, which will not be detrimental to the character of the street scene, as such complies with policies CS1 and PSP38.
- 5.9 Residential Amenity  
Policy PSP8 of the Policies, Sites and Places Plan relates specifically to residential amenity in which it states development proposals are acceptable, provided that they do not create unacceptable living conditions or result in unacceptable impacts on the residential amenities of occupiers of the development or of neighbouring properties. These are outlined as follows (but not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.
- 5.10 Due to the siting of the existing property relative to nearby dwellings, the only potentially affected neighbours will be No.62 and 66 Long Croft. The proposals will extend and convert the existing integral garage into a residential annexe ancillary to the host dwelling, therefore the majority of internal area will form habitable space. Although, the insertion of additional fenestration is proposed to the building, this is located at ground floor, and as a result of the orientation, separation distances involved and existing boundary treatment, will not unreasonably harm residential amenity with regards to privacy and overlooking.
- 5.11 The proposed mass increase to the existing garage is also modest in scale. The impact on the level of amenity afforded to neighbouring dwellings by virtue of overbearing and loss of light is acceptable. The application therefore satisfies the requirements of PSP8 and PSP38.
- 5.12 Supplementary to this, policy PSP43 sets out that residential units, are expected to have access to private external amenity space that is: functional and safe; of a sufficient size in relation to number of occupants; and be easily accessible. Although the annexe is self-contained, it is still considered ancillary to the host dwelling. As such, the proposed development will increase the occupancy of the application property. Whilst no details regarding the degree of occupancy within the host dwelling have been provided as part of this application, the private garden that will continue to serve the property well exceeds the Council's space standards expected for a 4+ bedroom dwelling.

By reason of the above it is found that the proposed development is in full compliance with PSP43.

5.13 Transport (Access and Parking)

Transport (Access and 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. As previously mentioned, the degree of occupancy within the host dwelling is unknown. While the properties existing garage will be converted to living accommodation, the submitted drawings indicate that the properties remaining driveway holds the capacity to accommodate 3no. vehicles, which is supported by the Transport Officer. Therefore, the proposals meet the Council's highest level of parking space provision requirements for a residential unit, satisfy policy PSP16.

5.14 The comment received from transport regarding the attachment of a condition to the application stating that the proposal should include the provision of electric vehicle charging facilities, in accordance with the Council's emerging policy has been acknowledged. However, the condition is disproportionate to the nature of this application.

5.15 Trees

The Council's Tree Officer has reviewed the submitted drawings and raises no objection to the proposed development.

5.16 Consideration of likely impact on Equalities

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

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

## 6. CONCLUSION

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

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

## 7. **RECOMMENDATION**

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

(Received 26th September 2022)

Design and Access Statement

Combined Plans

(Received 03rd October 2022)

Existing Elevations

Reason

To define the terms and extent of the permission.

3. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 64 Long Croft, Yate, South Gloucestershire, BS37 7YW.

Reason

The development has been permitted on the particular circumstances of the case and the development would require further assessment to be used as a separate residential dwelling with regard to internal dimensions of the annex, amenity, access, and private amenity space, to accord with policies CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; policies PSP8, PSP16, PSP38, and PSP43 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the NPPF.

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

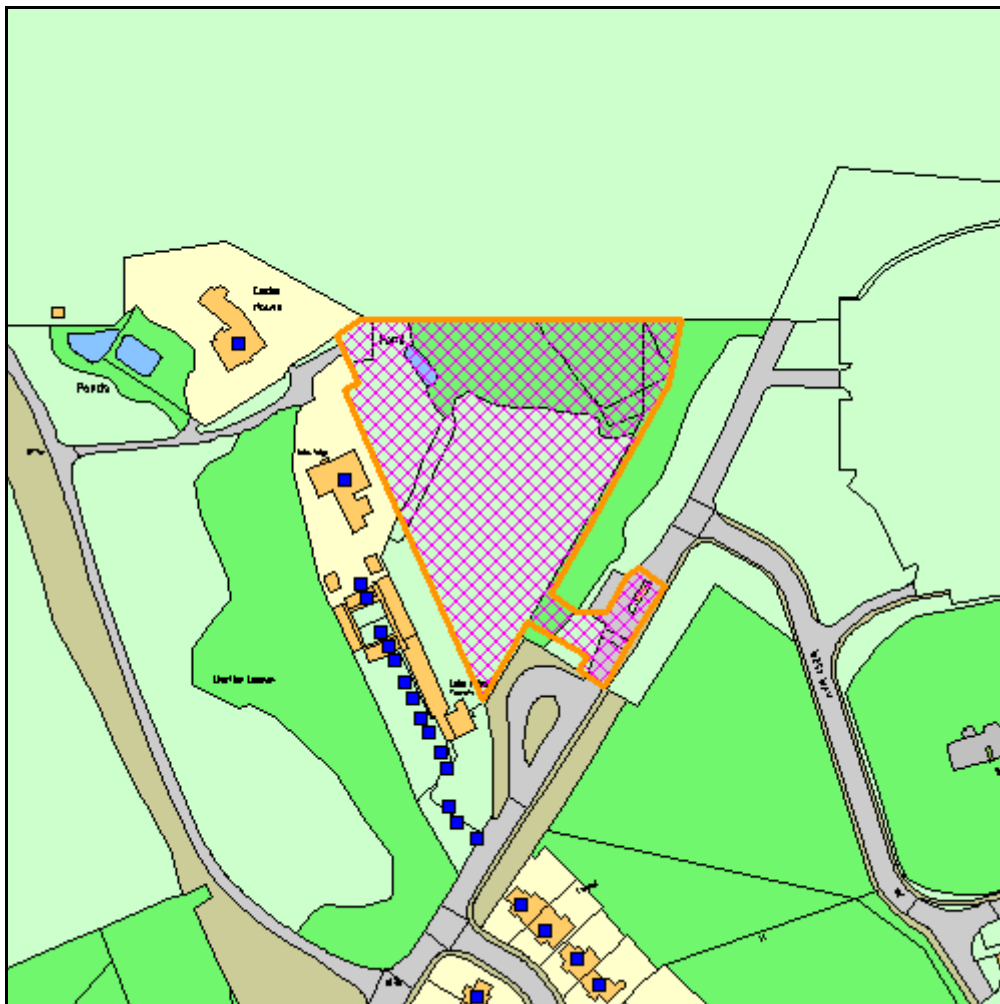
Reason

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.

