

# 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: 50/22**

**Date to Members: 16/12/2022**

**Member's Deadline: 22/12/2022 (5.00pm)**

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

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

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

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

## NOTES FOR COUNCILLORS

### – formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

### **Additional guidance for Members**

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

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

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

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

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

A template for referral is set out below:

## Referral from Circulated Schedule to Development Management Committee

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

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

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

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

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

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

**Date:**

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

# CIRCULATED SCHEDULE 16 December 2022

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>P22/00243/F</b>	Approve with Conditions	Hallen Industrial Estate Severn Road Hallen South Gloucestershire BS10 7SE	Pilning And Severn Beach	Almondsbury Parish Council
2	<b>P22/00588/RM</b>	Approve with Conditions	Land East Of Cedar Lodge Charlton Common Bentry South Gloucestershire BS10 6LB	Charlton And Cribbs	Almondsbury Parish Council
3	<b>P22/02179/RM</b>	Approve with Conditions	Jorrocks Estate Westerleigh Road Westerleigh South Gloucestershire BS37 8QH	Boyd Valley	Westerleigh Parish Council
4	<b>P22/02500/F</b>	Approved Subject to Section 106	Plot 3 Land At Western Approach Pilning South Gloucestershire BS35 4JX	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
5	<b>P22/02688/F</b>	Approve with Conditions	Fleur De Lys 12 Shortwood Road Pucklechurch South Gloucestershire BS16 9RA	Boyd Valley	Pucklechurch Parish Council
6	<b>P22/03612/RM</b>	Approve with Conditions	PL10,30 And 31 North Yate New Neighbourhood South Gloucestershire	Yate North	Yate Town Council
7	<b>P22/03877/O</b>	Approve with Conditions	Land At Willbeard Farm Greenditch Street Pilning South Gloucestershire BS35 4HJ	Severn Vale	Olveston Parish Council
8	<b>P22/04252/HH</b>	Approve with Conditions	The Grange Siston Court Mangotsfield South Gloucestershire BS16 9LU	Boyd Valley	Siston Parish Council
9	<b>P22/05867/LB</b>	Approve with Conditions	Blue Lodge West Wing Lodge Road Wick South Gloucestershire BS30 5TX	Boyd Valley	Siston Parish Council
10	<b>P22/05868/HH</b>	Approve with Conditions	Blue Lodge West Wing Lodge Road Wick South Gloucestershire BS30 5TX	Boyd Valley	Siston Parish Council
11	<b>P22/06016/F</b>	Approve with Conditions	124-126 High Street Staple Hill South Gloucestershire BS16 5HH	Staple Hill And Mangotsfield	
12	<b>P22/06017/ADV</b>	Approve with Conditions	124-126 High Street Staple Hill South Gloucestershire BS16 5HH	Staple Hill And Mangotsfield	

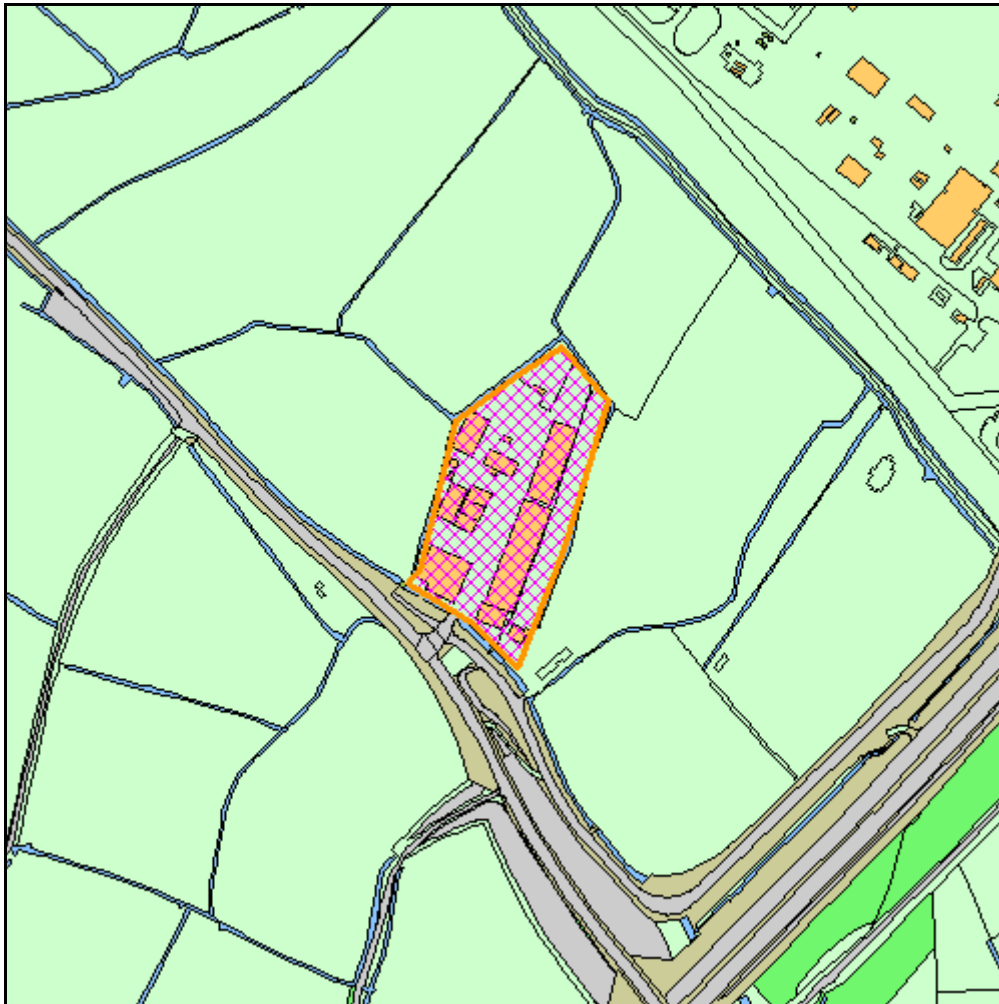
Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
50	14 December by 5pm	16 December by 9am	22 December 5pm	23rd December
51	21 December by 5pm	23 December by 9am	4 January 5pm	5 January
<b>No Circulated 30 December</b>				
1	4 January by 5pm	6 January by 9am	12 January 5pm	13 January

**Dates and officer deadlines for Circulated Schedule Christmas Holidays 2022**

**CIRCULATED SCHEDULE NO. 50/22 -16th December 2022**

<b>App No.:</b>	P22/00243/F	<b>Applicant:</b>	Hallen Industrial Estate Ltd
<b>Site:</b>	Hallen Industrial Estate Severn Road Hallen South Gloucestershire BS10 7SE	<b>Date Reg:</b>	2nd March 2022
<b>Proposal:</b>	Demolition of existing buildings. Erection of 7 no. buildings to form 27 no. units of General Industrial (Class B2), Storage and Distribution (Class B8) and Light Industrial (E(g)(iii) with parking and associated works	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	354412 181168	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Major	<b>Target Date:</b>	31st May 2022

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 100023410, 2008. **N.T.S.** **P22/00243/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 has been referred to the Circulated Schedule in accordance with procedure as comments have been received from the Parish Council that are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the demolition of existing buildings. Erection of 7 no. buildings to form 27 no. units of General Industrial (Class B2), Storage and Distribution (Class B8) and Light Industrial (E (g) (iii) with parking and associated works at Hallen Industrial Estate.
- 1.2 The current site comprises 15 units, largely single storey buildings in height, within a B2 General Industrial Use. Within context the site is situated just to the west of the M49 and is bounded by rhines along the southern and western boundaries of the site.
- 1.3 The site is surrounded by consented development with construction underway or complete. The site is situated within the Severnside Employment Area (CS12), Severnside Enterprise Area (PSP26) and an area allocated for Storage and Distribution Uses (PSP27). The site is in Flood Zone 3 and outside the Green Belt which lies to the north-west beyond M49.
- 1.4 The proposal is for 7 no. single storey buildings accessed off a main distributor road running north-south through the site which will lead off from Severn Road from an existing point. The total floor area will be 4743 sq.m with buildings having a height of 6.25m to eaves level and 8.25m to the ridge. A total of 110 parking spaces are shown (7 disabled driver spaces and 22 with Electric Charging points). The site area is 1.5 hectares. Levels within the site will need to be raised to overcome flooding issues with a bridged ramp at the site entrance.
- 1.5 In support of the application the following information has been submitted and assessed.

Arboricultural Impact Assessment  
Drainage Strategy  
Flood Risk Assessment  
Ecological Impact Assessment  
Framework Travel Plan  
Transport Statement  
Sustainable Energy Statement



## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework July 2021  
National Planning Practice Guidance

### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013.

