

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: 09/22

Date to Members: 04/03/2022

Member's Deadline: 10/03/2022 (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 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 (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:

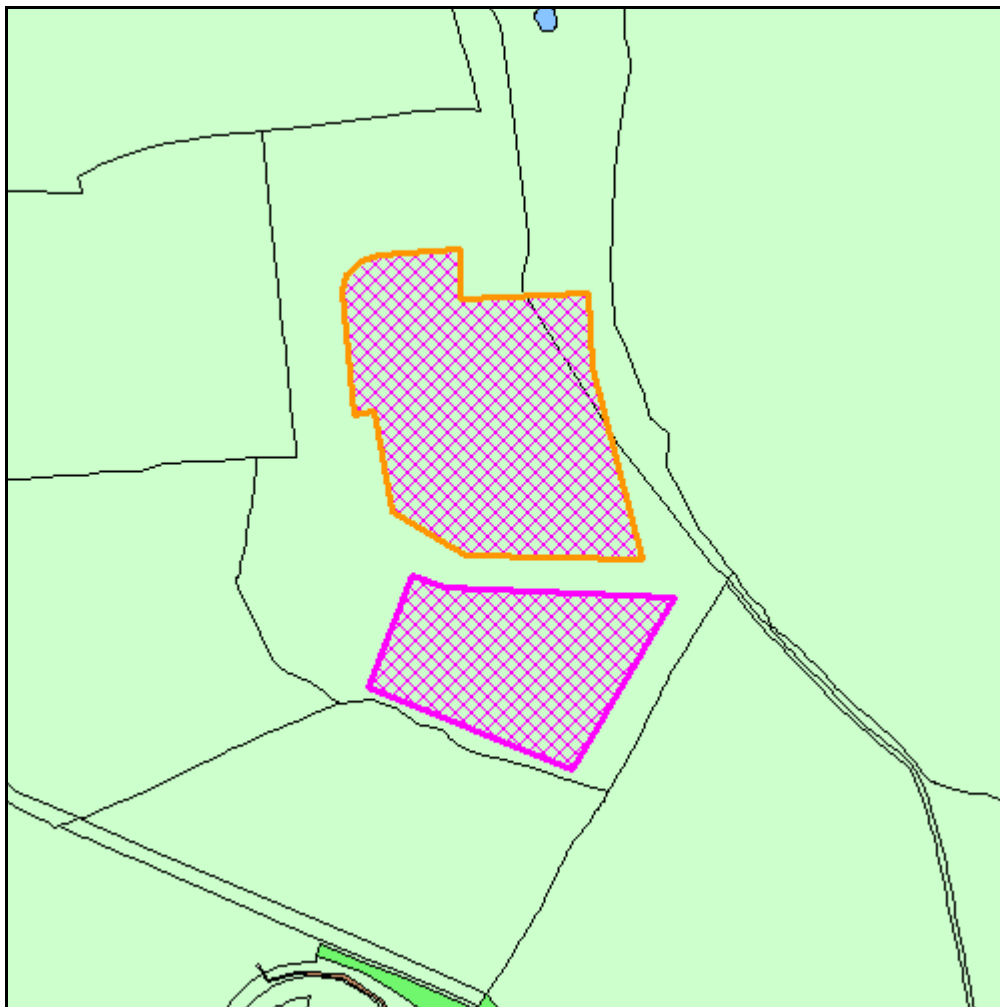
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 04 March 2022

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P21/02473/RM	Approve with Conditions	PI5c And PI6, North Yate New Neighbourhood North Yate New Neighbourhood Yate	Yate North	Yate Town Council
2	P21/04843/F	Approve with Conditions	76 High Street Winterbourne South Gloucestershire BS36 1RB	Winterbourne	Winterbourne Parish Council
3	P21/05739/F	Approve with Conditions	Buildings At Henfield Farm The Hollows Coalpit Heath South Gloucestershire BS36 2UU	Frampton Cotterell	Westerleigh Parish Council
4	P21/07156/F	Approve with Conditions	Unit 9 Yate Riverside Link Road Yate South Gloucestershire BS37 4FT	Yate Central	Yate Town Council
5	P21/07738/F	Approve with Conditions	62 Conygre Grove Filton South Gloucestershire BS34 7DP	Filton	Filton Town Council
6	P22/00041/F	Approve with Conditions	18 Elmleigh Road Mangotsfield South Gloucestershire BS16 9ET	Staple Hill And Mangotsfield	

CIRCULATED SCHEDULE NO. 09/22 - 4th March 2022

App No.:	P21/02473/RM	Applicant:	Taylor Wimpey Homes (Bristol)
Site:	PI5c And PI6, North Yate New Neighbourhood North Yate New Neighbourhood Yate	Date Reg:	16th August 2021
Proposal:	Erection of 157 no. dwellings with new roads, drainage, parking, garaging and works with appearance, layout, scale, and landscaping to be approved (Approval of reserved matters to be read in conjunction with outline permission P19/6296/RVC formerly PK12/1913/O).	Parish:	Yate Town Council
Map Ref:	370725 184543	Ward:	Yate North
Application Category:	Major	Target Date:	29th October 2021



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100023410, 2008. **N.T.S.** **P21/02473/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 Yate Town Council and members of the public contrary to the officer recommendation.

1. THE PROPOSAL

This application seeks reserved matters consent for the erection of 157 no. dwellings with new roads, drainage, parking, garaging and associated works. The reserved matters to be determined, which consists of appearance, layout, scale, and landscaping should be read in conjunction with outline permission PK12/1913/O as amended by P19/6296/RVC. This outline consent included details of access into the site off Randolph Avenue and Leechpool Way, with provision for access from Peg Hill. The scheme benefits from an approved design code (North Yate New Neighbourhood Design Code Rev D March 2017) and masterplan (Condition 39 Detailed Masterplan 4739-LDA-00-XX-DRL-0013), as well as a number of framework plans approved at outline stage

- 1.2 The application site comprises parcels PL5C & PL6 in the North Yate New Neighbourhood, as shown on the approved phasing plan. PL6 is located to the north of PL5C and the parcels are divided by a primary street. These parcels are located on the western side of the North Yate New Neighbourhood. The site slopes up from west to east and down from north to south. The lowest point of the site is in the northwest corner (68.31AOD) and the highest point is the eastern edge (71.17AOD). The existing public right of way LYA55/10 extends along the eastern edge of the site; and this is proposed to be stopped up and diverted under application P21/04770/FDI to maintain links between Randolph Avenue and Tanhouse Lane. Existing green infrastructure including mature trees and hedgerow are located immediately to the east and south boundaries of the site. Attenuation basins which form part of the approved surface water drainage strategy have been approved and have been constructed to the north, west and east of parcel PL6. High voltage power lines currently extend through parcel PL6. These are proposed to be undergrounded via a strip of land forming an easement immediately to the south of parcel PL6 in accordance with the approved masterplan.
- 1.3 The 157 dwellings consist of a mixture of houses and flats of 1, 2, 3 and 4 beds of 2, 2.5 and 3 storeys in height. Out of the 157 dwellings, 64 would be for affordable housing. A statement of compliance has been submitted in support of this application.
- 1.4 Through pre-application discussions and negotiation through the application process, the following are some of the improvements secured to the scheme:
 - Layout changes to plots 1-20 to provide a stronger frontage and more communal space for the buildings;
 - Improvements to boundary treatments and hard surface materials to parking courts;
 - A greener edge provided to the south of PL6 through provision of tree planting;
 - Significant improvement to the design of shared surface streets with block paving, buildouts and pinch points added to ensure vehicular speeds are kept very low;

- Improvements to the appearance of the units and application of facing materials.

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Practice Guidance
National Design Guide

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

CS18 Affordable Housing

CS30 Yate and Chipping Sodbury

CS31 North Yate New Neighbourhood

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP3 Trees and Woodland

PSP6 Onsite Renewable and Low Carbon Energy

PSP8 Residential Amenity

PSP10 Active Travel Routes

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP17 Heritage Assets and the Historic Environment

PSP19 Wider Biodiversity

PSP20 Flood Risk, Surface Water and Watercourse Management

PSP21 Environmental Pollution and Impacts

PSP37 Internal Space and Accessibility Standards for Affordable Dwellings

PSP43 Private Amenity Space Standards

PSP47 Site Allocations and Safeguarding

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

The South Gloucestershire Residential Parking Standards SPD (adopted)

Waste Collection: Guidance for New Developers SPD (adopted)

Extra Care and Affordable Housing SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/042/SCO, Scoping Opinion for a proposed mixed-use site approximately 104ha in North Yate.
- 3.2 PK12/1913/O, Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved. Approved on 17th July 2015.
- 3.3 P19/6296/RVC, Variation of condition 19 attached to outline planning permission PK12/1913/O (as amended under applications PK15/5230/RVC, PK16/2449/RVC, PK17/0039/NMA and PK17/4826/RVC) to amend the wording of the condition (19) to "There shall be no commencement of Phase 5 of the development as shown on the Phasing Plan submitted pursuant to condition 4, until such time as the internal link road linking Randolph Avenue, Leechpool Way and the access from the Peg Hill development (as approved by planning permission PK12/0429/O) has been implemented and is operational. Construction use and residential use are deemed operational". Approved on 13th September 2019.
- 3.4 PK17/4260/RM, Laying out of landscape and infrastructure (Phase 0) including primary and secondary streets, utilities, services, foul and surface water drainage, hard and soft landscaping. (Approval of reserved matters including appearance, landscaping, layout and scale to be read in conjunction with Outline Planning Permission PK12/1913/O superseded by PK16/2449/RVC). Approved on 21st May 2018.
- 3.5 P21/07632/RM, Erection of 8no. dwellings and garaging/ parking, with appearance, landscaping, layout and scale to be determined (to be read in conjunction with outline permission PK12/1913/O amended by PK17/4826/RVC). This application relates to a small parcel of land adjoining the northern boundary of the application site, which is under consideration by the Local Planning Authority.

4. CONSULTATION RESPONSES

4.1 Yate Town Council Objection

Our comments on the earlier version of this application have not been addressed. We note also that the transportation officer has also highlighted concerns over the layout and traffic calming.

The overhead power cables across the site be underground as far as the Chipping Sodbury Substation (south Eastfield Drive). The proximity of houses on PL6 needs to be raised - the northern section on this application to the proposed line of the undergrounding. The developers have consent for the sites the other side of the line but those were separated by the lake, and now are applying for consent for this site and the undergrounding is not mentioned. This is of concern. Without conditioning, the

future of the pylons or underground cables means it is impossible to know whether we think the housing is too close to the cables. As things stand, unless the cables are underground, we need to object. We would like confirmation that WPD have been consulted regarding the undergrounding proposals and the proposed development works.

That ALL adopted roads should have pavements, that is segregated routes for pedestrians, streetlights and sufficient space between front doors and places vehicles can drive. In light of events in Francis Road, it is of grave concern that the developer would apply for consent to build PL6, with roads through the phase with no pavements at all.

The main road off Dowsell Way will become the northern access to Yate Outdoor Sports Complex (YOSC), so particularly important we don't get on street parking or drives reversing out in this area.

Plots 89 - 92 have parking bays that will involve reversing out onto a double-blind corner, combined with visitor parking spaces right on that corner. This is a serious highways problem.

Given the problems we have experienced with earlier phases, having layouts which refuse vehicles can just about use but other delivery vehicles cannot, the vehicle tracking for fire engines, large delivery vehicles, removal vans, furniture delivery etc needs to be completed, not just for Dennis Eagle refuse vans. The vehicle tracking layout, which is for refuse vehicles, not the larger delivery vehicles which you get regularly eg removal vans, furniture delivery, and parcel delivery. It shows that this same location is extremely tight for getting into the parking and delivery area for the flats on the corner of Dowsell Way – 88 – 99. This is particularly important as the frontage is onto a corner on the junction that will form the entrance to the industrial area, and there will be no possibility of on street delivery at the front. The refuse collection point is at the rear so rear access will be vital, but is shown as only just being possible if the visitor bay is parked in carefully. This entire corner of Dowsell Way and the internal corner at plots 89- 92 needs to be considered again.

Across the entire development, the parking layouts are unacceptable. There is insufficient visitor parking and it is poorly located. The relationship between allocated spaces and the carriageway is not acceptable. We have had serious disputes in neighbouring roads where this sort of layout is simply not working. The tragic events at North Fitzwarren mean that we have to fundamentally rethink how parking is being laid out on these developments. For example, only allocating one parking space for a 2 bed flat, when the flats are on a corner of the main road and there is no visitor parking space nearby is a recipe for problems.

The northern section ie PL6, is immediately opposite what is allocated for employment uses, so it is crucial that the site is well screened from the land opposite along its western boundary. There are no proposals for landscaping areas.

Object to end to end parking which will result in vehicles reversing on or off Dowsell Way including, some over close to a corner, on what will be the route to the employment zone.

We are particularly concerned about turning in the courtyard area P3 20 and the tightness where the visitor parking spaces are shown adjoining plot 84 and plot 95 - we have seen how elsewhere the visitor parking spaces inhibit large vehicles. This, combined with the failure to include most of the visitor parking space within PL6, is indicative that the plan is trying to get too many properties into the space and needs a redesign to widen roads, provide pavements and provide for visitor parking spaces close to houses.

Plots 130 /131 have a pinch point which, judging by similar pinch points on other phases, will result in vehicles driving onto the grass of neighbouring properties. As this narrow pinchpoint is identified as refuse vehicle turning area, larger vehicles will certainly go onto the grass.

The area between 148 and 149 will become a parking space for visitors and others, and will not be available for turning. This will result in large vehicles reversing out onto what will be an access road to YOSC. This turning area also needs bollards to stop vehicles cutting through from 130/131 area as we have already encountered people turning footpaths into vehicular routes for motorbikes elsewhere in LGV

There is also disparity between the plans on the proposal of area between P148/149 with one showing builds out and others showing full width entrance.

The proposed layout will cause issues for SITA to collect from with bins likely to be left on roadways for the duration of the day which could further complicate access.

Finally, we want to strongly endorse the concerns raised by the SGC open space and Tree Officer.

4.2 National Grid

Regarding planning application P21/02473/RM, there are no National Grid assets affected in this area.

4.3 Western Power

No comments received.

4.4 Avon Fire and Rescue

The additional residential and commercial developments will require additional hydrants [7no.] to be installed and appropriately-sized water mains to be provided for fire-fighting purposes. This additional infrastructure is required as a direct result of the developments and so the costs will need to be borne by developer. Avon Fire & Rescue Service has calculated the cost of installation and five years maintenance of a Fire Hydrant to be £1,500 + vat per hydrant.

4.5 Crime Prevention Design Advisor

No objection. Having viewed the revised information as submitted I find the design to be in order and complies appropriately with the crime prevention through environmental design principles

4.6 Tree Officer

There are no trees on site that need protecting however, I would like the following condition added to ensure that the protective fencing near the boundary trees outside of the red line is in place prior to development.

No development shall commence on site until the trees on the site and on the adjacent site, which are to be retained, have been enclosed by protective fencing, in accordance with British Standard 5837 (2012): "Trees in Relation to Design, Demolition and Construction -Recommendations". The fencing shall be erected in accordance with the approved Tree Protection Plans. After it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas.

REASON: To ensure the retention of trees on the site in the interests of visual amenity.

4.7 Public Art Officer

Public art for NYNN is being delivered as part of a site wide strategy and work on the second (and final commission) is now progressing.

4.8 Affordable Housing Officer

I have looked at the revised plans in particular the Housetype Booklet issue 6 and Planning Layout -0735-02 Revision C and have no further comments to make it appears all the outstanding Affordable Housing issues have been resolved.

4.9 Climate Change Officer

The application meets the requirements of Condition 40. Additional measures were requested but have not been forthcoming.

4.10 Urban Design Officer

Most of the requested changes by the officer have been made

4.11 Landscape Officer

A wide range of changes have been made to the layout and improvements made to the street design.

I remain of the opinion that there are significant benefits which could be gained by the use of green roofs to garages, sheds and bin stores which is currently being missed. Benefits include improving the outlook of flats and houses, additional benefits include slowing surface water runoff, reducing the heat island effect, absorbing carbon dioxide, trapping dust and pollutants and providing habitat. A lower cost solution is to omit garages and increase garden sizes.

There are a couple of places where it would seem logical to provide access for pedestrians to the main road to reach visitor parking spaces and bus stops – from the end of the turning head by plot 83 and possibly to the flat blocks 112-120.

Tree planting

There are several places where a larger scale tree can be accommodated to aid the woodland character area-

- Between plot 157 and 121. I would replace the three sorbus currently proposed with a single forest scale tree.
- Main road frontage near plot 86 and 83.
- By POS on eastern side by prow.

Trees within the frontage planting strips and hard surface areas need to have a tree pit detail which provides adequate soil volume under the adjoining hard surface/ parking. The volume needs to be adequate for the species proposed to ensure the trees are resilient through to maturity. There are a number of locations where this is required.

4.12 Ecology Officer

A street lighting plan needs to be submitted, demonstrating that lux levels can be kept < 1 lux, where the development footprint is adjacent to strategic GI/POS and as set out in the Ecology Strategy by LDA Design (April 2016).

There is a small area of amenity grassland planned (see LANDSCAPE PROPOSALS – AREA PL6, insert below), which overlaps with the strategic GI/Ecology Strategy area. This should be planted with the same wildflower mix as proposed in the Ecology Strategy.

4.13 Transportation Officer

The revised plans and the amendment made to the layout are now in line with those comments previously made and as such, it is considered acceptable.