**Case Officer: Chloe Summerill**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 48/22 -2nd December 2022**

<b>App No.:</b>	P22/05812/RVC	<b>Applicant:</b>	Woodstock Homes (Charlton Mead) Limited
<b>Site:</b>	Land East Of Cedar Lodge Charlton Common Brentry Bristol South Gloucestershire BS10 6LB	<b>Date Reg:</b>	6th October 2022
<b>Proposal:</b>	Variation of conditions 4 (Parameter Plans- Access and Land Use), 5 (Surface Water Drainage Strategy), 8 (Tree Protection Details and Arboricultural Method Statement), 12 (Ecological Assessment), 15 (Street Lighting), 16 (Landscape & Ecological Management Plan), and 18 (Landscaping) attached to planning permission P19/15643/O - Erection of up to 29no. dwellings and associated works (Outline) with access to be determined, all other matters reserved.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	358764 179987	<b>Ward:</b>	Patchway Coniston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th November 2022



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

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

The application has been referred to the Circulated Schedule as Almondsbury Parish Council has objected contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This planning application is made under Section 73 ("s73") of the Town and Country Planning Act 1990 (as amended) ("the Act"). Applications made under this section of the Act seek to develop land without compliance with conditions previously attached to the relevant planning permission.
- 1.2 The application is seeking to vary Conditions Variation of conditions 4 (Parameter Plans-Access and Land Use), 5 (Surface Water Drainage Strategy), 8 (Tree Protection Details and Arboricultural Method Statement), 12 (Ecological Assessment), 15 (Street Lighting), 16 (Landscape & Ecological Management Plan), and 18 (Landscaping) attached to planning permission P19/15643/O. The application followed the initial submission of an RM application for the site (P22/00588/RM), which it was considered did not comply with the original outline planning conditions.
- 1.3 The application site benefits from Outline planning Permission for 29 dwellings with associated works, which was accompanied by a S106 agreement.
- 1.4 The original conditions stated:-

*4. Applications for the approval of the reserved matters shall be in accordance with the Parameter Plans-Access and Land Use (Rev P5) and Scale Parameter plan, (Rev P5), and the principles and parameters set out in the Design and Access Statement (November 2020) hereby approved.*

*Reason: To ensure the highest standards of urban design and 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. Reserved matters submitted pursuant to Condition 1 above shall include the detailed design of the surface water drainage strategy; including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental*

*protection.*

*Reason: To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2019.*

*8. The reserved matters submitted pursuant to Condition 1 shall include tree protection details and Arboricultural Method Statement which shall accord with BS5837 (2012); and prior to the commencement of the development hereby approved, protective fencing in accordance with drawings approved by Reserved Matters shall be erected around the root protection area of existing trees and hedgerows to be retained adjacent and within the site. Such fencing shall be erected prior to the use of any machines on the site and prior to any clearance on site, and retained as such throughout the construction period and until the completion of the development hereby approved. All development shall be carried out only in accordance with the Arboricultural constraints report D14 398 02 Rev A July 2019 by JP Associates, and thereafter, the trees and hedges shall be retained.*

*Reason: To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to avoid any damage to existing trees to be retained and ensure the existing trees and hedgerows are protected during the works, in accordance with best arboricultural practice, and to accord with Policies CS1 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy. Pre-commencement is required in order to protect the trees prior to any works on site.*

*12. The reserved matters to be submitted pursuant to Condition 1 above shall include measures to demonstrate that the development is in accordance with the recommendations made in Section 5 of the Ecological Assessment by Ecology Solutions (September, 2019). This refers to the need for a sympathetic lighting scheme for bats, avoiding disturbance/ harm to nesting birds and badgers, habitat creation/enhancement (a pond, wildflower grassland, hedgerows and new trees) to mitigate habitat losses and to increase foraging opportunities for birds and bats and providing new roosting opportunities for bats. Reason: To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan.*

*15. The reserved matters submitted pursuant to Condition 1 above shall include street lighting that is to the Council's adoptable standards and is also a sympathetic lighting scheme for bats using boundary vegetation. The scheme should show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications). All external lighting shall be installed prior to the substantial completion of the development hereby approved in accordance with the said lighting scheme as approved by the local Planning Authority in writing.*



*Reason: To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan.*

*16. Prior to development commencing, a Landscape & Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local Planning Authority to concord with the recommendations contained in 5 of the Ecological Assessment by Ecology Solutions (September, 2019) and the agreed Access and Land Use Parameter Plan forming part of the application. All works are to be carried out in accordance with said approved plan.*

*Reason: To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan. Pre- commencement is required in order to ensure protection during the construction period.*

*18. The Landscaping Reserved Matters submitted pursuant to Condition 1 above 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 Parameter Plans and the principles and concepts contained in the approved Design and Access Statement. These details shall include: proposed finished levels or contours in relation to existing levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures including details of 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). Soft landscape works shall include: a vegetation retention and removal plan, 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, 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.*

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework July 2021

National Planning Practice Guidance

### **2.2 Development Plan**

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
CS13	Non-Safeguarded Economic Development Sites
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

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
PSP33	Shopping Frontages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

Assessing Residential Amenity TAN (Endorsed) 2016

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

- 3.1 P19/15643/O – Erection of up to 29no. dwellings and associated works (Outline) with access to be determined, all other matters reserved – Approved with S106 agreement.
- 3.2 P22/00588/RM – Erection of 29no. dwellings and associated works - Approval of Reserved Matters to be read in conjunction with outline permission 19/15643/O. Discharge of condition 20 (archaeological investigation) attached to 19/15643/O - Pending.
- 3.3 P22/00593/F - Construction of an attenuation basin (to serve 29 dwellings in connection with granted outline permission P19/15643/O) – Pending.
- 3.4 P21/08121/NMA - Non-material amendment to planning permission P19/15643/O to include the word broadly in condition 4 - Refused on the basis that there were concerns that the amendment proposed to introduce

the word “broadly” into the condition would introduce an element of ambiguity and uncertainty which would conflict with test numbers 4 (enforceable) and 5 (precise). This was not considered non-material. The current application does seek to introduce the word ‘broadly’ into conditions 12 & 20 and is evaluated within the report.

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

##### **4.1 Almondsbury Parish Council**

Object – The enclosed schedules are not attached. Consent of the tree and conservation Officers must be obtained. There is no indication as to why retention of the trees has been removed. The Ecological Management Plan must be adhered to.