CS1	High Quality Design
CS2	Green Infrastructure
CS3	Renewable and Low Carbon Energy Provision
CS4a	Presumption in Favour of Sustainable Development
CS8	Accessibility
CS9	Managing the Environment and Heritage
CS12	Areas Safeguarded for Economic Development
CS35	Severnside

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP11	Traffic Impact Management
PSP18	Statutory Wildlife Sites
PSP19	Wider Biodiversity
PSP21	Environmental Pollution and Impacts
PSP26	Enterprise Areas
PSP27	Storage and Distribution Uses

## **3. RELEVANT PLANNING HISTORY**

The site is subject to a number of planning applications in the past, including the following applications.

- 3.1 P22/006/SCR Screening opinion for P22/00243/F. EIA is not required.
- 3.2 PT00/1247/CLE Steel fabrication, vehicle repair, vehicle dismantling and warehouse. (Certificate of Lawfulness). Approved 27.09.2002
- 3.3 PT04/4015/F Erection of 2 no. industrial units (Class B2 use). Approved 05.01.2005

## **4. CONSULTATION RESPONSES**

### **4.1 Almondsbury Parish Council**

The increase from 15 to 27 units will double vehicle movements along the residential road through the village of Hallen. Data from SGlos Highways

Department showed that this road had over 21,000 vehicle movements in 2018 with 75% travelling above the speed limit. There are no traffic calming measures in place. There are a large number of HGV movements on Severn Road to and from the A403. The road is narrow with just enough room for two HGVs to pass each other. It is not safe for cyclists.

The applicant's Travel and Transport plans note the lack of footpaths and poor public transport. They also note nearby planning applications. However they do not take account of the two developments linked to Severn Road on the ICI land which are not listed due to 1950s planning permissions. This currently includes a Volvo Truck dealer, Wren kitchen distribution warehouse and another four warehouses under construction all of which will also increase HGV and commuter journeys past the Industrial Estate.

## 4.2 Other Consultees

### Environment Agency

No objection. The Local Planning Authority will need to undertake the flood risk sequential test. Conditions recommended to ensure the development takes place in accord with the Flood Risk Assessment; to secure a scheme of pollution prevention and lastly to ensure that the development is halted and a remediation strategy submitted if pollution is found during construction.

### Highway Structures

No objection subject to a condition advising that no work shall take place within 5 metres of a specified structure (pipelines)

### Environmental Protection

Noise – No objection

Contamination – No objection precautionary condition advised to deal with a situation should contamination be discovered during the construction process

### Sustainable Transport

#### Initial Comments

In terms of the impact upon the surrounding highway it is considered having viewed the Transport Statement that the development will have no materially greater impact upon the surrounding highway network.

Just over 100 car parking spaces are proposed. The Council has no parking standards for this form of development however this considered more than adequate to accommodate the likely demand arising from the redeveloped site. The provision of 30 cycle spaces conforms with PSP16.

Clarification on the provision of EVCP is required. Tracking appears to show that movements can take place within the site and subject to a clarification the access is deemed acceptable.

Clarification on a number of points with regard to the submitted Travel Plan is requested. A monitoring fee of £1000 per year for 5 years would be required

#### First Updated Comments

We have recently reviewed this planning application seeking permission to demolish the whole of the existing Hallen Industrial Estate and replace it with more modern buildings. In doing so have examined both the Transport Statement (TS) and the Framework Travel Plan (FTP). We were broadly satisfied with the content of the TS so did not object in principle to this development, however we made numerous comments about the FTP such that we requested that it be revised.

The revised Travel Plan fails to address the practicalities of how the plan will be implemented and monitored. It is not appropriate for each unit to appoint a travel plan coordinator and there should be a single coordinator across the site.

#### Further Updated Comments

We have also received a further revised version of the FTP document and are now satisfied with its contents. Hence, we require this plan to be implemented by the applicants in liaison with the Council's Travel Planning Team. To this end we are pleased to acknowledge the applicant's agreement to annual monitoring fee of £1,000 to cover the Council's supporting activities in this process. Hence, to ensure that all these actions take place, we require suitable legal agreements and/or planning conditions to be imposed on any planning permission granted for this development

#### Lead Local Flood Authority

No objection although the surface water drainage strategy should be discussed with the Lower Severn Drainage Board

#### Environmental Policy and Climate Change Team

#### Initial Comments

The use of the specified heat pumps is noted and supported. GWP levels of refrigerants should be clarified.

The intention to use solar PV is noted although it would be preferable if this could be incorporated specifically into the design

The Sustainable Energy Statement should specify how the scheme has been designed to be resilient to overheating

Full details of the EV charging should be included in the Statement

#### Urban Design

### Initial Comments (summary)

Comments have been received in relation to original and revised proposals.

Use, scale and layout are acceptable. However the overall feel is “grey” with both the buildings and surfacing in this colour. A variety of colours would be preferable. Single metal material should be varied.

Relief through planting required. Only 5 trees shown on the plans, this is important in what will be a working environment. More planting needed and biodiversity to be addressed

### Landscape

#### Initial Comments (summary)

The minimal amount of tree planting is not considered acceptable.

As set out in our GI SPD (at 6.8 Stage 5), a full application should include a detailed landscape plan. Also a composite plan to show service runs (and associated easements), drainage and SuDS features (including associated easements) and lighting, together with proposed tree positions is required to be submitted as part of the application. The extent of all vegetation to be retained/removed should be included, taken from the tree survey and details of all tree planting will be required, to include detailed tree pit designs and target soil volumes for tree pits.

A landscape led approach should be adopted for all site design, employing suitably qualified landscape professionals who are best placed to fully maximise the sites landscape potential to reach a well-designed scheme which is not only policy compliant, but provides biodiversity net gain. It is considered that the current proposals do not comply with policies CS1 or CS2.

Following the submission of a detailed/robust planting scheme no objection to the development is made however conditions should be added to the decision notice to secure a tree protection plan, a compliance plan to ensure the implementation of the submitted scheme, a five year maintenance schedule and a plan that provides details of boundary and hard landscaping as well as frontage signage.

### Tree Officer

No objection subject to an Arboricultural Method Statement and Tree Protection Plan being secured by condition.

### Police (architectural liaison)

No objection

## Consultant Ecologist

### Initial Comments (summary)

A Habitats Regulations assessment screening report is required to address the potential impact especially in relation to bird species, linkages to the Severn Estuary and eels. Clarity is required on whether the proposal will result in Biodiversity gain/enhancement. There is clarification needed on what is compensation and what is enhancement so details on what is true enhancement is required.

More information is required to understand the impact upon the water vole population (more information also on the minimum distance between the watercourse and the development) and an explanation as to why terrestrial invertebrates have not been considered.

The current planting proposals do not go far enough to secure real biodiversity net gain. Details are required of the maintenance regime and timeframe for habitat creation. This can be the subject of a condition as can further details of the lighting scheme design.

Subject to the above issues being satisfactorily addressed conditions are recommended to: Secure a Construction Environmental Management Plan; An Ecological Enhancements Plan; A detailed planting plan; detailed lighting plan.

Following the submission of further details/information in particular a more extensive scheme of planting subject to the conditions mentioned above there is no ecology objection to the proposed development.

## Arts Development Officer

No objection subject to a condition to secure a scheme of integrated art as part of the design

## Archaeologist (summary)

Some concern regarding the potential for Holocene climate change data to be present in underground deposits. A geo-archaeological desk based assessment would be useful. The development would have the potential to disturb this layer. Appropriate conditions should be applied to secure a programme of geoarchaeological investigation, assessment and analysis and to ensure the development is not occupied until such information is made available for publication.

## **Other Representations**

### 4.3 Local Residents

There have been no responses received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application site falls within the Severnside safeguarded area for economic development as set out in Policy CS12 of the Core Strategy, the site also lies within the Severnside Enterprise Area as set out in PSP36.

Also of relevance given that the development proposes a B8 Storage and Distribution Use (flexible use alongside B2 General Industrial Use), it is important to note that the site lies within an area specifically allocated for storage and distribution uses of any size as set out in PSP27 of the Policies Sites and Places Plan, one of three areas alongside land off Cribbs Causeway/A38 Patchway and Emersons Green (excluding the Science Park).

The Case Officer noted on a site visit that the existing site is in a poor state of repair. Some buildings appeared to be partially collapsed and the site when viewed from the road significantly detract from visual amenity. As such notwithstanding the employment policies that support such development in this location, any redevelopment would be beneficial in principle.

In summary therefore as the development is for the redevelopment of the site for B2 and B8 purposes in terms of the site location it is fully in compliance with the strategic employment policies being in accordance with the aims and objectives of Policy CS5, CS12 and CS35 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP27 and PSP36 of the South Gloucestershire Local Plan Policies Sites and Place Plan 2017.

The remainder of this report will consider and assess the proposed development against the relevant detailed material planning considerations.