Notwithstanding this and following our recent internal meeting, I am mindful that our colleagues in Development Implementation team suggested adding additional build out at the following

- Introduction of a build-out opposite the entrance to plots 95,96 and
- Further build-out outside the entrance to plot 87 together with relocation of visitor's space outside plot 62 moving it westward (maybe outside plot 83).

If these amendments are to be incorporated then, we request that revised auto-tracking is carried out at these two locations with the adjusted kerb-line shown on the plan.

Level of proposed parking and visitor's provision are in line with the council's parking standards.

Overall, we transportation development control have no objection to this application subject to a condition to provide car parking and future maintenance of these thereafter.

4.14 Drainage Officer

No Objection to the development proceeding:

Planning Drainage Strategy 1of2 / Drwg. No. 21498.102-01 / Rev. D / Dated 28-02-22
 Planning Drainage Strategy 2of2 / Drwg. No. 21498.102-02 / Rev. D / Dated 28-02-22
 Planning Catchment Plan / Drwg. No. 21498.16-01 / Rev. D dated 28-02-22
 Road Adoption Plan Parcels PL5C & PL6 / Drwg. No. 0735-20 / Rev. C / Dated 24-02-22

Exceedance Flow Route Parcels PL5B, PL5C & PL6 / Drwg. No. 21498.102 / Rev. - / Dated Feb. 2021
Surface Water Contributing Areas Plan Sheet 1 of 3 / Drwg. No. B693-36 / Rev. D / Dated 28-09-20
Technical Note on Hydraulic Modelling of Surface Water / H560-FN19 / Rev. K / September 2020
PFA Consulting MicroDrainage Network Model – S2 / Received 26-08-21
PFA Consulting MicroDrainage Network Model – S3b & S4 combined / Received 26-08-21
Taylor Wimpey MicroDrainage Network Model – Ladden Gardens (B) SN1 / Dated 25-02-22
Taylor Wimpey MicroDrainage Network Model – Ladden Gardens (B) SN2 / Dated 25-02-22
Taylor Wimpey MicroDrainage Network Model – Ladden Gardens (B) SN3 / Dated 25-02-22
Taylor Wimpey MicroDrainage Network Model – Ladden Gardens (B) SN4 / Dated 25-02-22
Taylor Wimpey MicroDrainage Network Model – Ladden Gardens (B) SN5 / Dated 25-02-22
Landscape Management & Maintenance Plan / Dated February 2021.

4.16 Public Rights of Way Officer

The application for the diversion of the footpath has been submitted and is as agreed with the PROW team. Therefore no objection.

4.17 Archaeological Officer

The archaeological works have already been completed on this site and therefore there is no further comment to make.

4.18 Highway Structures Officer

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with CG 300 Technical approval of highway structures of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected.

4.19 POS Officer

As we do not yet know the extent of highway that the Implementation Team will adopt i.e. the proximity to whatever underground structural containment system for the soil, I think the adoption plan should be conditioned. Otherwise, I have no comments.

Other Representations

4.20 Local Residents

Six objections in response to the public consultation have been received. The following is a summary of the reasons given for objecting:

- Concerns regarding the safety of shared surface streets;
- A minimum of one footpath should be provided;

- There has already been a serious accident at Ladden Garden Village;
- Pedestrians are forced to walk down the middle of the street;
- We need to stop building on green fields in the interests of nature and climate change.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

North Yate New Neighbourhood is a major development site allocated by policy CS31 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 for a major mixed use development of up to 3000 dwellings. Outline consent was subsequently granted on 17th July 2015 for a mixed use development across 100.76 hectares of land comprising up to 2450 new dwellings, including 4.63 hectares of employment land, a local centre, two primary schools and supporting infrastructure. This approval covers a substantial area of the NYNN allocation. A masterplan and design code for the North Yate New Neighbourhood were subsequently approved by the Local Planning Authority on 20th January 2017 and 12th May 2017 respectively. The principle of the development is therefore, acceptable.

5.2 Urban Design

The approved design code envisages a new neighbourhood made up of different areas with their own particular qualities. Three separate character areas – Yate Gallops, Yate Woods, and Yate Meadows are proposed in order to achieve this. The idea, according to the design code, is that the character areas facilitate design that works with the existing site and its surrounding context, whilst enabling a range of development types to come forward to broaden the market choice on offer and to help deliver a commercially sustainable scheme.

5.3 The site lies within the Yate Woods character area, which is located on the western side of the NYNN site and is shaped and strongly influenced by the original hedgerow and tree corridors extending through the development. The design code sets out that the green corridors bolstered by new native tree planting will help create the setting to frame the new dwellings. The streets are characterised by shorter vistas leading to either the main street or the green corridors on the edges of the development. There is more of an informal development layout to this area in comparison to the Gallops area to the east.

5.4 Parameter Plans

Certain strategic parameters with regards to land use, scale, density etc. were approved at outline stage in order to guide reserved matters proposals to ensure that the NYNN is a well-designed and sustainable place. A reserved matters proposal should follow the principles and parameter plans approved at outline stage unless it is demonstrated that a deviation would not harm overall design quality. The approved parameter plans show that parcels PL5C and PL6 are required to provide entirely residential development with a density between 45-60DPH, with a maximum of 2-3 storeys (12m). The proposal consists entirely of residential units of a maximum height of 3 storeys; the proposal has an average density of approximately 49DPH. Accordingly, it is considered that the proposal accords with the land use, building heights and density parameter plans.

5.5 Green Infrastructure

The parcels are not required to provide any specific green infrastructure/open space. A strip of green space to the south of the parcel PL6 located outside the development boundary is required to be provided to accommodate an easement for the grounding of high voltage electricity pylons that currently cross over the parcel. The proposed layout demonstrates that the required easement would be provided in conjunction with the proposed development. Green Infrastructure corridors are located to the east and south of the parcels, the design of which has already been approved under a separate reserved matters application for infrastructure. The proposed scheme respects the design of the approved GI corridors. The Green Infrastructure plan specifies tree planting in verges to primary and secondary streets. The planting design of verges to primary and secondary streets has already been approved under the infrastructure applications and this is reflected on the proposed drawings.

5.6 Access and Movement

The access and movement parameter plan shows parcel PL6 as being served by a primary street, which wraps around the north, west and south edges. A primary street and secondary street are located to the north and west of parcel PL5C respectively. On plot footpaths or shared surface streets are required to be provided along the east and southern edges of parcel PL6, and to the south and eastern edges of parcel PL5C. Shared surface and dedicated pedestrian paths are located on the south and east edges of parcel PL5C and to the east edge of parcel PL6 in accordance with the parameter plan. In addition, the accesses into the parcels are off primary and secondary streets in accordance with the parameter plan. Elsewhere, the proposal demonstrates some variations to the access and movement parameter plan as an additional vehicular access is proposed to parcel PL6 on its southern edge to ensure that there is adequate access for the construction buildout envisaged for the parcel and to reduce conflict between construction traffic and traffic from members of the public as much as possible. In addition, no footpath/shared surface is proposed along the southern edge of parcel PL6. The southern edge is constrained by virtue of the requirement for an easement for high voltage cables to be provided, as well as the need for tree planting to provide greenery and soften views of the development. Having said this, desire lines from dwellings on the southern edge of PL6 have been taken into account to provide pedestrians convenient access to bus stop and visitor parking facilities on the main street. As such, there is no objection on this basis.

5.7 Waste Collection and Storage

The Refuse Strategy Layout plan submitted demonstrates that the majority of properties will have refuse storage areas within rear gardens with collection intended from the public highway to the front of the property, which will ensure convenient access by future occupiers and collection crews; and that the various receptacles are stored where they will be well screened from the public realm. Mid terrace properties would benefit from bin storage areas to the front of the properties to reduce the distance that bins have to be taken on bin collection day. These areas will be screened by 1.2 metre high walls. Apartment blocks are served by bin storage areas, which are sufficient in size for the storage of refuse and recycling bins. Revised plans have amended the bin collection arrangements for properties 101-111 to ensure that collection can take place directly from the primary street to avoid refuse vehicles having to access and then reverse along the private drives serving these properties. This is considered to be a more appropriate and safer approach.

5.8 Layout and Appearance

The proposed layout comprises a mix of dwellings and apartment blocks. The apartment blocks are positioned in strategic locations to provide strong frontages and to provide good termination of views. The apartment blocks are served by rear courtyard parking areas to provide adequate parking for the blocks. Amendments have been made to the design of the parking courts to ensure that they will be adequately overlooked by built form and to provide higher quality surface and boundary treatment to provide a pleasant and secure environment for residential occupiers. A good level of soft landscaping has also been provided to these spaces.

5.9 A significant improvement has been made to the design of shared surface streets within the parcels. Block paving is now proposed to the majority of the shared surface streets with tarmac, being a more robust surface, confined to sections that are likely to experience higher levels of turning movements. Localised narrowing and buildouts into the street have been added, which will serve to calm vehicle speeds and provide opportunities for soft landscaping to be provided. Together, these amendments to the design of the streets will provide a higher quality and more pleasant public realm.

5.10 The application of cladding to the apartment blocks has been amended to provide a less fussy appearance, with the cladding applied to larger sections of the blocks at first floor level and above only to provide a strong red plinth at ground floor level. The blocks would contain large format windows which will provide good levels of natural light and outlook for occupiers. The large format windows, cladding and brick proposed will provide a good level of visual interest and provide a good standard of appearance to the blocks. Side and rear elevations of the blocks, which were originally lacking visual interest, have been improved through the introduction of additional window openings and cladding.

5.11 The proposed facing materials, comprising Hardieplank Weatherboarding in black colour, Bekstone Mid Grey Split Faced and two variations of red brick will need to be viewed and tested together on site; therefore, a condition is attached for sample panels of materials to be agreed. The proposed roof tiles specified as Russell Double Roman in Cottage Red and Russell Grampian in Slate Grey are considered to be acceptable.

5.12 Public Rights of Way

Public footpath reference LYA/55/10 extends along the eastern boundary of the application site and would be affected by the proposed development. The footpath is proposed to be diverted so that it runs along the opposite side of the hedge within the Green Infrastructure corridor and upgraded to a bridleway. It is noted that the Public Rights of Way Officer has raised no objection. This matter has been dealt with under application P21/04770/FDI, and therefore, there is no objection on this basis.

5.13 Security

Having reviewed the revised plans, the Crime Prevention Design Advisor (CPDA) has confirmed that whilst there are several opportunities where crime prevention could be improved further in the scheme, the design complies with the crime prevention through environmental design principles and therefore, accords with policy CS1 in the Council's Core Strategy. The provision of more robust boundary and hard surface materials has improved the environment and security of the scheme. A condition with regards to street lighting will be recommended to ensure the inclusion of adequate

lighting for the parking court for 112-120 to further improve the security of this part of the scheme in accordance with the CPDA's advice.

5.14 Landscaping

Layout improvements have been made to provide more green space and room for landscape planting to be incorporated into the scheme. For example, the width of the private drive to the northwest of the site has been narrowed to allow an additional tree to be provided in the space. Parking for plot 51 has been relocated to provide a greener and a more satisfactory edge to the prominent eastern corner of the scheme. More green space has been provided around plot 112-120 improving the setting of the block, providing more space for tree planting and improving the amenity for residents. A number of the landscape strips along the sides of properties have been increased in width to ensure that the planting in the street is robust and healthy to ensure that it contributes positively to the character of the street.

5.15 Larger scale trees have been accommodated in a number of areas to better reflect the woodland character area in accordance with recommendations of the Landscape Officer.

5.16 Amendments have been made to the design of tree pits to ensure that root cells are provided to give trees within narrower strips of open space and adjacent to hard surfaces sufficient soil volume needed for long term growth. The only outstanding issue in relation to landscaping is the potential conflict between tree cells and the extent of the adoptable highway. A condition is recommended on this basis to ensure the design and location of tree pits and their root support system as well as the extent of adoptable areas are agreed with the Council.

5.17 Amendments have been made to the plans to ensure that open space and verges are correctly labelled as being covered by private management and maintenance.

5.18 Sustainability

The aspirations and requirements of the development in relation to sustainability have already been agreed by virtue of the approval of the outline permission (granted on 17th July 2015), and reserved matters are required to be determined in the context of the conditions attached to the outline permission. Condition 40 on the outline permission requires an energy statement to be submitted to set out how passive solar gains and cooling of buildings and natural ventilation will be maximised, insulation measures to reduce energy demand, and a calculation of energy demand. The wording and requirements of condition 40 reflect the policy requirements of policy CS1 of the South Gloucestershire Core Strategy (2013), and focuses on passive solar gains and insulation measures to reduce energy demand; there is no requirement for any renewable/low carbon technology in this case. The condition pre-dates PSP6 in the Policies Sites and Places Plan Adopted November 2017, which imposes a more stringent energy saving requirement of 20% via renewable/low carbon energy generation sources on major greenfield residential development.

5.19 The energy statement submitted focuses on a fabric first approach which prioritises improvements to the fabric of dwellings to avoid unnecessary energy demand and consequent CO2 reduction. For example, the proposal adopts an airtightness standard of 5.0m³ @ 50Pa, which is better than the building regulation standard of 10m³ @ 50Pa. The energy statement submitted demonstrates that through a fabric

first approach there will be a reduction in CO2 emissions and energy use compared to statutory building regulations requirements. The calculations confirm that the scheme will have a reduced energy requirement 10% better than Building Regulations Part L standards and will reduce CO2 emissions by 16,426.22kg/year or approximately 7%. This complies with condition 40 of the outline permission and is therefore acceptable. A condition is attached requiring the dwellings to accord with the fabric first measures set out in the energy statement.

5.20 Urban Design Conclusion

A significant number of improvements have been secured to the design of the scheme through negotiation with the developer. The proposal is now considered to achieve a good standard of design in line with policy CS1 of the Council's Core Strategy. Overall, it is also considered to comply with the approved masterplan and design codes.

5.21 Residential Amenity

Gardens proposed are considered to be acceptable in terms of their size and the level of privacy they would afford future occupiers. Apartment blocks benefit from balconies which provide private amenity space for occupiers of a minimum of 5 square metres. Apartment blocks 1-20 and 112-120 benefit from outdoor communal space in addition to private balconies, which meets the requirements of PSP policy 43.

5.22 Back-to-back separation distances between dwellings in the parcels are generally around 20 metres. Where back-to-back distances are less than 20 metres, an oblique angle between dwellings will ensure that no adverse privacy issues will be introduced. Back to side separation distances are generally over 12 metres which will ensure that there would be no significant adverse overbearing or outlook issues.

5.23 Given the separation distances, it is also not considered that the proposed development would have an adverse effect on the residential amenity of occupiers in any existing or proposed surrounding properties.

5.24 Existing trees and hedgerow, as well as proposed tree and hedgerow planting will help screen views of the employment area from occupiers of properties on the west edge of the site. In addition, there would be a separation distance of around 30 metres between the proposed development and the employment area, and this relationship has already been approved in principle by virtue of the approved outline consent. Accordingly, it is not considered that the land allocated for employment uses would bring about any significant adverse residential amenity impacts. Overall, it is considered that the proposed scheme accords with policy CS1, PSP8 and PSP43 and is acceptable in respect to residential amenity.

5.25 Transportation

The concerns raised by Yate Town Council regarding a lack of pavements in the layout is noted; however, the streets have been purposely designed for shared surface use with no segregation between pedestrians and vehicles. This approach has been accepted in principle by virtue of the NYNN design code and it is an approach that seeks to slow vehicular speeds, making streets safer and more pedestrian friendly. There was a lack of traffic calming in the scheme originally submitted as noted by Yate Town Council and therefore, officers have negotiated significant improvements to the design of the shared surface streets. The streets now

incorporate far more block paving, buildouts and localised pinch points to calm vehicular speeds to well below 20mph. The various proposed traffic calming measures which include, transition strip located at the entrances to the parcels, block paving, the narrow width of the streets, and the absence of any pavements, will indicate to motorists the change in nature of the streets to a shared surface. The square junction within parcel PL6 is proposed as tarmac, a more robust surface, as it would accommodate more vehicular turning movements. Shrub and tree planting are strategically positioned within the square, as well as built form to the edges to provide enclosure and a strong termination of views from approach roads. The Highway Authority have raised no objection in respect to the design of the shared surface streets.

- 5.26 A no vehicular through route adjacent to properties 149 and 148 as proposed would help calm vehicular speeds and make the adjoining streets feel more intimate and pleasant for pedestrians. The comments from Yate Town Council regarding the potential for vehicles to drive over the grass and path are noted; therefore, a scheme to restrict vehicular access will be required to secure the no vehicular through route. This can be agreed by way of an appropriately worded condition.
- 5.27 The Highway Authority has raised no objections to the level of allocated parking and visitor parking proposed in the scheme. Therefore, the proposal is considered to be acceptable in this regard and complies with Policy PSP16.
- 5.28 The tracking plans submitted show that refuse vehicles and delivery vehicles could manoeuvre safely within the parcels, and the Council's Transportation Officer has raised no objection on this basis. The highway design of the scheme and tracking will be considered again at the S.38 highway adoption stage. Yate Town Council's objection regarding vehicles having to reverse from properties onto the main road is noted; however, the design code and masterplan envisage cars reversing onto the main roads, and given the low speeds of the roads (20mph), it is not considered that this would bring about any significant highway safety issues. An informative note is attached to encourage the developer to make future residents aware of the 20mph speed limit and for this speed restriction to be implemented as soon as practically possible. Concerns raised regarding visibility relating to plots 89-92 with regards to vehicles reversing onto the highway from the allocated parking are noted. Additional buildouts have been provided to the front of plots 87 and 88 to create a pinch point in the road to further slow speeds of vehicles approaching the junction from the west. Accordingly, the design of the road is such that it is not considered that there would be any adverse highway safety issues in relation to visibility and the Highway Authority have raised no objections on this basis.
- 5.29 Listed Building Impacts
The closest heritage asset to the site is the grade II listed Leechpool Farmhouse located approximately 500 metres to the north of the application site. Given the level of separation, as well as intervening development, it is not considered that there would be a detrimental effect on the setting of the listed building. The principle of residential development in this location has also already been accepted in heritage terms by virtue of the approved outline consent.