##### **4.2 Flood and Water Management Team**

No objection.

##### **4.3 Tree Officer**

No objections.

##### **4.4 Sustainable Transport:**

Pleased to note that the drawings show a 1.5m reservation along the front of the site to allow the future construction of a cycleway/footpath. As a result, there are no objections.

##### **4.5 Designing Out Crime Officer**

No adverse comments.

##### **4.6 Environmental Protection Contaminated Land Officer**

No adverse comments.

##### **4.7 Conservation Officer:**

There is a general watering down in the D&AS of the protection/reference to the trees and landscape enhancements within the NW corner of the site which may become an issue given the role they played in softening the views from the listed Cedar House into the site. The connection to Charlton Common has also been omitted without explanation although it won't impact on the setting or significance of the listed building. The landscaping of the NW corner should hopefully be addressed in the landscaping and tree RM conditions and there are no concerns over the substituted parameter plans from a heritage perspective.

##### **4.8 Sustainability Officer**

No change to conditions regarding Sustainable Energy Strategy, so no comments.

##### **4.9 Self-Build Officer**

No self-build plot provision in the outline.

##### **4.10 Landscape Officer**

No objections.

#### 4.11 Local Residents

One local resident objects on the basis that the Design and Access Statement page 7 states: the close boarded fence to Cedar Lodge is NOT the boundary but the wire mesh fence approximately 1m outside the boarded fence. Parameter Plan and Access Use: the boundary should follow a straight line from the mesh fence down to Charlton Road not curved at the end. We had an electric fence which went from the end of the mesh fence down to Charlton Road but this was damaged by youths. The developer has erected their own fencing parallel to the road which means we can no longer gain access to our land to replace this fence. These comments have been raised on a previous occasion.

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

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

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

5.3 This application seeks to vary 7 conditions originally attached to permission P19/15643/O. The conditions require to be varied because the Reserved Matters application as submitted does not strictly accord with the outline conditions, as follows: -

- Condition 4 – Parameters Plan: Amendment of areas to be managed as POS and inclusion of the cycleway safeguard requested by Highways, loss of the pond and the ecological buffer to the north. so that condition 4 will read:-

*Applications for the approval of the reserved matters shall be in accordance with the amended Parameter Plans-Access and Land Use (Plan No. L0201 B) and amended Scale Parameter plan, (Plan No. L0202B), and the principles and parameters set out in the Design and Access Statement Addendum (September 2022).*

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

A site visit has revealed that the pond is no longer evident, and its retention or enhancement is no longer possible. The site visit also revealed that the ecological buffer to the north is also poor quality vegetation, which has lower than expected ecological value and can be replaced with alternative planting along this boundary. The buffer shown on the parameters plan can therefore be removed.

Highways have requested a section of land to be retained along the western edge of Charlton Road to allow the provision of a pedestrian/cycle route and this is now shown on the parameters plan. The pedestrian link to the north (Future Brabazon site) is retained whilst the one originally shown to Charlton Common has been removed. This is because that link would have accessed onto private land with no right of way and would have served little purpose.

The plan also shows an off-site attenuation basin for the proposed development site.

These amendments have been the subject of significant negotiation in relation to the determination of the Reserved Matters application for the site (P22/00588/RM), which cannot be determined until these matters are resolved. The amendments are considered to be acceptable and would not lead to a 'watering down' of the quality of the scheme.

- Condition 5 – Surface Water Drainage: Amend condition wording so that the off-site attenuation proposed (and permitted by P22/00593/F) can be secured. Revised condition 5 will read:-

*No development shall commence until the detailed design of the detailed design of the surface water drainage strategy details; including location, SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection.*

*Reason: To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2019.*

The wording of the condition requires amendment so that an off-site drainage solution can be sought. This is considered to be acceptable and The Council's Drainage Engineer has not objected.

- Condition 8 – Tree Protection Details and Arboricultural Method Statement: Amended to allow deviation from the previously approved Arboricultural Constraints Report D14 398 02 Rev A July 2019. Revised condition 8 will read:-

*The reserved matters submitted pursuant to Condition 1 shall include an up to date tree survey including details of tree protection where*

*required and agreed and Arboricultural Method Statement which shall accord with BS5837 (2012); and prior to the commencement of the development hereby approved, protective fencing in accordance with drawings approved by Reserved Matters shall be erected around the root protection area of existing trees and hedgerows to be retained adjacent and within the site. Such fencing shall be erected prior to the use of any machines on the site and prior to any clearance on site, and retained as such throughout the construction period and until the completion of the development hereby approved.*

*Reason: To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to avoid any damage to existing trees to be retained and ensure the existing trees and hedgerows are protected during the works, in accordance with best arboricultural practice, and to accord with Policies CS1 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy. Pre- commencement is required in order to protect the trees prior to any works on site.*

The original condition was prescriptive for all works to be carried out in accordance with Arboricultural constraints report D14 398 02 Rev A July 2019 by JP Associates. Given the timing of this report, the health of some of the trees has deteriorated and some trees have needed to be recategorized. The tree Officer has not objected to this change in wording.

- Condition 12- Ecological Assessment: Introduces a requirement for broad accordance with the Ecological Assessment originally submitted with the outline application as opposed to the exact recommendations, which incorporated a pond, wildflower grassland, hedgerow and trees some of which are not being provided (pond) or provided differently. Revised condition 12 will read:-

*The reserved matters to be submitted pursuant to Condition 1 above shall include measures to demonstrate that the development is in broad accordance with the recommendations made in Section 5 of the Ecological Assessment by Ecology Solutions (September, 2019).*

*Reason: To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan.*

The original condition makes reference to retention of the pond (see condition 4 above) and wildflower grassland. These elements are no longer being delivered, or in the case of the wildflower planting, in the way envisaged. The pond is no longer on site and it is not considered that the creation of a pond is necessary, particularly given the creation of the surface water drainage attenuation feature being sought under P22/00593/F. The wildflower planting was originally envisaged to be on land outside the site on land outside the applicant's control

(Condition 19 of P19/15643/O) and is thus not deliverable by way of planning condition, because such a condition does not pass the 6 tests for condition in that it is unenforceable. However, planting has been incorporated within the site to off-set some of this loss. The ecology of the site and future biodiversity gain is considered to be of great importance, but rewording the condition as stated is not considered to lower this requirement.

