

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: 36/22

Date to Members: 09/09/2022

Member's Deadline: 15/09/2022 (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 list below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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:

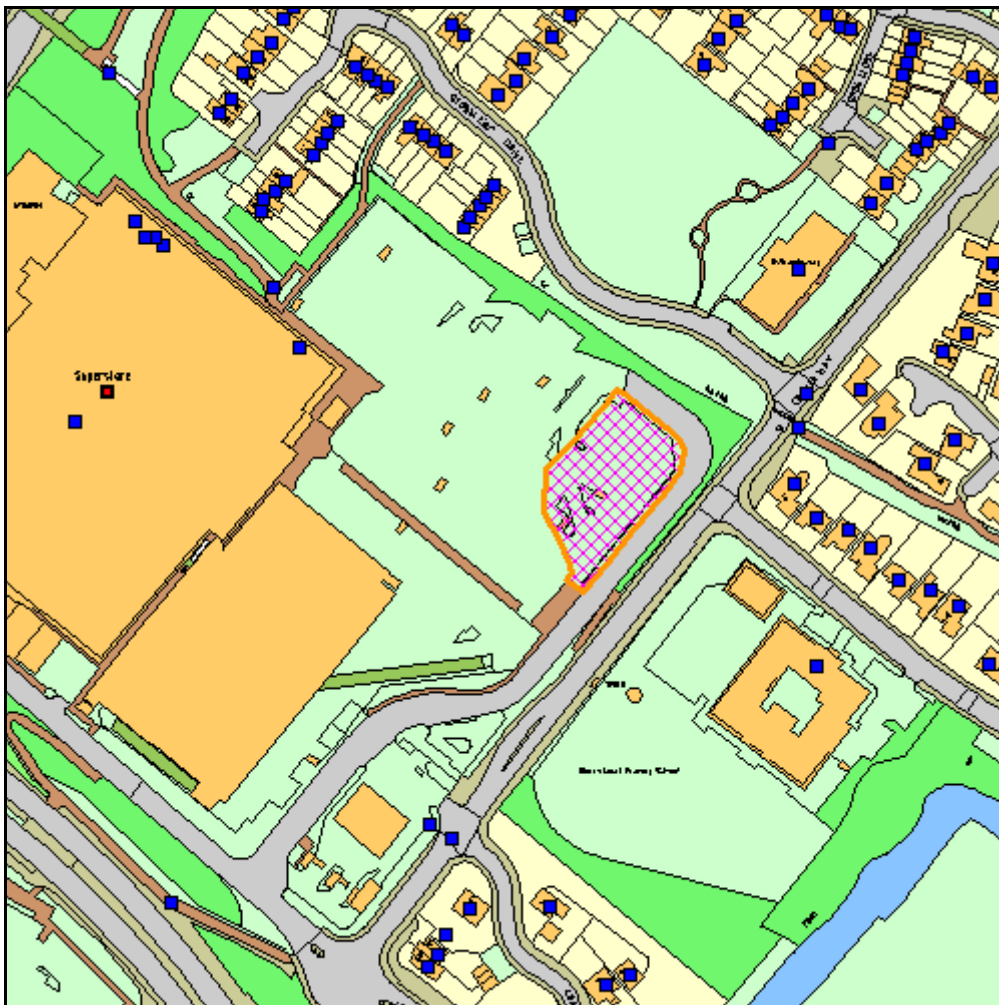
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE 09 September 2022

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P22/00059/F	Refusal	Asda Stores Craven Way Barrs Court South Gloucestershire BS30 7DY	Longwell Green	Oldland Parish Council
2	P22/01946/RVC	Approve with Conditions	Land At The Former Frenchay Hospital Frenchay Park Road Frenchay South Gloucestershire BS16 1UU	Frenchay And Stoke Park	Winterbourne Parish Council
3	P22/03005/F	Approve with Conditions	Windmill Golf Academy Henfield Road Westerleigh South Gloucestershire BS36 2FE	Boyd Valley	Pucklechurch Parish Council
4	P22/03092/HH	Approve with Conditions	Manor House Hortham Lane Almondsbury South Gloucestershire BS32 4JR	Severn Vale	Almondsbury Parish Council
5	P22/03258/F	Approve with Conditions	Thornbury Golf Centre Bristol Road Thornbury South Gloucestershire BS35 3XL	Thornbury	Thornbury Town Council
6	P22/03733/F	Approve with Conditions	Land At Oxleaze Farm Oxleaze Farm Road Inglestone Common South Gloucestershire GL9 1BS	Chipping Sodbury And Cotswold Edge	Hawkesbury Parish Council
7	P22/03863/HH	Approve with Conditions	Cherrydown 88 Old Gloucester Road Hambrook South Gloucestershire BS16 1QH	Frenchay And Downend	Winterbourne Parish Council
8	P22/03864/HH	Approve with Conditions	279 Sundridge Park Yate South Gloucestershire BS37 4HA	Yate Central	Yate Town Council
9	P22/04026/R3F	Approve with Conditions	Digitech Studio School Tower Road Warmley South Gloucestershire BS30 8XQ	Parkwall And Warmley	Oldland Parish Council

CIRCULATED SCHEDULE NO. 36/22 -9th September 2022

App No.:	P22/00059/	Applicant:	Euro Garages Ltd
Site:	Asda Stores Craven Way Barrs Court South Gloucestershire BS30 7DY	Date Reg:	7th March 2022
Proposal:	Erection of a single storey building for a mixed use of restaurant and hot food takeaway (Sui Generis), incorporating a dedicated 'drive-thru' facility and associated reconfiguration of the existing car park layout.	Parish:	Oldland Parish Council
Map Ref:	365551 172240	Ward:	Longwell Green
Application Category:	Minor	Target Date:	29th April 2022



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P22/00059/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 CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as more than three written representations have been received that are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Planning Permission is sought for single storey building for mixed use as a restaurant and hot food takeaway, incorporating a dedicated 'drive-thru' facility and the associated reconfiguration of the existing car park layout. The building would be single storey with a 'lean-to' roof approximately 5m at its highest point, and floor area of 163 sq. m GIA
- 1.2 The application site comprises eastern corner of the car park serving the Asda supermarket. It is flat, situated on a raised platform above the ramped entrance road into the car park adjoining the site directly to the north, east and south. The site is bounded to the west by internal access road and parking spaces serving the supermarket.
- 1.3 Beyond the ramped entrance road to the south lies Craven Way and Barrs Court Primary School, and to the north mature tree planting and beyond this Stoneleigh Drive and Barrs Court Nursery and Payne Green Public Open space. Residential properties lie to the east in Craven Way, Stephens Drive and Davis Close, to the south in Craven Close, and further to the north-west in Stoneleigh Drive. Further to the south-west beyond Marsham Way lies the Gallagher Retail Park and further to the north-west beyond the A4174 dual carriageway the Aspects Leisure Park comprising leisure facilities, restaurants and hot food takeaways.
- 1.4 The application is supported by existing and proposed plans and elevations, Planning Statement (incorporating sequential test analysis) and Design and Access Statement, and supporting information for drainage, transport, noise, odour, coal mining risk and trees. Updated and additional information was submitted during consideration of the application to address comments raised by consultees and the case officer.

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
CS29 Communities of the East Fringe of the Bristol Urban Area

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP20 Flood Risk, Surface Water and Watercourse Management

PSP21 Environmental Pollution and Impacts

PSP22 Unstable Land

PSP31 Town Centre Uses

PSP32 Local Centres, Parades and Facilities

PSP35 Food and Drink Uses (Including Drive Through Takeaway Facilities)

3. RELEVANT PLANNING HISTORY

- 3.1 K1124/46AP - Proposed superstore, shop units covered mall and associated road network and car park at local centre.
Approved 18.01.1982
- 3.2 PK04/2458/F - Installation of additional water chiller unit.
Approved 26.10. 2004 subject to conditions
- 3.3 PK09/1053/F - Erection of 2 storey front extension for use as class A1 retail and ancillary customers cafe and erection of single decked car park.
(Resubmission of PK09/0243/F)
Approved 18.09.2009 subject to conditions and Section 106 Agreement
- 3.4 PK12/0673/F - Erection of single storey side extension to form home shopping unit. Erection of 3m high palisade fencing and gates.
Approved 30.04.2012 subject to conditions
- 3.5 PK13/1687/F - Creation of a Grocery Collection point.
Approved 22.05.2013 subject to conditions
- PK15/4366/F - Change of use of land from car parking to hand car wash and valeting area and erection of portacabin (approved November 2015);
- 3.6 PK18/0456/F - Erection of 1no. pod (Class A1 use) with associated works.
Approved 05.04.2018 subject to conditions
- 3.7 P19/15654/F - Erection of new eight pump (sixteen filling positions) petrol filling station, car and jet wash and associated works following demolition of the existing petrol filling station.
Approved 11.05.2020 subject to conditions

- 3.8 P20/10212/ADV - Display of 1 no. internally illuminated single sided free standing totem sign, 1 no. internally illuminated double sided free standing totem sign, 1 no. externally illuminated single sided free standing advert panel, 1 no. non-illuminated double sided advert feature wall, 3 no. internally illuminated fascia signs, 1 no. non-illuminated traffic sign and 1 no. non-illuminated banner frame.
Approved 04.09.2020 subject to conditions

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

Strongly object to this planning application and fully supports the many concerns and objections expressed by residents & Barrs Court Primary School. Specific reasons include:

Transport: The increase in traffic will add to the already very concerning levels of congestion at peak times within the ASDA site and on the surrounding road network. This application must also be considered in the context of other proposed developments in the surrounding area to avoid an unacceptable cumulative traffic increase and resultant future congestion problems.

The location of the Drive-Thru entrance on the ASDA car park entrance road will lead to significant congestion for those accessing the ASDA car park when the inevitable tail backs occur from the Drive-Thru order point, especially at peak times.

Delivery/Servicing Plan: The proposed use of large (10-11.5m long) delivery & waste collection lorries accessing the site through the space limited & congested ASDA car park, including passing family parking bays, is considered to significantly degrade user safety within the car park.

Use of the disabled parking spaces for the delivery bay is not considered a safe or practical solution, both from a logistics perspective (e.g. timing the vacating of the bays) and for providing accessible disabled facilities at all times.

Residential Amenity: The proposed unit, particularly the 24-hour operation, will lead to increased noise, light pollution, littering (with increased likelihood of attracting rodents) and general disturbance for nearby residents. The anti-social behaviour (including car meets etc.) regularly experienced in this area will be further encouraged by a 24-hour facility of this nature.

Proximity to Barrs Court Primary School & Busy Bees Nursery: The concerns submitted by Barrs Court School are fully supported, specifically regarding safeguarding and the inappropriate siting of a fast food outlet so close to a school. It is worth noting that the applicant states that there will be no advertising within 200m of any school (Government standard is 100m). However, the site is approximately 65m from Barrs Court School indicating the achievement of this commitment is not feasible.

Visual Amenity: The propose building will not integrate well into the street scene being in such a prominent position and will further degrade the outlook for nearby properties

4.2 Sustainable Transport

Having considered all the relevant transportation and highway issues relating to this then, we see no highway or transportation reasons to raise objection to this application. Comments on specific matters as follows

Location and Access - Overall, consider the site location of the application site facilitates the opportunity for staff and customers to travel by sustainable modes (e.g., on foot, by cycle or public transport), thereby reducing reliance on the private car.

Traffic - Overall, conclude that whilst there will be an increase of traffic movements resulting from the new unit, the impact of additional traffic on the existing highway network would not be significant to justify the refusal of the application on the traffic ground alone.

Parking – Agree with the finding conclusion of the report that there is sufficient capacity within the Asda car park to continue to accommodate the demand for parking generated by Asda and the future demand of the proposed unit and as such, the development proposal will not generate any overspill parking on to the local highway network.

In line with SGC policy PSP16 (parking standards), the proposal also includes provision of cycle parking for the new unit. In this respect, the proposal will provide a total of 6no. cycle parking spaces for customer and staff use all to be located in close proximity to the new building.

In terms of servicing arrangement, the officer confirms that all servicing and delivery arrangements for the new unit will take place on site with the servicing vehicles able to access the site using the existing internal road infrastructure. Plans submitted with the application illustrates the swept path analysis of an 11.5m rigid vehicle, the largest anticipated to service the development, demonstrating that the vehicle can access and egress the site in a forward gear.

Travel Plan – Annotated comments provided. While the document is titled Framework Travel Plan it has been written in the style of a Travel Plan. Given the small scale of the development there wouldn't be a need for a subsequent Travel Plan to be written after approval. Updated travel plan (July 2022) meets the travel plan requirements for the site.

Recommend conditions for:

- Provision of electrical charging points on site (the exact number of electrical charging points to be decided at the later date and following a discussion with the applicant),

- Prior to occupation of the new build, provide cycle parking as shown on submitted and approve plan and subsequently maintain these satisfactory thereafter.

4.3 Highway Structures

No comment

4.4 Lead Local Flood Authority

No objection

4.5 Environmental Protection – Air Quality

No comments received

4.6 Environmental Protection – Contaminated Land

No adverse comments

4.7 Environmental Protection – Noise and Odour

No objections to the application on the provision the noise and odour abatement controls set out in the application reports are met.

4.8 Environmental Protection – Food Team

No adverse comments

4.9 Police Crime Prevention Design Advisor

1. Over the previous 12 month period within a 500m radius from the site there have been some 321 instances, of which 113 were ASB. Of the crimes in the area discounting the retail theft there were 7 offences of robbery, 37 offences of violence against the person, 35 public order offences and 15 offences of criminal damage.
2. There is a substantial crime risk in the area.
3. The section on security in the DAS is welcomed and goes a long way to ensure that safety and security are addressed.
4. The section doesn't seem to indicate if there are any overlaps between the CCTV coverage of the car parking area by ASDA Store and the proposed site. This does add to the safety provision for the site.
5. From our experience certain features do cause issues in relation to the type of premises applied for. It has been found that where outside seating is placed close to the vicinity of the main entrance it can cause conflict between persons on the seating or hanging around the seating and other customers requiring to get in the door. The submitted site plan does show seating outside of the entrance, it is advised that this seating is positioned taking this point in mind.
6. From a community safety aspect there are concerns over the proposed 24 hour opening period for the facility, these concerns revolve around the instance risk and also the vicinity to the other similar premises located close to the site, Aspects Leisure. At this site premises close at 2am, maybe

creating a possibility that users of these establishments could move onto the proposed site after this time, extending the time that the local community may be disturbed.

4.10 The Coal Authority

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. As such, should planning permission be granted for the proposed development, recommend that the following conditions are included on the Decision Notice:

1. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

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

The Coal Authority therefore has no objection to the proposed development subject to the imposition of the above conditions.

4.11 The Tree Team

Due to the proximity of the trees in relation to the development, the Tree Officer has no objection to the proposal. Request the Tree Survey JSL4269_773 dated 14th December 2021 be added as an approved document.

4.12 Economic Development

No objection in principle but recommend consider the following:

1. The new premise is located within Longwell Green one of the Communities of the East Fringe of Bristol Urban Area as defined within section 13 of the South Gloucestershire Local Plan (the "SGLP").
2. Note the applicants proposal to create of 30 new jobs at the new premises and highlight that these will be created adjacent to one of South Gloucestershire Council's Priority Neighbourhoods at Cadbury Heath.

Within the SGLP it states at 13.6 and 13.6.2: *“The Council will also work with its partners to ensure that: training and employment opportunities are enhanced for residents of the priority neighbourhoods at Kingswood, Staple Hill and Cadbury Heath as and when employment opportunities may arise in and around the locality.”*

3. Noting paragraph 2, above request that the Applicant prepares an assessment for review which incorporates the following:
 - a) Noting the Priority Neighbourhood at Cadbury Heath: how does the Applicant intend to engage with and encourage successful job applications from the local labour market?
 - b) During the build phase, the amount of work (by value) the applicant intends to place with local suppliers registered in South Gloucestershire.
 - c) What pathways (e.g. apprenticeships) does the Applicant intend to use to use to increase the skills of its workforce at the new premise?

4.13 Planning Enforcement

No response received

Other Representations

4.14 Local Residents/Neighbouring Occupiers

104no. written comments have received in objection to the application, summarised as follows:

- No need for 24 hour fast food facilities
- Area already well served by food outlets
- Enough services online which offer food delivery
- Site already overdeveloped
- Other empty locations nearby
- If the applicant wants to open such an outlet it should be located at the rear of Asda.
- Application identifies Asda is part of the retail park, it is not.
- Not appropriate for area close to residential properties, school and nursery
- Against the government's policy of discouraging unhealthy eating establishments close to schools.
- Increase in unhealthy eating and child obesity
- Fast foods outlets do not support healthy lifestyles
- Reduces parking spaces available for shoppers, at busy times car park is congested.
- Loss of customers for Asda
- Will make existing issues in the area worse especially at night
- Increase in traffic, car racing, risk of serious accidents, and noise/pollution from cars
- The infrastructure cannot handle the current traffic that flows into Asda and the subsequent roundabouts
- Lesser used part of car park the drive through is ill thought as will block traffic to and from the supermarket like nearby McDonalds at lunchtime
- Reduced parking at Asda after claim that double storey car park was a necessity

- No traffic segregation between supermarket and restaurant
- McDonalds as an example, queues for the drive through completely block the access from the leisure park at times
- Will lead to younger people loitering and anti-social behaviour
- Outdoor seating will increase opportunity of gathering at all times
- Noise, nuisance, smells, light, and litter
- Increased noise 24 hours a day for those living close to the site
- More local litter thrown out of cars
- Before adding to the problem the Council should be working with Asda and McDonalds to rid areas of rubbish already there
- How far litter collection service will go, will it extend to a 10-15 minutes radius after consumers have eaten their takeaway meal.
- Increase in cars meeting up in the car park and causing disruption
- Will increase vermin that is already a problem in area
- Black-backed/herring gulls and foxes eating, spreading waste
- Will dominate the area and views on elevated edge of the car park and bright signage
- increased risk to vulnerable young children whose schools (both primary and nursery) will be overlooked by the site
- Loss of property and amenity value
- Decrease biodiversity and important habitats for wildlife and environment
- Goes against the agent of change principle (paragraph 187 NPPF) as no mitigation of its impact and no mitigation is appropriate.
- Police already stretched without adding to their workload
- Already a KFC restaurant with drive through on the ring road in Keynsham offering delivery service to the Longwell Green Area
- More appropriate in Aspects as further away from residents and fit much better with leisure complex
- Redevelopment where Majestic is already has food outlets and better through road
- Not needed in area, already enough takeaways and restaurants
- Serious consideration into wider resultant environmental dangers crucial.
- Something few people want
- Backwards step for the area as a whole

4.15 10no. written comments have been received in support of the application, summarised as follows

- Hope the development goes ahead
- Will be a change for customers from McDonalds for local fast food.
- Anti-social behaviour is anywhere, happens everywhere, everyday
- Managers trained how to deal with any issues that potentially could arise
- Will be good for the economy and attract customers to the area
- Will create jobs within the community.
- With increased housing, there's more demand for this
- Great addition to the Asda carpark.
- Will not be a lot of spaces or traffic taken up as most staff will be in college and therefore not have a licence and most will hopefully be local
- As long as plenty of bins installed the rubbish will be controllable
- The area needs rejuvenation and provide more jobs for locals.