5.30 Affordable Housing

The proposal for 157 dwellings of which 64 dwellings (41%) would be for affordable housing. A site wide affordable housing schedule has been agreed with the Council's Enabling Officer as required by condition 5 on the outline consent to ensure a sufficient quantum, mix and distribution of affordable homes throughout the parcels at the NYNN. The proposal is in accordance with the agreed schedule. Improvements have been made to the clustering of the affordable units, and the Council's Enabling Officer has confirmed that they have no objection to the distribution of affordable units in the parcels. The affordable dwellings must be constructed to meet Part M of the Building Regulations accessibility standard M4(2) with the exception of any self-contained accommodation built above ground floor level. A condition is attached on this basis. The approved S106 agreement requires that any wheelchair units are constructed to meet South Gloucestershire Council's Wheelchair Specification. Four of the affordable units are proposed as wheelchair accommodation, and the plans have been amended to ensure that the units comply with the Wheelchair Specification. The Council's Occupational Therapist previously raised a number of points regarding the layout of the wheelchair units, which have all been satisfactorily addressed through the revised plans submitted. Accordingly, there is no objection to the proposal in terms of affordable housing.

5.31 Drainage

The Council's Drainage Officer has raised no objections to the proposal. The Drainage Officer is satisfied that the information submitted demonstrates compliance with the wider Surface Water Drainage Masterplan/Strategy.

5.32 Ecology

A number of ecological strategies were secured as part of the discharge of conditions on the outline consent. This included a Landscape and Ecological Management Plan, and wildlife mitigation strategies. These strategies were required to help mitigate the impact on, as well as measures to enhance wildlife. An informative note is attached to notify the developer of the requirement to accord with the relevant wildlife strategies.

5.33 Most of the streets within the parcels will be adopted and therefore, will be required to have street lighting. The provision and design of street lighting falls under the S38 highway adoption process. A condition in respect of street lighting is however attached to avoid conflict between street lighting columns and street trees, and to ensure that green corridors are kept sufficiently dark in the interests of wildlife. Subject to this condition, the application is considered to comply with policy PSP19.

5.34 High Voltage Cables

The concerns raised by Yate Town Council regarding the impact of the proposed development on the undergrounding of the high voltage electricity cables is noted. The detailed NYNN masterplan makes provision for the undergrounding of the cables by incorporating an easement which extends from Randolph Avenue to a termination tower to the north western edge of the new neighbourhood via a corridor that runs mostly within open space. The easement to the south of parcel PL6 is shown on the masterplan as being approximately 10 metres in width. This is to accommodate two trenches for the cables of 0.3 metres in width separated by a security distance of 3.4 metres with a standard easement of 3 metres at either end of the trenches. The location of the underground cables is shown on the plans submitted and there is an easement of just over 10 metres for the cables. The proposed development is

therefore, in accordance with the approved masterplan and would not breach the required easement. The proposed scheme would also not prejudice or bring about any issues with regards to the undergrounding of the high voltage cables. Western Power Distribution have been consulted on the proposed development but have not made any comments.

5.35 Information submitted under a separate application in relation to condition 42 of the outline consent provides an implementation programme for the undergrounding works. This specifies that onsite works for the undergrounding are due to commence shortly and continue to around April/May 2022. Condition 42 places restrictions on the development of residential parcels which the cable corridor runs through until the implementation of the undergrounding works. An informative note is appropriate to bring condition 42 to the attention of the developer.

5.36 Consideration of likely impact on Equalities

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Reserved matters consent is GRANTED subject to the following conditions.

CONDITIONS

1. Prior to the first occupation of any dwelling in the parcels, details of any street lighting, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the scheme shall also demonstrate the green corridors to the east of the parcels PL6 and PL5C and south of parcel PL5C being dark (lux levels no higher than 1 lux) for wildlife; and a scheme of lighting to the parking court serving plots 112-120. Development shall be carried out in accordance with the approved details prior to the first occupation of any dwelling in the parcels.

Reason

In the interests of security and crime prevention and to ensure that the lighting scheme does not adversely impact on the landscaping scheme, and to ensure the health and appearance of vegetation in the interest of the character and appearance of the area and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy PSP2 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

2. All hard and soft landscape works shall be carried out in accordance with the details hereby approved. The works shall be carried out in the first planting season prior to occupation of the final dwelling approved under this reserved matters application or in accordance with the programme agreed in writing by the Local Planning Authority.

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.

3. Any trees or plants shown on the landscaping scheme hereby approved, which die, are removed, are damaged or become diseased before either: 5 years of the completion of the approved landscaping scheme; or prior to transfer of the relevant trees or plants to either residential occupiers or a private management company shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size, location and species as those lost.

Reason

In the interests of the character and appearance of the area, 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. Notwithstanding the details submitted, prior to the construction of development above Damp Proof Course (DPC) level, samples of weatherboard cladding shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

5. Notwithstanding the details submitted, prior to the construction of development above Damp Proof Course (DPC) level, sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

6. Notwithstanding the details submitted, prior to the construction of development above Damp Proof Course (DPC) level, sample panels of brickwork, demonstrating the colour, texture, facebond and pointing are to be erected on site and approved in writing by the Local Planning Authority. The approved sample panels shall be kept on site for reference until the brickwork is complete. Development shall be carried out in accordance with the agreed samples.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

7. Prior to the construction of development above Damp Proof Course (DPC) level, the detailed design including materials and finishes of the following items on all dwellings shall be submitted to and approved in writing by the local planning authority:
 1. Eaves, verges and ridges
 2. All windows (including cill, reveal and lintels)
 3. All external door hoods, architraves, canopies and porches
 4. Extracts, vents, flues & meter boxes
 5. Dormers
 6. Weatherboard cladding relative to masonry external leaf/window frames
 7. Balconies.

The scheme shall be implemented strictly in accordance with the approved details.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

8. The bin storage shown on the drawings hereby approved shall be provided before the corresponding dwellings are first occupied, and thereafter retained for that purpose.

Reason

In the interest of the amenities of the site and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

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

Reason

In the interest of the amenities of the site and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

10. The residential units hereby approved shall be built to the fabric first/energy efficiency measures as set out in the Energy Statement hereby approved, including units achieving a minimum airtightness of 5m³/h.m² @50Pa.

Reason

In the interests of sustainability and reducing the energy demand of dwellings beyond statutory minimum building regulations and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

11. Prior to the construction of development above Damp Proof Course (DPC) level, samples of roof tiles to be used shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

12. No development shall commence until the trees on the site and on the adjacent site, which are to be retained, have been enclosed by protective fencing, in accordance with British Standard 5837 (2012): "Trees in Relation to Design, Demolition and Construction -Recommendations". The fencing shall be erected in accordance with the tree protection plans submitted. After it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas.

Reason

In the interest of the heath and visual amenity of trees and to accord with policy PSP3 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017. This is a pre-commencement condition to ensure that trees are given sufficient protection and are not damaged by construction activities.

13. All Affordable Dwellings shown on the approved Planning Layout plan shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2) with the exception of any self-contained accommodation built above ground floor level. Where Wheelchair units are identified on the approved planning layout these units will be constructed to meet South Gloucestershire Council's Specification Requirements for Wheelchair Units.

Reason

To ensure inclusive design access for all in accordance with Policy CS1 of the South Gloucestershire Council Local Plan Core Strategy (adopted) December 2013.

14. No dwelling shall be occupied until fire hydrants have been installed at the site in accordance with the locations indicated by the Avon Fire and Rescue response received on 24th August 2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interest of the amenities of the site and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

15. Notwithstanding the details submitted, prior to the commencement of the development, the design of tree pits; the location of the tree pits and root support system; and the extent of the adoptable areas shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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. This is a pre-commencement condition to avoid any unnecessary remedial works.

16. Prior to the construction of development above Damp Proof Course (DPC) level, the detailed design of the vehicular no through route adjacent to plots 148 and 149 to ensure that it cannot be accessed by vehicles shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of any dwelling in the parcels.

Reason

In the interests of the safety and amenity of pedestrians and to accord with policy PSP11 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

17. The development hereby approved shall carried out in strict accordance with the following plans:

Location plan, 0735-00 B
Planning layout, 0735-02 D
Street scenes, 0735-03 D
Material layout, 0735-10 C
Road adoption plan, 0735-20 C
External works layout, 0735-25-1 C
External works layout, 0735-25-2 C
Building heights plan, 0735-27 C
Refuse strategy layout, 0735-28 C
Code reference plan, 0735-29 C
Vehicle tracking layout, 0735-60 C
Vehicle tracking layout, 0735-60-2 B
External detailing, 0735-63 B
Housetype booklet, 0735-HTB-ISSUE 6
Landscape proposals PL6, 1043-01E
Landscape proposals PL5C, 1043-02E
Planning drainage strategy sheet 1, 21498-102-01-D
Planning drainage strategy sheet 2, 21498-102-02-D
Planning catchment plan, 21498-16-01-D
Received on 28th February 2022

Site survey, 0735-01
Bin and cycle store, 0735-64
Garages, 0735-62

Received on 30th March 2022

Reason

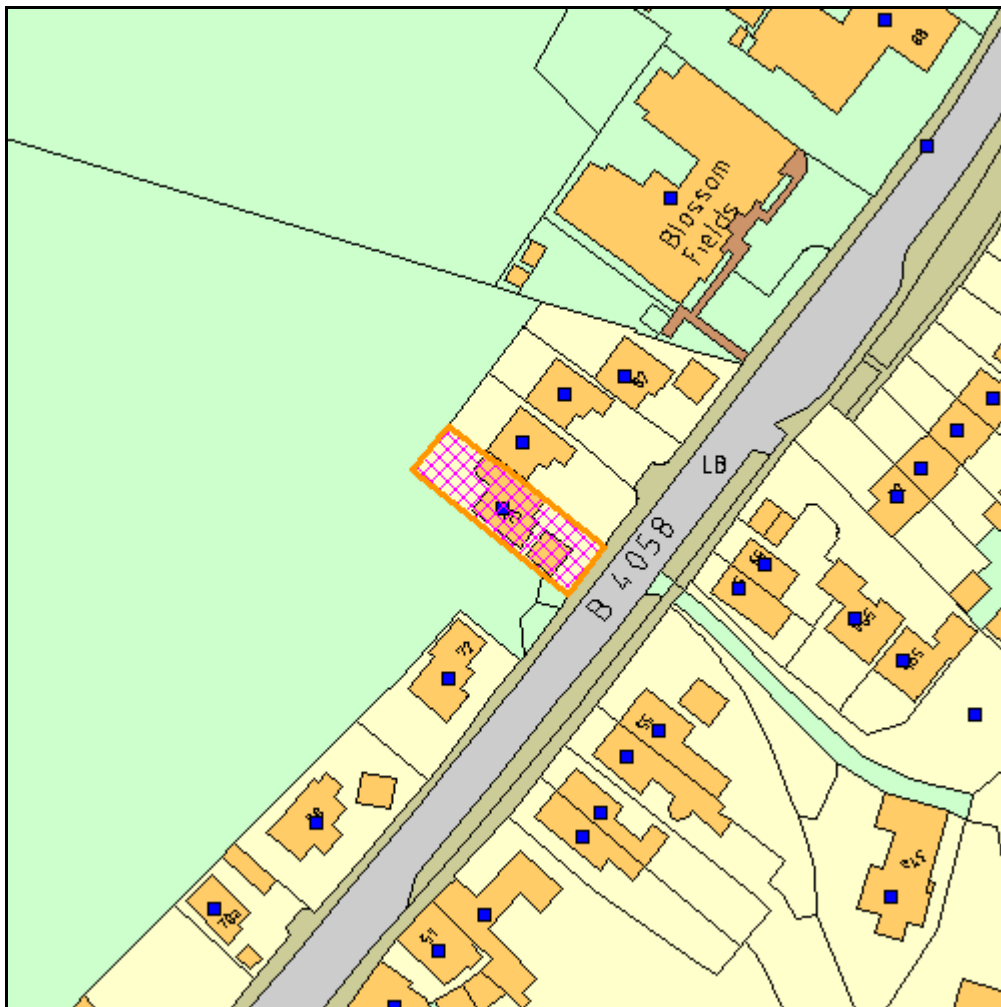
For the avoidance of doubt.

Case Officer: Jonathan Ryan

Authorising Officer: Lucy Paffett

CIRCULATED SCHEDULE NO. 09/22 - 4th March 2022

App No.:	P21/04843/F	Applicant:	Amy and Elizabeth Knowles
Site:	76 High Street Winterbourne South Gloucestershire BS36 1RB	Date Reg:	15th July 2021
Proposal:	Erection of a single storey rear extension to form additional living accommodation.	Parish:	Winterbourne Parish Council
Map Ref:	365037 181031	Ward:	Winterbourne
Application Category:	Householder	Target Date:	8th September 2021



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 100023410, 2008. **N.T.S.** **P21/04843/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 as a result of a consultation response from the Parish Council, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the erection of a single storey rear extension to form additional living accommodation. Initial plans also included a first floor balcony, above the ground floor extension, this has subsequently been removed from the scheme in amended plans received.
- 1.2 The property is a detached dwelling within the residential area of Winterbourne.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS8 Access/Transport

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

PSP1 Parking Standards
PSP8 Residential Amenity
PSP38 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Parking Standards SPD
South Gloucestershire Householder Design Guidance SPD (Adopted 2021)

3. RELEVANT PLANNING HISTORY

PT02/3484/F - Demolition of existing dwelling to facilitate erection of 4 no. dwellings. Approved 10.03.2003

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

The comments of the Parish Council are Objection. The Parish Council feel there is insufficient parking. While the proposals to redevelop the rear of the

property do not appear to cause concern it is noted that the two rooms in the roof space are now identified as bedrooms rather than one bedroom and one gym. The Council is minded to suggest that the current garage provision is of insufficient size to enable garaging of modern vehicles and therefore only two spaces can be provided. South Gloucestershire Council parking policy requires three parking spaces to be provided.

Sustainable Transportation

No objections

Other Representations

4.2 Local Residents

Two letters have been received, as follows:

'The only concern is the balcony and the elevated, unobstructed views into our garden area spoiling our privacy which we have enjoyed since we purchased our forever home in 2009. If there were to be a 2 metre frosted glass screen on the south west elevation facing our property we would have no objection to the plans'

'We would like to register an objection to the large window on the north east elevation of the new extension. This elevation forms the border wall to our property and the window would look directly into our garden.

We have discussed this issue with the owners of 76 High Street and they have agreed to revise their plans with the view of removing this window and they will discuss further with their architect.

With the exception of the above issue we have no further objections to the proposed extension.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Extensions to dwellings within residential curtilages are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation; as set out in policy PSP38. The issues for consideration in this respect therefore are whether the proposals have an adverse impact on the amenities of nearby occupiers and whether the design of the proposal is sufficiently in keeping with the site and surroundings. Of note and material consideration, the application now excludes the balcony element of the original proposals and the application is therefore considered on this basis.

5.2 Design

The proposals are considered to be of an acceptable standard in design and would be an acceptable addition, taking into account the main dwelling house and surrounding area. Materials would be acceptable.

5.3 Residential Amenity

The comments above have been noted. In this respect revised proposals have been received. These proposals seek to address the issues raised by the consultation comments from neighbours. The ground floor window on the north

elevation will now be of obscure glazing. The rear building line of the application dwelling is set back from the neighbouring property which further reduces any impact. The balcony has now been removed from the plans. It is not considered therefore that there would be significant additional overlooking impact in this instance. The single storey structure in its own right would not give rise to any material impacts. On this basis the proposals are considered acceptable

5.4 Transportation

The comments above are noted. The off-street parking provision was previously approved on the consent for the houses, inclusive of a garage and further space to the front to of the dwelling. It is noted that one of the 2nd floor rooms had been annotated as a further bedroom, which would bring the total to 5. This however would not require planning permission in its own right. The original plans for the dwellings do in fact illustrate 5 bedroom dwellings on this small development, so consideration was made in this respect. The original dimensions given on the original permission for the existing garage area do appear slightly short of current dimensional standards, however conditions restricting their permitted development rights for use a garage clearly considered them useable for the purposes of parking. Notwithstanding this however it is considered that there is sufficient space to the front and side of the garage and within the curtilage to front to provide 3 spaces, not inclusive of the garage. On balance therefore is it considered that adequate parking provision can be provided.

5.5 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 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 Plans and Elevations and Proposed Ground Floor Plans (Refs1093-1, 2, 3 and 6), received by the Council on the 8th and 14th July 2021 and 1093-4 and 5 Rev A (Proposed Floor Plans), received by the Council on the 21st February 2022.

Reason

To define the terms and extent of the permission.

3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed ground floor window; floor window on the north-east elevation shall be glazed with obscure glass to level 3 standard or above and thereafter retained as such, in accordance with revised plan ref. 1093-5 Rev A.