- Condition 15 – Street Lighting: The original condition referred to streetlighting being required be up to the Council’s adoptable standards, but as the roads are not being adopted by the Council, this wording is not necessary and the condition can be amended to read: -

*The reserved matters submitted pursuant to Condition 1 above shall include details of street lighting which is a sympathetic lighting scheme for bats using boundary vegetation. The scheme should show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications). All external lighting shall be installed prior to the substantial completion of the development hereby approved in accordance with the said lighting scheme as approved by the local Planning Authority in writing.*

*Reason: To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan.*

- Condition 16 – Landscape and Ecological Amendment Plan: As per condition 12, this allows the introduction of the word ‘broad’ in relation to compliance with the Ecological Assessment submitted with the outline application and its acceptability has the same rationale as condition 12 earlier in this report. The revised wording is therefore:

*Prior to development commencing, a Landscape & Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local Planning Authority to accord with the broad recommendations contained in Section 5 of the Ecological Assessment by Ecology Solutions (September, 2019) and the amended Access and Land Use Parameter Plan forming part of the application. All works are to be carried out in accordance with said approved plan.*

*Reason: To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan. Pre- commencement is required in order to ensure protection during the construction period.*

- Condition 18 – Landscaping: Amended to take account of the changes made to the Design & Access Statement and Parameters Plan

numbers and will not compromise the delivery of suitable landscaping through the Reserved Matters application.. Condition 18 can be amended to read: -

*The Landscaping Reserved Matters submitted pursuant to Condition 1 above 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 amended Parameter Plans (Access & Land Use Plan No. L0201 B and Scale Plan No. L0202 B) and the principles and concepts contained in the Design and Access Addendum (September 2022).*

*These details shall include proposed finished levels or contours in relation to existing levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures including details of 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).*

*Soft landscape works shall include: a vegetation retention and removal plan, 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, boundary and surfacing treatments; 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.*

- 5.4 The amendments to the conditions do not significantly alter the development that was accepted under outline planning permission P19/15643/O. The alterations are required due to the very precise wording of the original outline conditions, which the submitted RM application did not conform sufficiently with. This principally related to details concerning the retention of a pond on site and an ecological buffer to the north, together with the desire of the developer to provide drainage attenuation pond off site (covered under P22/00593/F) and therefore outside the permitted red line.
- 5.5 The comments of the Almondsbury Parish Council are noted, and the Tree Officer raises no objections. Where they relate to the concerns raised by the Conservation Officer in the watering down of the Design & Access Statement, this is a matter that is more associated with a Reserved Matters application. The path to Charlton Common has been omitted as it would not connect to a public highway or other right of way and would be redundant. This approach



is supported by officers. The proposal for a linkage into the Brabazon site (Former Filton Airfield) is retained.

- 5.6 The changes to the conditions' wording have been the result of lengthy discussions between the Council's Officers and the applicant and agent. It is not considered that the proposed changing to the wording of the conditions would water down the design quality of the development or lead to any further significant loss to biodiversity or be of detriment to other planning related issues of importance.
- 5.7 The concerns raised by the local resident are not planning matters as they result in a land ownership issue. The applicant is aware of the comment.

## 6. Other Matters

The outline planning permission was accompanied by a Legal Agreement (S106) to secure contributions to Public Open Space, Transport and Affordable Housing. The permission now sought is a whole new planning permission, but the legal agreement with the outline contained a clause which agrees that if the Council grants permission for an application under 73, the Legal Agreement remains binding.

## 7. Other Conditions

- 7.1 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. An analysis of other conditions attached to the previous planning consent P19/15643/O is therefore set out below.
- 7.2 Condition 1 relates to submission of details of layout, scale and appearance of buildings and landscaping of the site to be submitted and approved. Whilst a current RM application is under consideration (P22/00588/RM), this condition is still considered necessary as the RM is not determined.
- 7.3 Condition 2 requires submission of condition 1 details within 3 years and is deemed necessary to reapply. The wording will be amended to reflect the original outline decision date, so as not to grant an extension of time on the submission of the reserved matters. The additional details (should they not be permitted under P22/00588/RM) will need to be submitted within 3 years of 15<sup>th</sup> October 2021.
- 7.4 Condition 3 is the standard outline condition about submission of details within 3 years (the date will be set at the original outline permission date ie. 15<sup>th</sup> October 2021) or before the expiry of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 7.5 Conditions 4, 5, 8,12,15,16 &18 are amended by the application.
- 7.6 Condition 6 refers to the construction of the affordable units complying with Part M of the Building Regulations and is deemed necessary to reapply.

- 7.7 Condition 7 requires the submission of a Sustainable Energy Statement and this is considered necessary to retain.
- 7.8 Condition 8 is varied by this application.
- 7.9 Condition 9 refers to the requirement for a verification report prior to occupation, but following deemed remediation works, of any dwellings on the site. This is required.
- 7.10 Condition 10 requires that any contamination found during the course of construction to be immediately reported and dealt with following the written approval of the Local Planning Authority. This is to be re-applied.
- 7.11 Condition 11 requires the submission of a travel plan prior to occupation of any dwelling, which is still relevant and will be re-applied.
- 7.12 Condition 13 refers to the requirement for a re-survey for badgers ahead of development commencing and this should be retained as should condition 14 which requires the submission of details about the position of bird nesting boxes etc.
- 7.13 Condition 17 requires a mitigation strategy to avoid harm to reptiles (slow worms) and hedgehogs. This is required.
- 7.14 Condition 19 required planting of a species rich wildflower grassland along the highway verge, outside the site. This condition has been deemed to be unenforceable as it requires works on land outside the control of the applicant. However, it was required to offset biodiversity losses on site. The requirement to achieve this is partially covered in other conditions which require broad accord with the ecology mitigation. The applicant has agreed to undertake wildflower planting (in addition to other on-site planting) around the drainage attenuation basin that is subject to planning application P22/00593/F. This condition will be removed.
- 7.15 Conditions 20 and 21 require submission of archaeological investigation or recording for approval ahead of development commencing and tracking details for refuse vehicles, both of which should be re-applied.

## 7.0 Equalities

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

policies and the delivery of services.

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

## 8.0 **CONCLUSION**

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 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.

## **RECOMMENDATION**

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

## **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 15<sup>th</sup> October 2024.

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 15<sup>th</sup> October 2024, or before the expiry 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. Applications for the approval of the reserved matters shall be in accordance with the amended Parameter Plans-Access and Land Use (Plan No. L0201 B) and amended Scale Parameter plan, (Plan No. L0202 B), and the principles and parameters set out

in the Design and Access Statement Addendum (September 2022).