### 5.2 Flood Risk

The application site is located with Flood Zone 3 where there is a high probability of flooding. Paragraph 161 of the NPPF states that a sequential, risk-based approach to the location of development should be undertaken to avoid possible flood risk to people and property. Policies CS5 and PSP20 support this approach and state that the sequential and exceptions tests will be applied in order to direct development to areas with the lowest probability of flooding. As such, should the proposal pass the sequential and exception tests, there would be no objection in regards to flood risk.

It is acknowledged that South Gloucestershire contains a large amount of land suitable for development in Flood Zone 1, however applications should consider if such sites are 'reasonably available' in the context of paragraph 162 of the NPPF. The proposed development would be located within an area safeguarded for economic development and would clearly function as a business that falls within B8 use. South Gloucestershire seeks to control the location of B8 uses to specific areas as set out in PSP27, areas where the impact upon the highway network is acceptable and if at all possible away from residential development. It is also entirely consistent with South

Gloucestershire's locational strategy for this type of development where it would be surrounded by similar businesses. As such, it is considered by officers to be unreasonable to direct the proposed building to another site in Flood Zone 1. Therefore, officers consider the application passes the sequential test.

Paragraph 163 of the NPPF states that 'if it is not possible for development to be located in areas with a lower risk of flooding, the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annexe 3.' Buildings used for storage and distribution/B2 are identified within Annexe 3 of the NPPF and the National Planning Practice Guidance (NPPG) as 'less vulnerable' to flooding; less vulnerable Development is deemed acceptable within flood zone 3a and would not require the exception test to be carried out.

Notwithstanding the above a site specific flood risk assessment has been provided by the applicant which raised no objections from the Lead Local Flood Authority. Furthermore, the Environment Agency have raised no objection to the proposal, subject to conditions.

Accordingly, it is considered appropriate to include on the decision notice conditions to ensure that the development takes place in accordance with the submitted Flood Risk Assessment in particular that the finished floor levels are set no lower than 7.9 metres above the Ordnance Datum and the preparation of a Flood Management Plan as recommended in the report. A condition will also be applied to ensure that no development commences until a scheme for the prevention of pollution is submitted and approved.

A third precautionary condition is recommended by the Environment Agency to ensure that there is a remediation strategy in place to deal any contamination that is found during the construction phase of the project. This condition will not be attached as it largely replicates a condition recommended by the South Gloucestershire Council Environmental Protection Team (see 5.3 below). Subject to these conditions and additional informatives relating to flood resilience the development is considered acceptable in drainage /flood risk terms.

### 5.3 Environmental Protection

#### *Contamination*

The Environmental Protection Team have reviewed a contamination report that was submitted with the application. The report identifies areas of concern in relation to current and previous uses on the site. There is also an underground storage tank whose content are unknown.

The report identifies that a previous site investigation was carried out in the north of the site. It is indicated that the previous investigation identified the presence of hydrocarbons in the made ground and the groundwater. Asbestos was found within soil samples collected from the made ground.

For this reason it is considered that a site investigation for the site must be completed, and should include coverage of previously un-investigated areas of the site and also provide targeted investigation of the identified potential pollutant linkages. The contents of the underground storage tank in the south of the site should be established and appropriate investigation of the surrounding soils and groundwater should be undertaken. If the tank is to be removed as part of the redevelopment this should be included in the subsequent remediation strategy.

Asbestos contamination of the made ground has been identified in the north of the site. Following the demolition of the existing structures soil testing which includes asbestos testing should take place.

The previous report suggested that the risk to controlled water was low. However, as with all the identified pollutant linkages further targeted investigation is required and the conceptual site model should be revised accordingly. No groundwater testing has been included in the previous investigation. The risk to groundwater must be adequately investigated.

Piled foundations are being considered for the development; the findings of the site investigation should be used to inform the foundation design to ensure that there is no impact to underlying aquifers.

While there is no objection to the determination of the application it is considered appropriate to apply a standard three part condition to deal with contamination given the history of the site as set out above.

The condition will require no development to take place until an intrusive investigation has taken place with a report then being submitted to the local planning authority for approval. If unacceptable risks are then identified, remediation options should be identified and then those works carried out and verified. The second part of the condition will therefore require the submission of this verification report to show that works have been carried out satisfactorily. Lastly and this is also a requirement of the Environment Agency given the potential impact upon water courses, should contamination be found once the construction has started additional remediation and verification will be required before works recommence. Subject to this condition the development is considered acceptable in this terms.

#### *Air Quality and Noise*

No objection to the development is raised on the above grounds by the Council's Environmental Protection Team.

#### 5.4 Design

Concern was initially raised by the Urban Design Officer that the buildings appeared too grey in colour and there was also a similar concern to those from the landscaping officer regarding the quantity and quality of the landscaping. It is considered that following negotiation as set out in 5.5 below improvements to



the landscaping have been achieved with appropriate conditions to secure them not least around the entrance which was a design concern. In addition the landscape strategy includes planters to (in time) secure some screening of the elevations.

While it is acknowledged that the materials could be more imaginative, the development should be seen within the context of and backdrop to similar development within this commercial/industrial landscape. It is also considered that the development represents a considerable visual improvement upon the existing estate which from the site visit appear dated and dilapidated with possibly asbestos forming much of the elevations/roofs. Overall the scale, layout and appearance of the development is considered acceptable.

### *Public Art*

The National Planning Policy Framework highlights the social objective of the planning system by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support health, social and cultural well-being. Policy CS1 (7) of the Core Strategy states in this regard that where the scale, location and/or significance of the development proposal warrants it public art should be secured within the public realm in a location where it can be viewed from public areas.

In this case it is considered appropriate to secure a scheme of public art, given the scale of the proposal and given that the frontage of the site is highly visible albeit in passing. Public Art has not been addressed in the submission however it is considered appropriate to apply a condition to secure such a scheme.

## 5.5 Landscaping

Policy CS1 of the Core Strategy requires that development of a sufficient scale or significance explains how it contributes towards the vision and strategic objectives of the locality. Policy CS9 states that new development will be expected to “*conserve and enhance the character, quality, distinctiveness and amenity of the landscape*” and that character is identified in the South Gloucestershire Landscape Character Assessment (LCA 20 Pining Levels) that was adopted as a supplementary planning document in November 2014.

The rectangular site comprises brownfield land, off the north side of Severn Road with its long axis stretching away from the off-set highway access. Rhines run along the southern and western site boundaries. Groups of Category B and C Ash, Willow and Elm lie along/overhang the western boundary, and 2No. Category C Hornbeam and 1no. Pear lie along the southern site frontage. The degraded site does not contribute significantly to landscape quality however the proposal is a chance to improve the situation and as per Policy CS1 a landscape led approach should be adopted for all site design to maximise the sites landscape potential to reach a well-designed scheme which is not only policy compliant but provides biodiversity net gain.

Proposals involve the removal of the poor quality elms on the western boundary; the submission of a detailed planting scheme; native hedge planting

on the eastern site boundary with some groups of trees; frontage ornamental maple trees in planters; two blocks of woodland planting either side of the site entrance (green entrance feature); trees within soft landscaping areas across the site. Detailed planting

The landscaping proposals now submitted following negotiation with officers are considered acceptable subject to the attachment of a number of conditions. To ensure a policy compliant scheme it is considered appropriate to condition a tree protection plan; a compliance condition to secure the planting specified in the submitted detailed planting scheme with the stipulation that all planting is implemented in the first season following the completion of construction. The condition will require the implementation specification and tree pit and planter details. A condition will require a five year maintenance schedule and details of all proposed boundary and hard landscape surface treatments.

## 5.6 Ecology

Policy CS9 of the Core Strategy and PSP19 of the Policies Sites and Places Plan consider the impact of development upon the natural environment and see where possible to secure “biodiversity gain” through on-site enhancements.

An Ecological Impact Assessment (Tyler Grange Dec 2021 was submitted in support of this application. This has been reviewed by the Council’s ecological consultant. Initial concerns were raised regarding the impact upon specific species – eel, voles, otter and also the extent to which biodiversity gain would be secured. Additional information has been secured that has addressed these concerns. The existing site is agreed to have negligible ecological importance. The habitat creation will create a larger area of habitat through additional planting with ornamental planting providing some minor benefits. It is agreed that the habitat created will provide an improved invertebrate environment and for birds. The above benefits are secured through the improved landscape scheme discussed elsewhere in this report.

Subject to conditions to secure a Construction Environmental Management Plan, Ecological Enhancements Plan, Lighting Design and the conditions discussed in the landscape section, the development is considered acceptable in ecology terms.

## 5.7 Environmental Policy and Climate Change

PSP6 of the Policies Sites and Places Plan states that all development will be encouraged to minimise end-user energy requirements. The policy states “*The Council will also take positive account and support development that provides further energy reduction, efficiency, renewable and low carbon energy measures on or near site, where measures comply with other policies of the plan*”.