- People buy house near supermarket then complain about the supermarket
- The area needs rejuvenation and feel this would benefit local residents
- Support for a Burger King

4.16 Barrs Court Primary School Governing Body

Do not consider the proposed development to be appropriate given its location in relation to the neighbouring primary school and strongly object for the following reasons:

- Safeguarding – as the proposed development is in an elevated position compared to the school, there is a potential safeguarding risk when the children are using the playground. Our Reception children's (Age 4-5) outdoor learning space is on the corner of Stephens Drive and Craven Way and will be in direct view of the proposed development and this should be a key consideration to ensure the safety of the children at all times.
- Health & Obesity Rates - governors are aware of the following concerning information:
 - 14.4% of reception age children (age 4-5) are obese, with a further 13.3% overweight.
 - At age 10-11 (year 6), 25.5% are obese and 15.4% overweight.
 - Overweight and obesity in childhood is known to have a significant impact on both physical and psychological health.
 - Overweight and obese children are likely to stay obese into adulthood and more likely to develop diseases such as diabetes and cardiovascular diseases at a younger age.
- To build a fast food restaurant so close to a school is irresponsible and will only add to these worrying statistics.
- Rats – there is a known on-going issue with rats in the Barrs Court Moat area and on the boundary of the school. The proposed development will attract rats further into the residential areas from food waste and increased litter.
- Environmental Issues – the governing body would like to echo the comments made by many of the local residents regarding the noise at night, litter and potential for anti-social driving/behaviour. It is likely that the volume of traffic and ultimately emission levels will increase.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site comprises an out-of-town supermarket with associated car park, petrol station and other smaller ancillary services. It lies within Longwell Green, identified as one of the communities of the East Fringe of Bristol Urban Area by Core Strategy Policy CS29 and Figure 9. The site lies within reach of two bus routes, one to south-east in Craven Way and one to the south in Aldermore Way (Within Gallagher Retail Park). As illustrated on a submitted pedestrian routes drawing the walking routes to bus stops and other locations could not be described as convenient, nor from observations by the case officer as attractive routes, involving either crossing busy roads, or to reach facilities in Aspects Leisure via footbridge above the A1474 dual carriageway.

- 5.2 Supporting paragraph 13.2 to policy CS29 refers to the decline of traditional centres partly due to competition from the Longwell Green Retail Park. This retail park lies to the south-west of the application site and is specifically identified by Core Strategy Policy CS14 as being out of centre. It is therefore not a town centre or edge of centre location for consideration of proposals nearby.
- 5.3 Both restaurants and drive-through restaurants are defined within the Glossary of the National Planning Policy Framework (NPPF) as main town centre uses. The application proposal as a mixed-use restaurant and hot food takeaway with a 'drive-thru' facility would therefore introduce a new main town centre use in an out of centre location, and as considered above, in a location lacking convenient and attractive connectivity to other services.

National Planning Policy and Guidance

- 5.4 NPPF para 86 states:

'Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.'

- 5.5 The sequential test is a key test to be applied for main town centre uses in out of centre locations which are not in accordance with the development plan.

- 5.6 In applying the sequential test NPPF Paras 87 and 88 state:

87. 'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

88 'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'

- 5.7 Planning Practice Guidance Town Centres and Retail para 011 provides that it is for the applicant to demonstrate compliance with the sequential test, and poses two questions:

- *With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered?*
Any associated reasoning is advised to be set out clearly.
- *Is there scope for flexibility in the format and/or scale of the proposal?*

What is advised to be considered is the contribution more central sites are able to make individually to accommodate the proposal.

Development Plan

- 5.8 Core Strategy Policy CS14 seeks to protect and enhance the vitality and viability of existing centres in South Gloucestershire in recognition of their retail, service and social functions. It defines the retail hierarchy of Town Centres, including Kingswood and Hanham, then District Centres, and then 49 Local Centres and Parades. The policy requires new investment in main town centre uses to be directed into the town and district centres, and development within local centres and parades to meet local needs and of a scale appropriate to the role and function of that centre/ parade. This will be achieved, amongst other things, by applying the sequential approach to consideration of proposals for new town centre uses.
- 5.9 The approach set out in Policy CS14 is taken forward within Policies, Sites and Places Plan policy PSP31. Subsection 6 states main town centre uses as only being acceptable where three criteria have been met:
- i. no centre or edge of centre sites are available; and*
 - ii. the proposal(s) would be in a location readily accessible on foot, cycle, and by public transport; and*
 - iii. alternative formats for the proposed uses have been considered.*

The wording of part (i) above, whilst requiring sites to be available without qualifying when, is sufficiently broad to encompass the definition within NPPF para 86 of being available within a reasonable period.

Subsection 8 requires an impact assessment for proposals over 1,000 sq. m. However as the 163 sq. m floorspace proposed is below this threshold, an impact assessment is not required in addition to the sequential test.

- 5.10 Policy CS29(2), in delivering the vision for the east fringe of Bristol Urban Area, also states that development proposals should improve the viability and vitality of Kingswood and Hanham Town Centres as service centres for the urban and surrounding rural areas. Supporting paragraph 13.2 to this policy referenced above identifies, in contrast, harm being caused to their viability and vitality from the Longwell Green Retail Park. Given the close proximity of the application site to this retail park, and both being out of centre locations, increasing the provision of main town centre uses at the site would correspondingly increase harm to the viability and vitality of these centres, contrary to requirement of policy CS29(2).

The Sequential Test

- 5.11 A Sequential Test Assessment has been submitted within section 6 of the Planning Statement (PS). Independent advice was provided to the Council on this from DPDS Ltd in a detailed report, which was shared with applicant and whom was then given the opportunity to review and respond. An additional note

was subsequently submitted to supplement the PS, for which further advice was sought from DPDS Ltd and provided as an addendum to their earlier report.

5.12 The PS firstly considers legal precedents, misleadingly also referencing planning appeal decisions that are not legal precedents. They can provide indications of how planning judgements may be exercised but are not binding on Inspectors, are case specific, and are based on only the evidence submitted in relation to appeal in question.

5.13 The understanding of case law, planning appeal decisions, and requirements of the NPPF is fundamental to the correct application of the test. The PS is flawed in this understanding, including:

- Failure to identify recent case law and appeal decisions including those taking a different approach to those referenced in the PS;
- Stating that alternative sites need to be currently available, based on the Rushden Lakes appeal decision, which was context specific. This also fails to identify change later introduced by the 2018 NPPF, that sites should be “available”, or “expected to become available within a reasonable period”;
- Alternative sites needing to be viable - This requirement stemmed from previous national policy (PPS4), which was not carried through in the NPPF or PPG in respect of decisions;
- Misleading interpretation of “suitable” and “available” in relation to alternative sites as including the specific requirements of the intended operator. The Mansfield judgement (Aldergate Properties Ltd v Mansfield DC and Regal Sherwood Oaks Ltd ([2016] EWHC 1670 (Admin), not referenced in the applicant’s legal precedents, established that *“suitable” and “available” generally mean “suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer.*”
- Absence of justification for the “drive-thru” lane being an essential site requirement for the proposal, as opposed to one format that flexibility could be demonstrated in consideration of alternative sites, particularly locations with high pedestrian/ cycle connectivity and availability of parking that may negate the need for a drive-thru lane. The PS references two old (2005 and 2008) drive-thru appeal decisions as findings that there is limited flexibility for drive-thru operations. These decisions pre-date later judgements on how suitability and flexibility in the sequential test should be approached, with it being a matter of planning judgement, not law, how much flexibility should be required.

The PS therefore demonstrates an inaccurate and unreliable understanding of the sequential test, as basis for the test being carried out, with consequence of potentially excluding suitable and available alternative sites.

Methodology and Minimum Site Criteria

- 5.14 The PS provides no detail of the method used to identify possible sites for further investigation nor any documents used in the process. A search area for the exercise is not defined, nor is it explained how the centres included were identified. The minimum site requirements include a site area of 0.3ha, three times larger than the application site, thereby would erroneously exclude town centre and edge of centre sites benefitting from existing parking, service roads and public transport accessibility. Even though the additional note references 0.1ha with suitable adjacent car parking, there is no indication of the site search been reviewed to take account of this change as under “other requirements”, on-site car parking is still required. The requirement for sites to be prominent from the nearest road to ensure visibility to passing custom has not been justified. No explanation is offered as to why it is not important for the application site, which does not benefit from this, but would be in other cases. The need for a drive-thru lane to accommodate the broad type of development proposed has also not been demonstrated in the sequential site assessments.
- 5.15 The additional note references PPG para 012 of certain main town centre uses having particular market and locational requirements which mean they may only be accommodated in specific locations, that a drive-thru restaurant requires vehicle access and circulation around the building, with the site and operator requirements being specific and anticipated within the PPG. However this is applying a generalised interpretation of para 012 to a type of development, as opposed to its intended application of a proposal being linked to a specific place - for example roadside services on long distance routes. A robust justification would need to be provided for the specific locational requirements in any case, which has not been. The NPPF is clear, by inclusion of drive-through restaurants in the glossary the definition of main town centre uses, and directing such uses to town centres in para 87, that town centres and then edge of centre locations are the sequentially preferable locations for the development proposed.
- 5.16 For consideration of flexibility, whilst disaggregation is, contrary to view set out in the PS, a relevant consideration for flexibility, given the size and single, albeit mixed, use of the building, it could not reasonably be required in this case. There are other elements of flexibility in format and/or scale which could be explored however the additional note sets out specific requirements of the operator, including being well connected to the local road network, having a good local catchment population, sufficient space including customer parking and a drive-thru lane, and practice to apply a 5-8-minute drive time to its drive-thru restaurants, giving the catchment area shown on Fig.1 in the note. No evidence though has been provided to justify the accuracy of these drive times and how rigidly it should be applied, for this to be accepted as the appropriate area of search.
- 5.17 As established in the Mansfield case, referenced above, the sequential test should be “operator blind”, with the relevant considerations being the requirements and catchment area for the broad type of development proposed by reference to size, type and range of goods, and not based upon the operator’s practice, including the drive time put forward. The only flexibility considered within the additional note is on the development layout and size of the restaurant, and no justification to support the drive-thru lane being a broad

type of development. It is therefore considered the proposed site requirements fail to demonstrate sufficient flexibility required under NPPF para 87 and Policy PSP31(6).

Assessment of Sequentially Preferable Alternatives

- 5.18 In assessing vacant and available sites, NPPF paras 87 and 88 are clear that opportunities to utilise suitable town centre or edge of centre sites should be fully explored, and out of centre sites only considered where these are not available or expected to be within a reasonable period. The additional note refers to identification of vacant sites through online marketing databases and commercial agent websites, rejecting any sites not capable of accommodating the physical size of the development. Which sites these are is not specified, nor any justification for the sites needing to be actively marketed to be considered available. Land transactions and new development proposals come forward without marketing (the application site for example has not been marketed). Restricting to online marketed sites potentially omits other suitable sites which may be available.
- 5.19 The PS and additional note provide conclusions in relation to the availability of sites within Hanham Town Centre, but no explanations of how they have been arrived at for example, details of the vacant units under consideration, maps of potential development sites, and constraints leading to those sites being considered unsuitable.
- 5.20 For availability of sites within Kingswood conclusions are similarly made without sufficient explanation of how they have been arrived at. It is stated that due to the one-way single carriageway, and requirement for significant highways works that would be unlikely to approved by the Highway Authority, no sites along the A420 would be suitable. This is also a conclusion without proper assessment. As set out by NPPF para 111 *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.* No evidence has been provided to demonstrate that new vehicular access on this stretch of road would do either, and these matters would have to be assessed for individual proposals.
- 5.21 Two potential sites in Kingswood are identified, the first being the former Store 21 benefitting from rear access and an adjacent public car park. A conclusion is however reached of this being unsuitable due to the site being too large and incapable of providing a drive through lane, without substantial structural alteration. No assessment has been made whether alterations to the building would be possible, nor how the broad proposal could potentially be accommodated, to sufficiently evidence this site being unsuitable. The second, 135 High Street, a conclusion has been reached on site size alone, however at 600 sq. m site are a building of 163 sq. m could be accommodated with approximately 25% site coverage with further assessment needed to be made on accommodating servicing, parking and circulation to be able to sufficiently evidence a conclusion on the suitability of this site. Whilst this site is 500m from the primary shopping area and therefore also out of centre, it is still sequentially

preferable, being more accessible to pedestrians and cyclists and with better transport links to a town centre than the application site.

- 5.22 Two local centres (Ellacombe Road and Longwell Green Parade) are briefly considered and concluded as having no suitable sites available, and being not compatible with the residential nature of the areas. Several relatively recent commercial developments (including an Aldi in Longwell Green) suggest however that larger scale developments are possible, and constraints would have to be considered in relation to individual proposals. In response to being made aware of an available property in Longwell Green (a former estate agents) the additional note simply advises it was not vacant when the assessment was made, highlighting the limitations of relying upon on a single snapshot of commercial property websites.

Sequential Test Conclusions

- 5.23 The information supplied is inadequate on the availability of suitable, sequentially preferable, sites. The additional note advises that knowledge of the district and the availability and history of a number of potential sites has been used, but there is no further information on these sites, no evidence submitted which sites have been considered and the reasons why they were rejected. It is not sufficient to simply state that there are no suitable sequentially preferable sites. Without information on why sites were rejected, it cannot be concluded that the test has been carried out thoroughly, in accordance with the methodology described, and with due regard to the need for flexibility. The requirement for active marketing in carrying out the site search has not been justified, no evidence provided of reference to Local Plan documents being made, nor any consultation taken place with the Council on suitability of alternative sites prior to submission.
- 5.24 In addition, the site parameters used are, contrary to the Mansfield judgment, not “operator blind”, meaning the approach to site assessment has not been based on the suitability of sites for the broad type of development proposed and might well have excluded sites which should have been considered. For the centres and sites that were considered, conclusions reached upon suitability lack evidence to justify them. For accommodation of a drive-thru lane as an essential site requirement needs justification. It is not clear that the applicant has shown reasonable flexibility not least because it is not known which sites have apparently found unsuitable and why they were found so.
- 5.25 PPG para 011 proves that the onus is on the applicant to demonstrate compliance with the sequential test. They have failed to do so, and NPPF Para 91 states that where an application fails to satisfy the sequential test, it should be refused. As an out of town proposal for main town centre uses, it would be contrary to Core Strategy Policy CS14 and Policies, Sites and Places Plan Policy PSP31, and would not improve the viability and vitality of Kingswood and Hanham Town Centres, contrary to Core Strategy Policy CS29. The proposal is therefore unacceptable in principle.

5.26 Design and visual amenity

- Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policies, Sites and Places Plan Policy PSP1 seeks proposals to respond constructively to the buildings and characteristics that make a particularly positive contribution to the distinctiveness of the area. Policy PSP2 requires hard and soft landscape works to be of a high standard of design and an integral part of the development incorporating existing landscape features where appropriate.
- 5.27 The proposal would be sited in a prominent corner location at the top of a ramped entrance road leading into the supermarket car park. Whilst it would be highly visible within the car park, mature hedging and trees bounding the supermarket assist to reduce visual impact of the building, and associated activity from its use, from the neighbouring area.
- 5.28 The proposal would result in the loss of 3no. trees within the parking area, two of which are identified as poor quality in the submitted tree survey. To enable provision of the drive-through lane around the building, the proposal would also remove the planting area containing 2no. further trees (one of which the tree survey records as dead) and straight section of retaining wall at the eastern corner of the site. This faces towards the ramped entrance into the car park and would be replaced with a curved section of wall for which no details have been provided.
- 5.29 Hard and soft landscaping plans have been submitted which propose tarmac to parking bays and drive-through lane, with block and tactile paving to pedestrian routes and concrete to site edges. Limited planting is proposed in the form of 4no. trees and shrub planting beds around the north and south-eastern site edges which adjoin the ramped supermarket entrance, the majority at lower level to the restaurant. However this planting bed depth would be insufficient for the proposed trees to establish, and conflicts exist between the hard landscape and soft landscape plans.
- 5.30 The small site area severely constrains the ability for the proposal to provide adequate landscape mitigation. However from informal discussion with the Council's landscape officer, potential planting options are possible, and could include introduction of either a hedge or climber planting supported by mesh/trellis to the application site edges, with the latter also being applied building elevations as well as a sedum green roof to the building. Additionally there would be opportunities to provide trees and other planting within the supermarket car park since this lies within control of the applicant.
- 5.31 The applicant has confirmed they would accept a planning condition for a landscaping scheme, but maintains trellis panels and climber planting would attract rodents to the restaurant conflicting with their food safety and hygiene practices. This reasoning is not accepted however; planting itself does not attract rodents only litter that may be thrown into it, and the applicant would need to include removal of this within a litter management plan (considered

later in this report under residential amenity). Due to the extent of hard surfacing proposed within the application site, and reduction in existing planted areas, additional planting would be necessary both within and around the site to mitigate the proposals' landscape harm.

- 5.32 The building would be single storey, approximately 5m in height, and modern in design. A glazed frontage would be to the south-east, providing customer entrance and delivery driver collection point. Rooftop plant at the north-west of the building would be recessed below height of the parapet. External materials proposed are cladding in grey and cream, black powder coated aluminium roof overhang, and red order canopies. The scale and general form of the building is considered appropriate to its' immediate context i.e. curtilage of the supermarket, however the clad elevations lack visual interest.
- 5.33 Overall the proposal reflects the immediate site context that of the supermarket, with some elements of distinctiveness through its form and range of materials proposed. It would replace an area of existing hardstanding but with a net reduction in soft landscaping and intensification of the site. Were the proposal to be recommended for approval planning conditions would be necessary to ensure that planting opportunities are maximised (as per recommendations of the landscape officer) to mitigate the landscape harm arising from the proposal, and for revised details of external materials including submission of samples, to potentially include planted wall sections and roof.
- 5.34 Lighting details are indicated on the submitted elevations however lacking in detail. Given the existing lighting within the car park, and screening of the site from residential areas by mature trees, it is considered this could be controlled by a suitable planning condition for lighting details.
- 5.35 Transport and Parking
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.
- 5.36 Policies, Sites and Places Plan Policy PSP11 provides that development proposals which generate a demand for travel will be acceptable where appropriate, safe, accessible, convenient, and attractive access is provided. They should also not create or contribute to severe congestion, severely impact on the amenities of communities surrounding access routes, nor have an unacceptable effect on highway and road safety. Commercial development should be located with access by walking routes and public transport, with appropriate on-site loading, unloading and waiting facilities. Core Strategy Policy CS8 requires car parking and vehicular access to be well integrated and provide safe and secure cycle parking facilities.
- 5.37 Comments from Oldland Parish Council and public comments received refer to increased traffic and congestion resulting from the proposal, including from vehicles waiting to enter the drive-thru due to its position at entrance to the car park, and also to greater risks of accidents, use for car racing and vehicle

- fumes. Conflicts with HGV's serving the unit and loss of business to the supermarket were also raised.
- 5.38 The proposed building would not be directly connected to the public highway, with vehicular access via the supermarket car park, which itself is accessed via an entrance ramp from Craven Way roundabout. Both the car park and ramp are within private ownership and therefore the responsibility of the site owners to manage impacts to these. Loss of business to an out- of-town supermarket is not a material planning consideration.
- 5.39 The submitted Transport Statement (TS) identifies the proposal would generate traffic movements, although some of these would be linked trips from visitors to the supermarket. Given this, the scale of the proposal relative to the existing supermarket and accessibility, albeit not by particularly attractive routes, of the site for walking, cycling and public transport, the additional impact upon the highway network resulting from the proposal could not be considered severe, a view supported by comments from Sustainable Transport. Consequently it is not considered that refusal of the proposal on highway grounds could be justified.
- 5.40 A travel plan has been submitted and updated during consideration including measures to encourage sustainable travel to the site, compliance with which could be secured through a planning condition.
- 5.41 As considered above for design and landscaping, the proposal would extend the wall at the corner of the entrance ramp, which would affect drivers' forward visibility entering and leaving the supermarket car park. However the car park and its entrance are private and subject to traffic calming measures making this a low speed environment, with the operators responsible for managing any safety impacts that may arise. Additionally a visibility splay drawing has been submitted illustrating that a forward visibility envelope applicable to a 15mph speed can still be achieved around the bend of the entrance ramp.
- 5.42 For car parking the proposal would provide 2no. dedicated disabled parking bays, otherwise is reliant upon use of parking serving the Asda supermarket. With the proposal being built on part of the car park this would net reduce the parking by 41 spaces leaving 877 spaces serving the supermarket and application proposal. The TS evidences sufficient space capacity within the supermarket car park to accommodate this. The proposal was also updated to clarify location for cycle parking, and parking for delivery drivers (i.e. those collecting customer orders) and their walking route to the unit. The applicant has confirmed agreement to a condition for electrical vehicle charging points.
- 5.43 Delivery and servicing arrangements are also considered acceptable, with additional clarification provided on servicing and deliveries by HGV's taking place prior to trading, therefore avoiding conflict with customers using the 2no. providing parking bays or the drive-through. Although drawings within the submitted servicing plan indicate the delivery vehicle exiting through the car park in opposite direction to the current one-way system, from aerial photography this can be seen to be a two way lane and therefore the vehicle will not be opposing the existing circulatory arrangements. In any case as a

privately managed car park the operators would be responsible for reviewing the situation should a conflict occur in future.