Reason

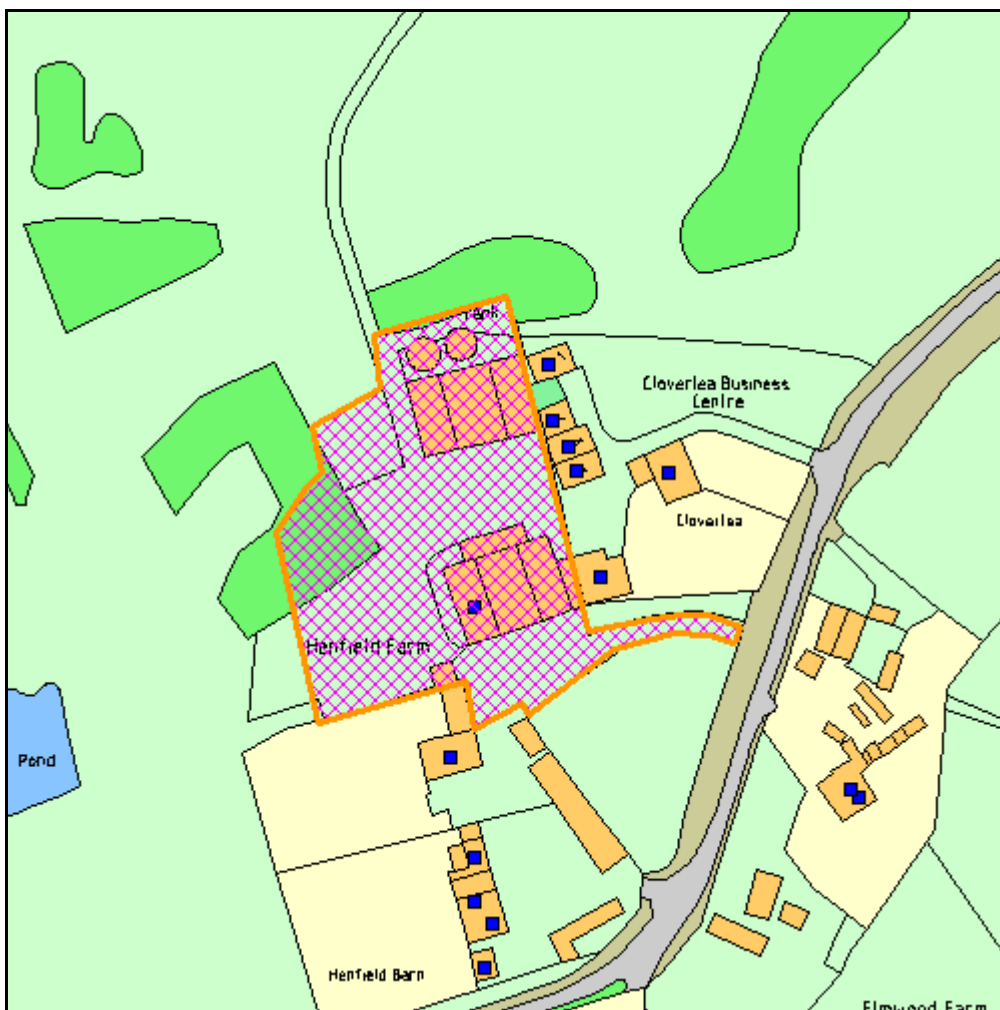
To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan; and the National Planning Policy Framework.

Case Officer: Simon Ford

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 09/22 - 4th March 2022

App No.:	P21/05739/F	Applicant:	Kendleshire Golf Club Ltd
Site:	Buildings At Henfield Farm The Hollows Coalpit Heath South Gloucestershire BS36 2UU	Date Reg:	26th August 2021
Proposal:	Demolition of existing commercial buildings. Erection of 5 No. detached dwellings with associated works.	Parish:	Westerleigh Parish Council
Map Ref:	367452 178917	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	19th October 2021



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 100023410, 2008. **N.T.S.** **P21/05739/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 an objection from Westerleigh Parish Council, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site lies near the Hollows, to the south of the village of Coalpit Heath and 400 metres north of the M4 motorway. The site covers an area of 4721 Sq.m (0.47 hectares). To the north the site is currently occupied by agricultural buildings housing golf course green-keeping machinery, consumables and sundry storage (see PT00/2475/F). To the south is a similar building containing three units. Units 1 and 3 are currently let to a classic car business; unit 2 is let to a boxed audio company. The building housing units 1-3 now benefits from a Certificate of Lawfulness (P21/08110/CLE) that regularises the use of the building for B8 Storage and Distribution uses. The site also hosts two water tanks, an oil tank, an unused shed and various hard-standings. As such the site is considered to be previously developed land.
- 1.2 The site is bordered to the east by Cloverlea, which hosts residential dwellings (C3) and holiday cottages. Henfield Barn to the south of the site, recently gained approval for change of use from holiday/commercial leisure (sui generis) to a dwelling (C3). The site is surrounded by Kendleshire Golf Course to the west and north. The site is within the open countryside, outside of the settlement boundary. It is also within the adopted Bath/Bristol Green Belt.
- 1.3 The proposed scheme seeks to demolish the existing agricultural type buildings and associated structures, and build five detached residential dwellings, including a separate garage building, with associated works.
- 1.4 The application is supported by the following documents:
 - Design & Access Statement
 - Planning Statement
 - Coal Mining Risk Assessment
 - Protected Species Survey & two Technical Notes
 - Foul Drainage Statement & Strategy
 - Protected Species Survey & GCN Statement
 - Arboricultural Report

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
CS13	Non-safeguarded Economic Development Sites
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted 8th November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
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
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.4 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013

South Gloucestershire Design Checklist SPD (Adopted) August 2007

South Gloucestershire Council SPD: Development in the Green Belt (Adopted) 2007

South Gloucestershire Landscape Character Assessment SPD (Revised and Proposed for Adoption (Nov 2014) : Site lies within the eastern margin of LCA 13: Frome Valley where it adjoins LCA 12: Westerleigh Vale and Oldland Ridge.

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

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

Householder Design Guide SPD (Adopted) March 2021

2.5 5-Year Housing Land Supply (5YHLS)

In terms of local plan policy, It has recently been established that, using the Standard Method, South Gloucestershire Council can demonstrate that it currently has a 6.14 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 P99/2113 - Change of use of agricultural barn to storage B8 (retrospective).
Refused 10th Feb. 2000 on the following grounds:

'This proposal would result in additional traffic using The Hollow and the adjoining highway network. The Hollow and adjoining roads and junctions have narrow carriageways, no footway provision, poor alignment and visibility and are therefore unsuitable to accommodate the additional traffic.'

Appeal APP/P0119/C/00/1044152 allowed 8th Oct 2000

- 3.2 PT00/2475/F - Change of use from agricultural buildings to buildings for golf course machine and sundries storage.
Approved 6th Nov. 2000
- 3.3 P21/08110/CLE - Use of existing buildings (Units 1-3) as storage or distribution (Class B8).
Approved 7th Feb. 2022

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council

Westerleigh Parish Council OBJECT to this application - Under CS5 Location Strategy the land is in Green Belt and there are no special circumstances identified to allow building here in this remote rural location. The Local Plan aims to reduce congestion by building where other modes of transport are possible, there is no regular public transport service in this area, there are no footpaths for safe walking and no street lighting. It is therefore in contravention of PSP11 on transport impact as reliance would be predominantly on cars. There are no local services such as shops within a short distance

4.2 Other Consultees

Highway Structures

No response

Lead Local Flood Authority

No objection subject to a condition to secure drainage and foul disposal arrangements.

Transportation D.M.

No objection subject to conditions to secure car/cycle parking arrangements and one Electric Vehicle Charging Point per dwelling.

The Coal Authority

No objection subject to a condition to secure intrusive investigations and remediation should shallow mine workings be found.

Archaeology Officer

No objection

Landscape Officer

No objection subject to the agreement of detailed design matters as a condition.

Ecology Officer

No objection subject to standard conditions.

The Tree Team

Provided that all works are in accordance with the submitted Arboricultural report, Tree protection plan and BS:5837:2012, there are no objections to this proposal.

Children and Young People

No response

Housing Enabling

The site falls below the threshold for AH.

Environmental Protection

No objection subject to standard contamination and remediation condition.

Other Representations

4.3 Local Residents

No responses received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all other material considerations. Of particular importance is the location of the site within the Green Belt and outside any settlement boundary. Policy CS5 of the adopted Core Strategy directs where development should take place and states that development in the Green Belt will need to comply with the provisions of the NPPF or relevant Local Plan policies in the Core Strategy. Policy CS5 also notes that development within the open countryside will be strictly limited. Similarly, Policy CS34 'Rural Areas' of the Core Strategy aims to protect the designated Green Belt from inappropriate development and maintain settlement boundaries defined on the Policies Map around rural

settlements. Policy CS13 deals with development on non-safeguarded economic development sites.

- 5.2 The proposal is for five new dwellings to be located on land currently in B8 storage & distribution usage. The question remains whether this proposal would constitute sustainable development in terms of the NPPF advice.
- 5.3 The NPPF notes the Government's aim to achieve sustainable development, and to support their objective of, 'significantly boosting the supply of homes', section 11 stresses that the effective use of land should make 'as much use as possible of previously-developed or 'brownfield' land'.
- 5.4 The site falls within the Bristol and Bath Green Belt. Accordingly, the main issues are:
- Whether or not the proposal is inappropriate development within the Green Belt including its effect upon openness;
 - The suitability of the location having regard to local and national planning policy;
 - Character and appearance of the area;
 - Living conditions of future occupiers;
 - Loss of an employment site and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Green Belt Issues

- 5.5 The site is located within the Green Belt and strict controls exist to guard against inappropriate development, which is harmful to the Green Belt by definition. Inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and all other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.6 Policies CS5 and PSP7 reflect the guidance within the NPPF in terms of development in the Green Belt. When considering development within the Green Belt, the first consideration is whether the proposed development would represent inappropriate development. Consideration must then be given to the impact of the development on the openness of the Green Belt. Paragraph 148 of the NPPF states that local planning authorities should give substantial weight to any harm within the Green Belt. Paragraph 138 of the NPPF sets out the five purposes of Green Belt. These are set out below;
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

Inappropriate development

- 5.7 The NPPF at para. 137 states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.8 Para. 149 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless the development is one or more of a list of exceptions. These exceptions include *inter alia* the following:
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- Not have a greater impact on the openness of the Green Belt than the existing development; or
 - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 5.9 The proposal represents the re-development of what is acknowledged as previously developed land. In principle therefore the proposed development satisfies the first limb of the Government's stated exception. It is of course acknowledged that the impact on the Green Belt's openness and the purposes of including the land within the Green Belt should be satisfied too.
- 5.10 It is noted that the site does not lie within an AONB and being less than 0.5ha in area does not trigger the requirement for an affordable housing provision (see Affordable Housing and Extra Care Housing SPD para. 3.2.). The last limb of NPPF Para. 149 g) is not therefore relevant in this case.

Impact on the Openness of the Green Belt

- 5.11 The overall foot-print of the proposed development would on balance be less than the existing, especially if one takes into account the fact that the open areas of hard-standing would be replaced with garden land and new boundary planting.
- 5.12 The table at para. 2.4 of the Planning Statement demonstrates that the total built volume on the site would be substantially reduced by some 34%. Furthermore, the height of the proposed dwellings would not exceed that of the existing buildings.
- 5.13 On this basis the scheme would not have a greater impact on the openness of the Green Belt over and above the existing situation, indeed it would actually have significantly less impact, and would therefore be appropriate development in the Green Belt. The proposal fully satisfies the terms of paragraph 149 g) of the NPPF and as such is **not** inappropriate development in the Green Belt.

Suitability of the Location of the Development

- 5.14 The application site lies within a countryside area within a loose-knit pattern of development of dispersed dwellings and groups of buildings, with varying relationships with the highway. The site is flanked by residential development, with Kendleshire Golf Club to the north and west. Further residential dwellings lie on the opposite side of The Hollows beyond which lies open farmland.
- 5.15 Policy PSP40 of the PSP seeks to restrict residential development in the countryside to a number of forms, including rural workers dwellings and conversion and re-use of existing buildings. The proposal does not however meet any of the identified criteria of this policy. Policy CS5 of the CS is a criteria based policy that seeks to control the location of development to assist in delivering the strategy for development. The policy restricts development within the Green Belt to ‘..small scale infill development within the settlement boundaries of villages shown on the Policies Map.’ The proposal does not meet the identified criteria or exceptions of this policy either, although it does state at para. 6c that “other proposals for development in the Green Belt will need to comply with the provisions in the NPPF or relevant local policies in the Core Strategy”.
- 5.16 NPPF Para. 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of a number of criteria are met; again none of the criteria are met in this case.
- 5.17 At this point however, it should be noted that a similar proposal for 4 dwellings at nearby Churchleaze Farm (see PT17/1892/F) was approved, (albeit at a time when the Council could not demonstrate a 5-YHLS and the ‘tilted balance’ was therefore engaged); the officer’s Circulated Schedule Report determined that the site was, ‘not so remote that it could be called isolated development in the countryside’. Officers consider that the same applies here and this decision is a material consideration in the determination of this current application.
- 5.18 It is also noted that the NPPF in section 2 ‘Achieving Sustainable Development’ emphasises the presumption in favour of sustainable development. The NPPF sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development noting that the UK along with members of the United Nations, have agreed to pursue 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection. Paragraph 8 advises that the planning system has three overarching objectives which are interdependent. The economic, social, and environmental objectives should be pursued in mutually supportive ways, with net gains secured across each of the different objectives. This to some extent weighs in favour of the proposal.
- 5.19 At para.12 the NPPF states that:
- “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where an application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take

decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

There are no neighbourhood plans that cover this site.

This suggests that in certain circumstances developments can be approved despite not necessarily being in full compliance with the Development Plan policies. Given the circumstances in this case officers consider that may well be the case here.

- 5.20 The site is already flanked by residential dwellings, which is one of several pockets of sporadic residential development in the area. Furthermore there are rows of residential development along Henfield Road and The Hollows. On this basis, officers consider that the site is not so remote that it could be called isolated development in the countryside.
- 5.21 The site is approximately six miles to the northeast of Bristol City Centre and the defined settlement boundary of the East Fringe of Bristol Urban Area begins approximately 0.5km to the south of the M4. The Emersons Green Retail Park is approximately 2 miles to the south of the site.
- 5.22 Bristol Parkway Railway Station is approximately 4.5 miles from the site, and there are bus stops within 0.75 miles on Badminton Road, with the 47-bus service running regularly between Chipping Sodbury to the north and Bristol to the south. Ram Hill is 0.3 miles from the site, where the 86-bus service connects Bristol, Kingswood, Yate, and Wotton_Under-Edge. It is acknowledged that there are limited services in this location but there are amenities such as schools, doctors’ surgery and shops in the nearby village of Coalpit Heath.
- 5.23 Officers conclude that despite lying in the countryside, outside any settlement boundary, the location is neither isolated nor remote and on balance is a relatively sustainable location for the development proposed.

Character and Appearance of the Area

- 5.24 The existing site buildings and associated structures, hard-standings and paraphernalia are thought to date back to the 1950’s. The site evolved in a piecemeal, organic nature over time in response to the needs of the operation carried out on it, as well as the green-keeping duties for the wider golf course itself. The collection and arrangements of the buildings are now disparate and unorganised to the detriment of them all when seen as a single entity.
- 5.25 As evidenced by the pictures in the D&A Statement, the buildings are best described as utilitarian in character; they exhibit no features of historical or architectural merit whatsoever. Being constructed of predominantly breeze blocks with asbestos sheet roofs and cladding, the buildings are of their time and have more recently become dilapidated. In short, the buildings are now downright ugly. As such, the site has an adverse and anomalous appearance,

which is detrimental to the character and appearance of this countryside location next to the golf course.

- 5.26 The proposal therefore offers the opportunity to remove all of the existing buildings and structures within the site and replace them with 5 houses of contemporary design that would significantly improve the visual amenity and character of the area. This would weigh significantly in favour of the proposal.