A sustainable energy statement has been submitted with the application and this states that the measures taken will result in a carbon reduction of 19.49%. There were some initial concerns about the detail supplied in this statement

and a revised statement has been submitted and viewed by the Council's Environmental Policy and Climate Change Team.

The applicant has specified the use of Air Source Heat Pumps, it is considered that the land available around each unit makes this a feasible proposition. The use of the heat pumps is welcomed as a Carbon Reduction Measure and a condition is recommended to secure full details of these.

Full details of the means of controlling overheating of the buildings through fabric and fenestration has been supplied and is accepted. The use of appropriate building fabric, fenestration and ventilation will secure significant energy efficiency. 20% of the parking spaces are to provide electric vehicle charging points which is acceptable. A condition will secure these spaces. The applicant has indicated that solar panels are not to be provided at this stage on cost grounds and this is disappointing although it is noted that the north-south access would allow future provision.

In summary the measures to be taken as set out in the revised energy statement are considered acceptable and a conditions will be attached to ensure that works take place in accordance with the statement and to secure details of the heat pumps and to ensure that the electric vehicle charging points are provided in accordance with the submitted details. In the light of this positive weight as set out in Policy PPS6 can be given to the proposed development.

## 5.8 Transportation

When considering the impact of development in highway terms of relevance is para 111 of the NPPF states:

*Development should only be prevented or refused on transport grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts of development are severe.*

Turning to the Council's adopted policies Policy CS8 of the adopted Core Strategy states that new development proposals which generate significant demand for travel will be more favourably considered the nearer they are located to existing and proposed transport infrastructure, existing facilities and services. *"Developments which are car dependent or promote unsustainable travel behaviour will not be supported"*. Also of relevance, the policy promotes the provision of off-site local transport improvements as may be necessary and the provision and integration of walking, cycling and public transport infrastructure into the local network.

PSP11 (Transport Impact Management) reiterates the above requirements and furthermore among other criteria states that development proposals which generate a demand for travel will be acceptable where among other criteria *Appropriate, safe, accessible, convenient and attractive access is provided for all mode trips arising to and from the proposal.*

### 5.8.1 *Impact upon the Wider Highway Network*

It is noted that concern has been raised that the proposed development will have an adverse impact upon the surrounding highway network by reason of an increased volume of traffic, speeding traffic and that the proposal should be seen in conjunction with the cumulative impact from adjoining developments either completed, planned or in the process of completion.

While concerns are noted regarding the impact upon the surrounding highway network the actual increase in floor area over and above the current site is only 47 sum (4743sqm as against 4796sq.m). The Sustainable Transport Team have noted and agree with the conclusion in the submitted Transport Statement that this will result in an additional 5 vehicle movements in the peak hours over and above that which would take place if the current site were fully operational. The resubmitted plans show an appropriate access with appropriate splays and the internal road layout is considered to demonstrate that vehicles can manoeuvre safely within the site.

There is only one issue of concern and that is that the site at present does not have any “give way” lines at the junction of the site access and the public highway. Officers consider that this would avoid driver confusion and materially improve highway safety and to this end an appropriate requirement for these to be provided by the applicant prior to the first use of the development will be attached to the decision notice.

While it is noted that other development is progressing or is planned within the vicinity of the site, it is important to note when considering the cumulative impact that the site is sited in an area deemed appropriate for the storage and distribution use (PSP27) and is within the Severnside Enterprise Area and a Safeguarded Employment Site. As such the site has been deemed appropriate in principle for the vehicle movements that might be associated with such uses and the types of vehicles. Furthermore historically this site has been in such a use.

It is considered appropriate to apply a condition requiring a Construction Management Plan and this would allow agreement on the appropriate routes for construction traffic which it would be envisaged should access the site from the west rather than from through Hallen village (and Bristol beyond).

### 5.8.2 *Parking*

Although the Council does not have any adopted parking standards for non-residential uses the provision of 100 parking spaces is considered by officer to be more than enough to cater for the likely demand. The provision of 30 cycle spaces is in accord with the requirements of Policy PSP16.

### 5.8.3 *Sustainable Travel*

Notwithstanding the above considerations, Policy CS8 seeks to reduce the reliance on the private motorcar. The policy states that “*all new development proposals of a sufficient scale will be encouraged to reduce greenhouse gas*”

*emission, travel demand and support travel by means other than the private car, particularly to significant destinations ....including employment areas”.*

A framework travel plan was submitted with the application and this has been subject to prolonged negotiation to secure improvements to the plan. The key area of concern has been how to secure monitoring of the plan across the whole site rather than unit by unit. An appropriate framework travel plan has been secured which sets out a long-term management strategy that will be used to enable the promotion of more sustainable travel choices and ensuring that all employees have access to this information. The effectiveness of the plan will be monitored in conjunction with South Gloucestershire Council. The plan indicates that the full travel plan will be submitted following the results of the initial travel surveys of staff. This plan will have revised targets if so required. If targets for sustainable travel are not met then it will be the role of the Sites Travel Plan Coordinator to liaise with the Council to investigate possible mitigation measures. There will be an appropriate condition and agreement to secure £1000 for each of the first five years for annual monitoring as well as ensuring that the development takes place in accordance with the draft travel plan.

5.8.4 Subject to the above agreement and conditions the development is considered acceptable in transportation terms.

## 5.9 Archaeology

Policy PSP17 of the Policies, Sites and Places Plan indicates that within the Severn Levels in particular development proposals that involve ground breaking will be required to present findings of an archaeological assessment prior to the decision made unless there is evidence of previous disturbance.

This site has been previously developed however the Council Archaeologist raises concerns over the impact the development may have on the archaeological and palaeoenvironmental resource at the site.

Hallen Industrial Estate is adjacent to Willow Farm. Geoarchaeological boreholes at Willow Farm have provided the most sophisticated data for Holocene climate change anywhere in South Gloucestershire. There is, therefore, considerable potential for survival of Holocene deposits on the current site and these could yield information as, if not more, valuable than those for the neighbouring site.

It is noted that no information about this has been submitted in the current application. In absence of this, further intrusive archaeological work is necessary as the development clearly has the potential to be harmful through piling work. It is therefore considered that a programme of geoarchaeological borehole assessment will be needed across the site. Appropriate conditions to secure this are therefore recommended, subject to which the proposal is considered acceptable in these terms.

## 5.10 Consideration of likely impact on Equalities

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

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

## 6. **CONCLUSION**

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

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

## 7 **RECOMMENDATION**

7.1 That authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

a) **Travel Plan (Monitoring)**

A contribution (within 6 months of the occupation of site) of £1000 to towards the monitoring of the green travel plan to serve the Development for a period of five (5) years; and the payment of £1000 each year for a further four years on the same date annually

Reason: To encourage means of transportation other than the private car and to safeguard public highway safety in accordance with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places (Adopted November 2017).

- 7.2 That should the agreement not be completed within 6 months of the date of the Committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

## 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. Drainage/Flood Risk

The development shall be carried out in accordance with the submitted Flood Risk Assessment ('Hallen Industrial Estate, Bristol - Flood Risk Assessment', ref. 19817-HYD-XX-XX-RP-FR-001 dated 05 January 2022, Hydrock) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 7.9 metres above Ordnance Datum (AOD), as detailed in section 4.3.1.
- A Flood Management Plan shall be prepared, as detailed in section 4.3.2.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

### Reason

To prevent non-point source pollution and flooding, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

3. Pollution prevention

No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the LPA. The scheme should include details of the following:

1. Site security.
2. Fuel oil storage, bunding, delivery and use.
3. How both minor and major spillage will be dealt with.
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness.

Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented. The development shall be carried out in accordance with the approved details

#### Reason

In order to prevent the pollution of the water environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy PSP21 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017

A pre-commencement condition is needed in order to avoid the need for future remedial action.

#### 4. Environmental Protection (Contamination)

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

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

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

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

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

#### Reason

In order to prevent the pollution of the ground and water environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy PSP21 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017



## 5. Highway Structures

No excavation shall take place within 5 metres of Structure Number 58312 without providing details of the proposed excavation to the Highway Structures team at least 10 working days prior to the excavation.

For the avoidance of doubt Structure Number 58312 is Twin 600 dia. pipes with a concrete slab over with headwalls and parapet. The details can be found at : <https://goo.gl/maps/Vc2vQKwHUPy8ZcdW9>

### Reason

In the interests of highway safety, and to accord with Policy PSP11 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

## 6. Archaeology

Prior to commencement of development and any further groundworks, including any exempt infrastructure works or remediation works, a programme for geoarchaeological investigation, assessment and analysis shall be submitted to the Local Planning Authority (LPA) for approval. Thereafter the approved programme shall be implemented in all respects in accordance with the approved details.

### Reason:

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

A pre-commencement condition is needed in order to avoid the need for future remedial action.