- 5.44 Residential and Neighbouring Amenity
Policies, Sites and Places Plan Policy PSP8 requires development to not create unacceptable living conditions for nearby residential occupiers. Policy PSP35 safeguards impacts specifically arising from food and drink uses including availability of refuse storage and disposal facilities.
- 5.45 Comments from Oldland Parish Council, Barrs Court Primary School, and public comments received raise concerns regarding noise, smells, light, litter and vermin, as well as increasing opportunity of gatherings and disturbance particularly at night. The close proximity of the proposal to the primary school and nursery is also raised in many comments.
- 5.46 A noise assessment has been submitted which concludes that the predicted noise impact, arising from the proposed plant and use of the drive-through lane, to neighbouring residential properties would be low. An Odour risk assessment has also been submitted which details a very high level of odour control required which would be provided through the design and maintenance of the kitchen exhaust system. It is considered that suitable compliance with noise and odour controls could be ensured through planning conditions, a view supported by comments from Environmental Protection confirming no objection subject to these controls being met.
- 5.47 The Design and Access Statement references external lighting to be installed within vehicular and pedestrian, areas. No details of have been submitted for approval, however this could be addressed through a planning condition. Landscaped screening to boundaries of the supermarket car park would also assist to mitigate the impact of internal building lighting upon neighbouring properties.
- 5.48 The design and access statement details the provision of CCTV and other security measures to manage antisocial behaviour. Following comments from Crime Prevention a response has been provided advising that gaps in CCTV would be covered, and a planning condition could be imposed for further details of this.
- 5.49 The proposal as originally submitted was for 24-hour operation, and similarly in response to crime prevention concerns has been reduced to being from 10am to 11pm on all days. This would substantially reduce the potential for disturbance upon neighbouring properties and could be secured through a compliance condition. Outdoor seating is still shown however there are no alternative positions within the site to accommodate this. It is considered that arrangements to manage issues arising from the seating could be sought through a planning condition were the application being recommended for approval.
- 5.50 The planning statement in paragraph 7.20 provides indicative litter management measures, for which further details could be secured through a planning condition to provide appropriate controls.

- 5.51 Representations received refer to the proposal contributing to unhealthy lifestyles and obesity both in children and adults and the being inappropriately located with the site near to an existing primary school and nursery. The local development plan does not contain any policies specifically restricting the location of hot food takeaways to other uses, for example exclusion zones of a specified distance from school. Refusal of the application on the basis of this proximity could therefore not be justified. The impacts upon amenity arising from the use are covered by Policy PSP35, which as assessed above the proposal is considered to accord with.
- 5.52 Comments from Barrs Court Primary school refer to safeguarding issues due to the elevated position of the site and being opposite the outdoor learning space for Reception children. Safeguarding is not a material planning consideration, however policy PSP8 safeguards against loss of privacy and overlooking from new development upon nearby properties. Whilst the glazed entrance of the building faces south-east towards the school, given the existing tree screening to the supermarket car park, and separation distance from the application site by the ramped entrance and Craven Way, it is not considered that such impacts would occur.
- 5.53 Flood Risk and Drainage
NPPF paragraph 167 requires developments to not increase flood risk elsewhere, incorporate sustainable drainage systems except where inappropriate, and satisfy the sequential test if applicable.
- 5.54 The site is located within Flood Zone 1 and as a minor development proposal no further information is therefore required in respect of flood risk. A drainage strategy has been submitted, which utilises the existing surface and foul water drainage services for the existing supermarket. This is considered appropriate given the small scale of development proposed, with comments received from the Lead Local Flood Authority confirming no objection.
- 5.55 Ground Conditions
NPPF paragraph 183 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions and any risks arising from land instability and contamination. Policies, Sites and Places Plan Policies PSP21 and PSP22 provide that development on land which may be affected by contamination and/or instability will be acceptable with adequate remediation measures to ensure suitability of the site for the proposed use.
- 5.56 The application site as an existing elevated car park would be unlikely to give rise to contamination, with no adverse comments advised by the Contaminated Land Officer.
- 5.57 A Coal Mining Risk Assessment (CMRA) has been submitted which identifies that the application site is underlain by recorded coal workings, recommends exploratory site investigations to confirm their presence and and/or associated voids, together with any potential necessary remedial measures. Comments received from the Coal Authority concur with this, confirming no objection

subject to conditions for the site investigations and any remediation and/or mitigation measures needed to address land instability, and for verification following the works. Were the application to be recommended for approval the suggested conditions could be imposed to satisfactorily address the risk identified.

5.58 Nature Conservation

Some public comments received refer to impact upon biodiversity. Due to the site being part of an existing car park comprised mainly of hardstanding and already subject to artificial lighting, no ecological information is considered necessary. Protection of existing trees could be secured through a planning condition for compliance with the submitted Arboricultural report, as referred to in comments from the Tree Officer.

5.59 Sustainability

Policies, Sites and Places Plan Policy PSP6 encourages all development to minimise end-user energy requirements over and above those required by the current building regulations.

5.60 As a modern building energy efficiency could be expected to be achieved through its building fabric and as considered above for transport provision of EV charging points could be secured through a planning condition. Additionally the submitted Design and Access statement references use of high efficiency light fittings and low flow plumbing fixtures, which are considered reasonably related in scale to the development proposed.

5.61 Local Employment

Core Strategy policy CS29 seeks development proposals within the east fringe of Bristol to maximise job opportunities within the local area.

5.62 The Planning statement (Para 8.6) advises that 30 FTE jobs would be created as part of the proposal. An additional note has been submitted in response to comments received from Economic Development, providing further clarification on this including that 65% of these are expected to be first jobs for young adults with ongoing support through training and professional qualifications for those whom would wish to pursue a career within the organisation or the wider hospitality industry. Additional employment would also be generated during construction (up to 140 jobs) and during operation through maintenance contracts and the supply chain.

5.63 The above provisions do not specifically address the requirements sought by Economic Development for engaging and encouraging staff recruitment from the local area, and during the build phase for placing work with local suppliers. With employment of young adults for operational staff it is though probable they would be from the local area and further details on this and further use of local suppliers could be secured through a planning condition.

5.64 Planning Balance

The proposal has failed to demonstrate compliance with the sequential test for provision of a main town centre use in an out of centre location. It would give rise to other harms in terms of visual and neighbouring amenity, requiring

mitigation to address these. A contribution would be made towards the local economy however this would be relative to the small scale of development proposed. Therefore in the overall planning balance the proposal is unacceptable in principle with no material considerations that would outweigh this.

5.65 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.

5.66 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.

5.67 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 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

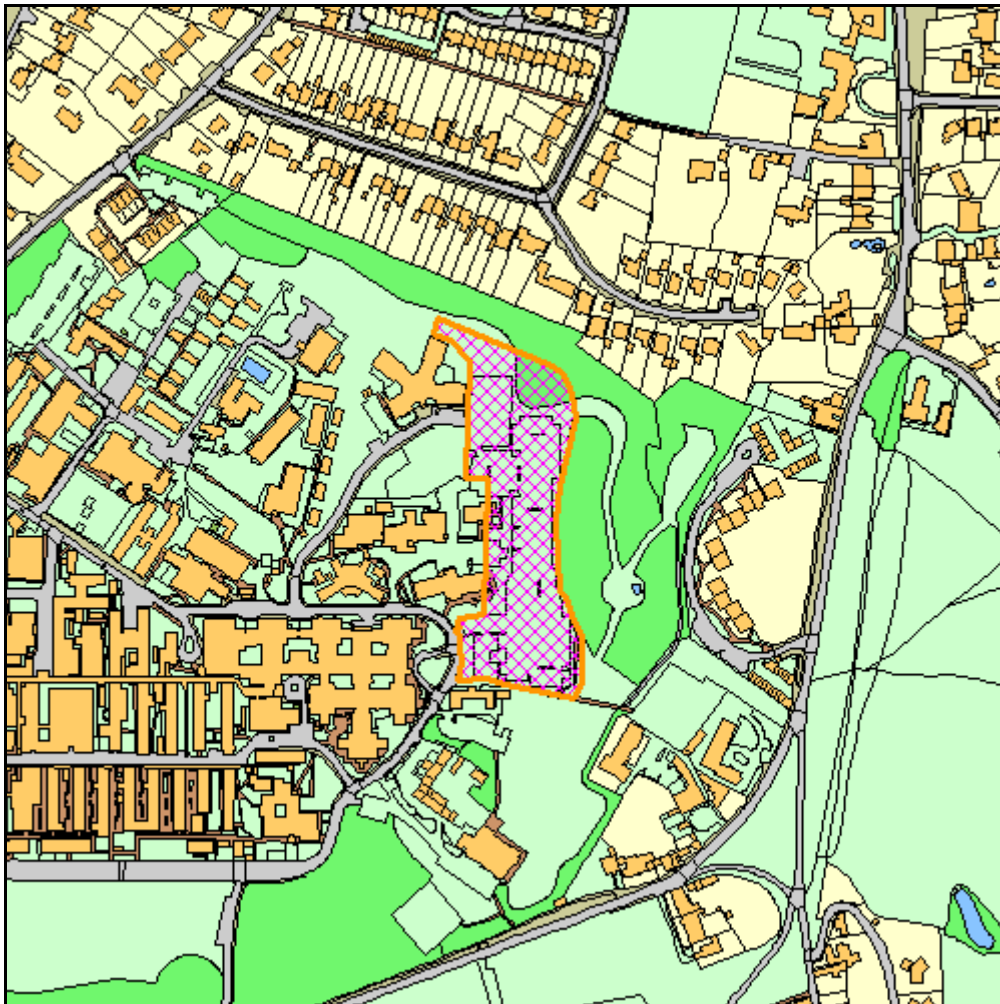
7.1 It is recommended that advertisement consent is REFUSED for the reasons written on the decision notice.

Insufficient information and analysis has been provided to demonstrate that no centre or edge of centre sites are available to accommodate the proposed development and that alternative formats have been adequately considered. Additionally no evidence has been provided to demonstrate that the proposal would improve the viability and vitality of Hanham and Kingswood town centres. The proposal for a main town centre use in an out of centre location fails to satisfy requirements of the sequential test and is contrary to Policies CS14 and CS29 of the South Gloucestershire Local Plan Core Strategy December 2013, Policy PSP31 of the South Gloucestershire Policies, Sites and Places Plan 2017, and paragraphs 87, 88 and 91 of the National Planning Policy Framework.

Case Officer: Michael Fishpool
Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 36/22 -9th September 2022

App No.:	P22/01946/RVC	Applicant:	Mr Julian South Gloucestershire Council
Site:	Land At The Former Frenchay Hospital Frenchay Park Road Frenchay South Gloucestershire BS16 1UU	Date Reg:	31st March 2022
Proposal:	Variation of condition 2 attached to permission P19/3567/F to amend the approved plans. Erection of a 2 form entry primary school and associated works.	Parish:	Winterbourne Parish Council
Map Ref:	363847 177910	Ward:	Frenchay And Stoke Park
Application Category:	Major	Target Date:	28th June 2022



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100023410, 2008.

N.T.S.

P22/01946/RVC

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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application has been referred to the Circulated Schedule as South Gloucestershire Council is the applicant.

1. THE PROPOSAL

- 1.1 This application is made under section 73 of the Town and Country Planning Act 1990 (as amended). Applications made under this section seek to develop land without compliance with conditions previously attached to planning permissions. In this instance, the applicant seeks permission to vary condition 2 attached to planning permission P19/3567/F and P20/23273/RVC to substitute plans. This is primarily in order to illustrate a design variation in respect of materials to the external elevations and play area design and fitting out. Other minor changes to the scheme are also proposed, and these are detailed in section 5 of this report. The application relates to the proposed Frenchay Primary School; situated within the former Frenchay Hospital site.
- 1.2 Permission was granted under application P19/3567/F in July 2019 for the construction of a two-form entry primary school (420 places) on the former Frenchay Hospital Site. The school will accommodate the existing Frenchay Church of England Primary School, which will be relocated from its current site and expanded. The site is 1.3 hectares in size, and is located approximately 700 metres from the existing school. This permission was subsequently amended under P20/23273/RVC to make the building Passivhaus. Following on from this, particularly because of Covid pandemic, the cost of the project has needed to be reduced and this has particularly involved value engineering the external materials so that much of the timber cladding has been replaced with more render. Some of the render is stone coloured and elements are brown in colour to give an element of relief to the finish.

2.0 POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework February 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

- CS6 Infrastructure and Developer Contributions
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS23 Community Infrastructure and Cultural Activity
- CS25 North Fringe of Bristol Urban Area

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

- PSP1 Local Distinctiveness

- PSP2 Landscape
- PSP3 Trees and Woodland
- PSP5 Undesignated Open Spaces within Urban Areas and Settlements
- PSP6 Onsite Renewable and Low Carbon Energy
- PSP8 Residential Amenity
- PSP10 Active Travel Routes
- PSP11 Transport Impact Management
- PSP16 Parking Standards (Cycle Parking)
- PSP17 Heritage Assets and the Historic Environment
- PSP19 Wider Biodiversity
- PSP20 Flood Risk, Surface Water and Watercourse Management
- PSP21 Environmental Pollution and Impacts
- PSP24 Mineral Safeguarding Areas

2.3 Supplementary Planning Guidance

- Frenchay Conservation Area SPD Adopted March 2007
- Design Checklist SPD Adopted August 2007
- Renewables SPD Adopted November 2014
- Waste Collection SPD Adopted January 2015

3. **RELEVANT PLANNING HISTORY**

P20/23273/RVC - Variation of condition no 2 attached to planning permission
P19/3567/F to substitute plans to illustrate variation in design to reduce carbon output
 Approved 10.03.2021

P19/3567/F - Erection of a 2 form entry primary school and associated works.
 Approved: 22.07.2019

P19/3568/LB - Partial demolition of curtilage listed wall. Approved: 10.07.2019

P19/8104/F - Relevant demolition of existing extension and erection of a replacement single storey side extension to facilitate conversion to 3no dwellings, with parking, screening and associated works. (Building to south). Approved: 09.03.2020

PT17/4904/RM - Erection of 41no dwellings (Phase 3a) with the provision of public open space and ancillary supporting infrastructure. (Reserved Matters application to be read in conjunction with Outline Planning Permission PT13/0002/O in regards to scale, appearance and layout) (site to west). Approved: 29.05.2018

PT13/0002/O - Redevelopment of hospital site to facilitate the construction of up to 490 residential units; a new health and social care centre and; a 1 form entry primary school, all with associated works. Outline application with access to be determined: all other matters reserved. Approved: 05.12.2014

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council

Objects : This variation of condition proposes concrete to replace the original larch cladding due to extra costs and supply line delays for the approved materials. Blaming Covid is not an acceptable reason for such a significant change and something more sympathetic than concrete to imitate larch cladding should be available, perhaps recycled plastic cladding? Similarly, the extensive use of black tarmac and changes to outdoor facilities provided for the landscaping amendments proposed seems all about saving costs retrospectively and will have a detrimental effect on the enjoyment of these external spaces.

Internal Consultees

4.2 Archaeology Officer: Archaeological work has taken place across the site including some trial trenching in the vicinity of this site and no further archaeological work is needed.

4.3 Children and Young People: No comment

4.4 Early Years and Childcare: No comment

4.5 Ecology Officer: No comment

4.6 Environmental Policy Team: No comment

4.7 Environmental Protection: No comment

4.8 Highway Structures: No comment

4.9 Landscape Officer: There are only minor amendments to the planting plans, which are considered acceptable. However it is disappointing that there is no variety in surfacing materials; the majority of the hard standing shown as black Tarmac. This is contrary to the approved DAS, which intended these areas to be broken down. Key Stage1 gardens and Years 1,2 and 3 were to each have a garden space separated from it's neighbour by a flanking wall and a raised timber planting bed that children can use for growing flowers, fruit and vegetables. Each space should have a sink for water play,

cleaning hands and equipment and for watering plants and there was also due to be a raised sand pit. None of these features seem to have been transferred to the detailed plans now submitted and the original design with plenty of play opportunities, mosaic paving etc. has been 'watered down' to the detriment of the scheme. Coloured Asphalt/Tarmac and block paving, plus additional raised planters should be used to break up the sea of black tarmac and provide a more interesting solution, in keeping with the original design ethos for the site. This also applies to the car-park and pedestrian entrance. I also note that we have not yet received discharge of condition applications for Conditions 11 (Public Art) and 14 (LEMP).

- 4.10 Lead Local Flood Authority: No objection
- 4.11 Sustainable Transport: No objection
- 4.12 Tree Officer: No objection
- 4.13 Urban Design Officer: Large expanses of render will lead to a poor appearance with significant maintenance issues and the brown render is particularly dull and a cheaper version of the much higher quality natural timber vertical cladding used in other areas. The potentially positive aspect of the scheme is the landscaping and significant weight should be attached to that. Resist the use of chocolate brown windows. Samples are required.
- 4.14 Conservation Officer: The application sits outside of the Frenchay Conservation Area and it is a shame to see the removal of the timber cladding as the building will become even more functional in its appearance. Fibre cement substitutes may be a viable alternative or a different cladding to add much needed interest.
- 4.15 Public Art Officer: No comment.
- 4.16 Waste Team: No comment

External Consultees

- 4.17 Bristol City Council: No comments to make.
- 4.18 Crime Prevention Design Advisor: Original comments for P19/3567/F still stand.
- 4.19 National Grid: No National Grid Assets nearby.
- 4.20 Avon Gardens Trust: Do not wish to comment.
- 4.21 Historic England: Does not wish to comment and recommends taking Council's own specialist heritage advice.
- 4.22 Wales and West Utilities: Has pipes in the vicinity that may be affected . The promoter should contact them to share details.

Other Representations

Local Residents

4.23 One local resident objects and those objections are summarised as :-

- Covid related problems are not a justification to make such a fundamental change to the original permission – in particular to meet the original environmental ethos.
- Larch cladding is still available – just longer lead times and higher prices. The builders should have been aware of this at the start of the build.
- The school is the largest building erected in Frenchay in a long time and the community deserves a building that fits in with its locality near a nature reserve. Rendered concrete does not and would look like a poorly designed commercial premises or post office, given the 2.4m steel fence proposed.
- There are many other better solutions.
- Set a dangerous precedent to allow covid to change planning permissions.
- The larch cladding that would have softened the development is replaced by a blank wall.

5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks to vary a condition in order to incorporate a design variation to an approved primary school building. The building is under construction, at an advanced stage, and is due to open in September 2022.

Principle of Development

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

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

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

Analysis of Variation

5.5 The application seeks to amend the plans upon which the previous decision was based, primarily in order to incorporate design changes to the building. The

application has been submitted due to the significant rise in costs of materials since the original proposal was submitted in 2019. The Covid pandemic in conjunction with the rising costs for materials and labour has led to a significant increase of the total construction cost for this project. This has led to the situation where the Council is seeking to reduce the overall costs of the build without compromising the delivery of the new school.