Reason: To ensure the highest standards of urban design and 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. No development shall commence until the detailed design of the surface water drainage strategy details; including location, SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection.

Reason: To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2019.

6. The Affordable Dwellings shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2) with the exception of those Affordable Dwellings required to meet M4(3)(2)(a) standard and any self-contained affordable Housing provided above ground floor level in a flatted development without a lift. The Wheelchair Affordable Dwellings shall be constructed to meet Part M of the Building Regulations accessibility standard M4(3)(2)(a) and shall be provided as social rent tenure.

Reason: To ensure inclusive design access for all in accordance with Policy PSP37 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan.

7. The Reserved Matters to be submitted pursuant to Condition 1 shall include a Sustainable Energy Statement that demonstrates how the development hereby approved will meet SGC Development Plan Policies and Building Regulations applicable at that time. The development shall be constructed in accordance with the development plan policies and Building Regulations applicable at the time of construction.

Reason: To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions, and to comply with Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy and Policy PSP6 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan.

8. The reserved matters submitted pursuant to Condition 1 shall include an up to date tree survey including details of tree protection where required and agreed and Arboricultural Method Statement which shall accord with BS5837 (2012); and prior to the commencement of the development hereby approved, protective fencing in accordance with drawings approved by Reserved Matters shall be erected around the root protection area of existing trees and hedgerows to be retained adjacent and within the site. Such fencing shall be erected prior to the use of any machines on the site and prior to any clearance on site, and retained as such throughout the construction period and until the completion of the development hereby approved.

Reason: To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to avoid any damage to

existing trees to be retained and ensure the existing trees and hedgerows are protected during the works, in accordance with best arboricultural practice, and to accord with Policies CS1 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy. Pre- commencement is required in order to protect the trees prior to any works on site.

9. Verification Strategy - having regard to BAE Systems Environmental, Ground Investigation, Land at Charlton Common, Ref X0453-R3-2 dated June 2016, prior to first occupation, a report providing details of the verification of remediation demonstrating that all necessary remediation works have been completed satisfactorily and that re-use of any materials on site will be undertaken in accordance the CL:AIRE Definition of Waste Code of Practice shall be submitted to and agreed in writing by the Local Planning Authority.

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).

10. 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 is resumed or continued.

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).

11. Prior to the occupation of the first dwelling, a travel plan with the aim of providing residents with information regarding reducing the need to travel by car, encouraging healthy commuting and work/non work-related journeys shall be submitted to the LPA for their written approval. Such details as approved shall be implemented in phase with the development.

Reason: In the interests of sustainable development and in accordance with Policy CS26 of the South Gloucestershire Local Plan: Core Strategy, (adopted Dec 2013).

12. The reserved matters to be submitted pursuant to Condition 1 above shall include measures to demonstrate that the development is in broad accordance with the recommendations made in Section 5 of the Ecological Assessment by Ecology Solutions (September, 2019).

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

13. No development shall take place until there has been submitted and approved in writing by the Local Planning Authority measures in respect of: a re-survey for badgers and a report provided to the Council to include details of any works subject to the licensing provisions of the Protection of Badgers Act 1992. All works shall be

carried out in accordance with said report.

Reason: To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan. Pre- commencement is required in order to ensure protection during the construction period.

14. The Reserved Matters submitted pursuant to Condition 1 above shall include a plan showing the location of nesting boxes, for starlings and house sparrows and bat tubes or boxes. Thereafter the development shall proceed in accordance with such details as approved through Reserved Matters, and photographic evidence of their installation shall be submitted to the local planning authority for approval in writing prior to the substantial completion of the development hereby approved.

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

15. The reserved matters submitted pursuant to Condition 1 above shall include details of street lighting which is a sympathetic lighting scheme for bats using boundary vegetation. The scheme should show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications). All external lighting shall be installed prior to the substantial completion of the development hereby approved in accordance with the said lighting scheme as approved by the local Planning Authority in writing.

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

16. Prior to development commencing, a Landscape & Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local Planning Authority to concord with the broad recommendations contained in 5 of the Ecological Assessment by Ecology Solutions (September, 2019) and the agreed Access and Land Use Parameter Plan forming part of the application. All works are to be carried out in accordance with said approved plan.

Reason: To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan. Pre- commencement is required in order to ensure protection during the construction period.

17. The Reserved Matters to be submitted pursuant to Condition 1 above shall include a mitigation strategy to avoid harm to reptiles (slowworm) and hedgehog and agreed with the Local Planning Authority through Reserved Matters. 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 CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan.

18. The Landscaping Reserved Matters submitted pursuant to Condition 1 above 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 amended Parameter Plans (Access & Land Use Plan No. L0201 B and Scale Plan No. L0202 B) and the principles and concepts contained in the Design and Access Addendum (September 2022).

These details shall include proposed finished levels or contours in relation to existing levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures including details of 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).

Soft landscape works shall include: a vegetation retention and removal plan, 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, boundary and surfacing treatments; 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.

19. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason: In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP17 of adopted Policies Sites and Places Plan, and the National Planning Policy Framework. Pre- commencement is required in order to ensure archaeological investigation is not harmed during the construction period.