Scale and Design

- 5.27 The scheme layout makes efficient use of the site given its constraints and opportunities. The five dwellings, unlike the existing buildings, are set well back into the site and are evenly spaced on spacious plots having an east/west orientation. This assures that the gardens and living rooms make the most of the sunny afternoons. Whilst the garage/bike shed building is located hard on the eastern border, this building would be single-storey only and unobtrusive.
- 5.28 The surrounding area contains a mixture of detached and semi-detached leisure/residential dwellings. The surrounding dwellings vary in architectural form and character; from bungalows with tall mono-pitch roofs, to traditional one or two-storey buildings and large extensions with a flat roof.
- 5.29 A contemporary architectural approach has been incorporated into the design of the dwellings. This is intended to take advantage of the distant views across the golf course. The proposals are in keeping with the adjoining building heights of Henfield Farm to the south and do not exceed the heights of the existing buildings to be demolished.
- 5.30 The scheme attempts to mirror its surroundings and proposes a series of skillion mono-pitch roofs with façade cladding returning down the façade. These roofs divide the building through its central axis in plan and also in elevation, to allow clerestory lighting into the building from the south. Large windows are proposed to the principal elevations, which allow natural light into space and views out to the parkland like setting of the golf course to the west. It also allows morning light and natural surveillance onto the eastern gardens and main entrance area. The first floor of the north and south elevations are treated differently in terms of materials to the ground floor. The intention is to seamlessly wrap the mono-pitch roof and walls in a grey zinc finish to reflect the design cues of the buildings they are replacing through a new building aesthetic.
- 5.31 In terms of materials, it is proposed to use grey zinc for the roof and some of the cladding, with white render and Cedral panels to the remaining areas. This both respects and reflects the original agricultural landscape character but sets this within the context of a contemporary design response.
- 5.32 The windows would be high-performance aluminium with a PPC finish in grey to match the roof and the balustrading. These materials have been chosen for their robustness, longevity and low maintenance requirements,

- 5.33 The development has been designed to be highly sustainable. This would be achieved through the design, construction, and building services installations that would seek to reduce energy use and achieve over 20% above Building Regulations requirements for CO2 emissions. The design would be highly sustainable, featuring: -
- off site prefabrication – SIPS panels
- High air tightness
- High insulation levels
- 5.34 The aim is demolish the existing unsightly buildings in order to make way for an exemplar development of highly sustainable homes, in a contemporary design language, that is sympathetic to the rural nature and context of the site. Officers are satisfied that the schemes materiality, scale and massing have been carefully considered to resolve the existing eyesore, whilst respecting and enhancing the character of the area to provide a modern and high-quality redevelopment of the former agricultural/utilitarian buildings and open yard space.
- 5.35 Officers find no conflict with the requirements of Policies PSP1 of the PSP and CS1 of the CS, that seek amongst other things that proposals respect and enhance the character of the site and its context. The scheme would also accord with policy CS34 of the CS that seeks to protect, conserve and enhance the rural areas distinctive character.
- 5.36 The proposal would significantly enhance the appearance of the site to the benefit of the visual amenity and character of the area; this weighs heavily in favour of the scheme.

Impact on Residential Amenity

- 5.37 The nearest residential dwellings to the site lie immediately to the east within the Cloverlea development, which hosts both residential properties and holiday cottages. Henfield Farmhouse and Henfield Barn to the south, are other dwellings that lie nearby.
- 5.38 Most of the buildings within the Cloverlea development started life as commercial buildings, which have since been converted to residential or holiday uses. As such the occupiers/users of these buildings have for many years had to endure the associated adverse impacts of the large buildings on the application site, as well as the inevitable disturbances of the associated activities therein and regular comings and goings.
- 5.39 At present the occupiers of Cloverlea would experience a significant overbearing impact from the application site buildings which lie hard on the boundary with Cloverlea. This also results in a significant amount of overshadowing of the properties in Cloverlea as well as loss of outlook. All of these matters would significantly improve if the proposed development were allowed.
- 5.40 The proposed dwellings would be set a sufficient distance away from neighbouring properties so as to have no adverse impact due to overbearing impact, loss of light or loss of privacy from overlooking. Similarly the 5 dwellings

would be sufficiently spaced such that amenities of future occupiers would not be compromised. Furthermore, each dwelling would be provided with generous areas of private amenity space that accord with Policy PSP43. All B8 uses of the site would cease and outlook to the west would be opened up to allow views of the golf course.

- 5.41 The proposal would therefore significantly enhance the living conditions for neighbouring occupiers, most notably those within Cloverlea; this weighs heavily in favour of the application.

Loss of Employment Site

- 5.42 The proposal would result in the loss of an employment site, but it is not listed in Policy CS12 as being a safeguarded employment site. Policy CS13 deals with non-safeguarded economic development sites within the settlement boundaries and villages as defined on the Proposals Map. This policy has a sequential test stating that development will not be allowed unless all attempts to secure a suitable economic re-use have failed. Under such circumstances priority will be given to firstly, a mixed use scheme and secondly a residential only scheme. It is however, noted that the site is outside a settlement boundary and as such the policy is not directly applicable. Moreover the NPPF does not require such tests when assessing the change of use of an employment site.
- 5.43 It is understood that the existing uses within the northernmost building can be easily re-located to other buildings within the golf complex. Units 1-3 within the southernmost building are currently occupied under short term leases. While 'Production Audio' are still the tenants in unit 2 the documented tenant in unit 3 is now also informally using unit 1 in connection with his classic car business. He however has a separate main operational base elsewhere and it is reasonable to assume his business can readily decant there.
- 5.44 Neither of the users though have any strong ties to the site or commercially need to be specifically located there. Either business could be readily accommodated anywhere else. Neither business is particularly rural in character so the loss of this non-conforming employment site in a rural location is not opposed.

Transportation Issues

- 5.45 Policy PSP11 of the PSP identifies that development proposals which generate a demand for travel will be acceptable in certain instances. These include that residential development proposals are located on safe, useable walking and, or cycling routes, that are an appropriate distance to key services and facilities and if some services are not accessible by walking and cycling have sufficient access to public transport providing access to such facilities.
- 5.46 The Transportation Officer has noted that the roads leading to the site are narrow single track country lanes with the occasional passing place. No footways or street lighting is provided. There are no cycle routes between the site and the nearest employment areas at the Science Park and Lyde Green. The nearest bus stops are located on Henfield Road some 750m away (the appropriate distance set out in Policy PSP11 is 400m). The lack of footways, street lighting and cycle routes to the nearest facilities, services and bus stops

would not be conducive to pedestrian and cycle movements. Future residents are therefore highly likely to be reliant on the private motor vehicle for their day to day needs.

- 5.47 It is noted however that all the neighbouring land users are residential without apparent highway conflict or severe harm having arisen. In terms of traffic generation from the existing uses, the site has been used for unrestricted commercial uses for in excess of 10 years.
- 5.48 The existing buildings on the site were originally constructed for agricultural use. The northernmost building received planning permission PT00/2475/F for a change of use for B8 storage purposes for golf course machines and sundries. Direct access was provided from the site to the golf course so vehicle movements on the surrounding highway would be very limited although there would inevitably be some associated traffic movements via the access off The Hollows. The southernmost building containing units 1-3 has also been continuously used for B8 storage purposes for in excess of 10 years i.e. since 2007, with sole access off The Hollows. This use has recently been regularised by grant of a Certificate of Lawfulness.
- 5.49 The site is accessed via an existing access off the Hollows at a point where adequate visibility exists between emerging vehicles and those approaching along the Hollows. The geometry of the access is suitable for access by the waste collection vehicle. The shared entrance is sufficient for two-way traffic and larger vehicles to enter and exit the site being 5.5m - 7m in width. Pedestrians would access the site through the same shared surface which is appropriate for a development of this size.
- 5.50 NPPF Para 105 makes it very clear, that the assessment of sustainability differs between urban and rural areas and states the following:
- “However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”
- It is a matter of fact that the Green Belt support for the redevelopment of previously developed sites is fully cognisant such that almost by definition some such sites will be rurally located, especially in South Glos. where much of the Green Belt lies with countryside areas.
- 5.51 The applicant has submitted TRICS database information for trip rates to the site comparable for B8 use of the site for a single user i.e. the best case scenario (although in reality there are currently more than one user). Based on the existing floor area (1159 sq.m.) there would be 67.13 two-way daily vehicle movements to the 3 units. This would be nearly double the likely trip generation for the 5 houses based on 7 two-way vehicle movements per dwelling (35). These figures are not disputed by the Council’s Transportation Officer.

- 5.52 On this basis, the proposed vehicle trip generation is not greater than the existing lawful use of the site, in fact it would be almost 50% less. Furthermore the nature of the vehicles would most likely be smaller in size than for the B8 uses.
- 5.53 The scheme proposes 11 covered car parking spaces, (via the use of car ports), including 1 visitor space, towards the eastern boundary, which is in compliance with Policy PSP16 of The Sites and Places Plan (PSPP). There are 5 EVCPs proposed i.e. 1 EVCP per dwelling. Secure cycle parking is also towards the eastern edge of the site. This allows secure storage for up to 2 cycles minimum per household and is placed in an overlooked and safe location.
- 5.54 A ventilated secured bin store would be provided next to each dwelling on the northern side to accommodate 2no. kerb-side recycling boxes (55 litre), food waste bin (23 litre), and a 140-litre black wheeled bin. The management of the waste collection would be done by a third party to ensure that the bins are located down to the road edge for council collection on the appropriate days. They would then be returned to their stores for refilling thereafter.
- 5.55 On this basis the scheme would not have an unacceptable impact on highway safety, neither would the residual impacts on the road network be severe. The scheme therefore accords with Para. 111 of the NPPF.

Landscape & Tree Issues

- 5.56 The 2No. large, dilapidated agricultural style buildings lie within the eastern part of the site, separated by a large internal area of concrete, with further concrete hardstanding located adjacent the site entrance. A group of trees lies within the NW corner of the site within an area of overgrown scrub, adjacent to an existing track leading to the golf clubhouse.
- 5.57 The proposed housing would replace views of the existing site buildings in views from the golf course track, and section of The Hollows lying to the SW of the site access, with the potential to enhance these views.
- 5.58 The Applicant has now submitted an Arboricultural report to support the proposal for the protection of the existing trees. The proposal requires the removal of G3 a group of Holly and Hazel. All other trees and groups of trees are to be retained and protected by protective fencing as illustrated by the submitted Tree Protection plan.
- 5.59 Subject to conditions to secure a 5-Year landscape maintenance schedule; detailed Planting Plan, boundary treatments and hard landscaping; there are no landscape objections.

Ecology

- 5.60 A Protected Species Survey (AD Ecology, July 2021) and two subsequent Technical Notes have been submitted. The site has no special ecological designations. The buildings were assessed for their potential to support roosting bats and were assessed as being of negligible potential. The majority of the site is hardstanding and buildings, however there is an area on the

western section of the site which consists of ruderal species and may have potential for terrestrial habitats for GCN, being in close proximity to a pond.

- 5.61 Nesting activity was noted within building 4 and building 6. Mitigation has been provided; mitigation for swallows has been outlined and replacement provisions are to be detailed within an ecological enhancement plan which can be conditioned. Hedgehogs may use the western section of the site for foraging and consideration is required during works.
- 5.62 Subject to conditions to secure a lighting design strategy for bio-diversity; an ecological enhancement plan; and mitigation measures provided within the Protected Species Survey and Technical Notes; there are no objections on ecological grounds.

Environmental and Drainage Issues

- 5.63 In terms of Coal Mining, the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
- 5.64 The Coal Authority records indicate that the site has been subject to both recorded and historic unrecorded shallow coal mining and within 20m of the northern site boundary is a recorded (off-site) mine entry.
- 5.65 The planning application is accompanied by a Coal Mining Risk Assessment, dated 17/08/21 rev A prepared for the proposed development by GRM Development Solutions Ltd. The Assessment has been informed by an appropriate range of historical, geological and coal mining information. Having carried out a review of the available information, the report author considers that in order to confirm the level of risk that former coal mining activity has at this site, intrusive ground investigations are required. This will ensure that the actual ground conditions are confirmed (depth / condition of the coal seam / competent rock cover) in order to inform the extent of any remedial and / or mitigation measures considered necessary to ensure the safety and stability of the proposed development (NPPF paras. 183 and 184). The applicant is aware that in the event that shallow coal mine workings are found within influencing distance of the surface, ground stabilisation works are likely to be required.
- 5.66 Subject to a condition to secure intrusive investigations and remediation, should shallow mine workings be found, the Coal Authority raises no objection to the proposed scheme.
- 5.67 The site has previously been used for commercial purposes and it is believed a fuel and an oil tank have been located on the site. There is therefore a potential for contamination which could give rise to unacceptable risks to the proposed development. In order to ensure that the site is suitable for its proposed use and in accordance with the National Planning Policy Framework, a condition will be required to ascertain if contamination is present on the site and if so the method of remediation.

5.68 The site lies within Flood Zone 1 and is therefore not prone to flooding. Foul disposal is to be via package treatment plants provided to each dwelling; there being no mains sewer available in the area. Due to poor porosity within the site, all treated effluent would be piped to a watercourse adjacent to the Golf Course Café. Surface water would be disposed of via the existing drainage run to the north. Subject to a condition to secure these matters, there are no objections on drainage grounds.

5.69 Whilst there would no doubt be some disturbance for neighbouring occupiers during the demolition and construction phases, this would be on a temporary basis only. A condition to restrict the hours of working would be imposed should permission be granted. On balance, the proposed use should result in a net reduction in noise, disturbance, dust and fumes which weighs in favour of the scheme.

Affordable Housing

5.70 The site falls below the thresholds for affordable housing. It is however noted that the site falls within a wider ownership boundary, therefore in the event that any of the land edged in blue, shown in this application, comes forward for residential development at a later date, the Council would take the whole site, i.e. red and blue edge land, for the purpose of determining whether the scheme falls above or below the site thresholds for the provision of affordable housing, in accordance with Policy CS18 of the Core Strategy. Affordable housing provision for the whole site would then be required to be delivered via any subsequent approval. An informative to this effect will be added to the decision notice should planning permission be granted.

5.71 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.

Planning Balance

5.72 Planning applications are always assessed on their own merits and this instance is no exception. The NPPF at para.12 makes provision for departures from the development plan where material considerations in a particular case indicate that the plan should not be followed; officers consider that this is a case in hand.

- 5.73 The scheme is not inappropriate within the Green Belt and makes efficient use of a previously developed site within the Green Belt. It does not have a greater impact on the openness of the Green Belt, in fact the overall impact on openness would be significantly reduced (35% less built volume); this weighs heavily in favour of the scheme.
- 5.74 The scheme is for 5 open market houses, outside any development boundary, which would be in conflict with policies PSP40 and CS5, which weighs against the proposal. This is however, to some extent, tempered by the fact that the site is adjacent to existing residential dwellings and is not considered to be an isolated or remote location. Green Belt policy encourages the re-development of previously developed sites where openness is not harmed. Given that most Green Belt land in South Glos. Lies within the countryside it would seem inevitable that some of the envisaged development on previously developed sites would be for residential purposes.
- 5.75 Furthermore, the NPPF seeks to boost the supply of homes by making efficient use of previously developed land. The scheme would also make a positive contribution to the Council's 5-YHLS albeit that only modest weight can be attributed to the 5 dwellings proposed.
- 5.76 It is acknowledged that the lack of footways, street lighting and cycle routes to the nearest facilities, services and bus stops would not be conducive to pedestrian and cycle movements. Future residents are therefore highly likely to be reliant on the private motor vehicle for their day to day needs and in this regard there is conflict with Policy PSP11 which weighs against the proposal. This however is counterbalanced by the fact that given the existing B8 uses of the site, the overall trip generation to-from the site, should the scheme be approved, would be almost halved with a significant reduction in the size of vehicles using the narrow lanes. This would be a significant planning gain.
- 5.77 The removal of the very unsightly buildings and replacement with attractively designed dwellings would significantly improve the character and appearance of the site. This again weighs heavily in favour of the scheme.
- 5.78 Furthermore the removal of the large buildings and non-conforming uses, would significantly improve the amenities of the nearby residents located on the Cloverlea development to the east. This would also be a planning gain that weighs in favour of the scheme.
- 5.79 There would be some other social and economic benefits of the scheme in terms of support for the rural economy and work for local builders, but given the relatively small scale of the development, these can only be afforded limited weight.
- 5.80 Whilst the proposal would result in the loss of a non-safeguarded employment site, the B8 uses are non-conforming in this rural location and the businesses themselves are not rural in character. Only very limited weight is therefore given to the loss of employment site in this case.

5.81 For the reasons given above, officers conclude that the proposal is sustainable development that would bring social, economic and environmental benefits to the locality. The scheme would create an attractive living environment, which is encouraged by the NPPF. Any conflict with development plan policy is considered justified in this case as the limited harm is significantly outweighed by the benefits of the scheme.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission be GRANTED subject to the 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.

Existing Site Location Plan Drawing no. 21055-100 Rev P3 received 24th August 2021

Existing Site Block Plan Drawing no. 21055-101 Rev P3 received 24th August 2021

Existing Topographical Survey Drawing no. 21055-102 Rev P3 received 24th August 2021

Existing Ground Floor Plan Drawing no. 21055-110 Rev P3 received 24th August 2021

Existing Roof Level plan Drawing no. 21055-112 Rev P3 received 24th August 2021

Existing Elevations Drawing no. 21055-120 Rev P3 received 24th August 2021

Existing Site Sections Drawing no. 21055-130 Rev P3 received 24th August 2021

Existing Main Entrance Drawing no. 21055-311 Rev P1 received 24th August 2021

Existing View towards South West Drawing no. 21055-312 Rev P1 received 24th August 2021

Existing - East Aerial View Drawing no. 21055-315 Rev P2 received 24th August 2021

Existing - North Aerial View Drawing no. 21055-316 Rev P2 received 24th August 2021

Existing - West Aerial View Drawing no. 21055-317 Rev P2 received 24th August 2021

Existing - South Aerial View Drawing no. 21055-318 Rev P2 received 24th August 2021

Proposed Site Plan Drawing no. 21055-201 Rev P4 received 24th August 2021

Proposed Floor Plans Drawing no. 21055-202 Rev P1 received 24th August 2021

Proposed Roof Level Plan Drawing no. 21055-203 Rev P1 received 24th August 2021

Proposed Ground Floor Plan Drawing no. 21055-210 Rev P3 received 24th August 2021

Proposed First Floor Plan Drawing no. 21055-211 Rev P3 received 24th August 2021

Proposed Roof Level Plan Drawing no. 21055-212 Rev P3 received 24th August 2021

Proposed Landscape Plan Drawing no. 21055-213 Rev P3 received 24th August 2021

Proposed East and North Elevation_C Drawing no. 21055-220 Rev P1 received 24th August 2021

Proposed West and South Elevation_C Drawing no. 21055-221 Rev P1 received 24th August 2021

Proposed Bike and Bin Store Drawing no. 21055-222 Rev P1 received 24th August 2021

Proposed Site Section AA Drawing no. 21055-230 Rev P3 received 24th August 2021

Proposed 3D Visuals - Main Entrance Drawing no. 21055-351 Rev P1 received 24th August 2021

Proposed 3D Visuals - South West Drawing no. 21055-352 Rev P1 received 24th August 2021

Proposed 3D Visuals - View from Golf Course Drawing no. 21055-353 Rev P1 received 24th August 2021

Proposed 3D Visuals - House Frontage Drawing no. 21055-354 Rev P1 received 24th August 2021

Proposed 3D Visuals - East Aerial View Drawing no. 21055-355 Rev P2 received 24th August 2021

Proposed 3D Visuals - North Aerial View Drawing no. 21055-356 Rev P2 received 24th August 2021

Proposed 3D Visuals - West Aerial View Drawing no. 21055-357 Rev P2 received 24th August 2021

Foul Drainage Strategy Sheet 1 Drawing No. D01-C received 15th Nov. 2021

Foul Drainage Strategy Sheet 2 Drawing No. D02-C received 15th Nov. 2021

Existing Drainage Network Drawing No. D03-B received 25th Oct 2021

Drainage Details Drawing No. D04-A received 25th Oct 2021

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 Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

4. The development shall not be brought into use until the access, car parking, cycle parking and bin storage arrangements have been completed in accordance with the approved Proposed Ground Floor Plan Drawing No. 21005-210 Rev P3 & Proposed Bike and Bin Store Drawing No. 21055-222 Rev P1 and retained as such thereafter for their intended purpose.