## 7. Archaeology

The development shall not be occupied until the geoarchaeological investigation, post investigation assessment and, where necessary, analysis has been completed in accordance with the approved programme and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. The development shall take place in accordance with the approved details.

### Reason:

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

A pre-commencement condition is needed in order to avoid the need for future remedial action.

## 8. Public Art

Prior to the commencement of above ground works full details for a unique site specific integrated public art scheme including but not limited to detailed designs, timescales and triggers shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm -

Planning Advice Note. The development shall be carried out in accordance with the approved details.

Reason:

To protect the character, distinctiveness and visual amenity of the site and the surrounding locality; and to accord with Policy CS23 - Community Infrastructure and Cultural Activity and Policy CS1 - High Quality Design Point 7 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

9. Sustainable Energy

The development shall be carried out in accordance with the submitted Sustainable Energy Statement and Over Heating Assessment (Fenton Energy Ltd 13th May 2022)

Reason

In order to reduce greenhouse gas emissions and to provide low carbon energy and to accord with Policy PSP6 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

10. Electric Vehicle Charging Points

Electric Vehicle Charging Points shall be provided prior to the first use of the development in accordance with the approved site plan 080 PL10 Rev A received 13th May 2022

Reason

In order to reduce greenhouse gas emissions and to provide low carbon energy and to accord with Policy PSP6 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

11. Air Source Heat Pumps

Prior to the commencement of above ground works, full details of the Air Source Heat Pumps proposed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In order to reduce greenhouse gas emissions and to provide low carbon energy and to accord with Policy PSP6 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

12. Construction Management Plan

Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the plan/statement shall include the following information:

- 1) Parking of vehicle of site operatives and visitors;
- 2) Routes for construction traffic;
- 3) The Construction Hours;

- 4) Method of prevention of mud being carried onto highway and provision of wheel-washing facilities on site;
- 5) Pedestrian and cyclist protection;
- 6) Arrangements for turning facilities of site for vehicles;
- 7) Method to prevent dust.
- 8) Temporary signage and its location in relation to the agreed routing details to and from the site.

The approved plan/statement shall be adhered to throughout the construction period thereafter.

Reason:

In the interests of highway safety and to accord with Policy CS8 of the South Gloucestershire Council Local Plan Core Strategy 2013.

A pre-commencement condition is required to avoid the need for future remedial action

### 13. Travel Plan

Within 6 months of first occupation of the development hereby approved, a full detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall be based upon the principles laid down in the Framework Travel Plan (DOC Ref: 19817-HYD-XX-XX-RP-TP-6001) Hydrock 11th August 2022. Operation of the development shall thereafter be carried out in accordance with the approved details.

Reason:

To encourage means of transportation other than the private car and to safeguard public highway safety in accordance with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places (Adopted November 2017).

### 14. Site Access

Prior to the first use of the development hereby approved full details of the "Give Way Lines" to be placed at the junction of the site and the public highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details

Reason:

In the interests of highway safety and to accord with Policy CS8 of the South Gloucestershire Council Local Plan Core Strategy 2013.

### 15. Construction Environmental Management Plan (CEMP)

No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP), or draft CEMP, has been approved by the LPA. The plan should include details of the following:

- Pollution prevention measures, specifically relating to pollution of the ditch/rhine to the south and west of the site (fuel oil storage, bunding, delivery and use; how both minor and major spillage will be dealt with; containment of silt/soil contaminated run-off; disposal of contaminated drainage, including water pumped from excavations; and site induction for workforce highlighting pollution prevention and awareness);
- Protection measures for retained habitat features (e.g. trees and their root zones);
- Breeding bird protection measures to ensure legal compliance;
- Wildlife corridor protection measures, including how disturbance (e.g. lighting) of the ditch/rhine and associated planting will be avoided during construction;
- Water vole and eel protection measures, with specific detail on protection measures if discrete works to the ditch/rhine are required.

The development shall be carried out in accordance with the approved details/plan.

Reason:

In the interests of the Ecology of the Site and Biodiversity and in accordance with Policy CS9 of the Core Strategy 2013 and Policy PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

A pre-commencement condition is required to avoid the need for future remedial action.

#### 16. Ecological Enhancements Plan

No development approved by this permission shall be commenced until an Ecological Enhancements Plan has been approved by the Local Planning Authority (LPA). The plan should demonstrate how the proposal will secure a measurable net gain in biodiversity (proportionate to the size of the scheme) including [but not limited to] details of bird box locations and specifications. It should be able to distinguish enhancements from mitigation or compensation measures.

The development shall be carried out in accordance with the approved Plan.

Reason:

In the interests of the Ecology of the Site and Biodiversity and in accordance with Policy CS9 of the Core Strategy 2013 and Policy PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

A pre-commencement condition is required to avoid the need for future remedial action.

#### 17. Lighting Design

Prior to the first use/occupation of the development hereby approved a detailed lighting design, including all lighting measures outlined within the Ecological Impact Assessment (Tyler Grange, December 2021) should be submitted to and approved in writing by the Local Planning Authority.

The Lighting should be designed to ensure light spill on the adjacent rhines to the south and west of the site is avoided and minimise the potential for disturbance to wildlife utilising these habitat features during the operation of the site. Luminaire specification should include those lacking UV elements, with an upward light ration of 0%, a warm white spectrum. The lighting strategy should also take into account design guidance in the Bat Conservation Trust Guidance Note 08/18 on Bats and Artificial Lighting in the UK.

The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason:

In the interests of the Ecology of the Site and Biodiversity and in accordance with Policy CS9 of the Core Strategy 2013 and Policy PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

A pre-commencement condition is required to avoid the need for future remedial action.

#### 18. Tree Protection Plan

Prior to the commencement of development a Tree Protection Plan (BS 5837) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason:

To protect the health and amenity of the trees on the site and to accord with Policy CS1 and CS2 of the South Gloucestershire Core Strategy 2013 and PSP3 of the South Gloucestershire Policies and Places Plan 2017.

#### 19. Planting Plan

The development shall be carried out in accordance with Drg P05 Rev B (Soft Landscaping Proposals Sheets 1 to 3) with all planting to be implemented in the first season following the completion of the construction works with a detailed implementation specification and technical tree pit/planting details submitted to and approved in writing prior to implementation.

Reason:

In the interests of the visual amenity of the site and the locality and to accord with Policy CS1 of the South Gloucestershire Core Strategy 2013.

#### 20. Landscape Maintenance Schedule

Prior to the implementation of the agreed Landscaping scheme a 5 Year Landscape Maintenance Schedule shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason:

In the interests of the visual amenity of the site and the locality and to accord with Policy CS1 of the South Gloucestershire Core Strategy 2013.

21. Boundary and Hard Landscape Surface Treatments

Prior to the commencement of above ground works details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls together with a schedule of proposed hard landscaping materials and site furniture products shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenity of the site and the locality and to accord with Policy CS1 of the South Gloucestershire Core Strategy 2013.

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

Received 17th January 2022

080\_PL00 SITE LOCATION PLAN  
080\_PL01 EXISTING SITE PLAN  
080\_PL15 PROPOSED SITE ELEVATIONS-NORTH AND SOUTH  
080\_PL17 PROPOSED SITE SECTIONS- A-A AND B-B  
080\_PL18 PROPOSED SITE SECTIONS- C-C AND D-D  
080\_PL21 PROPOSED BLOCK A GROUND FLOOR PLAN  
080\_PL22 PROPOSED BLOCK B GROUND FLOOR PLAN  
080\_PL23 PROPOSED BLOCK C GROUND FLOOR PLAN  
080\_PL24 PROPOSED BLOCK D GROUND FLOOR PLAN  
080\_PL25 PROPOSED BLOCK E GROUND FLOOR PLAN  
080\_PL26 PROPOSED BLOCK F GROUND FLOOR PLAN  
080\_PL27 PROPOSED BLOCK G GROUND FLOOR PLAN  
080\_PL31 PROPOSED BLOCK A ELEVATIONS  
080\_PL41 PROPOSED BLOCK A SECTIONS  
080\_PL32 PROPOSED BLOCK B ELEVATIONS  
080\_PL33 PROPOSED BLOCK C ELEVATIONS  
080\_PL34 PROPOSED BLOCK D ELEVATIONS  
080\_PL35 PROPOSED BLOCK E ELEVATIONS  
080\_PL36 PROPOSED BLOCK F ELEVATIONS  
080\_PL37 PROPOSED BLOCK G ELEVATIONS

Received 13th May 2022

080\_PL10 REV A PROPOSED SITE PLAN  
080\_PL16 REV A PROPOSED SITE ELEVATIONS- EAST AND WEST

Received 2nd December 2022

14078 P05 REV B SOFT LANDSCAPE PROPOSALS

Received 14th December 2022

080\_PL42 PROPOSED BLOCK B SECTIONS  
080\_PL43 PROPOSED BLOCK C SECTIONS  
080\_PL44 PROPOSED BLOCK D SECTIONS  
080\_PL45 PROPOSED BLOCK E SECTIONS  
080\_PL46 PROPOSED BLOCK F SECTIONS  
080\_PL47 PROPOSED BLOCK G SECTIONS