- 5.6 In terms of specific changes to the building, these relate to the removal of a significant amount of the external cedar cladding from the first floor, although some is to remain in key locations such as around the main entrances into the building. In these locations the cladding stretches to ground level and entrances are further defined by natural stone surrounds. This will help in the legibility of the building and a 'sense of arrival', which is considered to be a positive feature. The remainder of the building is to be mainly cream render with some areas of a brown render that will match the windows.
- 5.7 The proposal also shows the metal guard rails that must be added to the roof to allow safe access for maintenance. The signage to be added to the elevations is also shown and is simple in design with polyester powder coated letters applied directly to the building.
- 5.8 The final change is an alteration to the play areas, which were originally shown with coloured tarmac and play equipment and seating etc. Due to cost constraints, the coloured tarmac has been replaced with black tarmac, as shown in approval P20/23273/RVC. Whilst the plans show less play equipment, it is important to note that the school has access to additional funding that will provide much of the equipment in any event. The layout allows for areas of play to be developed over time.
- 5.9 Together with the proposed alterations to the building design, the implications of the above changes will also be considered. An analysis of the proposed changes is set out below.

Design

- 5.10 The overall footprint and general form/massing of the building would remain largely unchanged from the approved scheme. The overall design concept has had to be altered due to rising overall costs, although the Passivhaus status is retained. The building still retains a contemporary appearance, albeit with the loss of much of the cladding which added to this and also 'softened' the overall appearance of the building against the woodland backdrop. The comments from the Urban Designer and Conservation Officer about the brown render and windows are noted, but the use of a coloured render will help to break up the remaining cream render and tie in with the cladding that is to be used. The colours of render to be used throughout the building are shown on the approved elevation drawings. The colour of the windows will reflect this also.

- 5.11 The applicant has specified a render which provides an attractive, low maintenance finish, and that this render system has been successfully used on a number of past projects.
- 5.12 Whilst the loss of a significant amount of wooden cladding is considered to reduce the overall quality of the scheme, the use of other methods of breaking up the mass of the building are considered to be acceptable for such a building. The comments of the local resident are noted, but each application is treated on its merits and on the basis of the above, the amended scheme is found to be acceptable in general design terms, and it is not considered that the proposals would have any significantly greater impact on visual amenity than the consented scheme. The proposals are therefore considered to comply with the design related policies contained within the Development Plan.

Landscaping and Trees

- 5.13 It is not considered that the proposed changes to the building would have any significant impact on proposed site landscaping or existing/proposed trees. In terms of amendments to the wider site, the landscaping scheme is considered to be of great importance. The scheme has been reviewed by both the landscape and tree officers. Whilst the Tree Officer raised no concerns, the Landscape Officer has raised some in connection with the play areas. The D&A Statement that accompanied the original submission (19/3567/F) committed to Years 1, 2 & 3 having a garden space separated from its neighbour by a flanking wall and a raised timber planting bed that could be used for growing flowers and vegetables. Each space had a sink for water play and cleaning. The layout also made provision for a stage. This design has not been carried through into this submission and the exits to the play areas are divided by simple planters that will facilitate the growing of flowers/fruit and vegetables. Much of the play equipment has been stripped from the scheme as the school has access to additional funding outside the scope of the Local Authority. Loss of these features are considered to be detrimental to the learning on offer at the school, but are not so significant as to warrant a refusal of the application.
- 5.14 However, in overall landscape terms, the proposals are considered to comply with sufficiently with policies PSP2 and PSP3 of the Policies, Sites and Places Plan. Landscaping delivery is to be controlled by way of a planning condition.

Residential Amenity

- 5.15 No significant concerns regarding the potential impacts of the development on the amenity of neighbouring residents were raised as part of the original application. It is not considered that the proposed changes would result in any materially greater impact, other than in the outlook for some residents to the west, one of whom has raised objections on the 'blankness' of the facing wall. The design reasons for the change are noted above and over all the proposals are considered to accord with Development Plan policies relating to residential amenity.

Transport

- 5.16 The transport officer has reviewed the proposals and does not object. Therefore, as per the approved application, the proposals are considered to comply with transport related policies contained within the Development Plan.

Heritage

- 5.17 It is acknowledged that the removal of a section of curtilage listed wall was discussed within the officer report for the original scheme. However the detailed heritage implications of this have already been considered and accepted as part of a separate listed building consent application for the partial demolition of the wall (ref. P19/3567/LB), and therefore further consideration as part of this application is not required.
- 5.18 The Conservation Officer has raised some concerns about the change in materials, but those chosen have been done so to aid the financial constraints of providing the school in the current climate. Whilst it is acknowledged that there has been a reduction in the overall quality of materials, this is not so significant as to warrant a refusal of this planning application. The resultant finish of the building is considered to sit satisfactorily in its surroundings with sufficient variation in materials to satisfactorily break up the mass of the building.

Environmental Impacts

- 5.19 In terms of archaeology and drainage, the proposals have been reviewed by specialist officers, and it is not considered that the revised scheme would have any greater impact in respect of these matters than the approved scheme. No comment has been received from Ecology, but given the nature of the changes, it is not considered that Ecology will be significantly impacted.

Other Matters

- 5.20 In terms of the matter of the footpath, the applicant has confirmed that this falls outside of the site boundary, but a separate planning submission for the footpath is currently being considered (P21/07969/F). With regards to the gap in the wall required for the footpath, this has already been granted listed building consent through a separate application and is currently being provided, although not open to the General Public due to lack of the formal path.

Condition 17 of permission P19/3567/F stated:-

Prior to the first occupation of the school hereby permitted, the footway link to the south of the site shall be completed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage walking, cycling and scooting to school and to accord with policy CS8 of the adopted South Gloucestershire Local Plan: Core Strategy

(December 2013) and policy PSP11 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017).

- 5.21 The land for this footpath lies outside the application site and outside the control of South Gloucestershire Council. The land appears to belong to the NHS Trust. The applicant for P21/07969/F is Redrow Homes, who are required to deliver a footpath under their legal obligations to the Health Trust from the purchase of the remainder of the site for their residential development. The details of the path, which under the planning application P21/07969/F have had to be amended to take account of conservation and tree issues. It should be noted that Redrow are under no planning obligation to deliver the path. The condition as set out above and given that South Gloucestershire has no interest in the land is considered to fail the 6 tests set out in paragraph 56 of the NPPF in that it is not *enforceable* nor is it *reasonable in all other respects*. Whilst the non-delivery of the footpath would be extremely unfortunate, there is no valid planning mechanism in place to secure its implementation. It is not reasonable to require that Redrow provide the footpath when neither Redrow or SGC have an interest in the land. The goodwill of Redrow Homes is welcomed and they have stated that their intention is to deliver the footpath at the standard required, through planning application P21/07969/F path, around Easter 2023. Whilst its delivery was originally envisaged to be in time for the school to open in September 2022 and it not being in place within this timescale is regrettable, the fact that it is to be delivered early in the new year in time for the summer when walking and cycling can be further promoted by the school is seen as an acceptable scenario. An informative will be added to this planning permission to encourage this timescale.

Other Conditions

- 5.23 As any permission granted under this application would stand as a planning permission in its own right, all other conditions should be reviewed. The conditions should only be reapplied where it is necessary to do so. An analysis of other conditions attached to the previous planning consent P19/3567/F & P20/23273/RVC is therefore set out below.
- 5.24 Condition 1 required the works to commence within 3 years of permission being granted. Construction has commenced and this condition is no longer necessary.
- 5.25 Condition 2 is the subject of this application and will be updated accordingly, factoring in the latest sets of plans. Condition 3 restricts development from commencing until surface water drainage details have been submitted to and approved by the LPA. This condition has been discharged DOC21/00196 and a compliance version will be added. Condition 4 requires samples of all external materials to be used on the building to be submitted to and approved by the LPA prior to any construction above slab level. A modified version of this condition to secure construction in accordance with the details shown on the approved plans is to be applied. Condition 5 requires details of retaining wall materials to be submitted, and details to deal have been approved under DOC21/00196. A compliance condition will be applied.
- 5.26 Condition 6 requires an arboricultural consultant to be appointed, and details of how they will carry out their work to be submitted to and approved by the LPA prior to

development commencing. This condition has been discharged (DOC21/00196) and a compliance version will be added. Condition 7 requires an additional Renewable Energy Statement to be submitted and agreed, and for required measures to increase energy efficiency to be implemented prior to first occupation. This information has been agreed under application DOC21/00196 and a compliance condition is to be added.

- 5.27 Conditions 8 & 9 relate to contamination and require investigations to be carried out in accordance with submitted reports. The conditions require results of investigations to be submitted to the LPA, and for any mitigation works to be carried out prior to occupation. These are effectively discharged by condition 8, which was determined under reference DOC21/00196. A compliance style condition is required. Condition 10 relates to unexpected contamination reporting and should be re-applied.
- 5.28 Condition 11 requires a scheme of public art to be agreed with the LPA. This is being delivered through the inclusion of a piece of glasswork within the school and the Arts Officer is satisfied with the scheme for commissioning the artist and the timing of its delivery. The details are being worked through and the condition should be re-applied as a compliance condition
- 5.29 Condition 12 requires a planting plan to be agreed and has been considered and approved under application DOC21/00196. A compliance condition is therefore required. Condition 13 is a compliance condition which requires any planting which is removed or dies within 5 years to be replaced, with condition 14 requiring a landscape and ecological plan to be submitted. Both will be re-applied.
- 5.30 Condition 15 requires a school travel plan to be agreed with the LPA prior to occupation. The relevant documentation has been supplied and is acceptable and thus this condition can be changed to a compliance condition. Condition 16 requiring details of electric vehicle charging points to be agreed and then implemented. The submission element of this is discharged and the condition changed to a compliance condition.
- 5.31 Condition 17 requires a footway link to the south of the site to be provided prior to the first occupation of the school, which is covered in Section 5 of this report under Other Matters. This condition will not be re-applied.
- 5.32 Condition 18 requires safe routes to school to be submitted and agreed with the LPA and then provided. The provision of 'safe routes to school' is covered largely by condition 15 & 17 of P19/3567/F, which are covered in this report. Additional information has also been submitted which gives an overview of the network of paths etc. to the school and this is deemed to be satisfactory. A newly worded condition to adhere to those requirements is applied.

Impact on Equalities

- 5.33 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone.

As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 It is recommended that planning permission be GRANTED subject to the conditions listed on the decision notice.

CONDITIONS

1) The development shall be carried out in accordance with the following plans:

Site Location Plan; Landscape General Arrangement Plan (sheet 1/ 2)FPS20-STL-XX-ZZ-DR-L-9001 B5_P12; General Arrangement Plan GF FPS20-STL-ZZ-ZZ-DR-A-1001 B5_P34; General Arrangement Plan 1st Floor FPS20-STL-ZZ-ZZ-DR-A-1002 B5_P34; External arrangement external elevations FPS20-STL-ZZ-ZZ-DR-A-2101 S3_P40; East Bay and 1st floor Elevations FPS20-STL-ZZ-ZZ-DR-A-2102 S3_P35; Landscape General Arrangement Plan (sheet 2/2) FPS20-STL-ZZ-ZZ-DR-A-9002 B5_P34; Landscape Site General Arrangement FPS20-STL-ZZ-ZZ-DR-A-9005 B5_P02; Landscape Excavation and filling plan (Sheet 1/2) FPS20-STL-ZZ-ZZ-DR-A-9121 B5_P06; Landscape Excavation and filling plan (Sheet 2/2) FPS20-STL-ZZ-ZZ-DR-A-9122 B5_P04; Soft Landscape Plan (1/6) FPS20-STL-ZZ-ZZ-DR-A-9141 B5_P04; Soft Landscaping plan (2/6) FPS20-STL-ZZ-ZZ-DR-A-9142 B5_04; Soft Landscaping Plan (3/6) FPS20-STL-ZZ-ZZ-DR-A-9143 B5_P03; Soft Landscaping Plan (4/6) FPS20-STL-ZZ-ZZ-DR-A-9144 B5_P06; Soft Landscaping Plan (5/6) FPS20-STL-ZZ-ZZ-DR-A-9145 B5_P04; Soft Landscaping Plan (6/6) FPS20-STL-ZZ-ZZ-DR-A-9146 B5_P03; Hard Landscaping Plan

(1/2) FPS20-STL-ZZ-ZZ-DR-A-9161 B5_P07; Hard Landscaping Plan (2/2) FPS20-STL-ZZ-ZZ-DR-A-9162 B5_P08; Boundary Treatment Plan (1/2) FPS20-STL-ZZ-ZZ-DR-A-9181 B5_P07; Furniture and Structures Plan (1/2) FPS20-STL-ZZ-ZZ-DR-A-9191 B5_P06; Furniture and Structures Plan (2/2) FPS20-STL-ZZ-ZZ-DR-A-9192 B5_P06; Proposed Perspectives (1/2) FPS20-STL-ZZ-ZZ-VS-A-V001 S3_P40; Proposed Perspectives (2/2) FPS20-STL-ZZ-ZZ-VS-A-V002 S3_P40 Received 29th March 2022.
FPS20-STL-XX-ZZ_DR-L-9182-F02 Boundary Treatment Plan 2/2 received 22nd August 2022.

Reason:

To clarify the plans forming this consent.

- 2) The development shall be carried out in accordance with the external materials details as shown on approved plan FPS20-STL-ZZ-ZZ-DR-A-2101 S3_ and submitted to the LPA for approval by email dated 7th July 2022.

Reason:

To ensure high quality design and detailing and to accord with policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy adopted December 2013 and policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017.

- 3) The development shall be carried out in accordance with the details approved under condition 5 of P20/23273/RVC approved under application reference DOC21/00196 on 20th June 2022.

Reason:

To ensure high quality design and detailing and to accord with policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy adopted December 2013 and policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017.

- 4) The development shall be carried out in accordance with the details submitted to and approved in writing by the Local Planning Authority, in relation to Conditions 3, 6, 8 & 9 of P20/02367/F approved under application reference DOC21/00196 on 3rd March 2022.

Reason:

To define the permission and ensure it is carried out in accordance with approved details.

- 5) The development shall be carried out in accordance with the details approved under condition 7 of P20/23273/RVC approved under application reference DOC21/00196 on 20th June 2022.

Reason:

To ensure the development incorporates measures to minimise the effects of, and can adapt to, a changing climate and in accordance with Policy CS1 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013) and Policy PSP6 of the

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

- 6) 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. The remediation and verification schemes shall be carried out accordingly before the development (or relevant phase of development) is resumed or continued.

Reason:

In the interest of public safety, human health, ground water and plant growth and to accord with policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013) and Policy PSP21 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017).

- 7) The development shall be carried out in accordance with the agreed Public Art Scheme, including timescales for delivery, submitted to the Local Planning Authority on 7th July 2022

Reason:

To ensure the development contributes to the public realm and attractiveness of the Frenchay Park Site and in accordance with Policies CS1 and CS6 of the South Gloucestershire Local Plan Core Strategy adopted December 2013 and Policy PSP1 of the South Gloucestershire Local Plan Policies, Sites and Plans Plan adopted November 2017.

- 8) The landscaping shown on the approved plans, including the agreed feature planting either side of the entrance; the western boundary treatment, including climbers and shrub planting; Areas of wildflower meadow incorporated around the periphery of the site to increase the sites biodiversity shall be carried out in the first planting season following the first use of the development hereby approved.

Reason:

To protect the character and appearance of the area and enhance landscaping and biodiversity, and to accord with Policies CS1 and CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and Policy PSP2 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017).

- 9) If within a period of 5 years from the date of the planting of any tree, that tree, or any tree planted in replacement of it, is removed, uprooted or destroyed and dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as the originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason

To protect the character and appearance of the area to accord with Policy CS1 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.

- 10) Within 2 months of the first occupation of the school a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved.

Reason:

To protect the character and appearance of the area, enhance landscaping and biodiversity to ensure future appropriate management and to accord with Policies CS1 and CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and Policy PSP2 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017).

- 11) The School Travel Plan submitted on the 7th July 2022 shall be adhered to from the first day of occupation of the School hereby approved and maintained in perpetuity thereafter, unless otherwise approved in writing by the Local Planning Authority.

Reason:

To encourage means of transportation other than private car and to reduce the impact on neighbouring occupiers and to accord with policy CS8 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013) and policy PSP11 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017).

- 12) Prior to the first occupation of the development hereby approved, the agreed electric charging points together with the identified spaces and infrastructure for their expansion as demand increases shall be provided in accordance with details submitted to the Local Planning Authority on the 7th July 2022. The agreed charging points shall be permanently maintained thereafter.

Reason:

To encourage more sustainable travel and to accord with policy CS8 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and policy PSP11 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017).

- 13) The school's occupation shall be carried out in broad accordance with the additional 'Safe Routes to School' initiatives as set out by email dated 9th March 2022 from Mark King (Service Director-Place) and in accordance with a dated schedule of precise works/initiatives to be submitted to and approved in writing by the Local Planning Authority within 2 months of the date of this permission.

Reason:

To encourage walking, cycling and scooting to school and to accord with policy CS8 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and policy PSP11 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan.

INFORMATIVE:

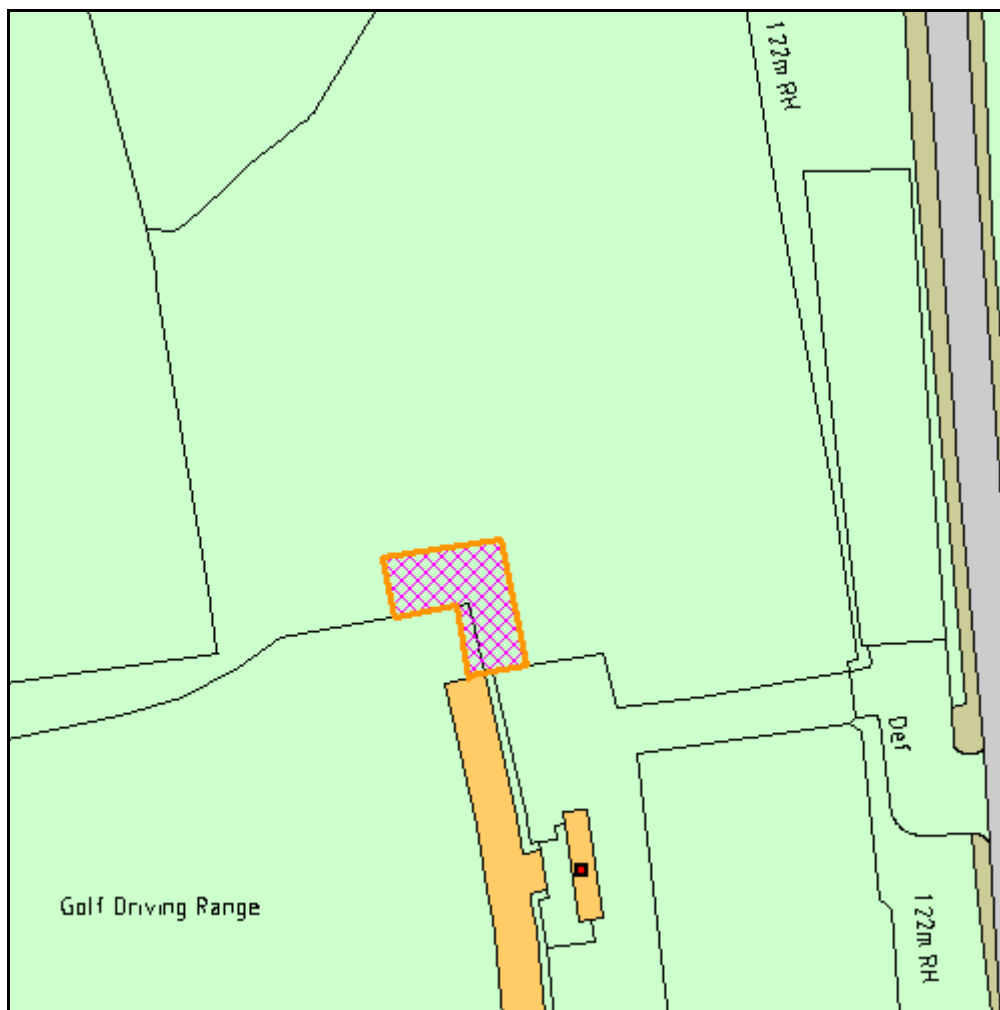
It should be noted that there is a strong expectation for the delivery of the southern path, previously required by condition 17 of P19/3567/F, to be provided by Redrow Homes by Easter 2023, details of which are secured under the application reference number P21/07969/F.