Reason

To ensure the satisfactory provision of access, car parking, cycle parking and bin storage facilities, in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the 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 South Gloucestershire Council Waste Collection: guidance for new developments SPD (Adopted) Jan 2015.

5. The dwellings hereby approved, shall not be occupied until 7Kw 32 Amp Electric Vehicle Charging Points have been provided for each dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority and retained as such thereafter.

Reason

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

6. A) Desk Study - Previous historic uses(s) of the site may have given rise to contamination. No development shall commence until an assessment of the risks posed by any contamination has been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's guidance - Land Contamination Risk Management (LCRM)*, and shall assess any contamination on the site, whether or not it originates on the site.

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

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

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

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

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

*Note: Replacement of CLR11 with LCRM (Land contamination Risk Management)

Guidance document CLR11 was replaced by LCRM (Land contamination Risk Management) in October 2020. LCRM can be found at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm> For Planning purposes a competent person is expected to follow this guidance when managing risks from land contamination. A competent person must meet the definition given in the National Planning Policy Framework at Annex 2 - <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary> The relevant British Standards expected to be referenced are given in the LCRM document.

Reason

To ensure that adequate measures have been taken to mitigate against possible ground contamination and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 and Policy PSP21 of The South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) 8th Nov. 2017. This is required prior to commencement in the interest of public health.

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

illustrate the location of any on-site mine entries found present within the site and their respective calculated no build exclusion zone including that of mine entry CA ref: 367179-021 based on the worst case scenario that it is located just outside the site boundary.

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

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

Reason

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP22 of The South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) Nov. 2017. This is a pre-commencement condition as investigation works and appropriate mitigation are required to ensure the future safety of the occupiers of the development and prevent the need for retrospective mitigation after the development is commenced/completed and to take account of the past mining activities within the area.

8. The development shall proceed in strict accordance with the Mitigation Measures provided in the Protected Species Survey (AD Ecology, July 2021), Technical Note (Ad Ecology, 01/12/2021) Technical Note (AD Ecology, 14/12/2021).

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 "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:
 - o 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

- o 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 (before first 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.

10. Prior to the first occupation of the dwellings hereby approved an Ecological Enhancement plan is to be submitted for review and is to expand on the enhancements recommended in the Protected Species Survey (AD Ecology, July 2021). This should outline specific provisions for swallows, soft landscaping recommendations and location and specifications of all ecological enhancements, this is also to include hedgehog holes (13cm x 13cm) in any proposed fencing to allow continued use. Thereafter the details so approved shall be implemented in accordance with the timeframes approved.

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. All works hereby approved shall be carried out in full accordance with the submitted and approved Arboricultural Report by 'Trees and Construction' ref: 21568/A2_AIA Oct. 2021, Tree Protection Plan 21568/TPP/01 and BS:5837:2012.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) 6th Nov. 2017, the Trees and Development Sites: Guidance for New Development SPD (adopted April 2021) and the National Planning Policy Framework.

12. Prior to the commencement of the development hereby approved, a scheme of landscaping, specifying the location, species, stock size, planting centres and quantities of all proposed tree and hedgerow/structure planting (to be undertaken in the first planting season following completion of construction works); together with details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required; and a 5 Year landscape maintenance schedule covering the establishment of all new planting,

setting out the scope and frequency of annual works including formative pruning, weeding, and watering shall be submitted to and approved in writing by the Local Planning authority. Development shall be carried out in accordance with these agreed details.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) 6th Nov. 2017 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

This is a prior to commencement condition to ensure that existing landscaping is not sterilised and that the site can be adequately screened.

13. Prior to the first occupation of the development hereby approved, the approved foul and surface water drainage strategies i.e Sheets 1 and 2 Drawing Nos. D01 C and D02 C, shall be completed and made operational in full, unless otherwise agreed in writing with the Local Planning Authority, and will thereafter be retained and subject to the submitted Maintenance and Operations Plan dated 2021.11.12.

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.

Case Officer: Roger Hemming
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 09/22 - 4th March 2022

App No.:	P21/07156/F	Applicant:	Mr. Alim Janmohamed Demipower (1991) Limited
Site:	Unit 9 Yate Riverside Link Road Yate South Gloucestershire BS37 4FT	Date Reg:	10th November 2021
Proposal:	Replacement entrance doors to front elevation and provision of outdoor seating area to facilitate Change of use of restaurant (Class E(b)) to a mixed use restaurant and hot food takeaway (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	Parish:	Yate Town Council
Map Ref:	371791 182343	Ward:	Yate Central
Application Category:	Minor	Target Date:	3rd January 2022



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 100023410, 2008. **N.T.S.** **P21/07156/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.

In accordance with the Council's Scheme of Delegation (Constitution) this application is referred to the Circulated Schedule as objections have been received that are contrary to the officer recommendation.

THE PROPOSAL

- 1.1 Planning Permission is sought for change of use from a restaurant (Class E(b)) to a mixed-use restaurant and hot food takeaway (Sui Generis) together with replacement doors and provision of an outdoor seating area, both to the front elevation.
- 1.2 Advertisement consent for display of new signage relating to the above is being considered under application P21/07145/ADV.
- 1.3 The application site comprises a ground floor unit within the Yate Riverside Retail Park. It is adjoined by other commercial premises including a cinema, bar, restaurants, children's play facility, and shops. A car park serving the retail park lies to the west, and service yard to the east. The River Frome runs beyond to the east and south. A designated local green space (Land to the rear of Ridgewood Community Centre) and residential properties also lie beyond to the east.
- 1.4 The application is supported by a covering letter together with existing and proposed plans and elevations. These drawings were updated and additional supporting documents; a Flood Risk Assessment, Kitchen Extract System Details and internal plant drawing, KFC Good Neighbour Guide, and a Transport Technical Note were submitted during consideration of the application to address consultee and neighbour comments.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2021
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
CS14 Town Centres and Retail
CS30 Yate and Chipping Sodbury

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
PSP32 Local Centres, Parades and Facilities
PSP33 Shopping Frontages
PSP35 Food and Drink Uses (including drive through takeaway facilities)

2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

3.1 Yate Riverside Retail Park
PK13/4116/F - Demolition of existing buildings and erection of building for Retail (Class A1), Restaurant/Cafe (Class A3) and Cinema (Class D2) uses with car parking area, access, landscaping and associated works.
Approved 25.07.14 subject to conditions and s106 agreement.

Other applications relating to planning permission for the Yate Riverside Retail park are available to view online via the following link and using the above reference number: <https://developments.southglos.gov.uk/online-applications/>.

3.2 Unit 9 Yate Riverside Retail Park
PK15/2249/ADV - Display of 2no. internally illuminated fascia signs, 2no. internally illuminated window signs, 2no. non-illuminated awnings, 1no. internally illuminated notice board, 9no. non-illuminated vinyls.
Approved 14.07.15 subject to conditions

3.3 PK15/2777/F - Installation of shopfront and entrance to Frankie and Benny's restaurant unit
Approved 26.08.15 subject to conditions

3.4 P21/07145/ADV - Display of 2no. Internally illuminated fascia signs.
Application pending consideration.

4. CONSULTATION RESPONSES

4.1 Yate Town Council
Maintain objection to the application following re-consultation on updated proposal. Welcome the principle, and although some comments from previous objection addressed, still have the following concerns:

1. Proposed hours – should match the closing times of other current takeaways and local venues within the town, especially on weekends, Conditions for McDonalds (PK02/1716) and Miss Millies (PK13/2373) state no sales on site or home delivery after 11pm. These conditions need to be applied across the whole premises both inside and out.

2. Concerned about potential rise in litter with bins only being located right outside door of the premises. Need additional litter bins at the 4 boundary points leading to the overflow car park, to be managed by the shopping centre. Further off-site provision of litter bins, via s.106 monies, needs to be investigated to further reduce the rise in litter around the local area.
3. Concerned about parking and traffic management. Object unless condition in line with recommendations of transport manager. Understand differences between the sites, but there has been no mapping of traffic impacts on the single point of entry and exit of the site for vehicles. Support the addition of a transport plan for staff and customers providing, as the transport officer suggests, it includes a car park management plan which can be implemented if problems arise. Further object to the parking and traffic arrangements until the applicants provide a satisfactory parking and traffic management plan to assure the public there will be:
 - Parking spaces for pick up
 - Access from the public highway to the site will not cause any backlogs
4. would like to see details of clearances on footway between the proposed seating outside the premises and the adjacent parking.

4.2 Sustainable Transport

No objection raised for application as originally submitted. Property is located within Yate Riverside complex and not directly connected to the public highway. Did not consider these changes likely to materially affect overall travel demand or traffic patterns associated with the Riverside and that plenty of off-street parking was available to accommodate its demand. Therefore believed that this proposal would not have any severe or unacceptable highways or transportation impacts.

Note the applicant has now submitted a Transport Statement (TS) to address matters raised by third-party objections. Have reviewed objections and broadly satisfied TS addresses them satisfactorily.

These concerns generally arise because of issues at a nearby McDonalds restaurant. However, important differences between these two outlets, namely much shorter opening hours for KFC and no drive-through facility. Evidence in TS indicates the major cause of congestion at McDonalds is the drive-through lane is of inadequate length. KFC do not propose such facility, so consider these two restaurants will function in a different manner, and this issue will not arise. Evidence in TS also indicates car parking around the proposed KFC restaurant is more than adequate to accommodate the likely demand and will not create additional queueing. This means there is not an increased risk of serious accidents on the public highway in the vicinity of the site.

Therefore overall believe initial conclusions about this proposal justified. In order to strengthen the position recommend planning condition for a staff and visitor travel plan. This should set out measures to encourage no-car travel, and as a fall-back position, include a car park management plan to be implemented if these are unsuccessful.

4.3 Lead Local Flood Authority

As development located in Flood Zone 2 requested a Flood Risk Assessment (FRA), to consider the potential risk of flooding from all sources to the proposed, for the lifetime of the development. An FRA has now been submitted and accepted, therefore have no objection.

4.4 Environmental Protection

The Environmental Protection team notes the comprehensive proposal, submitted details, and has no sustainable objection.

4.5 Economic Development

No response received

4.6 Planning Policy

No response received

Other Representations

4.7 Local Residents

1no. written comment received in support of the application, summarised as follows:

- Yate needs a KFC, been missing decent takeaway for many years.
- It'll bring jobs to the local community and offer another, reasonably priced, food option.

4no. written comments received in objection to the application, summarised as follows:

- Retail park too close to Lye Fields Park for another takeaway outlet, already significant littering from McDonalds and Miss Millies, particularly around the park benches/seating areas, and particularly chicken bones extremely dangerous to dogs using the park daily.
- Opening hours proposed much later than other surrounding takeaway outlets, teenagers will congregate for longer in the park at later hours, as they will have 'something to do' i.e. eating food in the park, making lots of noise and creating more litter.
- Yate does not need any more takeaways this is a very bad idea
- Will boycott the shopping centre if this goes ahead
- Can we have more places for men to buy clothes instead
- Back on to the units with already unpleasant smells on occasions (wind dependant) in garden of cooking fumes from Nando's
- Will there be more frying fumes or will they have a good filtration system?
- Traffic from McDonalds is already leaving a huge impact on the limited road infrastructure of Yate.
- Addition of KFC to the Riverside will dramatically increase traffic in an area already blighted by traffic problems.
- With one road supporting these two fast food joints, this will log jam the centre point of Yate.

- KFC will be better located in one of the empty retail/ industrial units recently built by Beeches/Stover Road trading estate. Limited impact on traffic and local population.
- If granted, will show South Glos yet again complete ignorance to high volume traffic when we're trying to reduce it.

1no. comment received stated as neither in support nor objection, summarised as follows:

- If possible a financial contribution should be required for prevention/ detection of litter, which will inevitably result from takeaway sales.
- (Litter) is a blight on surrounding areas, and a burden that falls predominantly on volunteers who clean up their streets.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies within the settlement boundary identified by Core Strategy policy CS5 and within Yate and Chipping Sodbury built up area which policy CS30(4) seeks to encourage a vibrant evening economy and enhance vitality and viability in Yate town Centre.

5.2 Policies, Sites and Places Plan policy PSP31 directs main town centre uses to town and district centres, which the application site also lies within. Whilst adjoining retail units are a Secondary Shopping Frontage for which policy PSP33 applies, the Policies Map does not show this shopping frontage to the application site.

5.3 Policy PSP35 provides specific criteria relating to proposals for food and drink uses, advocating against creating a harmful concentration taking account of all such uses in the area (including those approved but unimplemented), their direct impacts upon the locality, opening hours, highway safety, availability of refuse storage and the appearance of any associated extensions, flues and installations.

5.4 From site visit by the case officer the property was also observed to be vacant, which the proposal would bring back into use, and with food and drink uses each side. However the proposal would replace the existing lawful use of the property as a restaurant, thereby not increasing concentration of food and drink uses, and as lies outside the Secondary Shopping Frontage would not reduce retail floorspace.

5.5 The proposal is therefore acceptable in principle with the main further considerations being design and visual amenity, transport, and neighbouring amenity.

Design and visual amenity

5.6 Policy CS1 requires 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 site and its context. Existing features of

- landscape, nature conservation, heritage and public rights of way should also be safeguarded
- 5.7 The proposed external changes would update the front elevation including replacing the existing timber doors and with fully glazed, removing the digital screen, and providing vinyl to top glazing panels. These changes would not significantly alter the appearance of the front elevation and remain suitable for the immediate context.
- 5.8 Posts of the existing seating area remain at the property as observed on site visit by the case officer and the proposed seating area would generally update this with addition of an acrylic canvas banner barrier system with stainless steel posts between each section. This would be appropriate to proposed use of the property and its location within a retail park and adjoining entertainment facilities.
- 5.9 The proposal is therefore considered acceptable in terms of design and visual amenity.
- 5.10 Also shown to the front elevation are 2no. fascia illuminated fascia signs, which are subject to consideration for advertisement consent under application P21/07145/ADV, and to the rear elevation chequer panels to be fitted to existing security doors which would not materially affect the external appearance of the building, therefore do not constitute operational development.

Transport matters

- 5.11 NPPF Paragraph 111 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.
- 5.12 The application site is an existing unit within an established retail park and existing arrangements for servicing and customer parking for this remain unchanged. The relevant consideration therefore is likelihood of the proposed change of use substantially increasing overall traffic and parking impacts above those of the existing retail park. In this respect Policies, Sites and Places Plan Policy PSP11(6) provides that development proposals will be acceptable where they would not create or contribute to severe congestion, severely impact on the amenities of communities surrounding access routes, have an unacceptable effect on highway and road safety, or harm environmentally sensitive areas.
- 5.13 A large car park serves Yate Riverside Retail Park, accessed at the north west from Link Road, and also by pedestrian routes. Policy PSP16 does not set minimum parking requirements for commercial premises, only cycle parking, for which stands are also provided within the retail park. Given the above it is not considered that the proposed change of use of one unit would give rise to significant transport or parking concerns upon the surrounding area, a view supported by comments from Sustainable Transport confirming no objection.

- 5.14 A Transport Technical Note (TTN) was submitted to address concerns from local residents and Yate Town Council. This evidences clear differences between congestion issues at a nearby McDonald's restaurant identified in comments, and that of the proposed outlet, mainly it not having a drive-through facility thereby functioning in a different manner, and there being more than adequate parking within the retail park to accommodate the demand.
- 5.15 Updated comments from Sustainable Transport confirm the TTN justifies their earlier views regarding the proposal. To strengthen the applicant's position a planning condition is suggested for submission of a staff and visitor travel plan, with fall-back position of implementing a car park management plan. Updated comments from Yate Town Council also retain objection unless this is provided.
- 5.16 The above assessment has concluded significant highways or parking impacts are unlikely to occur as result of the proposal, therefore the condition would be unnecessary to make the development acceptable. The applicant has also advised the car park and its access do not lie within their control, so a management plan for this would not be within their ability to implement. Following further discussion with the Transport Officer it is understood that whilst desirable, a transport objection would not be raised in absence of this additional information. Planning Practice Guidance - Use of Planning Conditions paragraph 006 also states that '*Conditions that unnecessarily affect an applicant's ability to bring a development into use, allow a development to be occupied or otherwise impact on the proper implementation of the planning permission should not be used.*' It would therefore not meet the tests of conditions set out by NPPF paragraph 56; requiring these to be necessary and reasonable.
- 5.17 The Town Council also seek details of clearance between the proposed seating outside the premises and the adjacent parking. An updated floor plan was submitted to evidence this being over 3m, sufficient for pedestrian access.
- 5.18 The transport and parking impacts of the proposal are therefore considered acceptable with no further details necessary, with initial conclusions being evidenced by the additionally submitted Transport Technical Note.