Reason:

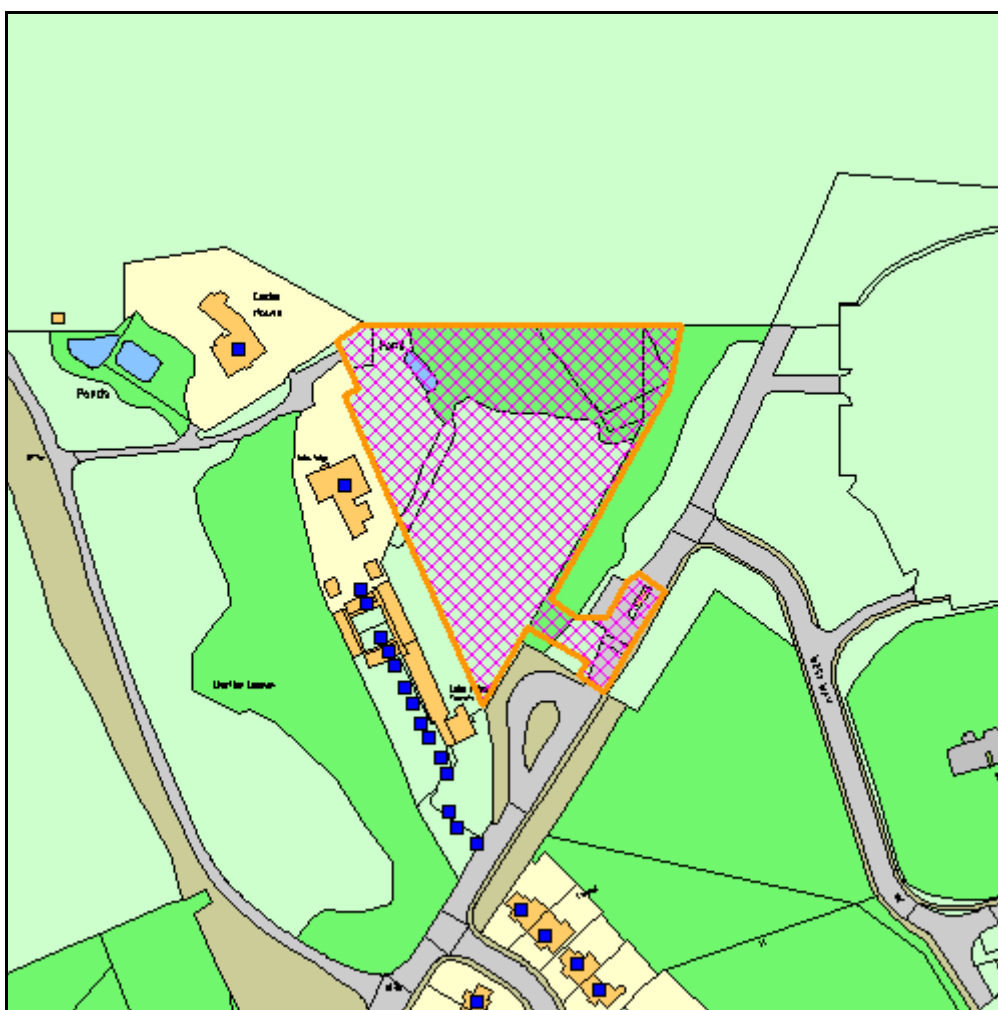
For the avoidance of doubt

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

## CIRCULATED SCHEDULE NO. 50/22 -16th December 2022

<b>App No.:</b>	P22/00588/RM	<b>Applicant:</b>	Woodstock Homes (Charlton Mead) Limited
<b>Site:</b>	Land East Of Cedar Lodge Charlton Common Brenty South Gloucestershire BS10 6LB	<b>Date Reg:</b>	14th February 2022
<b>Proposal:</b>	Erection of 29no. dwellings and associated works - Approval of Reserved Matters to be read in conjunction with outline permission P19/15643/O. Discharge of condition 20 (archaeological investigation) attached to P19/15643/O.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	358764 179987	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Major	<b>Target Date:</b>	10th May 2022

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 100023410, 2008. N.T.S. P22/00588/RM



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

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

The application has been referred to the Circulated Schedule as Almondsbury Parish Council and a member of the public have objected contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application site benefits from Outline planning Permission (P19/15643/O) for 29 dwellings with associated works, which was accompanied by a S106 agreement. This application was recently superseded by P22/05812/RVC, which made amendments to some conditions to allow the development to come forward correctly. The wording changes related to minor alterations particularly with reference to ecology and drainage. There is a clause in the original S106 that ties any subsequent permission made under S73 to be bound by it.
- 1.2 In addition to this, an application for an attenuation drainage basin to provide the surface water drainage for this site, has recently been approved under reference P22/00593/F. It will be important that any Reserved Matters application is tied by condition to that permission to ensure the correct drainage of the site.
- 1.3 The proposal is for a mix of detached, semi-detached dwellings and flats with off street car parking. Part of the parking is, however, to be provided in a parking court just to the south of one of the areas of POS. The POS to the northwest of the site contains an area of play and a footpath/cycle path which will ultimately lead into the Brabazon site to the north when that comes forward. Thus, occupants of this development will have a choice as to how to access the facilities the Brabazon site will contain either via Charlton Road or this non-vehicle link.
- 1.4 The layout also makes provision for another significant area of POS to the east of the site to the south of where the access road meets the boundary. This area will be grassed and landscaped with tree planting. The road will meet the boundary and is divided from the access area to the attenuation pond by a gateway. However, an approx. 2m pathway has been shown on the adjacent site covered by P22/00593/F and this will provide an important pedestrian/cycle link out onto Charlton Road.
- 1.5 In addition, the layout makes provision for other small scale incidental POS including either side of the entrance road. Street trees are also proposed along with trees in private gardens.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework July 2021  
National Planning Practice Guidance

### 2.2 Development Plan

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

2013 CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable  
Development CS5 Location of Development  
CS8 Improving Accessibility  
CS13 Non-Safeguarded Economic Development  
Sites CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity

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

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP11 Transport Impact  
Management PSP16 Parking  
Standards  
PSP33 Shopping Frontages  
PSP43 Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013  
Assessing Residential Amenity TAN (Endorsed) 2016  
Trees and Development Sites (April 2021)

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT17/1209/F - Erection of 32no. dwellings (Class C3) including affordable homes, sustainable urban drainage, vehicular access, pedestrian and cycle accesses and associated works – Withdrawn.
- 3.2 P19/15643/O – Erection of up to 29no. dwellings and associated works (Outline) with access to be determined, all other matters reserved – Approved with S106 agreement.
- 3.3 P22/05812/RVC – Variation of conditions 4 (Parameter Plans-Access and Land Use), 5 (Surface Water Drainage Strategy), 8 (Tree Protection Details and Arboricultural Method Statement), 12 (Ecological Assessment), 15 (Street Lighting), 16 (Landscape & Ecological Management Plan), and 18 (Landscaping) attached to planning permission P19/15643/O – Approved.
- 3.4 P22/00593/F - Construction of an attenuation basin (to serve 29 dwellings in

connection with granted outline permission P19/15643/O) –Approved.

- 3.5 P21/08121/NMA - Non-material amendment to planning permission P19/15643/O to include the word broadly in condition 4 - Refused on the basis that there were concerns that the amendment proposed to introduce the word “broadly” into the condition would introduce an element of ambiguity and uncertainty which would conflict with test numbers 4 (enforceable) and 5 (precise). This was not considered non-material. The current application does seek to introduce the word ‘broadly’ into conditions 12 & 20 and is evaluated within the report.

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

- 4.1 Almondsbury Parish Council – Object Strongly - No public space. Insufficient parking. Insufficient affordable housing. Impact on Cedar House, which is a listed building. Overlooked. South Gloucestershire Officers are concerned, Almondsbury Parish Council agree with the South Gloucestershire's Officers' comments.
- 4.2 Tree Officer.- The existing trees on site are of low quality and the majority are proposed for removal . In accordance with the trees SPD mitigation strategy the applicant has proposed some mitigation planting. Provided that the existing trees are protected in accordance with the Arboricultural report there are no objections to the proposal.
- 4.3 Sustainable Transport - DC: we are pleased to note that this development conforms to the Councils minimum domestic car parking requirements as set out in the Residential Parking Standards SPD and Policy PSP16 of the Policies, Sites and Places document which relate the number of off-street parking spaces required to the number of bedrooms present in any property. In this case, we understand that dwellings will be provided with a variety of configurations containing between 1 and 4 bedrooms and all are provided with the necessary parking spaces and that visitor parking is provided as well. Consequently, we believe that this development broadly conforms to these requirements.