Case Officer: Charmian Eyre-Walker

Authorising Officer: Eileen Paterson

CIRCULATED SCHEDULE NO. 36/22 -9th September 2022

App No.:	P22/03005/F	Applicant:	Diverse Leisure Ltd
Site:	Windmill Golf Academy Henfield Road Westerleigh South Gloucestershire BS36 2FE	Date Reg:	7th June 2022
Proposal:	Conversion and extension of existing club house (Retrospective).	Parish:	Pucklechurch Parish Council
Map Ref:	368009 178503	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	1st August 2022



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N.T.S.

P22/03005/F

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

Reason for Referring to the Circulated Schedule

This application has been referred to the Circulated Schedule following the receipt of objections from both Westerleigh Parish Council and Pucklechurch Parish Council.

1. THE PROPOSAL

- 1.1 This proposal relates to the Windmill Golf Academy, an established sporting & recreational facility which has recently been re-designed, following the approval of Planning Permission PK16/5514/F, to improve the quality and standard of the facilities at the site.
- 1.2 The Windmill Golf Academy lies within the Bristol & Bath Green Belt and open countryside with the whole complex covering some 18.45ha in total. It is bounded by Westerleigh Road to the north and west, by the M4 Motorway to the south and west and Henfield Road to the east; Henfield Business Park lies to the north-east of the site.
- 1.3 This application arises from recent discussions with the Council regarding the club house which has already been converted and extended at the site. Retrospective planning permission is sought to regularise the club house as extended and modernised (with such works in particular improving the thermal efficiency of the building).
- 1.4 The background to this submission is that in February 2017 Planning Permission PK16/5514/F was granted for the following, "Proposed golf course re-design, provision of temporary club house facilities, erection of new club house and associated works". Subsequent to this consent in November 2020 a Section 73 consent was granted (P20/17894/RVC) to allow the time period for the importation of material on the site to be extended.
- 1.5 Planning Permissions PK16/5514/F and P20/17894/RVC allowed for both a 'temporary' club house (with no Condition requiring its removal) together with the erection of a new permanent club house. In essence, what the applicant has done is rather than have two separate club house buildings at the site, amalgamate these into one building (which is more efficient from a functional and layout perspective).

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2022
National Planning Practice Guidance

- 2.2 Development Plans

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

CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS23	Community Infrastructure and Cultural Activity
CS24	Green Infrastructure, Sport and Recreation Standards
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP44	Open Space, Sport and Recreation

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007)

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD – (Adopted) March 2015

South Gloucestershire Landscape Character Assessment SPD (Revised and Proposed for Adoption November 2014) Site lies within 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)

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

3. RELEVANT PLANNING HISTORY

- 2.1 PT03/1313/F - Construction of football complex, golf academy, fishing lakes, fitness trail, nature reserve, car parking, changing facilities and associated works.
Withdrawn 27 Jan. 2005.

- 2.2 PT06/0326/F - Change of use from Agricultural Land to facilitate construction of Golf Academy, Fishing Lakes, Nature Reserve, Pavilion and Golf Course Maintenance Shed, Car Parking and associated works to include new access. (Re-submission of PT03/1313/F)
Refused by South Gloucestershire Council but Allowed at Appeal (APP/P0119/A/07/2045500) 22 December 2006
- 2.3 PT09/5310/RVC - Application to vary Condition 07 attached to planning permission PT06/0326/F relating to timescales to import construction materials.
Approved 4th December 2009
- 2.4 PT09/6053/F - Construction of access and haul road. Temporary consent for the period of 30 months. (To be read in conjunction with planning application PT09/5310/RVC).
Approved 29th Jan. 2010
- 2.5 PT10/0138/TMP - Temporary consent for the erection of a clubhouse and car park for a period of 2 years.
Approved 26th March 2010
- 2.6 PT10/2953/F - Installation of berm lighting system to driving range.
Approved 24th January 2011
- 2.7 PT12/1381/F - Retention of clubhouse and car park for a temporary period of three years.
Approved 8th June 2012
- 2.8 PK16/035/SCR - Proposed golf course re-design, provision of temporary club house facilities, erection of new club house and associated works. Screening opinion for PK16/5514/F.
EIA not required 27 Oct. 2016
- 2.9 PK16/5514/F - Proposed golf course re-design, provision of temporary club house facilities, erection of new club house and associated works.
Approved 23rd Feb. 2017
- 2.10 P20/022/SCR - Variation to condition no. 6 attached to planning permission PK16/5514/F to extend the cessation of works date to 31st August 2022 (PK16/5514/F - Proposed golf course redesign, provision of temporary club house facilities, erection of new club house and associated works).
EIA not required 27th Oct. 2020
- 2.11 P20/17894/RVC - Variation to condition no. 6 attached to planning permission PK16/5514/F to extend the cessation of works date to 31st August 2022 (PK16/5514/F - Proposed golf course re-design, provision of temporary club house facilities, erection of new club house and associated works).
Approved 12th Nov. 2020

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council

Pucklechurch parish council (PPC) fully acknowledges the principle of development and further acknowledges that the overall volume of the building is less than the total permitted. However, PPC objects to this application on the grounds that the design and the two-storey construction is more impactful on the openness of the landscape which is within the Green Belt.

Westerleigh Parish Council

Westerleigh Parish Council objects to this application on the grounds that it conflicts with PSP7 (Development in the Green Belt). Furthermore, the proposed second-storey will impact negatively on the openness of the Green Belt because it extends above the tree line. The Parish Council recognises that leisure facilities are valuable to the area, but feels that the scale and size of the proposed two-storey building is not proportionate to the outdoor nature of the facilities and needs for the size of the business.

4.2 Other Consultees

Highway Structures

No response

Lead Local Flood Authority

No objection

Transportation DC

No objection

The Landscape Officer

No objection subject to a compliance condition to secure the proposed screen planting.

Other Representations

4.3 Local Residents

No responses

5. ANALYSIS OF PROPOSAL

Principle of Development

5.1 Policy PSP44 states that development proposals for the development, expansion or improvement of outdoor sports and recreation, outside the urban areas and the boundaries of settlements, will be acceptable where:

- a. proposals for facilities that are likely to be major travel generators are located on sites which are highly accessible by public transport, on foot and by bicycle; and
- b. the proposal would not in itself, or when considered with other recent or proposed sports and recreation developments in the immediate locality, have an unacceptable effect on the historic environment, character and diversity of the landscape; and
- c. the proposal would not give rise to unacceptable levels of on street parking to the detriment of the surrounding area and highway safety; and

- d. any external lighting or advertisements would not result in the unacceptable loss of amenity, nor constitute a road safety hazard.

New buildings will be acceptable where the conversion or re-use of existing buildings is not viable and where they are essential for and proportionate to the use of the land for outdoor sport and recreation.

- 5.2 Given the context of the existing long established Golf Course use of the site, and the extant nature of Planning Permissions PK16/5514/F and P20/17894/RVC the acceptance in principle of a Golf Club House on this site has already been established.
- 5.3 Given the Green Belt location of the site a key issue to consider is impact upon the openness of the Green Belt.

Green Belt

- 5.4 The NPPF para. 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt.
- 5.5 Developments in the Green Belt shall be regarded as inappropriate development unless one of several stated exceptions apply. One such exception is the provision of *inter alia* appropriate facilities in connection with the existing use of land for outdoor sport; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it (NPPF para. 149).
- 5.6 The five purposes of including land within the Green Belt are listed at NPPF para. 138 and are as follows:
- 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.
- 5.7 It should be noted that under the extant planning permissions PK16/5514/F and P20/17894/RVC, both the 'temporary' club house and main permanent club house could be erected and maintained as such on the site, there being no condition requiring the removal of the so called 'temporary' club house.
- 5.8 The acceptance of the two club houses in this Green Belt location was previously established with the grant of PK16/5514/F and subsequently P20/17894/RVC. Officers are satisfied that a club house is an appropriate facility for a golf academy, indeed it is an essential facility if the golf academy is to function at all.
- 5.9 Internally the club house, as now built, accommodates all the facilities of a "traditional" Golf Club House facility with a reception, golf shop & recreational facilities on the ground floor and administration facilities on the first floor.

- 5.10 The volume of the 'temporary' club house facility as permitted by Planning Permissions PK16/5514/F & P20/17894/RVC was 2,631 m³. The volume of the main permanent club house as permitted by Planning Permissions PK16/5514/F & P20/17894/RVC was 906 m³ giving a combined total of 3,537 m³. The volume of the club house as currently constructed at the site is 3,183 m³. There is therefore a significant net reduction in volume (354m³) compared with the scenario of both club house facilities being constructed. In spatial terms therefore, the as-built club house has less impact on the openness of the Green Belt than what could have been built under the extant permissions. The visual impact will be discussed in the following Landscape section.
- 5.11 The applicant has indicated that his client would be willing to forego the right to erect the new permanent club house as approved by Planning Permissions PK16/5514/F & P20/17894/RVC which are still extant – this could be secured by condition. The 'temporary' club house has already been subsumed into the new as-built club house which stands on the location of the previously approved 'temporary club house' building.

Landscape Issues

- 5.12 The club house lies within the SE corner of the wider golf academy site, to the east of Henfield Road, within the Green Belt. The driving range building lies to its immediate south and has a mono-pitch roof with a maximum height of 3.94m. Whereas the previously consented clubhouses were single-storey, the as-built clubhouse is 2-storey; that in itself is not unusual for a clubhouse in the Green Belt e.g. the clubhouse at nearby Kendleshire Golf Club is 2-storey.
- 5.13 The previously consented permanent clubhouse had a pitched roof with roof ridge set at 5.156m; the temporary clubhouse also had a pitched roof with roof ridge set at 5.608m. It should also be noted that the buildings were more dispersed across the site, with the permanent pavilion being located further north.
- 5.14 The clubhouse as-built, has a low angled pitched roof with a parapet to the front at maximum height of 6.7m. This is not considered to be excessively high for a two-storey building and compares favourably with what was previously consented, given that the two buildings have now been amalgamated into one.
- 5.15 Given that the clubhouse has already been constructed, its visual impact on the openness of the Green Belt and landscape in general can be fully appreciated. Several recent road frontage photos of the existing situation have been submitted by the applicant and are available to view on the public website.
- 5.16 The Council's Landscape Architect noted that these photos show that most of the length of hedgerow to the north of the site entrance has grown in height since Street View imagery was taken. Maintenance of the hedge at a growth height of min. 1.5 m will provide ongoing screening rather than relaying it. (The hedge was supplemented with new infill native planting, including hawthorn and blackthorn and re-laid in autumn 2020). Some concerns were however expressed by the Landscape Architect as to the more open views into the site, south of the site entrance.

- 5.17 In response to these concerns, the applicant has submitted a detailed Landscape Plan no. 279 PA 01 showing a robust and comprehensive scheme of proposed screen planting, not only to the front of the site but within it also.
- 5.18 The Proposed Screen planting Plan-01 shows retained frontage vegetation and Root Protection Areas (RPA's), together with new native hedge planting and trees. The proposed new structure planting is acceptable in terms of location, species, and stock sizes.
- 5.19 Subject to a condition to secure this additional screen planting, the Council's Landscape Architect raises no objection, noting that the proposed planting scheme will greatly enhance the appearance of the site frontage and contribute to the legibility of the site layout. Any discernible visual impact of the 2-storey club house building on the openness of the Green Belt would be adequately mitigated by the additional screen planting which would also further integrate the built elements of the golf course into their landscape surroundings.

Design Issues

- 5.20 The club house is a flat roofed construction of modern design. All of the wall finishes have been stripped and re-clad externally with an 85mm thick Kingspan flat panel cladding system. All roof panels have been stripped and re-clad with 115mm thick Kingspan RW1000 Quad Core trapezoidal roof sheeting with 12mm plasterboard internal lining. All new windows are in anthracite colour double glazed aluminium frames with U value 1.4w/m². Officers concur with the applicant's view that the facility is of a modern vibrant nature, and complements in a harmonious manner the various upgrade works that have been taking place at the Windmill Golf Academy to create an exemplar leisure and sporting facility for the local community.

Transportation Issues

- 5.21 There would be no alterations to the existing access arrangements at the site and there is more than ample car parking within the site to cater for the needs of the users of the Club House. The club house is already in use and has not given rise to any adverse highway impacts. The Council's Transportation Officer raises no objection to the proposal.

Environmental Impacts

- 5.22 Foul sewage from the proposed development discharges to an existing 'Package Treatment Plant' with adequate capacity. The Council's Drainage Engineer raises no objection.
- 5.23 Given that the site is an existing golf facility in a rural location, officers do not consider that there would be any significant increased adverse impact in terms of noise and disturbance on residential amenity over and above that which has already been consented. The only adjacent neighbours are Henfield Business Park that lies to the north of and adjacent to the proposed Golf Course.
- 5.24 To minimise light pollution, a condition would again be imposed to control any lighting on and around the building. In the interests of the amenity of the area,

the use of the building would as previously, be restricted to activities associated with the playing of golf and ancillary sporting related uses only.

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

5.26 With regards to the above, this planning application is considered to have a neutral impact on equality. Equalities have been given due consideration in the application of planning policy as discussed in this report.

Overall Planning Balance

5.27 The as-built clubhouse is considered to be an essential and proportionate facility to serve a golf academy of this scale. The overall volume of the building is a net reduction of 354m³ on the two clubhouses previously approved under the extant consents, which in theory could still be built out – an appropriate condition would however prevent this. In spatial terms there is therefore less impact on the openness of the Green Belt in comparison to what was previously approved under PK16/5514/F & P20/17894/RVC.

5.28 Any perceived harm or loss of visual amenity, from the increased height of the building, to the openness of the Green Belt and landscape in general respectively, would be adequately mitigated by the proposed scheme of new screen planting. Furthermore, the built development would be less dispersed across the site and the development does not conflict with the purposes of including land within the Green Belt. The as-built clubhouse is **not** therefore inappropriate development within the Green Belt.

5.29 The design of the building is considered appropriate for the location and integrates adequately with the existing structures within the site.

5.30 There are no resulting adverse transportation impacts, environmental impacts or adverse impacts on residential amenity. As previously, the use of the building can be appropriately controlled by condition, as can any external lighting of the building.

5.31 Officers can find no compelling grounds to refuse the application. The club house will enable the golf academy development to thrive, thus providing an important sporting facility in a relatively sustainable location on the edge of the urban area, which on balance is very much in the public interest. Retrospective planning consent should therefore be granted without delay.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That retrospective planning permission be GRANTED subject to the conditions listed on the Decision Notice.

CONDITIONS

1. The development hereby approved relates only to the following plans:

Location Plan Drawing No. B12130 LP Rev B received 7th June 2022
Proposed Site Plan Drawing No. B12130 08 Rev B received 7th June 2022
Proposed Site Plan Drawing No. B12130 06 Rev B received 7th July 2022
Proposed Ground Floor Plan Drawing No. B12130 03 Rev F received 27th May 2022
Proposed First Floor Plan Drawing No. B12130 04 Rev F received 27th May 2022
Proposed Elevations Drawing No. B12130 05 received 27th May 2022
Proposed Screen Planting Drawing No. 279 PA 01 received 08th August 2022

Reason

For the avoidance of doubt.

2. The development shall be carried out in full accordance with the Proposed Screen Planting Plan Drawing No. 279 PA 01 received 08th August 2022. All new planting shall be carried out in the first available planting season from the date of this permission.

Reason

To protect the visual character and appearance of the Green Belt and landscape in general to accord with Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013;, Policy PSP2 and PSP7 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) 17th Nov. 2017 and the National Planning Policy Framework.

3. For the avoidance of doubt, the planning permission hereby approved does not include any floodlighting or free standing external lighting. The details of any lighting that may be proposed to be affixed to buildings shall be first submitted to the local planning authority and approved in writing. Such lighting shall subsequently accord entirely with the details so approved.

Reason

To minimise light pollution and In the interests of the amenity of the area and to accord with Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy PSP21 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) 17th Nov. 2017 and the requirements of The National Planning Policy Framework.

4. The clubhouse hereby approved shall be used in association with the playing of golf and ancillary sporting related uses only.

Reason

In the interests of the amenity of the area and to accord with Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy PSP8 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the requirements of the NPPF.

5. Notwithstanding the development shown on the approved plans relating to planning permissions PK16/5514/F & P20/17894/RVC, this retrospective planning permission hereby revokes any works related to the 'permanent club house' approved under those consents.

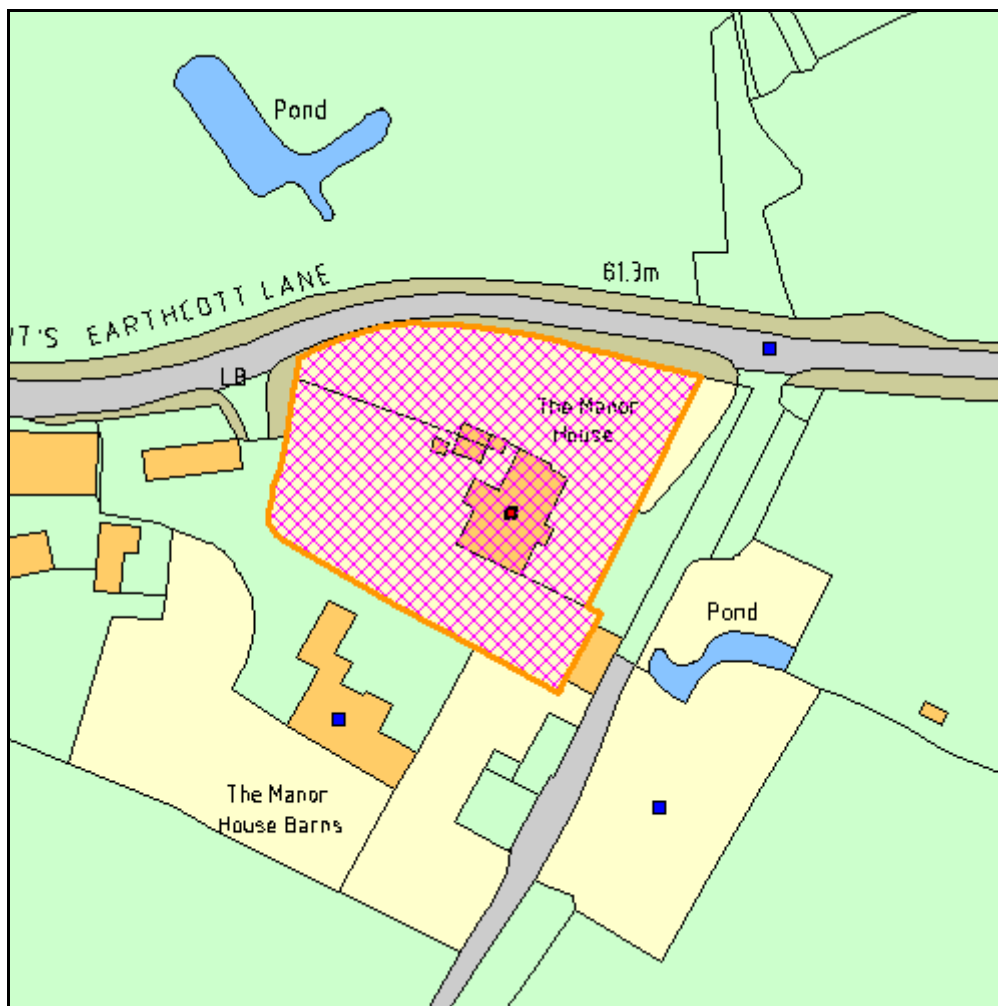
Reason

To prevent a proliferation of unnecessary development on the site and to retain the openness of the Green Belt and in the interests of the visual amenity of the rural landscape, in accordance with Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013, Policies PSP2 and PSP7 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and the requirements of the NPPF.