Neighbouring Amenity

- 5.19 Policies, Sites and Places Plan Policy PSP8 requires that development proposals should not create unacceptable living conditions for nearby residential occupiers, including from noise or disturbance and odours, fumes or vibration. Additionally policy PSP35 safeguards impacts specifically arising from food and drink uses.
- 5.20 The existing lawful use of the property is a restaurant with the proposed use being similarly a restaurant but with addition of a takeaway. As identified in the application cover letter the existing plant and extraction equipment is proposed to be used. Concerns have however been raised from local residents and Yate Town Council regarding litter and odours from the proposed use. Concerns are also raised on the opening hours being later than those conditioned for other nearby takeaway outlets, and noise/disturbance at nearby park with the later availability of takeaway food.

- 5.21 The submitted drawings were updated to show litter bins being provided both inside and outside the premises, and additionally KFC's Good neighbour guide provides measures for litter management for which a planning condition is recommended for compliance with this and provision of the bins. Comments from Yate Town Council seek additional off-site bins funded by section 106 monies, this is not however considered to meet tests for planning obligations under NPPF paragraph 57 a) or c) with the proposed bin provision being reasonable for size of the proposed outlet therefore additional bins unnecessary, and off-site provision being outside the applicant's control and therefore not fairly and reasonably related in scale to the development.
- 5.22 Additional supporting information was also submitted detailing the existing plant and extraction system to confirm this is adequate for the proposed change of use, a view supported by comments received from Environmental Protection noting the comprehensive proposal and confirming no objection. A planning condition is recommended to ensure the development utilises the extraction system for odour management.
- 5.23 The application cover letter details the hours of operation proposed as 09.00 to 23.30 on Sundays to Thursdays, and 09.00 to 00.30 on Fridays and Saturdays. The planning permission for the retail park did not impose restrictions on opening hours however this was in relation to the uses proposed in that application being retail, restaurant/café, and cinema, with details of soundproofing measures required through condition for the latter. Additionally conditions were imposed restricting deliveries and noise levels of extraction equipment after 11pm for residential amenity reasons, reflecting the close proximity of neighbouring residents.
- 5.24 The proposed introduction of a hot food takeaway use would also have increased neighbouring amenity impacts to those previously consented, including food being consumed off-site in neighbouring public areas outside, with potential for associated noise and disturbance, and the short-term nature of visits to collect food, both by customers and home delivery drivers. Staff activity at the rear of the premises would also likely be associated with its operation. Given the proximity of residential properties to the application site, restricting the hours of operation and deliveries to 11pm on all days is therefore considered necessary. This was discussed with the agent, whom confirmed the applicant would be willing to accept such a restriction, for which a planning condition is recommended to ensure compliance.
- 5.25 The proposal is therefore considered acceptable in terms of impacts upon neighbouring amenity, subject to conditions referred to above.

Flood Risk

- 5.26 NPPF paragraph 167 requires developments to not increase flood risk elsewhere and where appropriate applications should be supported by a site-specific Flood Risk Assessment (FRA). Since the application site lies within Flood Zone 2 a FRA was submitted to address initial comments raised by the LLFA. This considers the potential risk of flooding from all sources to the site and concludes that mitigation measures provided for development of the retail park are sufficient for this proposal, but also recommending signing up to

Environment Agency Flood warnings and actions to take based on different warning levels. This is considered appropriate for scale of the proposal with updated LLFA comments confirming the FRA as accepted, and a planning condition is recommended for compliance with the flood risk management measures.

5.27 Consideration of likely impact on Equalities

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

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

5.29 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.

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

7. RECOMMENDATION

7.1 It is recommended that the application be APPROVED subject to conditions written on the decision notice.

CONDITIONS

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

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

2. The development shall proceed in accordance with the following plans:

As received by the LPA 08.11.21:
Site Location Plan dated 8th Nov 2021

As received by the LPA 27.01.22:

Existing GA Plan - 3302/PL099 Rev. B
Existing and Proposed Rear Elevations - 3302/PL212 Rev. A

As received by the LPA 03.02.22:

Existing and Proposed External Elevations - 3302/PL211Rev. C

As received by the LPA 01.03.22:

Proposed GA Plan - 3302/PL100 Rev. F

Reason: For the avoidance of doubt and to define the terms and extent of the permission.

3. The use hereby permitted (including despatch of customer deliveries) shall only operate between the hours of 09:00 to 23:00 Monday to Sunday (including Bank Holidays).

Reason: In the interests of residential amenity in accordance with Policies PSP8 and PSP35 of the South Gloucestershire Local Plan: Policies Sites and Places Plan 2017.

4. Deliveries to the rear service yard shall only take place between the hours of 07:00 to 23:00 Monday to Sunday (including Bank Holidays). At all times, refrigerated vehicles visiting the site shall ensure that engines and refrigerated units are switched off except for the purpose of access and egress from the site.

Reason: In the interests of residential amenity in accordance with Policies PSP8 and PSP35 of the South Gloucestershire Local Plan: Policies Sites and Places Plan 2017.

5. Prior to first use of the development hereby permitted the plant and extraction system detailed in KFC Yate Bristol Planning Document and drawing no. E15921-001, both by TSG Electrical, shall be implemented in full and thereafter retained and maintained.

Reason: In the interests of residential and neighbouring amenity in accordance with policies PSP8 and PSP35 of the South Gloucestershire Policies, Sites and Places Plan 2017.

6. Prior to first use of the development hereby permitted the 2no. external waste bins and 2no. internal waste bins as shown on drawing no.s 3302/PL211 Rev. C - Existing and Proposed External Elevations, and 3302/PL100 Rev. F - Proposed GA Plan shall be provided and thereafter retained. The development shall also incorporate the litter management measures as detailed on p15 of the KFC Good Neighbour Guide.

Reason: To ensure adequate arrangements for refuse and recyclables, achieve on-site energy reduction, and in the interests of residential and neighbouring amenity in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy December 2013 and policies PSP8 and PSP35 of the South Gloucestershire Policies, Sites and Places Plan 2017.

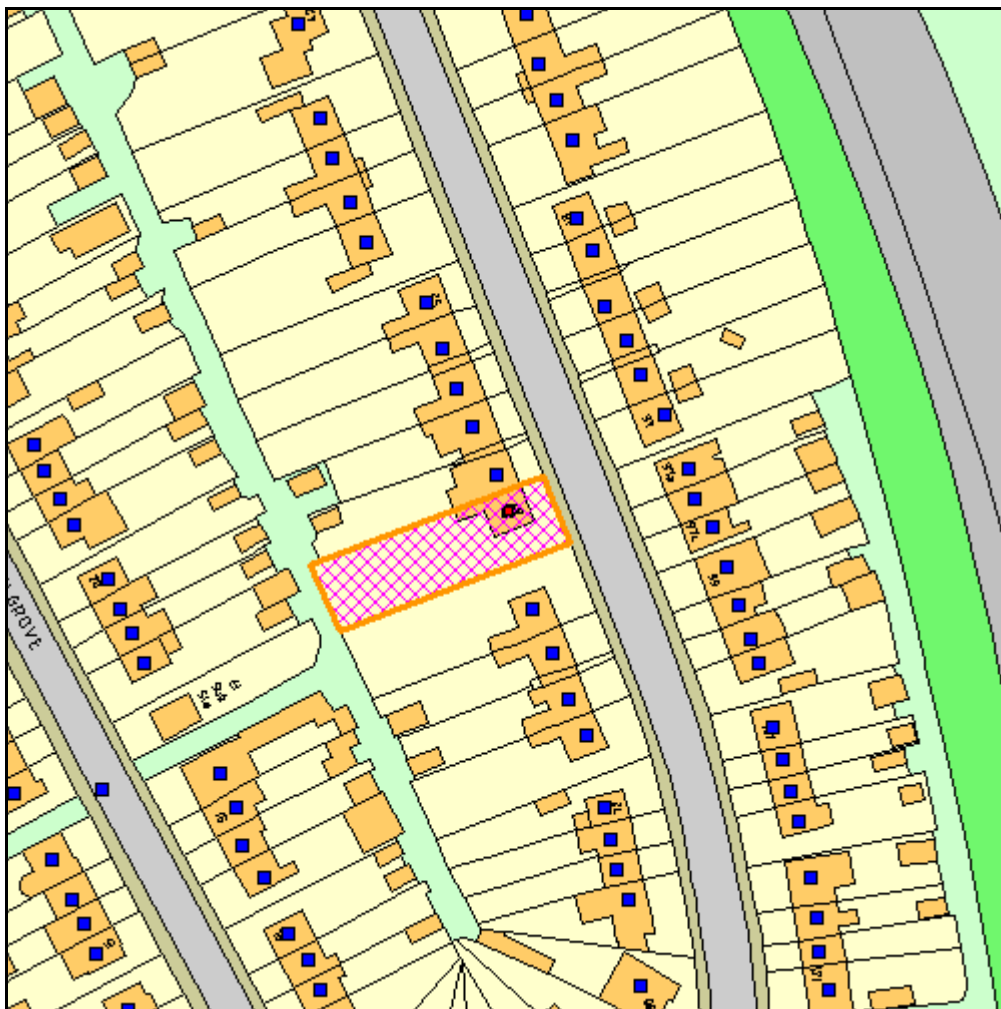
7. Prior to first use of the development hereby permitted the Flood Risk Management Measures detailed within Section 5 of the Flood Risk Assessment by Link Engineering dated January 2022 shall be implemented and followed thereafter.

Reason: To ensure provision of suitable arrangements for management of flood risk in accordance with policy PSP20 of the South Gloucestershire Council Local Plan: Policies Sites and Places Plan 2017 and paragraph 167 of the National Planning Policy Framework.

Case Officer: Michael Fishpool
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 09/22 - 4th March 2022

App No.:	P21/07738/F	Applicant:	T Herne
Site:	62 Conygre Grove Filton South Gloucestershire BS34 7DP	Date Reg:	6th December 2021
Proposal:	Erection of a two storey side and rear extension and a single storey rear extension to form additional living accommodation.	Parish:	Filton Town Council
Map Ref:	361042 179397	Ward:	Filton
Application Category:	Householder	Target Date:	27th January 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 APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following the receipt of more than 3 objection comments by local residents, and written representations from the Parish Council and Ward Cllr, all of which are contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a two-storey side and rear extension as well as a single storey rear extension to form additional living accommodation at 62 Conygre Grove, Filton.
- 1.2 The applicant site comprises a large plot with the host property itself forming a two-storey end-of-terrace dwelling. The dwellinghouse displays typical characteristics of the area and benefits from off street parking (towards the rear) and a well-sized garden, providing the residents with ample amenity space. Likewise, it is recognised on-site development is not limited by any local development plan policies.

Procedural Matters – amended plans have been received from the applicant's agent. This has not altered the description of development nor not affected the scope of assessment, and as such, no further public consultation has been conducted. The case officer is satisfied this does not disadvantage the public interest.

2. POLICY CONTEXT

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

- 2.2 Development Plans

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

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

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

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

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 No relevant planning history.

4. **CONSULTATION RESPONSES**

- 4.1 Filton Parish Council
The Parish Council have objected to this development on the grounds of overdevelopment, lack of parking and insufficient detail.
- 4.2 Cllr Bird
The proposal is not in keeping with neighbourhood with potential of overdevelopment and overbearing impact.
- 4.3 Archaeology Officer
No comments received.
- 4.4 Local Residents
9 letters of objection have been received from local residents. Key points are as follows:
- Concerned the proposed development would lead to the creation of a House of Multiple Occupation (HMO) and alter housing diversity of the surrounding area.
 - Development likely to increase existing parking availability issues as well as litter.
- 4.5 [*Officer Comment*] The above representations have been noted with further discussion regarding design, amenity and transport found below. However, it is stated at this stage that the proposal will not be assessed under relevant HMO policies. Here, the case officer refers to the recently adopted HMO Supplementary Planning Document (October 2021) which confirms those properties which provide capacity for 5 or more people who are from more than 1 household are required to have a mandatory HMO licence, with a record maintained and published by the Council's Private Sector Housing team. It also states there is only an obligation for planning permission when a development would result in the number of residents surpassing 7 or more (who form more than one household) within a property – the Council does not hold records for those houses which are exempt from mandatory licensing (4 or less people). Due to this, concerns relating to the creation of an HMO are outside the scope of assessment.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
Policy PSP38 permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity

and transport. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design and Visual Amenity

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

5.3 The proposed works would introduce a two-storey side and rear extension with adjoining single storey rear extension, that when combined would represent a length of 9.4 meters with a maximum height of 7.2 meters. The two-storey development would feature a hipped roof – mirroring the existing – and would function to provide an additional bedroom with dressing room and en-suite on the first floor. At ground level, the rear extension would join the two-storey development to provide capacity for a larger kitchen/diner and office, covering a total area of 42m². There would also be a set of bi-folding doors spanning half the width of extension at the rear façade with a Juliet balcony installed at first floor (overlooking the rear garden). Likewise, finishing materials appear to match those of the existing.

5.4 Whilst some concern is raised by the case officer regarding the increase in built form – which could result in a loss of character to the original property and offset the balance of this end property – it is noted that the two-storey development would be set back and down and have a maximum width 3.5 meters. These features are described in the SGC Household Design guide to represent an acceptable standard of design due to subservience achieved with regard to the host property. Similarly, and whilst the rear extension is of significant width, it would be unlikely to be visible within the public realm. Due to these assessments, it is not considered that the proposed alterations would appear as incongruous additions when view from the principal elevation and suggests the proposal sufficiently integrates with the host property whilst reflecting the distinctiveness of the immediate vicinity. Therefore, the design complies with policy CS1 and PSP38.

5.5 Residential Amenity

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

5.6 When assessing the impact of the proposed development on the residential amenity of neighbouring residents, the introduction of 1st floor Juliet balcony is considered to have the strongest impact (by means of overlooking) into the garden of No.64. However, it is noted there are existing first-floor rear windows in the applicant property, suggesting the addition of a Juliet balcony (which **does not provide external access**) is unlikely to exacerbate the existing

overlooking, nor would it create unacceptable impacts as described above. Additionally, it is noted that the single storey extension has a maximum depth of 3.4 meters and would therefore have a negligible impact on No.60. Due to this, the amenity of neighbouring residents would be adequately preserved and the proposed development would comply with policy PSP8.

5.7 Private Amenity Space

Policy PSP43 states that residential units, including those that are subject to development, are expected to have access to private amenity space that is: functional and safe; of a sufficient size in relation to occupants; and, be easily accessible. A property of the proposed size is required to demonstrate access to 70m² of private amenity space in which submitted evidence confirms this can be achieved. Due to this, the officer is satisfied private amenity space for the property would remain at an acceptable standard that complies with PSP43.

5.8 Transport

Policy PSP16 sets out the Council's criteria for parking specifications. It states that parking space provision per dwellinghouse is proportionate to bedroom number, with this development proposal expected to provide 3no. off street parking spaces. (**NB:** Although 4 bedrooms are described, the introduction of ground floor office with the proposed dimensions demonstrates the capacity for an additional bedroom, hence the requirement listed above). Submitted evidence and discussions with the applicant's agent confirms there is an area of hardstanding towards the rear plot which is accessible from Bridgman Grove and conforms with the standards set out above. The proposal would therefore have no impact on existing vehicular access and complies with policy PSP16.

5.9 Consideration of likely impact on Equalities

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

5.10 With regards to the above, this planning application 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. Prior to substantial completion and at all times thereafter, parking arrangements shall be completed in accordance with the submitted details (Drawing No. 3990.PL.02 Rev B) which includes the provision of 3no. off-street vehicular spaces (measuring 4.8 m x 2.4 m per space).