Some concerns were raised about size off-street car parking spaces which fall below standard as set out in PSP16 of the Policies Sites and Places document and the footway widths which appear only partially provided. – clarity is required (Officer comment: Subsequent amended plans withdrew the objection)

Electric charging points are provided at each dwelling with appropriate cycle storage facilities. The refuse vehicle tracking is considered to be acceptable.

- 4.4 Designing Out Crime Officer –. Finds the design to be in order and comply with crime prevention throughout.
- 4.5 Housing Enabling – No objections subject to changing some annotation : 2 bed

flats changing to 4 person rather than 3 person; amendments required by the Occupational Therapist in relation to wheelchair access for housetype S2a now included.

- 4.6 Lighting Engineer – As the lighting is not for adoption, the street lighting team has no objections. They have suggested that it would be prudent to use raise and lower lighting columns, but note that it is up to the site owner as they would be responsible for maintaining and running the units.
- 4.7 Highways Structure Officer – If the application includes a boundary wall/fence alongside the public highway or open space land then the responsibility for maintenance of the structure falls with the property owner.
- 4.8 Avon Fire Service – The development creates additional fire hydrant requirements with the costs to be borne by the developer at £1500 per hydrant including maintenance for 5 years.
- 4.9 (**Officer note:** This is not a planning matter that can be covered at Reserved Matters stage)
- 4.10 POS Officer – On amended plans of 16<sup>th</sup> November 2022.

- Concerns about slope on POS adjacent to Charlton Road Boundary.
- Plan shows asbestos.
- Public Rights of Access will need to be reserved across POS/Management Company land.
- Conflict with some plans. No surfacing details of path spur in any of the plans.
- Broxap Medway seat with back & arm rests is now proposed. The POS Proposals Plan Rev E should not refer to 'or similar approved'.
- Trees should not breach the necessary free space for each element of play equipment.
- An updated engineering plan has not been provided. The revised play proposals need to be updated and the plan also shows a 1:3 banking across the footpath to the flats. This is not acceptable.

- 4.11 Urban Design – On amended plans (12.12.22) –  
The following are urban design comments on the above application.  
Comments dated 18/07/22 in below.  
Comments dated 12/12/22 in italics below

### **Overlooking issues**

There are a number of amenity impact issues resulting from the cramped nature of the layout.

There are overlooking issues from plot 9 towards the private space around Cedar Lodge. The site layout has been amended so that unit 9 (now shown as unit 7) is shallower which brings it very slightly further away from the boundary. Overlooking does still exist, and impacts could have been reduced if units 7-9 were sites parallel with the boundary.

Plot 24 directly overlooks the garden of plot 27, with only a 15m distance between the rear of plot 24 and the patio of plot 27.  
No change in distance.  
*No change.*

Plot 27 directly overlooks the garden of plot 23 (15.6m). Plot 23 needs to be moved forwards and trees could be planted along the boundary between plots to reduce visual impacts.



Unit 23 has been redesigned so that its rear elevation (and therefore the patio area) has been moved slightly away from the rear of unit 27. In reality, this hasn't made a significant difference, with the distance still being 15m or 16m.

*Trees are indicated on the latest site plan and this feature will need to be introduced in order to provide screening to mitigate direct overlooking impacts*

The gardens of plots 8 and 9 are still very small and the back to side distance is only 9.5m (between unit 8 and 6) and 10m (between unit 9 and 6), but with only around 6.5m between the rear of the properties and the garden boundaries. This issue is compounded by the fact that the tallest side gable of unit 6 defines the gardens of units 8 and 9, and is on the southern side, meaning there will be potential for overshadowing and overbearing issues. The garage associated with unit 6 will also have an impact on unit 8.  
*Garden boundaries have been amended and now offer a more acceptable solution.*

### **Other issues**

The POS provision is very limited and only provided in very small areas. The small area of POS to the front of plot 23 could be increased in size by removing plot 23 and reducing overlooking impacts.

No positive change here and actually the size of the POS is now smaller than before. I would still query the provision of 2 separate and small areas of POS as opposed to one single larger space.

I would suggest that block paving is applied within the parking court to the front of plots 8 and 9 as this would create a better-quality living environment. The whole parking court is now shown as block paved. However, there is a clear lack of natural landscaping features, and the parking is not broken down with trees which could provide shade and visual interest. Block paving

is certainly better than tarmac, but it is the combination of soft and hard features which really enhances areas of public realm.

The most recent version of the NPPF requires streets to be tree-lined but there is quite limited provision along the main access route through the site. The main access street is not tree-lined. There are only two trees shown. I will defer to landscape colleagues on this point (and all other landscaping details), but it is clear that the vast majority of trees shown on the plan are within private ownership within gardens, so their retention cannot be ensured.

*While the landscaping has actually been removed from the main site layout plan, it is shown on the landscape plans. Acceptable from my point of view.*

All apartments must provide private amenity space (Policy PSP43). The more recent apartments floor plans (shown on our system dated 26/04/22) do show each of the apartments with some private amenity space, each space or balcony measuring 3m x 1.4m = 4.2m.sq. This is below the minimum of 5m.sq. set out in Policy PSP43 and is therefore not policy-compliant. It would not take much effort to increase this to the minimum required and would benefit future residents.

*As far as I can tell, there has been no change o the size of the balconies, meaning the scheme is not policy-compliant.*

### **Architecture and materials**

Just looking at the street scenes plan again I'm slightly concerned that the overall palette of materials is very limited. While the general approach is acceptable, the lack of variation could have an impact on the quality of the street scene. The light/buff brick seems to reference the materials within Charlton Gardens which could certainly lead to a good quality finish, provided really interesting and high-quality facing bricks are selected, which have a good multi tone finish and some texture.

The weatherboarding material itself has been tested in many modern developments but the quality is not generally considered to be very high, certainly when compared to brick and stone. Weatherboarding works well across larger expanses, rather than small areas, such as between windows. If it is used in those areas, the detailing is crucial to get right (see para below). Looking at the overall impression, I don't feel that it is necessary or even positive to use the weatherboarding material in every property.

*The streetscene plan dated 9<sup>th</sup> August indicates that the weatherboarding material has been replaced with projecting brick panels in most cases, which should create a more modern, robust and higher quality finish.*

In terms of the finish and detailing, it is really important when applying a weatherboarding material to recess the face of the weatherboarding slightly so that it is in line with the surrounding brick. This creates a more robust appearance which can otherwise look very stuck-on, with awkward edging strips where a projecting weatherboard meets the brickwork. This sounds like a simple detail but to achieve this, the concrete blocks which the boarding battens are fixed to need to be set back slightly, otherwise the top layer (the boarding) will sit in front of the other materials. It can be more

positive to only apply weatherboarding to the whole of a projecting gable feature (finished neatly into recess corners), or to wrap the whole of the first floor and above.

One significant positive which should be retained through the process, is the use of the dark grey fascias, soffits and rainwater goods. While we would need to agree the exact colour (black is also a very common colour to use), the commitment to this approach will raise the visual quality of the properties and add to the modern style.

### **Conditions**

I would suggest that the following elements need to be conditioned:

- A brick sample panel(s) showing the brick, mortar colour and projecting brick detail, measuring 1m.sq. Multiple panels may be needed to test a range of possible brick options. Projecting bricks should be set out in an alternating pattern, with projections within each brick course, as indicated in the image shown in the F1/F2 house type plan.
  - Details of the weatherboarding and render, with physical samples required for each.
  - Details of the proposed balconies, including materials. A scaled plan, alongside brochure images or photos of completed balconies from other developments, are needed.
- Details of all porches and canopies.

- 4.12 Ecology Consultant – Notes that the application is requesting discharge of conditions, but no up-to-date ecology survey results have been submitted. The ecology surveys relating to the outline date from 2018-2019. Recent data is expected for Species protected under the Conservation Regulations 2017 ('European Protected Species) as well as the Wildlife & Countryside Act 1981 (as amended): **Bats** (have any trees developed features which could support roosting bats/any changes in foraging & commuting): **Great Crested Newts** (*Charlton Common is within an Amber zone of the Risk Zones for District Licensing of GCN in the West of England (Amber zones contain main population centres for GCN and comprise important connecting habitat that aids natural dispersal). A GCN translocation is known to have taken place in recent years for the Filton Airfield development to the north (EPS licence 2018-34673-EPS-MIT), with exclusion fencing installed. It is understood from the neighbouring application for the attenuation pond P22/00593/F, that the pond on this site has dried up, however update eDNA tests or presence/absence surveys of the two ponds west of Cedar Lodge should be carried out*): **Dormouse**: The site includes habitat that might be suitable for dormouse- probable dormouse nests were found during nest tube surveys on the Fishpool Hill site to the west in Nov 2021 and there is some connectivity to the site via the railway. A further appraisal is required: **Badgers** – No setts were found previously but a resurvey is required (Officer note: This is a condition on the outline application). **Nesting Birds** – The bird and bat boxes siting is too low and those for house sparrow also seems too low. No BNG assessment has been submitted and given the amount of semi-natural vegetation being removed, there doesn't appear to be sufficient planting in the softworks plans to mitigate this. Of concern is the removal of the linear belt of scrub along the northern

boundary. One of the main comments from the previous ecology officer on the outline application was regarding the retention of this to enable the site to continue to provide nesting habitat for a variety of national Priority bird species; and strengthen the green infrastructure of the Airfield's Outline masterplan to the immediate north.