Case Officer: Roger Hemming
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 36/22 -9th September 2022

App No.:	P22/03092/HH	Applicant:	Mr and Mrs Sherwin
Site:	Manor House Hortham Lane Almondsbury South Gloucestershire BS32 4JR	Date Reg:	13th June 2022
Proposal:	Erection of a single storey rear extension to form additional living accommodation.	Parish:	Almondsbury Parish Council
Map Ref:	363514 184201	Ward:	Severn Vale
Application Category:	Householder	Target Date:	5th August 2022



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P22/03092/HH

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

REASON FOR REFERRING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as a response has been received from the Parish Council that is contrary to the findings of this report and officer recommendation.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a single storey rear extension to form additional living accommodation.
- 1.2 The application site is a detached grade II* listed building (Manor House), set within a large plot within the open countryside and Bristol/Bath Green Belt to the South of Gaunts Earthcott Lane.
- 1.3 During the application's consideration, two iterations of revised plans have been sought, following concerns raised by the conservation officer and Historic England. The first re-consultation ran for 21 days following the first iteration of revised plans, as required by Historic England and because the development description had been amended to include the addition of a first-floor side elevation window which was missing from the original description. The second iteration of revised plans which responded to residual heritage concerns was not subject to any public re-consultation as the changes were minor in nature overall. The addition of a first-floor side window has been later omitted due to heritage concerns, and this has been omitted from the development description. No re-consultation was necessary in this instance, as the change resulted in the removal of an element of the proposals.
- 1.4 This application should be read in connection with listed building consent application P22/03094/LB. The associated listed building consent contains several elements not listed in the description for this application (householder planning), as many of the works do not require planning permission and only require listed building consent. For clarity, the works for which listed building consent are sought, in addition to the extension, are:

Internal and external alterations to include demolition of existing rear extension and erection of single storey rear extension, installation of new internal partition walls and replacement of existing internal partition walls, installation of replacement doors and windows, creation of new opening internally and creation of first floor en-suite bathroom and re-laying of flagstones to facilitate the installation of underfloor heating system on ground floor and works to repair masonry.
- 1.5 Both this application and the listed building consent application follow pre-application advice being issued by the Council.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Practice Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990

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
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Development in the Green Belt SPD (Adopted) June 2007
Design Checklist SPD (Adopted) August 2007
Householder Design Guide SPD (Adopted) March 2021
Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

3.1 P22/03094/LB (pending consideration):

Internal and external alterations to include demolition of existing rear extension and erection of single storey rear extension, installation of new internal partition walls and replacement of existing internal partition walls, installation of replacement doors and windows, creation of new opening internally and creation of first floor en-suite bathroom and re-laying of flagstones to facilitate the installation of underfloor heating system on ground floor and works to repair masonry.

3.2 PT17/1873/F (approved 24/08/2017):

Replacement and repair of boundary wall.

- 3.3 PT17/1874/LB (approved 24/08/2017):
Replacement and repair of boundary wall.
- 3.4 PT04/0909/LB (approved 08/04/2004):
Roof repairs following fire damage and associated works to include works to chimney.
- 3.5 P95/2336/L (approved 18/12/1995):
Demolition of attic ceiling, repairs and refurbishment
- 3.6 P90/2356/L (approved 26/09/1990):
Installation of a second staircase

4. **CONSULTATION RESPONSES**

4.1 Almondsbury Parish Council

Objection on the grounds of the property being grade II* listed.

No other reasons are given for objection. It is noted that the Parish Council have supported P22/03094/LB, but nevertheless as there is an objection against this application for planning permission, determination through Circulated Schedule is required.

4.2 Listed Building and Conservation Officer

Initial comments

No objection stated in principle, but issues raised in respect of the initial proposals.

Comments based on second iteration of plans

Positive amendments have been proposed but some issues remain, and further consideration is required.

Comments based on third iteration of plans

Subject to the following conditions, the development proposals subject to these applications would ensure that the special architectural and historic interest of this grade II* listed building would be preserved if not enhanced.

4.3 Archaeology Officer

HC11 condition required for a programme of archaeological work in the form of a watching brief, due to the site being archaeologically sensitive.

4.4 Tree Officer

Initial comments

Tree report needed.

Updated comments

No objection subject to trees being protected in accordance with the submitted report.

4.5 Gardens Trust

No comments have been received.

4.6 Historic England

Initial comments

We fully support the proposals to implement a significant schedule of structural and material repairs to the building, as this will sustain its conservation for the future. While we support the principle of an extension on the west elevation, we are concerned over a number of the proposed internal works and proposals to re-open former external windows. A more modest suite of works resulting in a lighter touch to the plan form and historic fabric would be supported, subject to clear and convincing justification being presented.

Updated comments based on the second iteration of the plans

In summary, we welcome many of the amendments to the proposals in conjunction with the significant heritage benefits of the schedule of building and structural repairs, which will require developing further in terms of details and specifications. However, proposals to unblock former window openings will need further clear and convincing justification and we are still unpersuaded over the first-floor bathroom arrangement within the nursery.

For the avoidance of doubt, the representations submitted by Historic England, whilst noting concerns, do not constitute an objection when considered against section 3 (interpretation) of the 2021 Notification Direction.

4.7 Local residents

No comments have been received

5. **ANALYSIS OF PROPOSAL**

5.1 The proposal seeks to erect a single storey rear extension.

5.2 Principle Of Development

PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (adopted November 2017) permits development within existing residential curtilages (including extensions) in principle where they do not harm the design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which 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. Additional guidance on achieving good design for householder developments is set out in the Household Design Guide supplementary planning document (SPD), which was formally adopted in March 2021. The development is acceptable in principle, subject to the following detailed consideration.

5.3 Green Belt

There are limited forms of development that are appropriate in the Green Belt, which are set out in paragraph 149 of the NPPF. One such form of development that is appropriate in the Green Belt is the extension or alteration of an existing building, provided that extension or alteration is proportionate. PSP7 elaborates on what will be considered a proportionate addition by setting out volume thresholds over and above the volume of the original building. PSP7 instructs that additions up to 30% over and above the volume of the original building will be considered acceptable, and additions between 30% and 50% over and above the original volume will be carefully assessed. Additions over 50% are likely to be unacceptable by reason of being disproportionate.

- 5.4 No volume detail has been provided; however, the building does not appear to have been meaningfully extended post July 1948 and the extension proposed would be facilitated by the removal of a small section of existing rear lean to. Given the lack of previous extension, and the small scale of the proposed addition in contrast to the substantial existing/original building, the proposed development would not result in anything other than a proportionate addition to the existing building and is therefore appropriate development in the Green Belt.

5.5 Design and Heritage

Manor House is a substantial detached historic dwelling situated within a substantive plot. The dwelling is understood to have once had an 'L' shaped footprint with a c.16th century core but has been subject to later (pre-1948) additions. The dwelling is generally faced with coursed rubble stone, with a mixture of double roman and pantiles to the roof and a roof arrangement comprising several gables.

- 5.6 The proposed extension would extend c.3.5 metres from the rear (West) elevation of the dwelling and would have a length of c.6.6 metres. The roof would be mono pitched but would appear separate from the rear elevation of the main building with the abutment flashing located below a concealed roof junction and 'secret gutter'. The extension would on the southern end appear as a more lightweight timber framed structure, whilst to the Northern end, would have a more solid appearance through utilising stonework to match existing. In effect two of the three bays would be glazed, and one would be solid.

- 5.7 The proposed extension would see the demolition of an existing rear lean-to outbuildings considered to be c.19th century. Whilst architecturally limited, the lean-to represents a typical 19th century range of attached outbuildings and so their demolition would present some harm. But this harm needs to be considered in the context of the wider benefits that this scheme of refurbishment will bring and when this balance is considered, the benefits

- would outweigh this harm. For clarity, the associated listed building consent application report will address in detail the full range of refurbishment and internal works which only require listed building consent and not full planning permission.
- 5.8 The extension itself presents something of an unusual and inconsistent design in terms of its elevation treatment. The extension is an addition which does not inherently work with the prevailing characteristics of the host and would appear as a modern addition that provides more of a striking and interesting contrast with its host as opposed to a comfortable assimilation.
- 5.9 The case officer notes that the conservation officer advises that the proposed extension may not be the most optimal solution in this instance. However, it is difficult to qualify the extension being harmful as while it would result in a significant and arguably dramatic change in character of the rear elevation, this change would not necessarily be harmful as the principles underlying the design and appearance of the extension are sound. During the consideration of this application, the design of the rear extension has been tweaked to soften its appearance by increasing the overhang of the eaves and verge. This results in a design that would assist with the assimilation of the extension as the aesthetic character of the extension would be less striking and accordingly less visually competitive with the rear elevation of the host building.
- 5.10 Overall, and when balanced with the conservation benefits afforded by the several elements considered in the listed building consent, the proposed loss of fabric to the rear would not present harm to the architectural or historic interest of the grade II* listed building and its significance would accordingly be preserved. The extension itself represents a contemporary addition which following revision would not be so competitive with the historic host and so can now be considered acceptable as no harm would result. As the proposal would not result in harm, paragraphs 200, 201 or 202 of the NPPF would not be engaged and the proposals would accord with the statutory requirements set out in the LBCA Act 1990. Should permission be granted, conditions will be required with respect of materials and detailing, however, these will be applied to the listed building consent and so need not also be applied to the planning permission, as otherwise the same conditions would need to be discharged twice.
- 5.11 Further to the above, the proposed extension would also accord with the requirements of design policy CS1, as well as PSP1, PSP38 and the relevant provisions of the Householder Design Guide SPD.
- 5.12 Archaeology
The application site is archaeologically sensitive and is recorded on the Historic Environment Record (HER) as having origins in the 13th century. Although modest in size, the extension has the potential to impact on buried archaeology. Accordingly, a condition should be applied to secure a programme of archaeological works (a watching brief).

- 5.13 Residential Amenity
PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts.
- 5.14 By reason of the siting, scale and distance from the closest neighbour, the proposed development would not present any material residential amenity issues or unacceptably reduce the available private amenity space, should permission be granted.
- 5.15 Parking and Transportation
PSP16 requires developments to provide levels of parking based upon the number of bedrooms at a dwelling. Where an increase is proposed, proposals should demonstrate that adequate off-street parking can be provided to accommodate increase in demand.
- 5.16 The proposed extension would not alter the existing parking or access arrangements, nor would it add any additional bedroom accommodation and thus no additional parking requirements. As such, the proposed development is acceptable in terms of parking and transportation.
- 5.17 Arboriculture
PSP3 submits that development proposals should, where appropriate, include the protection of trees on site. There are several trees on the site, with some suggested to be removed on the submitted plans. As such, a tree report has been submitted (Treework Environmental Practice, August 2022). It has been confirmed that 1no. tree is to be removed, which is a low-grade mulberry tree. Given the quality of this tree to be removed, there is no objection to its loss. Other trees on site are to be protected as set out in the report, which has been received by the Council's tree officer. Should permission be granted, a suitably worded condition should be applied to ensure that works proceed in accordance with the submitted tree report and protection measures.

Impact on Equalities

- 5.18 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.
- 5.19 With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

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

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

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

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

3. Works shall proceed in strict accordance with the tree protection measures as set out in the submitted arboricultural impact assessment (Treework Environmental Practice, August 2022, as received 16th August 2022).

Reason

To ensure that retained trees on site are protected during development and to accord with PSP3 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

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

4000 1 - site location plan

1000 1 - Ground floor plan existing
1001 1 - First floor plan existing
1002 1 - Attic plan existing
1003 1 - Roof plan existing
1100 1 - Main house sections as existing
1200 1 - East and North elevations as existing
1201 1 - West and South elevations as existing
1202 1 - Garage elevations as existing
1203 1 - Outbuildings 1 and 2 as existing
2100 1 - Main house sections as proposed
3204 0 - Proposed door details DF11 & DF12 - internal first floor door
3205 0 - Proposed door details DF10 - Cupboard door
3206 0 - Proposed door details DG22 - Proposed utility cupboard door
3208 0 - Proposed door details DG20 - dining room to study/library
3209 0 - Proposed door details DG19, DG24 - internal double door
4001 1 - Topographical survey existing
4002 1 - Site plan proposed
SK_05 P1 - Drainage notes
SK_06 P2 - Drainage - options appraisal and illustrative scheme
As received 6th June 2022

3210 0 - Proposed window details WG14 and WG15
3212 0 - Proposed window details WS5
As received 8th June 2022

3220 0 - Proposed extension roof eaves and abutment detail
As received 10th June 2022

2001 3 - First floor proposed
2003 2 - Roof proposed
2201 3 - West and South elevations proposed
3201 1 - Proposed door details DG2
3203 1 - Proposed door details DG25
As received 25th July 2022

2000 5 - Proposed ground floor
2002 4 - Attic proposed
2200 4 - East and North elevations proposed
As received 26th August 2022

Reason

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

Case Officer: Alex Hemming
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 36/22 -9th September 2022

App No.:	P22/03258/F	Applicant:	Mr Guy Riggott Burhill Group Limited
Site:	Thornbury Golf Centre Bristol Road Thornbury South Gloucestershire BS35 3XL	Date Reg:	18th July 2022
Proposal:	Erection of a single storey extension to form pergola.	Parish:	Thornbury Town Council
Map Ref:	362850 189210	Ward:	Thornbury
Application Category:	Minor	Target Date:	12th September 2022



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P22/03258/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 received, from the Town Council, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a single storey extension to form pergola at Thornbury Golf Centre. The pergola will extend off the existing clubhouse building.
- 1.2 The application site is within open countryside within the Bristol & Bath Greenbelt. The Club House is not listed however the Lodge and the barns are grade II listed.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS9 Managing the Environment and Heritage
CS23 Community infrastructure and cultural activity
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP7 Development in the Green Belt
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment

Thornbury Neighbourhood Plan

Policy 3 – High quality design

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted August 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/6360/F
Erection of single storey rear extension to provide additional changing rooms and side extension to form covered porch area.
Approve with conditions 19.01.2017.
- 3.2 PT16/6366/LB
External works and alterations to windows to include secondary glazing as stated in submitted schedule of works.
Approve with conditions 18.01.2017

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
Object.
This appears to be a box-like structure of no architectural merit and little relationship to the current building or the surrounding countryside.
- 4.2 The Listed Building & Conservation Officer Natural & Built
No objection following revised detailed drawings.
- 4.3 Transportation DC
No objection.
- 4.4 Landscape Architect
No objection.
- 4.5 Lead Local Flood Authority
No objection
- 4.6 Archaeology Officer
No comment.
- 4.7 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy CS23 of the South Gloucestershire Core Strategy states the Council will work with partners to provide additional, extended, or enhanced community infrastructure and encourage participation in cultural activity. The supporting text goes on to clarify that Community and Cultural infrastructure include public & private sports & recreation facilities.

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should

demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development.

Notwithstanding the above, the NPPF and policy PSP7 set out strict criteria to avoid inappropriate development in the green belt. A key issue to assess is, whether the proposed development would be considered inappropriate having regard the NPPF and local plan policies.

5.2 Green Belt

The application site is in the Bristol and Bath Green Belt, where development is strictly controlled to prevent urban sprawl by keeping land permanently open. Paragraph 149 of the NPPF sets out that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt. There are several exceptions to this, which are set out within paragraphs 149 and 150 of the NPPF. There are numerous exceptions that are relevant to this application:

(b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'.

5.3 PSP7 reflects exemption (c), and sets out that as a general guide, an addition resulting in a volume increase up to 30% of the original building would likely be proportionate, additions that exceed 30% volume increase will need to be carefully assessed in terms of whether it would appear out of scale and proportion to the existing building. The larger a building becomes in excess of 30% over and above its original size, the less likely it is that the new extension(s) will be considered proportionate. Additions resulting in a volume increase of 50% or more of the original building would most likely be considered a disproportionate addition and be refused as inappropriate development.

5.4 For clarity, it is noted that the term 'original building' means a building as it existed on 1 July 1948. Any additions that have occurred since the introduction of the Town and Country Planning Act will be considered cumulatively and will count against the overall increase in volume of the dwelling when assessing new additions. This is required because small reductions in openness, repeated many times, can have a cumulatively harmful effect on the Green Belt.

5.5 A review of planning history indicates the Clubhouse has been previously received a single storey rear extension to provide additional changing rooms and side extensions to form cover porch. This was found to be proportionate to the main building and acceptable in green belt terms. Whilst detailed volumetric

- calculations have not been provided, the proposal, combined with the earlier extensions, would not result in a volumetric increase above 50%. The proposal provide a lightweight open structure that is subservient to the main clubhouse and does not extend past the existing walling, thus not harming the openness of the greenbelt.
- 5.6 Having regarded Policy PSP7 it is considered the proposed development will result in a proportionate addition to the Clubhouse and is therefore appropriate Green Belt development.
- 5.7 Therefore, the proposal falls within the exception categories of the NPPF and is not inappropriate development.
- 5.8 Heritage Assets
Paragraph 194 to 208 of the National Planning Policy Framework sets out how Local Planning Authorities should assess applications that impact heritage assets. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.9 Policy CS9 of the Core Strategy and Policy PSP17 of the Policies, Sites and Places Plan seek to ensure that development within the setting of a listed building will: preserve or, where appropriate, enhance those elements which contribute to their special character or appearance.
- 5.10 The pergola is separated from the Grade II listed barn and sited adjacent to modern additions to the Clubhouse. Due to its positioning, there is no intervisibility between the proposed pergola and the Grade II buildings. Furthermore, no historic fabric will be impacted due to its location. Overall, the lightweight modern design of the proposal raises no concerns regarding impact on the historic character or setting of the Grade II buildings.
- 5.11 There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when planning permission for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Under Section 72 of the same Act, it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that full consideration has been given to these duties and the proposal is considered acceptable in this regard.
- 5.12 Design and visual amenity
Policy CS1 of the Core Strategy and policy PSP1 of Policies, Sites and Places Plans seeks to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the application site and its context.

- 5.13 The proposal erects a modern, open, and predominantly glass pergola adjacent to the existing clubhouse over an existing patio area. The pergola will overlie an existing patio area and will have a footprint of approx. 4.9m x 7.5m and comprise a single storey structure at a height of approx. 2.9m. It will feature a rotating louvered roof and windows that allows the pergola to be opened when the weather permits. Whilst the proposal will not use the same walling materials as those used in the existing building it will appear as a modern and 'lightweight' extension. The colour of the pergola, anthracite grey, is to match the windows and doors of the existing building. Overall, the proposal offers an innovative design that does not seek to mimic the existing clubhouse. Accordingly, for the reasons listed above the proposal complies with policies CS1 and PSP1.
- 5.14 Landscape
Policy PSP2 of the Policies, Sites and Places Plan seeks to protect the character, distinctiveness, quality and amenity of the landscape.
- 5.15 The proposed pergola will be seen in the context of the existing clubhouse in views across the golf course, which is not crossed by any public right of way. The proposed extension by virtue of its scale and siting will not adversely affect the landscape character.
- 5.16 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan relates specifically to residential amenity in which it states development proposals are acceptable, provided that they do not create unacceptable living conditions or result in unacceptable impacts on the residential amenities of occupiers of the development or of neighbouring properties. These are outlined as follows (but not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.
- 5.17 By reason of scale, form, design, and the separation distances involved between the proposed development and residential properties, the proposed enlargement will not result in any unreasonable harm to residential amenity, satisfying policy PSP8.
- 5.18 Transport (Access and Parking)
Policy PSP16 sets out the Council's criteria for parking specifications. The site has a large car park and access arrangements that will continue to provide appropriate space to serve the site alongside the extended building. There are therefore no transportation objections.
- 5.19 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act, the public sector equality duty came into force. Among other things, those subject to the equality duty must have due regard to: eliminate unlawful discrimination; harassment and victimisation; advance equality of opportunity; and, foster good relations between people who share a protected characteristic and those who do not.