Reason

To accord with policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

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

Reason

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

4. The development hereby permitted shall only be implemented in accordance with the plans as set out below:

Site Plan (3990.PL.01 Rev A)

Block Plans (3990.PL.02 Rev B)

Existing Elevations and Plans (3990.PL.03)

Proposed Elevations and Plans (3990.PL.04 Rev A)

Reason

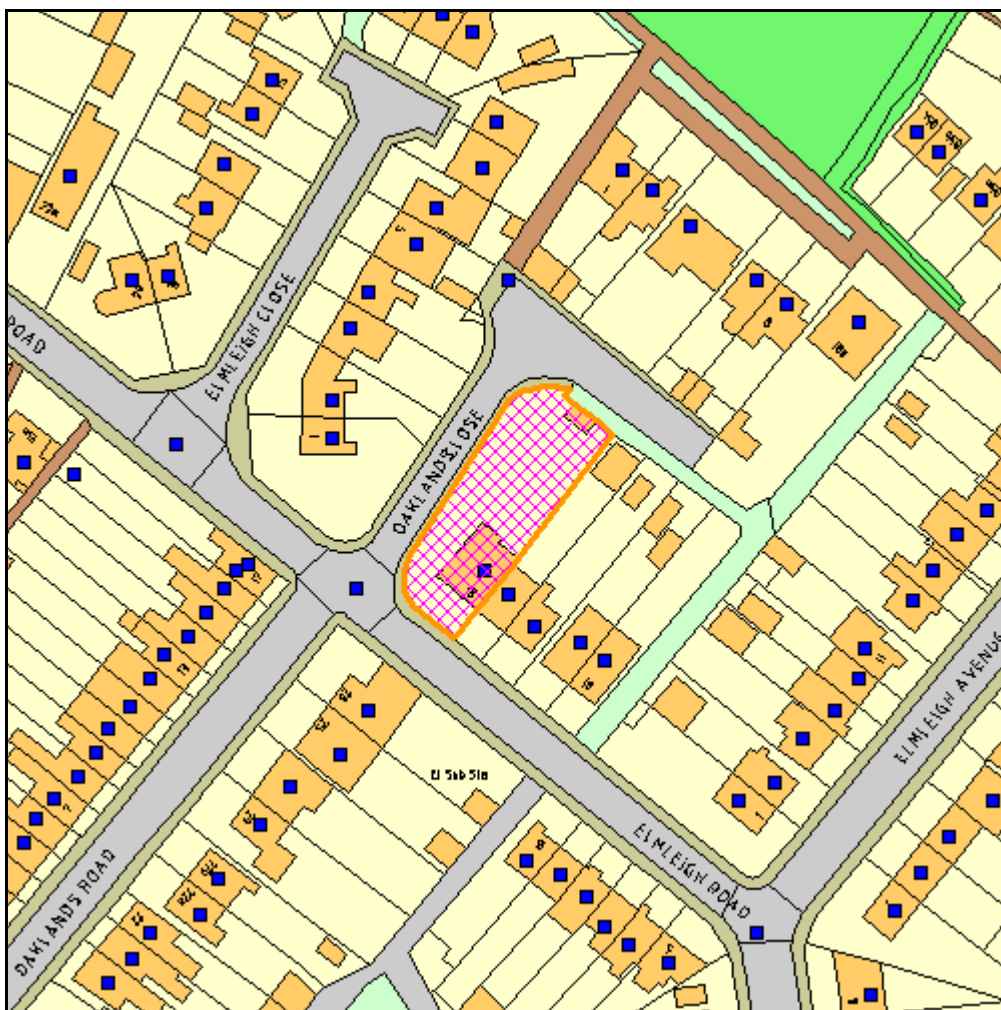
To define the terms and extent of the permission.

Case Officer: Ben France

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 09/22 - 4th March 2022

App No.:	P22/00041/F	Applicant:	Mr Osborne
Site:	18 Elmleigh Road Mangotsfield South Gloucestershire BS16 9ET	Date Reg:	6th January 2022
Proposal:	Erection of a two storey side extension to form 1no attached dwelling and erection of 1no detached dwelling with associated works.	Parish:	
Map Ref:	366530 176308	Ward:	Staple Hill And Mangotsfield
Application Category:	Minor	Target Date:	2nd March 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 appears on the circulated schedule because more than 3no. representations have been received from interested parties that are contrary to the findings of this report and officer recommendation.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the erection of a two-storey side extension to form 1no. attached dwelling and the erection of 1no. detached dwelling with associated works.
- 1.2 The application site is the residential curtilage of an end terrace two storey dwelling situated in the East Fringe of Bristol Urban Area.
- 1.3 Revised plans have been accepted during the course of the application to clarify matters, but no changes have been made the development itself. On that basis, no re-consultation was deemed necessary.

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
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS29	Communities of the East Fringe of Bristol

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
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
CIL and S106 SPD (Adopted) March 2015
Waste Collection SPD (Adopted) January 2015 (updated March 2017)
Trees and Development Sites SPD (Adopted) April 2021

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/0738/F (withdrawn 18/04/2016):
Erection of 1no. attached dwelling and 2no. semi-detached dwellings with access and associated works. (Resubmission of PK15/5256/F)
- 3.2 PK15/5256/F (refused 04/02/2016):
Erection of 1no. attached dwelling and 2no. semi-detached dwellings with access and associated works.
- This application was refused on grounds of design; inadequate private amenity space; poor amenity for future occupiers and insufficient parking.*
- 3.3 PK02/1673/O (refused 05/07/2002):
Erection of 1 pair of semi-detached dwellings and 2 No. associated detached garages rear of 18 Elmleigh Road (Outline).
- 3.4 K1188/1 (approved 19/07/1982):
First floor side extension.
- 3.5 K1188 (approved 12/02/1976):
Single storey extension to provide new kitchen and garage.

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council
No comment.
- 4.2 Transport
No objection, subject to conditions.
- 4.3 Highway Structures
No comments have been received.
- 4.4 Tree Officer
No objection in principle however the design of the development does not include any mitigated planting for the proposed removal of the tree and part of the hedgerow on site. Each property should allow for the planting of at least 1no. tree. Should permission be granted, a pre-commencement condition is required.
- 4.5 Drainage Team (LLFA)
No objection; informative(s).

4.6 Local Residents

4no. letters of objection have been received, summarised as follows:

- There is a covenant that forbids any buildings being built on the land
- I was advised previously that I would not get planning on this land
- Impact on parking in the area
- Extra homes have added to parking issues over the years
- Residents have to park somewhere
- Emergency vehicles may not be able to get through
- Previous applications refused due to parking
- Proposal would result in the loss of on street parking
- Have been told that the covenant on the land would never be lifted and have been unable to buy the land because of this
- The council have never addressed the covenant
- Covenant has not been mentioned in previous refusal reasons. Is there one or not? This could be pursued in an FOI request.
- New dwelling not subservient and does not accord with design policy
- Impact on amenity for new and existing residents
- Negligible socio-economic benefit of the new dwellings
- Insufficient amenity space
- Poor design
- Does not comply with space standards
- Will overlook my property
- Will prevent parking outside my property
- Out of character

5. ANALYSIS OF PROPOSAL

- 5.1 The proposal seeks to erect a two-storey side extension to form 1no. attached dwelling and erect 1no. detached dwelling with associated works.

Principle of Development

- 5.2 Policy CS5 sets out the spatial strategy for the district and asserts that new development will take place in the urban fringes of Bristol and then at smaller/appropriate scales within the settlement boundaries as designated by the policies map. The site being located in the east fringe of Bristol means that in this instance, residential development is acceptable in principle on a purely locational basis. Policy PSP38 is also supportive of development within existing residential curtilages (including new dwellings) in urban areas and designated settlement boundaries provided they are of an acceptable standard of design, would not prejudice the amenity of neighbours, provide sufficient private amenity space and provide sufficient parking. Given the sites location in an urban area and within an existing residential curtilage, the proposed development is acceptable in principle.

5.3 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.

- 5.4 The locality is characterised by mostly terraced early 20th century housing, with a handful of detached properties in the area. No.18 has a hip ended roof with double roman tiles and spar rendered elevations. It is located on a corner plot, with Oaklands Close running along to the West. No.18 has been extended to the side in the past, with an extension that sits flush with the original front elevation. The proposed development would see an additional c.2.8 metres added to the side extension of no.18 to form 1no. attached dwelling (no.18 would become mid-terraced and no.18A would become the new end terrace dwelling). A lean to rear projection would also be added to the new dwelling which would be same depth as the existing and would wrap slightly around the side of the new dwelling. In effect, no.18 would revert to what is understood to be its original width (c.5.4 metres) and the new end terrace dwelling (18A) would be c.5.6 metres wide.
- 5.5 The proposed bungalow would sit to the rear of the current garden of no.18 and would have a 'T' shaped footprint with a height of c.3.8 metres and height to the eaves of c.2.2 metres. The length of the new dwelling would be c.9.8 metres and the depth c.9.8 metres also, with a hipped roof and Marley double roman roof tiles (old English dark red), self-coloured render (monocouche Ivory) and grey UPVC windows. The plot would be subdivided to form separate amenity space for no.18, no.18A and no.18B. A parking area accessed from Oaklands Close would be provided for the bungalow and the new attached dwelling.
- 5.6 The attached dwelling would largely replicate the existing dwelling as it was pre-extension and would have similar proportions and detail (including bay window). It is noted that concern is raised that the extension would not be subservient, but as a new dwelling it would not be expected to be subservient and should clearly read as an independent dwelling, which it would. The attached dwelling would clearly read as another terraced dwelling in an area characterised by mostly terraced dwellings and is clearly informed by the character of the area and prevailing built form. Bungalows are less common in the area, however a bungalow is considered appropriate in the location proposed and would be in a more recessive location down the Oaklands Close cul-de-sac, but would still have a street frontage and would respect the general pattern and grain of development by avoiding a truly backland location because of its street frontage onto Oaklands Close. The new bungalow would take its cues from the surrounding dwellings in terms of roof form and would not appear incongruous or harmful to the character of the locality.
- 5.7 Some amendments to the design have been sought to rationalise the boundaries between the dwellings by re-locating the parking for no.18B to the NE of the site, however this has not been possible due to the presence of a rear access lane between the site boundary and the cul-de-sac to the NE. Locating the access to the bungalow on the corner of the cul-de-sac where there are existing gates has been explored, however this would be less than ideal in highways terms and so a balanced approach is taken where whilst the boundaries are slightly contrived, this would not alone justify refusal of the application.
- 5.8 It is noted that a large Leyland Cypress tree will need to be removed to facilitate the development. This is not objected to, however replacement tree planting will

be required and to ensure this takes place, a suitably worded soft landscaping condition should be applied, should permission be granted. This would need to be pre-commencement in light of details being absent pre-determination and has been agreed by the applicant's agent.

5.9 Overall, the proposed development would accord with the requirements of CS1 and PSP38 and represents an acceptable standard of design in this location. The materials for no.18A would match the existing dwelling and this should be ensured by way of a suitably worded condition to ensure successful integration. The materials for the new bungalow are noted on the plans and are acceptable. A material condition need not be used for the bungalow, as the plans would be conditioned as part of any consent.

5.10 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. It is noted that concerns have been raised regarding impacts on the amenity of neighbouring occupiers and of future occupiers of the development.

5.11 The siting of the attached dwelling and its relationship to neighbouring dwellings means that there are no overbearing or overshadowing concerns. The placement of openings is consistent with the other properties in the area and the existing dwelling and new openings would not provide any additional overlooking that goes above and beyond what can be reasonably expected in a suburban location. The proposed bungalow being single storey and a sufficient distance from neighbouring boundaries means that it would not have any overbearing impacts, and the location of openings, coupled with the fact the bungalow will be single storey means there are no overlooking concerns. There would undoubtedly be some increase in noise as a result of the proposal, but as a residential use in a residential area, this would not go above and beyond what would be considered reasonable or indeed acceptable.

5.12 The new attached dwelling would benefit from sufficient light and outlook, as would the reduced in size host dwelling which would revert to its previous, unextended arrangement. The bungalow would benefit from sufficient light and whilst would have a reduced outlook compared to the attached dwelling, the outlook it would enjoy would be acceptable in light of the placement of openings and relationship to the boundaries. Internally, the bungalow would meet the NDSS for a 1 bed, 1 person dwelling which is acceptable given that whilst there is another room, this is marked as a study which could double up as a guest bedroom, for example. The attached dwelling meets the 2 beds 4 person standard in the NDSS. It is noted that the back 'box' bedroom falls short of the standards, but this would replicate the size of the box room in no.18 and would replicate the layout repeated over and over in this type of early 20th century terraced housing typical of the area. Overall, there are not considered to be any deficiencies in the internal arrangements that would warrant or indeed sustain a refusal.

- 5.13 The private amenity space afforded to no. 18 and no.18A would be 80sqm and 60sqm respectively (the side amenity space on no.18A is not included in this as it is constrained and not sufficiently useable or good quality). PSP43 requires 3 bed dwellings to offer at least 60sqm private amenity space and the development would meet this requirement. The new bungalow would have over 100sqm, which is well in excess of the 40 sqm requirement for a 1 bed dwelling (or even the 50sqm requirement for a 2-bed dwelling, if considered as such).
- 5.14 The private amenity space for no.18A and no.18 would be of sufficient useability and quality. The amenity space for no. 18B (the bungalow) would be overlooked to some extent by the rear windows of no.18/18A, however there is sufficient separation to mitigate any unacceptable impacts.
- 5.15 Overall, the proposed development is acceptable in terms of residential amenity, though a suitably worded condition should be applied in the event permission is granted to remove permitted development rights for the new bungalow. This is in light of the plot size and that any future additions would need to be considered in terms of their impacts on the amenity of neighbouring occupiers.
- 5.16 Transportation
PSP11 requires new residential development to be located on safe, useable walking and/or cycling routes that are an appropriate distance to key services and facilities. PSP16 sets out the Council's parking standards, based on the number of bedrooms within a dwelling. In locational terms, the proposal is acceptable as it is within an urban area well served by public transport with good access to key services and facilities without reliance on the private motor car. It is noted that concerns have been raised with regards to parking and access.
- 5.17 The existing dwelling has five bedrooms, which generates a parking requirement of 3no. parking spaces. As a result of the proposal, the number of bedrooms in the existing dwelling would be reduced to three as the existing extension would be absorbed into the new dwelling. It is noted that concern has been raised that the loft has been converted so there is actually an additional bedroom in no.18. The applicant's agent has confirmed that this is not the case and even if there were an extra bedroom in no.18, this point would be academic as the PSP16 requirement for 3 and 4 bed dwellings is the same (2no. spaces).
- 5.18 The new attached dwelling would have three bedrooms and the new bungalow would have 1 bedroom and a 'study' which could double up as a second bedroom (two beds total). This means that the new dwellings require 2no. and 1no. spaces respectively to accord with PSP16. The plans show 1no. space allocated to the bungalow, 2no. spaces allocated to the new attached dwelling and no.18 would retain 2no. spaces on its frontage. One of the spaces for the new attached dwelling would be on the frontage accessed via an existing dropped kerb onto Elmleigh Road, whereas the second space would be provided in a parking bay accessed from Oakland Close to the NW. The space for the new bungalow would be located also in a parking bay that is accessed from Oaklands Close. A new dropped kerb would be required to facilitate the formation of the 2no. spaces accessed from Oaklands Close. As the site is not

on a classified road, this would not require planning permission but would require authorisation from the highway authority before works start.

- 5.19 The development including the creation of additional dropped kerbs would reduce on street parking, however it is a matter of fact that there is no automatic right to park on the street and provided a development meets its own parking requirements, there are no reasonable grounds to resist development. There are no safety concerns regarding the new access for the attached dwelling and the bungalow, given the cul-de-sac nature of the road.
- 5.20 In light of the above, there are no highways objections. A suitably worded condition will be required to secure the provision of the parking, and a condition to require EVCPs in line with emerging policy should also be applied, should permission be granted.
- 5.21 Drainage
The Council's drainage engineer has raised no objections to the proposed development and in light of the scale of works, surface water drainage matters will be adequately addressed through building control.

Impact on Equalities

- 5.22 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.
- 5.23 With regards to the above this planning application is considered to have a neutral impact on equality.

Other Matters

- 5.24 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.
- 5.25 Covenants are not a material planning consideration and fall outside the remit of the local planning authority. Whether or not there is a restrictive covenant on the land, whether advice has been given previously that nothing can be built on the land and the impact on any previous attempt to purchase the land is given no weight in the consideration as they are not relevant to planning.

Planning Balance

- 5.26 The proposed development would result in the addition of two dwellings to the housing supply within the district, which would have a minor socio-economic benefit which weights in favour of the development.
- 5.27 The proposal would provide an acceptable level of parking, and would be of an acceptable design, which attracts neutral weight as this is expected of any development.
- 5.28 It is acknowledged that there are some minor deficiencies in terms of compliance with the NDSS, though the development is otherwise acceptable in terms of other residential amenity issues, which also attracts neutral weight. The minor infraction of the NDSS with regards to the attached dwelling would not be so severe as to outweigh the benefits of the proposal and justify refusal. Accordingly, planning permission should be granted in this instance.

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. No development shall commence on site until a scheme of soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include 3 trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, and shall be planted in accordance with BS3936-1:1992 and BS8545:2014 in the first available planting season following the substantial completion of the development.

Reason

The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development in accordance with CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and PSP3 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

3. Prior to the first occupation of the new dwellings known on plan as 18A and 18B, the access, car and cycle parking arrangements as indicated on plan 20119_P2 A (proposed plans and elevations) shall be provided and shall be retained thereafter free of obstruction for their intended purpose.

Reason

To ensure satisfactory level of parking in the interest of highway safety and to accord with PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

4. Prior to first occupation of the dwellings known on plan as 18A and 18B, each dwelling shall be provided with 1no. electric vehicle charging point to their respective parking areas rated at a minimum of 7kw/32amp which is to be installed in accordance with manufacturers instruction and shall be retained thereafter.

Reason

To promote sustainable travel options and to accord with CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

5. 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 and E), 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 within the curtilage of the bungalow dwelling known as 18B on plan 20119_P2 A (Proposed plans and elevations).

Reason

In light of the plot size, any additions permitted under classes A, AA, B and E of Part 1 would need careful consideration to protect the amenity of neighbouring occupiers in accordance with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

6. Development shall be implemented in accordance with the following plans:

20119_P2 A – Proposed plans and elevations
As received 18th January 2022

20119_P1 A – Existing plans and elevation – inc. location plan
As received 2nd March 2022

Reason

For the avoidance of doubt and to define the exact terms of the permission.

Case Officer: Alex Hemming

Authorising Officer: Marie Bath