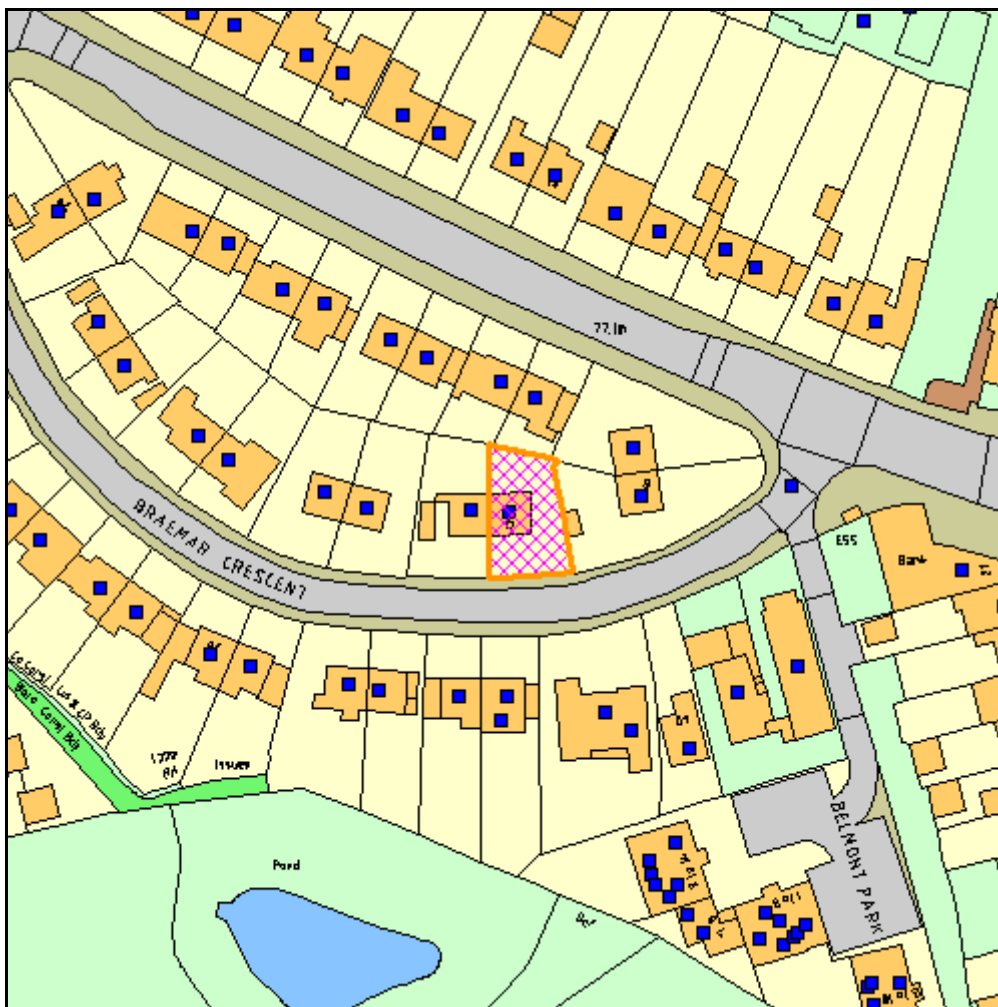
20. The particulars submitted as part of condition 1 for the relevant reserved matters shall include details of refuse collection vehicle swept path tracking within the site appropriate for the SGC refuse vehicle standard dimensions.

Reason: To ensure access to refuse storage in accordance with Policy CS26 of the adopted Core Strategy, and in accordance with Policy PSP16 of the adopted SGC Policies Sites and Places Plan.

**Case Officer: Charmian Eyre-Walker**  
**Authorising Officer: Eileen Paterson**

**CIRCULATED SCHEDULE NO. 48/22 -2nd December 2022**

<b>App No.:</b>	P22/06099/F	<b>Applicant:</b>	Mr Padbury Kasa Real Estate Ltd
<b>Site:</b>	15 Braemar Crescent Filton South Gloucestershire BS7 0TD	<b>Date Reg:</b>	28th October 2022
<b>Proposal:</b>	Change of use from a small licensed HMO (C4) to large house in multiple occupation (Sui Generis) for up to nine people (including erection of side/rear extension and loft conversion/dormer - for which approval has already been granted) with parking, bin and cycle storage.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	359778 178233	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st December 2022



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P22/06099/F



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

## **INTRODUCTION**

This application is referred to the Circulated Schedule in accordance with procedure given that objections have been received that are contrary to the recommendation

### **1.0 THE PROPOSAL**

- 1.1 The applicant seeks full planning consent for the Change of use from residential dwelling (C3) to a nine person (nine bedroom) large house in multiple occupation (Sui Generis) (including erection of side/rear extension and loft conversion/dormer - for which approval has already been granted) with parking, bin and cycle storage.
- 1.2 The application site, 15 Braemar Crescent, lies within the settlement boundary of Filton.
- 1.3 Recently an application P21/07154/F was refused (Change of use from residential dwelling (C3) to an eight-bedroom large house in multiple occupation (Sui Generis) for up to eight people (including erection of side/rear extension and loft conversion/dormer - for which approval has already been granted) with parking, bin and cycle storage). The application was subsequently allowed upon appeal and costs awarded against the Council. Full details are set out in Section 3 below and considered in the analysis (Section 5).

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework 2021  
National Planning Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol Urban Area

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

PSP1	Local Distinctiveness
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PSP8	Residential Development
PSP11	Transport
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Standards

- 2.3 Supplementary Planning Guidance  
 South Gloucestershire Design Checklist (Adopted) 2007  
 Residential Parking Standards SPD (Adopted) 2013  
 Waste Collection: Guidance for new developments SPD (Adopted) 2015  
 Houses in Multiple Occupation SPD (Adopted) 2021

### 3. RELEVANT PLANNING HISTORY

- 3.1 P21/07154/F Change of use from residential dwelling (C3) to an eight-bedroom large house in multiple occupation (Sui Generis) for up to eight people (including erection of side/rear extension and loft conversion/dormer - for which approval has already been granted) with parking, bin and cycle storage. Refused by SGC 22<sup>nd</sup> February 2022 for the following reason:

*The addition of a House in Multiple Occupation will add to the proliferation of HMO's in this locality. This will be detrimental to the character and amenity of the area which would no longer function as a sustainable residential location and not respect the requirement for mixed and balanced communities contrary to Policy PSP39 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017 and the provisions of the National Planning Policy Framework 2021.*

The appeal (APP/Po119/W/22/3297910) was allowed on 15<sup>th</sup> September 2022 with an award of costs made. In summary the award of costs was made because the Council was unable to substantiate its refusal reason i.e. to show how the proposal was contrary to adopted policy including the adopted Housing in Multiple Occupation SPD.

- 3.2 P22/02079/CLP Change of use from C3 residential dwelling to C4 small house of multiple occupancy (Approved 17<sup>th</sup> May 2022)
- 3.3 P21/06004/F Erection of a two storey side and single storey rear extension to form additional living accommodation. Approved 27.10.21
- 3.4 P21/05939/CLP Installation of hip to gable extension and associated works. Approved 28.9.21

### 4. CONSULTATION RESPONSES

- 4.1 Filton Town Council

No comment has been received in relation to the current application

## **Internal Statutory / External Consultees**

### **4.2 Sustainable Transport**

This essentially is one additional HMO bedroom over what was recently approved. From a transportation perspective the previous 8 bed HMO complied with parking requirements in that it had 4 off street car parking spaces. According to our standards a 9 bed HMO would require an additional car parking space (each bed should have a minimum of 0.5 parking spaces rounded up). No evidence has been provided to show that the additional parking space can be accommodated on the adjacent public highway.