The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

6. **CONCLUSION**

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

7. **RECOMMENDATION**

- 7.1 That the application be **APPROVED** subject to conditions

CONDITIONS

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

Reason

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

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

Site location plan

Location plan

Existing plans and elevations (001)

Proposed plans and elevations (002)

Block plan

(above plans received 14/07/2022)

Biossun V.2

(above plans received 30/08/2022)

Reason

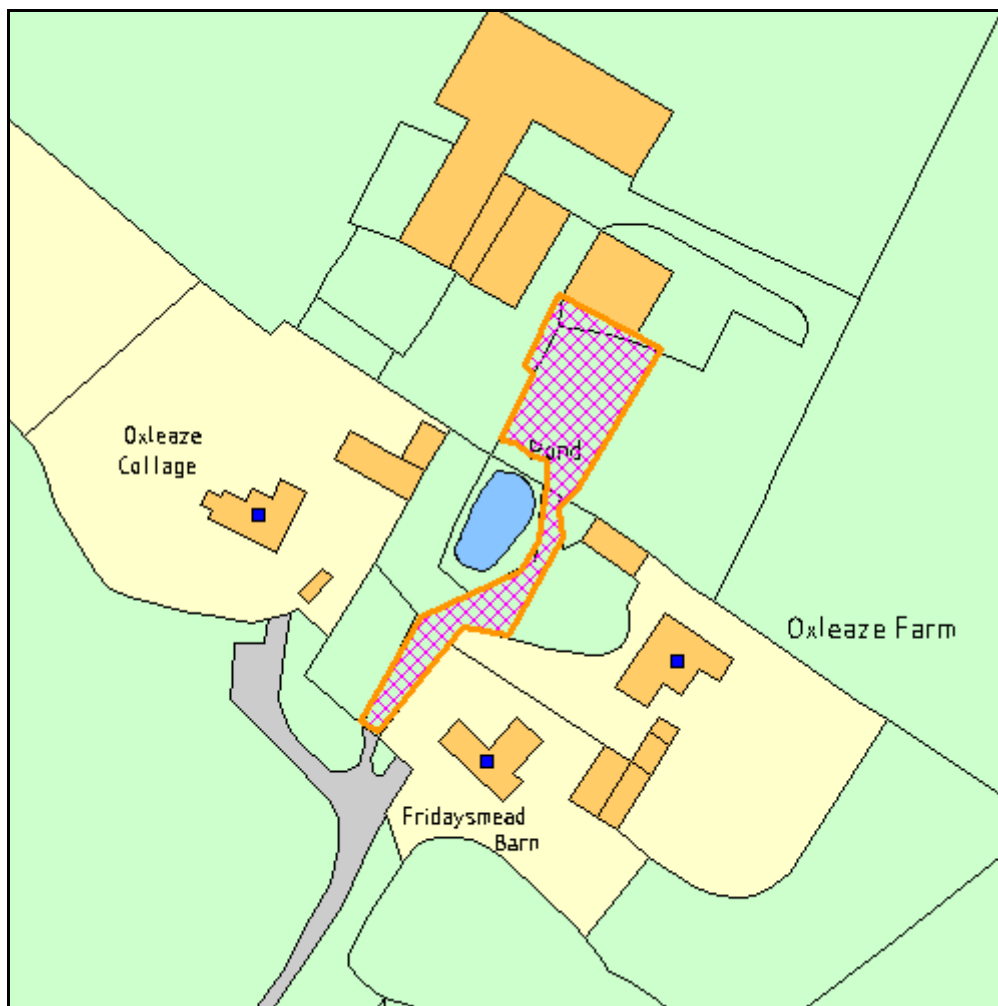
To define the terms and extent of the permission.

Case Officer: Charlie Morris

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 36/22 -9th September 2022

App No.:	P22/03733/F	Applicant:	Mr Rob Chancellor
Site:	Land At Oxleaze Farm Oxleaze Farm Road Inglestone Common South Gloucestershire GL9 1BS	Date Reg:	19th July 2022
Proposal:	Erection of 1 no. agricultural workshop building (Retrospective).	Parish:	Hawkesbury Parish Council
Map Ref:	376184 188283	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:	Minor	Target Date:	12th September 2022



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P22/03733/F

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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the circulated schedule due to a response received from the Parish Council that is contrary to the findings of this report and officer recommendation.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the erection of 1no. agricultural workshop building.
- 1.2 This development would normally be covered by permitted development (part 6, class A of the GPDO), subject to assessment of whether prior approval of the LPA is required as to the siting, design, and external appearance of the building. However, the building has already been commenced and so the application is retrospective and permitted development rights are not applicable retrospectively.
- 1.3 The application site relates to an existing farmyard at Oxleaze Farm, which forms part of an established agricultural holding. The site is located in the open countryside but is not within the Bristol/Bath Green Belt or the Cotswolds AONB. The farmhouse, Oxleaze Farmhouse, is grade II listed.
- 1.4 This application follows intervention from the Council's planning enforcement officers (COM/21/0665/COU) whereby a complaint has been made relating to a change of use from rearing cattle to intensive beef fattening, causing unpleasant smells. For the avoidance of doubt, rearing cattle and intensive beef fattening both fall under the definition of agriculture as defined under section 336 of the Town and Country Planning Act 1990.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2021
National Planning Practice Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990

- 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
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP28	Rural Economy
PSP29	Agricultural Development

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

Planning

- 3.1 No relevant planning history.

Enforcement

- 3.2 COM/21/0665/COU (pending consideration):
Erection of new barn for the change of use from rearing cattle to intensive beef fattening causing bad smell for neighbours.

4. CONSULTATION RESPONSES

4.1 Hawkesbury Parish Council

Objection

- Insufficient documentation
- More detailed plans required to include size and if it falls within original footprint
- Confirmation required as to when it was built without the required permission

4.2 Transport

No comment.

4.3 Highway Structures

No comments have been received.

4.4 Drainage (LLFA)

No objection in principle. Informative noted regarding the need for ordinary watercourse consent (OWC).

4.5 Planning Enforcement

No comments have been received.

- 4.6 Archaeology Officer
No comments have been received.
- 4.7 Ecology Officer
No objection. Ecological enhancement condition recommended.
- 4.8 Conservation Officer
No objection.
- 4.9 Local Residents
1no. response has been received objecting to the proposal, summarised as follows:
- Too close to our cottage
 - Farming practice has changed from mixed farming to intensive beef rearing
 - Slurry in the yards causes fly problem in the summer
 - Don't wish to see expansion which would make the problem worse

5. ANALYSIS OF PROPOSAL

- 5.1 Retrospective planning permission is sought for the erection of 1no. agricultural workshop building.

Principle of Development

- 5.2 As the proposal relates to an agricultural building, PSP29 is of relevance to this proposal. PSP29 permits agricultural development outside defined urban areas and settlements provided in the case for new buildings that:

There are no existing suitable underused buildings, reasonably available; and

The proposal(s) is reasonably necessary for the purposes of the use and is clearly designed for that purpose

- 5.3 As a working farm, the site can be considered to form part of the rural economy. The NPPF puts great emphasis of supporting a prosperous rural economy and sets out at paragraph 83 that planning policies and decisions should enable (inter alia):

The sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings, and well-designed new ones

- 5.4 *Need for the building*

The stated need for the building is to form a workshop area used in connection with the agricultural operation on the holding. This workshop would allow for the maintenance and repair of the machinery and equipment required during the course of the agricultural activities on the holding. The building would provide a secure environment to work on said machinery. The machinery is stated to be a vital part of the agricultural business and so ensuring it is kept in working/safe order is essential to ensure the best standards of animal welfare and the effective management of the land. The requirement has arisen due to a change

in maintenance regime, whereby equipment will be repaired or maintained on site where possible, as opposed to at a facility off the holding at a cost. In terms of the need for the building, the requirement is in the officer's view quite reasonable as part of a modern agricultural operation.

5.5 The building on plan is c.13.8 metres long, c.9.3 metres wide, c.5.6 metres to the ridge and c.4.6 metres to the eaves. The elevations would be clad with corrugated steel sheets, and the roof with fibre cement sheeting. On one end would be a roller shutter door to allow machinery access. The design of the building is that of a modern agricultural building and is clearly designed for its intended agricultural use.

5.6 *Other buildings*

There are other buildings in the vicinity and so as part of the requirements of PSP29, consideration is needed as to whether any of the existing buildings could fulfil the requirements. It is stated that all other buildings are used for livestock and/or fodder storage. These other buildings are therefore not suitable for the intended agricultural use of the building being that they are mainly open sided/open fronted and so there is no security for the machinery inside. Moreover, there would be potential health and safety risk and fire risk if workshop activities were carried out in the other buildings (for example, in the vicinity of stored hay). Given this, the case officer is satisfied that none of the existing buildings within the farmyard would be suitable for the intended use. There are therefore no other existing underused buildings reasonably available.

5.7 Further to the above, the proposed development accords with the requirements of PSP29 and is therefore acceptable in principle, subject to the following consideration of the other relevant planning issues.

5.8 Design and Heritage

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. The farmhouse (Oxleaze Farmhouse) is grade II listed. Policy CS9 and PSP17 are both supportive of proposals that seek to preserve and where appropriate, enhance or better reveal the significance of designated heritage assets. Section 66(1) of the LBCA Act 1990 asserts that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting. The NPPF instructs that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

5.9 In terms of design, the proposed building would appear as a modern agricultural building, set within a cluster of existing agricultural buildings and would be read simply as part of the working farmyard. The siting of the building

- is logical in that it is in a relatively central position set next to an existing building, and so any perceived 'sprawl' will be minimal, and the building would be well contained within its context.
- 5.10 In terms of heritage, the agricultural building forms part of a building complex associated with the Grade II listed farmhouse and the ability to experience a listed farmhouse within the working farm setting can be considered to contribute a sense of authenticity to the character of its setting which, accordingly, can be considered to make a positive and material contribution to the significance of the Grade II listed Oxleaze Farmhouse. There would ultimately be no harm caused to the setting and therefore significance of the grade II listed farmhouse, and paragraphs 201 and 202 are accordingly not engaged.
- 5.11 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, overbearing/dominant impacts, noise or disturbance, odours, fumes and vibration.
- 5.12 The closest dwelling, aside from the main farmhouse, is Oxleaze Cottage to the South-west. The barn is sited c.20 metres from the boundary with Oxleaze Cottage and c.47 metres from the dwelling itself. These distances are more than sufficient to avoid any overbearing or overshadowing impacts. In terms of noise and disturbance, the proposed building by reason of its scale and intended use would not be considered to present any marked increase in noise or disturbance beyond what would reasonably be expected within the vicinity of a working farm complex.
- 5.13 Concerns are noted regarding the wider agricultural activities on the site; however the proposed building is not for a livestock use and is for workshop purposes only and so would not be likely to exacerbate the intensity of the existing livestock operation. Livestock rearing, intensive or otherwise, are agricultural activities that can be reasonably expected within an established working farm. There are therefore no considered amenity issues relating to this specific proposal that would justify refusal on amenity grounds.
- 5.14 Transport
The proposed development would not alter the existing access arrangements for the farmyard, which are via a private access road. Having reviewed the proposed development, the Council's highways officer do not have any objection. This is on the basis that the building will be used in conjunction with the existing activities and so under those circumstances, it is not considered that the development would produce additional travel demand from the farm, nor will it raise any issues that could be considered severe or unacceptable.
- 5.15 Ecology
The application site is not covered by any ecological designations and there were no structures on site or trees suitable for roosting. There is foraging habitat in close proximity of the site, however it is understood that there will be

no external lighting installed. There is a pond adjacent to the site, however the site's footprint is hardstanding, which is not suitable for GCN, therefore it is unlikely that GCN and other amphibians were impacted by the building. No habitat suitable for nesting birds was present prior to the erection of the building.

- 5.16 The site being hardstanding holds negligible ecological value and it is unlikely that protected species were impacted during the construction of the building. There is however an opportunity to increase the nesting opportunities for birds, in accordance with local plan and national policies. In this instance, a general open fronted bird box should be installed 3m from the ground and facing a northerly to north-easterly direction, away from direct sunlight and prevailing winds. This should be secured by a suitably worded planning condition, should permission be granted.

Impact on Equalities

- 5.17 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.
- 5.18 With regards to the above this planning application is considered to have a neutral impact on equality.

Other Matters

- 5.19 Several matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.20 Level of detail – the submitted plans are sufficient to allow an informed assessment of the proposal. There are no figured dimensions, however this is not required as the plans are drawn to an identified scale.
- 5.21 The application form states that the works started in February 2022.

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.
- 6.3 There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when planning permission is sought for any works to have special regard to the desirability of preserving the listed building or its setting, or any features of special architectural or historic interest in which it possesses. It is considered that full consideration has been given to these duties and the proposal is considered acceptable in this regard.

7. RECOMMENDATION

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

CONDITIONS

1. The retrospective planning permission hereby granted applies only to the following plans:

Block plan
Site location plan
C174/CC/Plan 1 - Proposed elevations
As received 4th July 2022

C174/CC/Plan 2 - Proposed floor plan
As received 18th July 2022

Reason
To define the exact terms of the permission.

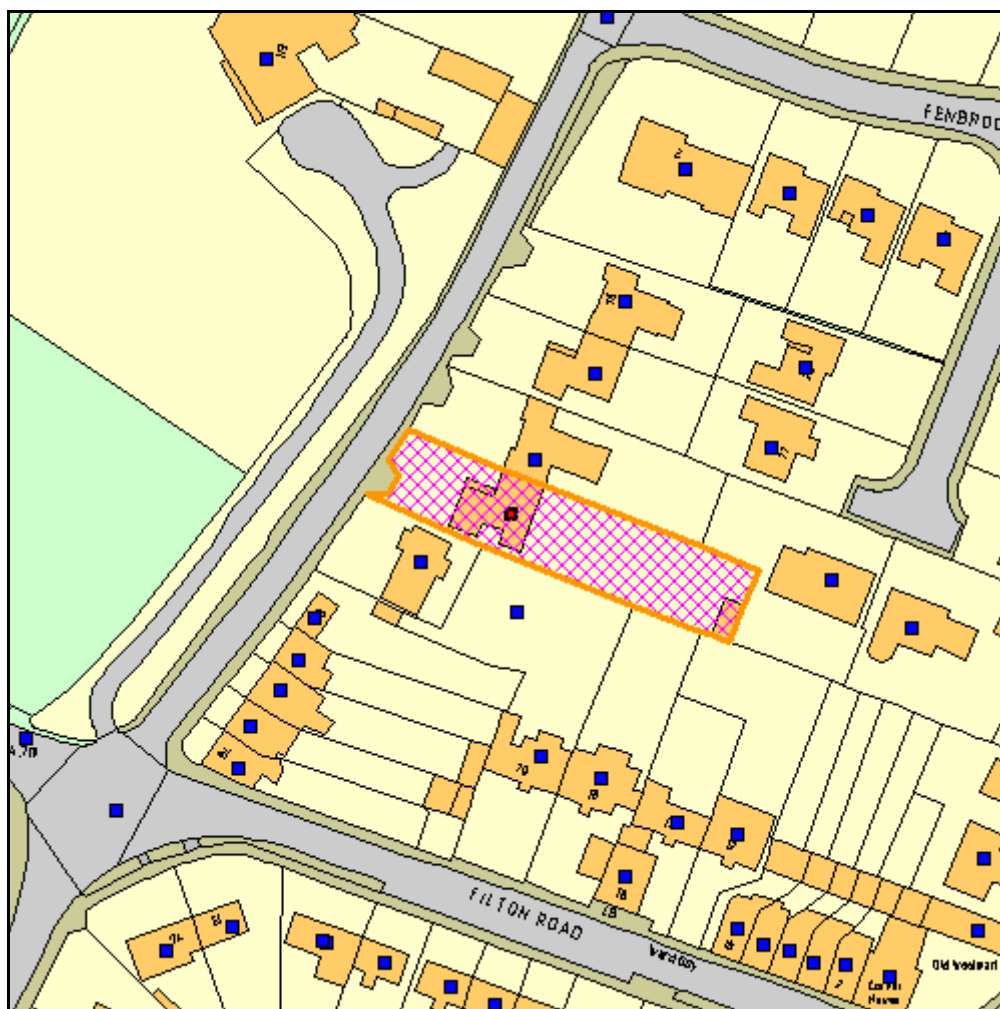
2. Within one month of this decision, a plan detailing the location and specifications of ecological enhancements in the form of at least 1 no. bird box is to be submitted to the local authority for approval in writing. The ecological enhancements (bird box) shall be installed in accordance with the approved details within 1 month of approval being given.

Reason
To ensure that appropriate ecological enhancements are made post development in accordance with PSP19 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

Case Officer: Alex Hemming
Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 36/22 -9th September 2022

App No.:	P22/03863/HH	Applicant:	Mr mohammed Mahbub
Site:	Cherrydown 88 Old Gloucester Road Hambrook South Gloucestershire BS16 1QH	Date Reg:	14th July 2022
Proposal:	Erection of single storey rear extension and single storey side infill extension to form additional living accommodation. Erection of front porch.	Parish:	Winterbourne Parish Council
Map Ref:	363730 178357	Ward:	Frenchay And Downend
Application Category:	Householder	Target Date:	7th September 2022



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N.T.S.

P22/03863/HH

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

REASON FOR REFERRING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a single storey rear extension, single storey side infill extension and front porch to form additional living accommodation, as detailed on the application form and illustrated on the accompanying drawings.
- 1.2 The application site can be found at No.88 Old Gloucester Road (Cherrydown), located within the established built-up residential area of Hambrook, and is set within a good sized plot. The dominant feature within the site is a semi-detached bungalow.
- 1.3 It is noted that since the application was initially submitted and consultations were received, revised drawings have been accepted by the local authority. The amended plans have reduced the depth of the rear extension from 8 metres to 5 metres, a total reduction of 3 metres.

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
PSP24	Mineral Safeguarding Areas
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 No relevant planning history.

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council

Objection. While it would appear likely that there is sufficient space to park three vehicles at the front of the property, in the absence of supporting evidence, in an area dominated by extant parking restrictions the Parish Council supports the Highways Officers concerns.

4.2 Sustainable Transport – Transportation DC

Regrettably the site plan does not show the existing or proposed parking arrangements and no other information about such matters is provided. Consequently, we cannot verify whether the required spaces are present or whether they conform to the requisite dimensional requirements. This is of particular concern as we understand that part of the existing garage is lost as a result of this extension. Hence, we would request that this matter clarified by the applicant.

Consequently, although we believe that this proposal is unlikely to create any severe or unacceptable highway or transportation issues, without clarification of the parking matters raised above we cannot reach a conclusion in this matter. Hence, we would request the applicant's earliest clarification of these points.

4.3 Local Residents

No comments received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application site is situated within an area of established residential development in Hambrook and is currently utilised as a C3 dwellinghouse. The proposed development will extend the area of living accommodation within the property at the expense of section of front, side and rear curtilage.

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

5.2 Design and Visual Amenity

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

5.3 **Side extension**

The proposed single-storey extension will project (approx.) 2.5 metres from the properties south elevation and have a depth of 3.8 metres. The extension will essentially infill the gap that currently exists between the properties existing two single-storey side masses. The roof of these structures will be removed and a singular mono-pitch form will be constructed, which will rise from an eaves height of 2.6 metres to a ridgeline of 3.8 metres.

5.4 **Garage conversion**

A garage conversion forms part of the proposal. This will take place entirely within the footprint of the original dwellinghouse and consists of the existing garage door to the front façade to be blocked up and replaced for a window. External access into this space is no longer required. Additionally, incorporated within the design will be 1no. glazed door and 2no. windows to the extensions side elevation.

5.5 **Front Porch**

The proposed porch will protrude (approx.) 1.9 metres from the properties front elevation and 2.4 metres from the side (north) elevation, with an overall footprint of 4.5 square metres. The porch will feature a flat roof, which will rise to a maximum height of 2.8 metres. The properties entrance door will be located to the porches principle façade.

5.6 **Rear extension**

The new addition to the rear will project (approx.) 5 metres from the east elevation and span the entire width of the property. The extension will have a flat roof, which will rise to a maximum height of 3 metres. Installed within the roof structure will be 1no. roof light. Furthermore, 1no. window and 1no. set of bi-fold doors will be introduced to the extension rear façade, permitting access to the garden.