The applicant is therefore required to undertake a car parking survey of the adjacent highway to prove that parking is available on street to accommodate the parking overflow. This survey should be undertaken in line with the Councils published car parking survey guidelines. However, I am mindful of the Inspectors comments on the appeal for an 8 bed HMO - "A number of other concerns have been raised by interested parties. The Councils submissions advise that the provision of 4 parking spaces would meet the required parking standards for the proposed development. I note the site is close to shops and other facilities as well as bus stops that would provide public transport links to the wider area. As such, it is likely that future residents would not be reliant on private car travel or vehicular ownership to gain access to services. The Braemar Crescent carriageway is narrow but is of sufficient width in many parts to allow roadside parking. In light of these factors, I am satisfied that any increase in roadside parking as a result of the development would not prejudice highway safety or lead to unacceptable obstruction to traffic."

With this in mind and having revisited the site I do not think that the extra bed and the single parking space associated with it would make a material impact upon highway safety in the vicinity. As such no transportation objection would be raised to this planning application.

## **Other Representations**

### **4.3 Local Residents**

Objection letters received from 12 local residents. Points raised are summarised as:

- The road cannot support extra cars, refuse/recycling bins
- Lack of parking provision and impact upon the street
- The decision of the Planning Inspector was incorrect
- The area already has an overconcentration of HMO's (11.2%)
- Pressure on drainage/sewerage system
- This represents overdevelopment
- Previous consents for alterations to the property were stated as for personal use when the purpose was to secure an HMO
- There will be an increase in noise levels
- This represents developer greed

This form of development is out of character with the area and will impact upon the amenity of neighbouring occupiers

#### **4.4 Local Councillor: Councillor Adam Monk**

*With regards to the change of use application for 15 Braemar Crescent for change of use to a HMO. I would like to highlight to officers there is a high density of HMOs in the immediate area.*

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

5.1 This application is for the Change of use from residential dwelling (C3) to a large house in multiple occupation for up to nine people Sui Generis (including erection of side/rear extension and loft conversion/dormer - for which approval has already been granted) with parking, bin and cycle storage.

#### **5.2 Principle of Development**

The application stands to be assessed against the above listed policies and all material considerations. It is noted that applications P21/06004/F and P21/05939/CLP have already dealt with physical changes to the property which remain extant and can proceed independently of this current application. It is also noted that it has been established through the approval of P22/02079/CLP that the change of use from C3 residential dwelling to C4 small house of multiple occupancy (Approved 17<sup>th</sup> May 2022) does not require consent under permitted development rights available to the property.

5.3 The determination as to whether the change of use of a dwelling in C3 use to a large HMO use will have an unacceptable impact upon the surrounding area is primarily assessed via the tests outlined within the Houses in Multiple Occupation Supplementary Planning Document (SPD) (Adopted) 2021. The SPD provides a way of using available data (licensed HMOs) to provide tangible and substantiated evidence regarding the concentration of HMOs and overall housing mix within the locality of the proposal.

5.4 Policy PSP39 within the adopted Policies, Sites and Places Plan (2017) states that where planning permission for an HMO is required, this will be acceptable, provided that this will not prejudice the amenity of neighbours. Supporting text states that the term "neighbours" should be taken to mean properties adjacent to, and surrounding, the application site which have a reasonable potential to be directly affected by harmful impacts arising from the proposal(s).

5.5 In addition, Policy PSP8 maintains that development proposals will only be acceptable provided that they do not 'have unacceptable impacts on residential amenity of occupiers of the development or of nearby properties'. Unacceptable impacts could result from noise or disturbance, amongst other factors, which could arise from HMOs functioning less like traditional single households on a day-to-day basis.

- 5.6 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become concentrated, particularly at an individual street level.
- 5.7 Additional Explanatory Guidance 1 sets out that the following factors should be taken into account when determining if the proposal would prejudice the amenity of adjacent neighbours:
- Whether any dwelling house would be 'sandwiched' between two licensed HMOS, or,
  - Result in three or more adjacent licensed HMO properties.
- 5.8 In the case of the current application site, 15 Braemar Crescent the property would not be sandwiched between two licensed HMOs, or result in three or more adjacent licensed HMO properties in this road.
- 5.9 As set out in Policy CS17, providing a wide variety of housing type and sizes to accommodate a range of different households, will be essential to supporting mixed communities in all localities. Sub-division of existing dwellings and non-residential properties to form flats or HMOs can make a valuable contribution suitable for smaller households and single people as part of these mixed communities.
- 5.10 Policy CS17 does not define what is meant by 'mixed communities' in all localities. Instead, it acknowledges that implementation of this policy, and PSP39, will be made on a case basis through the development management process. Therefore, the HMO SPD aims to acknowledge that some intensification, if carried out sensitively, and where it would not adversely affect the character of an area, can contribute to the local mix and affordability of housing, viability of local services, vitality of local areas and contribute to the Council's housing delivery targets.
- 5.11 As there are localities which are already experiencing concentrations of HMOs, the SPD requires consideration of existing localities that are already experiencing levels of HMOs which harm the ability to support mixed communities and preventing impact on character and amenities, and applications which would result in a level of HMOs that could contribute towards harmful impacts.
- 5.12 Additional Explanatory Guidance 2 sets out that the following factors should be taken into account when determining if the proposal would contribute to harmful impacts in respect of a mixed community and the character and amenity of an area:
- An additional HMO in localities where **licensed** HMO properties already represent more than 10% of households, or,
  - More than 20% of households are **licensed** HMO's within a 100m radius of the application property.

- 5.13 For the purposes of this assessment, a 'locality' is defined by a statistical boundary known as a Census Output Area.
- 5.14 In the case of 15 Braemar Crescent, licensed HMO properties currently represent 1.9% of households. Within 100m radius there are 81 domestic properties, 4 of which are licensed HMO's thereby achieving a 4.94 % concentration of licensed HMOs within this radius.
- 5.15 The principle of a change of use to an HMO is therefore considered to comply with policies PSP39, PSP8 and CS17 and the SPD.

5.16 **Appeal Decision**

As set out in Section 3 above consent has been given for an HMO for up to 8 people on appeal. The Inspector indicated that the figure of 1.3% of licensed HMO's and only one licensed within 100m of the site (the figures at the time of the appeal which have altered to those set out in 5.14 above as a result of the decision) were "convincing evidence that the proposal was not in conflict with the SPD. The Inspector was unclear where a figure of 11.2% that was raised at the Development Management Committee had come from. For the avoidance of doubt it is probable that this figure refers to all HMO's but it must be stressed that the SPD only sets a figure for those that are licensed and thus it is these figures i.e. 1.9% (and 4.94%) upon which a decision must be assessed against.

The Inspector also set out that the property had a licence to operate as a 5 person HMO and that is a fall-back position. The Inspector also indicated that he could see no evidence that any properties were being obviously used as HMO's and "*how these impact negatively on the qualities of the area*".

This appeal decision is a significant material consideration in the determination of the current proposal which is for only one additional occupier.

- 5.17 In regards to the proposed alterations, Policy PSP38 of the PSP Plan 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.

5.18 **Design and Visual Amenity**

The NPPF and local adopted policy under CS1 places great emphasis on the importance of design. Good quality design respects both the character of existing properties and the character of an area in general. The NPPF suggests good design should respond to and be sensitive to local character, should aim to raise standards of design and enhance the immediate setting. The updated guidance emphasises high quality design, that takes into account local design standards, continues to be important, and poor design that fails to take opportunities to improve the quality of an area or to take this into account, should be resisted.

- 5.19 The application site is a two-storey semi-detached dwelling. Plans indicate that the proposed alterations to the dwelling are the same as those already previously considered and approved under applications P21/06004/F (Circulated Schedule 29<sup>th</sup> October 2021), and P21/05939/CLP. These applications are extant and can be implemented whether or not the change of use is approved. On this basis no objection can be sustained with regards to the design or the comment of overdevelopment on this site. It is however considered that the property has been extended to its full capacity and therefore permitted development rights will be removed.
- 5.20 Residential amenity:
- With regards to the amenity of future occupiers, plans indicate the proposed extended property would have a kitchen/diner plus communal area on the ground floor along with 3 bedrooms (there were two previously for the eight bed scheme). The first floor would have 4 bedrooms with the final 2 in the loft area. It is the responsibility of the landlord to ensure the rooms accord with internal national space standards for future occupiers, however it is considered that these are of a reasonable standard with access to light.
- 5.21 Matters of impact on residential amenity were addressed under the extant planning permissions and cannot be re-visited here.
- 5.22 The proposed development would entail the removal of the existing front garden wall to create two off-street parking spaces. This is unfortunate, but other examples can be seen immediately opposite and as such no objections can be raised. A purpose built bin storage area would also be created in the front garden.
- 5.23 Policy PSP43 sets out minimum standards for private amenity space, however there is no set standard for HMOs. Using this policy as a reference, a 1no. Bed flat should have access to a minimum for 5m<sup>2</sup> amenity space. Using this standard, 9 x 1bed. Flats would require 45m<sup>2</sup> amenity space. The rear garden would achieve 55sq metres of amenity space, sufficient to accord with adopted policy.
- 5.24 Given the above the scheme is acceptable in terms of having no adverse impact on residential amenity.
- 5.25 Sustainable transport:
- 5.26 In terms of parking, the council currently requires a minimum of 0.5 spaces per bedroom for an HMO. This proposal therefore requires 4.5 spaces (rounded up to 5 spaces). It is noted that 4 spaces, can be achieved on site. Officers consider that the deficiency of one space is acceptable (see 4.2 above). The addition of one additional person over and above that considered acceptable for the 8 person scheme is not considered to result in a significant additional highway impact. It is also noted that the appeal inspector commented that the site is close to shops and facilities as well as bus stops *“that would provide links to the wider area”*.

5.27 The Inspector noted that *future residents would not be reliant on private car travel or vehicular ownership to gain access to services*". Also *"it is considered that the Braemar Crescent carriageway is narrow but is of sufficient width in many places to allow roadside parking"*. Thus it is not considered that any impact upon highway safety would result. Thus while concerns relating to parking are noted it is not considered that the deficit of one parking space (from the parking standard), given the road conditions and parking situation would justify the refusal of the application.

5.28 The scheme also provides cycle parking in accordance with our standards.

5.29 The applicant will however be required to ensure at least two car parking spaces are equipped with electric vehicle charging points and if the other two spaces are not similarly equipped then trunking/cable management is put in place so that they can easily be changed in the future as demand dictates. The electric vehicle charging points should be rated at 7kw/32amp per parking space. This needs to be provided prior to first occupation of the dwelling.

### 5.30 Impact on Equalities

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

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

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

### 5.31 Other Matters

#### *Waste and rubbish on the street*

If such a situation occurs residents are advised to contact the Council's Street Care Team. However an appropriate scheme for refuse storage is shown and a condition will require this to be provided prior to the first use as a nine person HMO.

#### *Noise and disturbance:*

The property would be a domestic residence. Any inconsiderate behaviour over and above what is normally expected should be reported to the correct authority in this case The Police Authority.



## 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 the application be **APPROVED** subject to conditions set out below.

### **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. Development shall proceed in accordance with the following plans:

Received 22nd October 2022

ELEVATIONS - EXISTING  
ELEVATIONS - PROPOSED  
EXISTING AND PROPOSED BLOCK PLAN  
FLOOR PLANS - EXISTING  
PROPOSED BIN STORAGE PLANS  
PROPOSED CYCLE STORAGE PLANS  
PROPOSED FLOOR PLAN  
PROPOSED FLOOR PLANS  
PROPOSED PARKING PLANS  
SECTION - EXISTING  
SECTION - PROPOSED  
THE LOCATION AND BLOCK PLAN

#### 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 the first occupation electric vehicle charging points rated at 7kw/32amp per parking space shall be provided for the 4 proposed parking spaces. Prior to installation, written approval of the design and location is first required by the LPA. The approved charging points retained for use of the property thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and PSP 11 of the Policies Sites and Places Plan (Adopted) 2017.

4. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, AA, B, D and E, ) or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

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

5. Prior to the first use of the property as a nine person House in Multiple Occupation the refuse/recycling facilities shown on Drg 111 Refuse Storage and Drg 102 Existing and Proposed Site Plan shall be provided and retained as such thereafter.

Reason:

In the interests of the amenity of the site and the wider area and to accord with Policy CS1 of the South Gloucestershire Core Strategy 2013

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