5.7 Combined, the proposed development will facilitate with the properties internal remodelling and refurbishment. The extensions will reconfigure the ground floor plan to create a large open plan kitchen/dining/living space, as well as provide the property with 2no. additional bedrooms.

5.8 The proposed extensions appear subservient to the host dwelling, maintaining the properties architectural integrity, balance of the pair and character of the area. The proposals have been designed to complement the existing property through its proportions and materials. The design is harmonious with the existing dwelling and continues to complement neighbouring properties. Overall, the proposed development has an acceptable standard of design satisfying policies CS1 and PSP38.

5.9 Residential Amenity

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

5.10 The only potentially affected neighbours of the proposed development will be adjoining property No.90 and properties to the south No.86 Old Gloucester Road and No.22 Filton Road. It is acknowledged that the proposed rear extension has a relatively substantial footprint. Additionally, the extensions will sit tight or close to the adjoining boundary lines. However, the extensions are modest in height, achieved by their single-storey nature and mono-pitch or flat roof form. The impact on the level of amenity afforded to neighbouring dwellings by reason of overbearing and loss of light is acceptable.

5.11 As a result of the proposed additional fenestration, loss of privacy and overlooking must also be addressed. Nevertheless, as all new openings will be located at ground floor or in the form of a velux, and the sites existing boundary treatment comprises timber fence with a height of (approx.) 1.8 metres. The proposed new openings will not unreasonably harm residential amenity. The application therefore satisfies the requirements of policies PSP8 and PSP38.

5.12 Supplementary to this, policy PSP43 sets out that residential units, are expected to have access to private external amenity space that is: functional and safe; of a sufficient size in relation to number of occupants; and be easily accessible. Although the proposed scheme will increase the occupancy within the dwelling, as well as build on rear curtilage. The dwellings remaining private external amenity space will continue to be well in excess of the councils design standards, complying with PSP43.

5.13 Transport (Access and Parking)

Policy PSP16 sets out the Council's criteria for parking specifications. It states that parking space provision per dwellinghouse is proportionate to bedroom number, with a property of the proposed size (5-beds) expected to provide a minimum of 3no. off-street parking spaces. Although a parking plan has not been submitted in support of this application. The submitted drawings clearly demonstrate that the properties existing driveway, that is to be unaffected by the proposals, holds the capacity to accommodate at least 3no. vehicles. This is further supported by a desk-top study undertaken by the case officer. Therefore, the proposals satisfy policy PSP16.

5.14 Consideration of likely impact on Equalities

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

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

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 That the application be **APPROVED** subject to conditions.

CONDITIONS

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

Reason

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

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

(Received 13th July 2022)

Bin Storage Plans
Existing and Proposed Ground Floor Plan
Existing Elevations
Existing Floor Plans
Existing Garden Plan
Existing Roof Plan
The Location Plan

(Received 06th September 2022)

Existing and Proposed Gross Area (Rev B)
Floor Area (Rev D)
Existing and Proposed 3D Internal Views (Rev E)
Existing and Proposed 3D Views 1 (Rev E)
Existing and Proposed 3D Views 2 (Rev E)

Existing and Proposed 3D Views 3 (Rev E)
Existing and Proposed 3D Views 4 (Rev E)
Existing and Proposed Section A-A (Rev E)
Proposed Elevations (Rev E)
Proposed First Floor and Roof Plan (Rev E)
Proposed Front and Garden Plan (Rev E)
Proposed Ground Floor and Demolition Plan (Rev E)

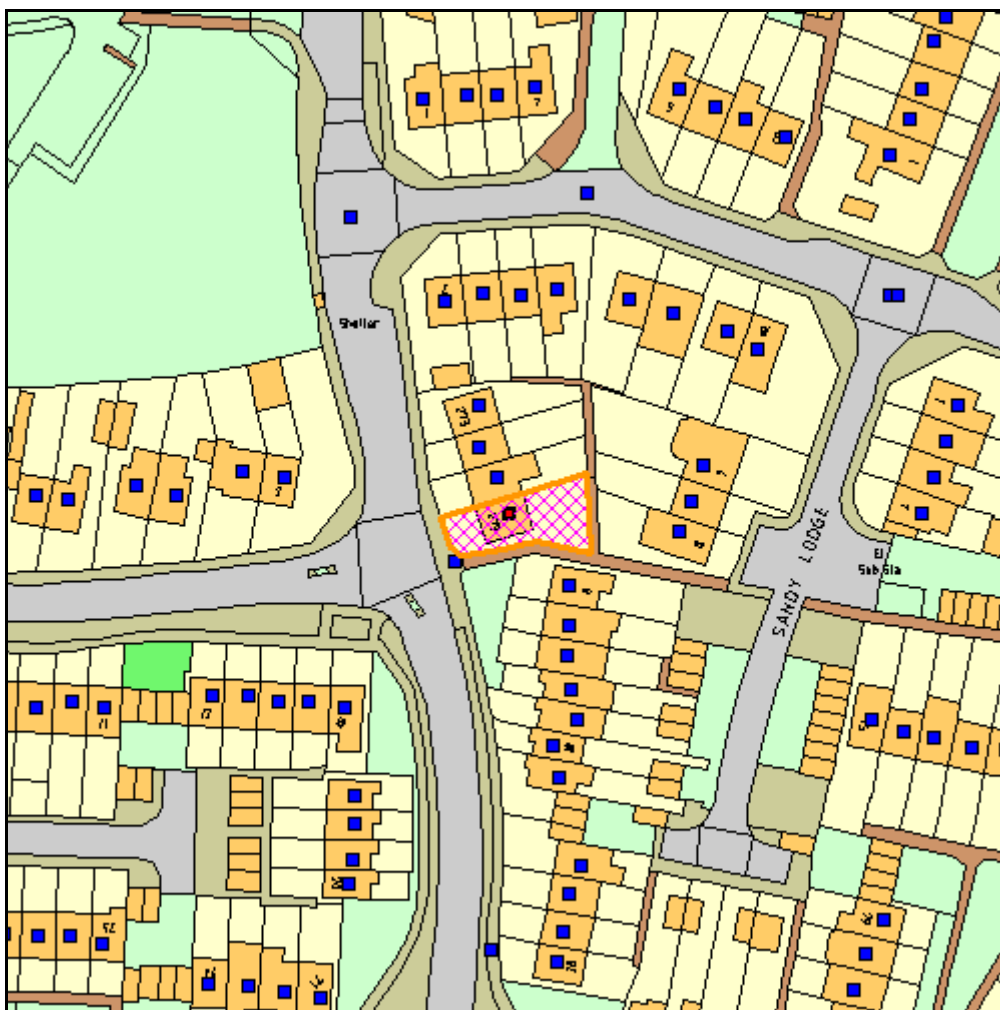
Reason

To define the terms and extent of the permission.

Case Officer: Chloe Summerill
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 36/22 -9th September 2022

App No.:	P22/03864/HH	Applicant:	Ms Aysha Choudhury
Site:	279 Sundridge Park Yate South Gloucestershire BS37 4HA	Date Reg:	14th July 2022
Proposal:	Erection of a single storey rear and side extension to form additional living accommodation.	Parish:	Yate Town Council
Map Ref:	371226 181640	Ward:	Yate Central
Application Category:	Householder	Target Date:	7th September 2022



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P22/03864/HH

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

REASON FOR REFERRING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a single storey rear and side extension to form additional living accommodation, as detailed on the application form and illustrated on the accompanying drawings.
- 1.2 The application site can be found at No.279 Sundridge Park, located within the established built-up residential area of Yate, and is set within a good sized plot. The dominant feature within the site is a two-storey end terrace property.
- 1.3 It is noted that since the application was initially submitted and consultations were received, revised drawings have been accepted by the local authority. The amended plans have omitted the angled extension element of the proposal, which has brought the extension to sit parallel with the side elevation of the host dwelling.

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
PSP24	Mineral Safeguarding Areas
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

3.1 No relevant planning history.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Object unless

- 1) *Condition that no eaves or guttering protrudes beyond the site boundary onto the public footpath (the proposal as currently submitted shows the building wall being on the line of the current boundary fence, and needs to be set back enough for the roof overhang and guttering if any along that side to remain within the boundary of the site and not protrude onto the footpath).*
- 2) *Condition protecting the cables from the telegraph pole on the other side of the public footpath.*

4.2 Local Residents

No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site is situated within an established area of residential development in Yate and is currently utilised as a C3 dwellinghouse. The proposed development will extend the area of living accommodation within the property at the expense of section of existing rear garden.

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

5.2 Design and Visual Amenity

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

5.3 The proposed single-storey extension will project a maximum of (approx.) 1.8 metres from the properties side (south) elevation and extend 3.5 metres beyond the rear elevation of the dwelling, with an overall depth of 5.4 metres. Here, the side extension will join to the proposed single-storey rear extension, which will span the width of the property, forming a singular 'L' shaped mass.

- The extension will open up the rear of the property to create a large kitchen/dining space that is better suited to modern living, as well as introduce a utility and downstairs WC.
- 5.4 The extension will feature a combination of pitch and lean-to roof form, which will rise from a maximum eaves height of (approx.) 2.7 metres to a ridgeline of 3.8 metres. Installed within the roof structure will be 3no. skylights. Additionally, incorporated within the design will be 1no. personnel door to the extensions front façade, and 1no. set of French doors and 2no. windows to the rear elevation. External finish to the extension will be brick with grey tiled roof to match the host dwelling. A condition to support the use of matching materials will be attached to the decision notice.
- 5.5 The proposed works appear subservient to the host dwelling, maintaining the properties architectural integrity and character of the area. The proposals have been designed to complement the existing property through its proportions and choice of materiality, ensuring that the appearance of the dwelling is harmonious and continues to complement neighbouring properties. Overall, the proposal has an acceptable standard of design satisfying policies CS1 and PSP38.
- 5.6 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan relates specifically to residential amenity in which it states development proposals are acceptable, provided that they do not create unacceptable living conditions or result in unacceptable impacts on the residential amenities of occupiers of the development or of neighbouring properties. These are outlined as follows (but not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.
- 5.7 The proposed extension is modest in scale, achieved by its single-storey nature and shallow pitch/lean-to roof form. As such, the impact on the level of amenity afforded to neighbouring dwellings by virtue of overbearing and loss of light is acceptable. The application therefore satisfies the requirements of PSP8 and PSP38.
- 5.8 Supplementary to this, policy PSP43 sets out that residential units, are expected to have access to private external amenity space that is: functional and safe; of a sufficient size in relation to number of occupants; and be easily accessible. The proposed development will not increase the degree of occupancy within the property, however, it will build on existing rear curtilage. Nevertheless, the dwellings remaining private external amenity space will continue to be in excess of the councils design standards, complying with policy PSP43.
- 5.9 Transport (Access and Parking)
Policy PSP16 sets out the Council's criteria for parking specifications. It states that parking space provision per dwellinghouse is proportionate to bedroom number. The proposed development will not trigger a material increase in demand for parking at the site nor will it impact current provision. Therefore, no objection is raised under PSP16.

5.11 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to conditions.

CONDITIONS

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

Reason

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

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

(Received 13th July 2022)

Existing Floor Layout Plans (423-001) Rev A

Existing Site Block Plan (423-002)

Existing Elevations (423-003)

Site Location Plan (423-012)

(Received 08th September 2022)

Proposed Floor Plans (423-009) Rev E

Proposed Elevations (423-010) Rev D

Proposed Site Block Plan (423-011) Rev A

Reason

To define the terms and extent of the permission.

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

Reason

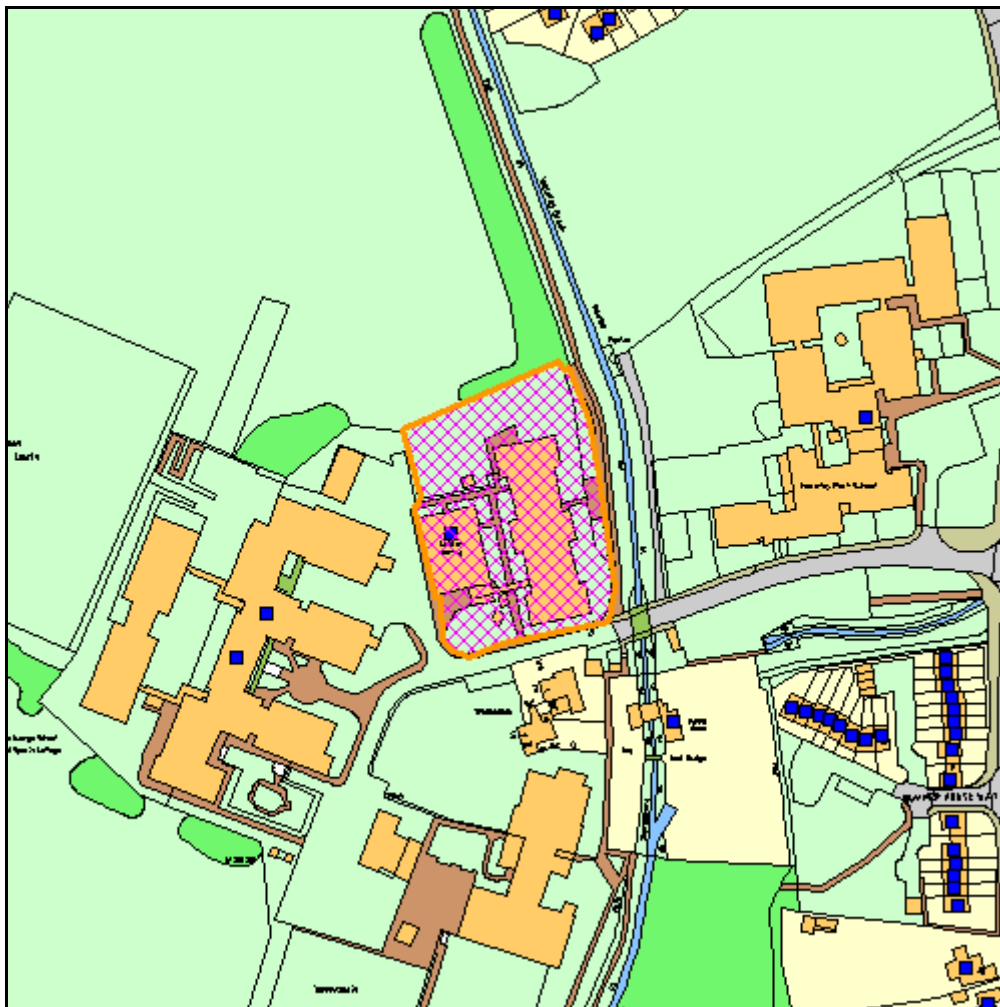
To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

Case Officer: Chloe Summerill

Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 36/22 -9th September 2022

App No.:	P22/04026/R3F	Applicant:	South Gloucestershire Council
Site:	Digitech Studio School Tower Road Warmley South Gloucestershire BS30 8XQ	Date Reg:	25th July 2022
Proposal:	Erection of 2.4m high boundary fence.	Parish:	Oldland Parish Council
Map Ref:	366738 173178	Ward:	Parkwall And Warmley
Application Category:	Minor	Target Date:	16th September 2022



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P22/04026/R3F

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

INTRODUCTION

This report/recommendation is referred to the Circulated Schedule in accordance with procedure given that the application has been submitted by South Gloucestershire Council itself.

THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a 2.4 metre high fence at along the southern and western boundaries of the Digitech Studio school Warmley. The fence would be of the polyester coated weld mesh variety. This will includes gates for a vehicle entrance on the western side and pedestrian entrance on the southern side.
- 1.2 A galvanised metal fence is situated on the northern and eastern boundaries with some weld mesh fencing within the site.
- 1.3 To facilitate the future development of the site, the existing access road and bridge across Warmley Brook will need to be widened. This will require the removal of a portion of the existing palisade fence and the security gates which currently provide security to Digitech as part of the overall school site. To maintain a secure perimeter to the existing Digitech school, which would otherwise be open to the rest of the former grange School site, a new security fence is required. The application for the temporary road is currently under consideration (P22/03899/R3F). The site lies close to the boundary with the Warmley Conservation Area and is within the setting of the Grade II Summer House. A statement of significance has been submitted with the application.

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
CS2 Green Infrastructure
CS8 Accessibility
CS9 Managing the Environment and Heritage
CS23 Community Infrastructure and Cultural Activity
CS29 Communities of the East Fringe of the Bristol Urban Area

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP11 Transport Impact Management
PSP17 Heritage Assets and the Historic Environment

3. **RELEVANT PLANNING HISTORY**

The application site has been subject to a number of consents while in an active educational use. Of most relevance to the current proposal is:

P21/06034/PND Prior notification of the intention to demolish the former Grange School and Sports Collage. Prior Approval Granted 29th September 2021

Also the following consent has been given, which would be served by the proposed road:

P22/00691/R3F Partial demolition and extensions to existing building with other associated works to form community sport and gymnastic centre. Approved with Conditions 27th May 2022

4. **CONSULTATION RESPONSES**

4.1 Oldland Parish Council

No objection

4.2 Sustainable Transport

No objection

4.3 Listed Building/Conservation Officer (Summary)

No objection in principle. There is a question over the amount of fencing and internal footpath proposed.

4.4 Tree Officer

The Tree Officer has no objection to the proposal in principle however, as there are 2 trees at the South of the site, consideration is needed when installing the fence posts. The fence does encroach with the RPA of both trees, although not extensively, so a no-dig method would allow for the proposal whilst also ensuring the roots are not negatively affected, therefore an Arboricultural Method Statement is required.

4.3 Local Residents

No response received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for replacement fencing as set out in Section 1 above. Policy CS23 supports development that contributes to the enhancement of Community Infrastructure and this development it is considered would fall within that category.

The development is in close proximity to the Warmley Conservation Area and within the setting of the Grade II Listed Summer House.

The proposal is acceptable in principal but will be determined against the analysis set out below.

5.2 Heritage, Design and Visual Amenity

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards of design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

No objection is raised in principle to the development. Comments from the Listed Building Officer are noted about the amount of fencing is noted and the presence of a footway inside part of the fence on the southern side of the site. The small area of footway does not require consent and therefore is not part of the proposal but notwithstanding this is not considered intrusive. Your case officer considers that the see-through painted weld mesh fencing while substantial is not particularly visually intrusive given this see-through form and is a significant improvement upon the older palisade style fencing that can be found elsewhere on the site. The fencing has a clean lightweight appearance in the view of the Case Officer and it is noted that no objection is raised by the listed building officer. The proposal is not considered to unacceptable impact upon the either the setting of the listed building nor the Conservation Area.

5.3 Impact upon Trees

Submitted details indicate that care will be needed during the installation phase to ensure that the proposed fence does not impact upon two trees that are located close to the southern part of the site. The root protection area may be effected but no extensively so. In this instance it is considered that a condition requiring an Arboricultural Method Statement is required prior to commencement of development is required. The statement should specify that a “no dig” method of construction will be employed. Subject to this condition the development is considered acceptable in these terms.

5.4 Residential Amenity

Policy PSP8 of the Policies, Sites and Places Plan outlines that development will be permitted provided they do not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on

residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration. Given the scale and the location of the proposed development it is not considered that any adverse impact upon the residential amenity of neighbouring occupiers would result.

5.5 Transport

The proposed fencing would be largely replacing existing fencing and would not have a detrimental effect on highway safety. The proposed fencing would not alter the parking provision on site.

5.6 Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application be **Approved** subject to the conditions set out below.

CONDITIONS

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

Reason

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

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

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1330 250		SITE LOCATION PLAN
1330 251	P1	BLOCK PLAN-AS EXISTING
1330 252	P1	ELEVATIONS AS EXISTING
1330 255	P2	BLOCK PLAN AS PROPOSED
1330 256	P1	ELEVATIONS AS PROPOSED

Reason:

For the avoidance of doubt

3. Prior to the commencement of development an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. For the avoidance of doubt a "no-dig" method shall be used to avoid the root protection area of the trees on the southern boundary.

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 and the National Planning Policy Framework.

Case Officer: David Stockdale
Authorising Officer: Marie Bath