Additionally, there had been discussions about the adjacent highway verge of grassland/scrub along the eastern edge of the development, being used as an off-site mitigation area for semi-improved meadow. This option must be explored and evaluated.

- 4.13 Lead Local Flood Authority – Following submission of revised details (Drainage Strategy – Oct 2022 and Drainage Strategy (Drwg 0754-C-P-0300 J) the officer states that:- It is now being proposed that all the surface water sewers and the attenuation basin will be the responsibility of the site wide management company and not offered to Wessex Water for adoption as previously stated. Therefore, a SuDS Management and Maintenance Document will need to be submitted for this site that provides details of the Management company (name, contact details) and provides a detailed maintenance regime for the surface water drainage system as requested in our previous comments dated 24<sup>th</sup> of October 2022.

If required, the submission of the SuDS Management and Maintenance Document could be covered by condition.

- 4.14 Environmental Protection Contaminated Land Officer –.No comment.

- 4.15 Conservation Officer: - The site lies to the east of the grade II listed Cedar House which is located on the edge of the Charlton Common, a small residual area of common left over after the construction of the runway and the demolition of the historic village of Charlton. The lodge is surrounded by mature trees and hedgerows to the extent that it is heavily screened from the road leading through the common. It does, however, become visible as one moves along the small access road leading to Cedar House and the modern dwelling (Cedar Lodge) to the south. The application site is partially screened from Cedar House by trees and overgrown hedges but there are clear views of the western boundary from the lane. The listed building is largely surrounded by trees and, other than the view of Cedar House to the south, it still retains a feeling of isolation and remoteness, well away from the suburban edge of Filton. The majority of the proposed development will have no impact on the setting of the listed building, but the NW corner of the site is close to Cedar House and will be seen as part of its wider setting. Previous proposals for this more sensitive corner of the site initially started with a large block of dwellings tight to the boundary, later substituted with an area of open space with two storey detached dwellings beyond, helping to reinforce a more effective landscape buffer, and thereby reducing the impact of the development on the setting of Cedar House. The approved outline application provided a clear set of parameter plans showing the extent of the play area and open space, supported by a Design and Access Statement which included a constraints and opportunities plan and a concept plan on which the parameter plans were based. This illustrated a pair of modest dwellings to the east and south of the open space, defining the space without appearing



unduly intrusive or prominent in views from the listed building or overly dominating of the open space.

Although this application retains an area of open space at the NW corner of the site, the arrangement of the car parking, and the scale, form and orientation of the large apartment block (plots 10-13) are of concern. The apartment block presents a long, two-storey side elevation to the space, creating quite an imposing and over-bearing elevation which will terminate views from the west and create a hard sense of enclosure and urbanisation to the open space. The parking arrangement to the southern side of the open space is also on an elevated platform, requiring a planted bank to cover the levels difference, whilst a large bin store is located immediately adjacent to the c1.2m wide footpath leading to the area of open space. The arrangement could appear unnecessarily engineered as opposed to a semi-natural area, and the configuration of parked cars, bin stores and narrow entrance pavement may potentially lead to this area being perceived as a semi-private space for the apartments, compensating for the extremely limited private garden space at the rear and side of this building. In terms of the setting of the listed building, the existing planting which currently screens the site will be removed and replaced with new planting, potentially opening up views past the listed building and towards the side elevation of the apartment building, the scale and massing of which would become visible in such views. The sense of isolation of the listed building on the edge of the common may, therefore, be eroded as a result of the urbanising effect of a large building in the NW corner of the site and I would encourage the scaling down of this to a standard dwelling with rear garden to maintain a greater sense of openness, and a scale of building that is not as intrusive as the apartment block.

With the removal of the existing vegetation and trees, it is likely that there will be a noticeable change to the setting of the listed building, with the side of the apartment block becoming covisible with Cedar House when approaching and moving along the lane from Charlton Common. New planting may provide some mitigation, but the block will appear as a large addition to the site which will draw attention to itself in views along the lane and erode the informal and semi-remote setting of Cedar House. In my opinion, there will be a slight degree of harm to the setting and significance of the listed building which would equate to less than substantial harm at the lower end of the spectrum. It does, therefore, trigger paragraph 202 of the Framework which requires this harm to be weighed against the public benefits of the proposal, taking into account the great weight afforded to the conservation of the heritage asset, irrespective of whether that harm is substantial or less than substantial. A repositioning of the apartment block to a less sensitive area of the site, the introduction of a smaller scale of dwelling in its place, and a less engineered form of soft and hard landscaping at the NW corner should help mitigate this harm.

Sustainability Officer – I have had a look at the revised Energy Statement produced by Melin (07-11-2022).

**Reduction in residual emissions:** This is now showing a reduction in regulated and unregulated emissions greater than 20% through the use of

PV, meaning the scheme meets PSP6. I recommend conditioning the PV system – please see suggested wording below.

**Overheating:** The applicant has conducted an overheating assessment as required. I don't need any further information at this stage, however the scheme should be constructed in accordance with the recommendations made by Melin in the Thermal Comfort Model report (14-09-2022).

**Heating system:** Given that gas boilers are being specified I recommend inclusion of the following wording with the decision notice:

'The dwellings in this development are planned to be heated by gas boilers. From 2035 the government intends to phase out the installation of new natural gas boilers. Purchasers should seek independent advice regarding the likely costs of updating the heating systems and necessary structural alterations to accommodate modern zero carbon heat sources such as air source heat pumps'.

**Suggested conditions:**

### **Sustainability - Agree PV Strategy**

Prior to the installation of any PV panels on dwellings hereby approved, details of the proposed PV system including location, dimensions, design/technical specification together with calculation showing the system will be capable of generating a minimum of 57,066kWh per annum, shall be provided to the Local Planning Authority for approval.

### **Reason**

To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions in accordance with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

### **Sustainability - Implement PV Strategy**

The approved PV system shall be implemented in accordance with the details agreed under Condition X [add ref]. Evidence that the PV system has been installed including exact location, technical specification and a calculation showing that the projected annual energy yield of the system, as installed is at least 57,066kWh per annum, shall be provided to and approved by the Local Planning Authority in writing prior to the occupation of dwellings.

The projected annual yield and technical details of the installed system shall be provided by the Micro-generation Certification Scheme (MCS) approved installer and the projected annual energy yield of the system taken from the MCS Certificate. The impact of shading on the annual yield of the installed PV system (the Shading Factor) should be calculated by an MCS approved installer using the Standard Estimation Method presented in the MCS guidance.

### **Reason**

To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions in accordance with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

4.16 Self-Build Officer:-No comment

4.17 Art Officer – No comment as Art not conditioned.

4.18 Archaeology – Condition 20 on the outline can be discharged.

4.19 Landscape Officer:- I confirm that the revised Soft Landscape Proposals, dwg. nos. 1474-01 Rev P and 1474-02 Rev N have been amended as per my previous comments and are acceptable. Please note; if further revised plans need to be submitted, all amendments should be clearly highlighted (cloud around amendment) and a revision note added to the drawing, so amendments can be readily assessed.

4.20 Local Residents

One local resident objected on original plans, raising the following: -

- The Design and Access Statement states that there will be low density to the northwest of the site, which respects the setting of Cedar Lodge and Cedar House.
- Plot 9 is right on the boundary with Cedar Lodge and the house corner is in line with their living area and main bedroom, both of which have 8 feet long windows overlooked by the planning area. Plot 9 will be very obtrusive.
- Plot 7 is lower than plot 9 and would be less obtrusive. Confusion between documents as to which of the 2 house types is closest.
- Preferred design shown at outline or under (withdrawn) PT17/1209/F.
- The screening for the listed Cedar House, the over-grown leylandii mentioned as 'good screening' for Cedar House in the design statement from the proposed development site, have had to be felled for safety reasons. So now the house is visible from the proposed development site.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

This application seeks consent only for those matters that were reserved by reason of conditions 1 & 2 on P19/15643/O and P22/05812/RVC, specifically relating to appearance, landscaping, layout and scale. Access was approved with the outline applications. The principle of the development is acceptable by virtue of outline application P19/15643/O (amended by P22/05812/RVC).

5.2 Through the submission of the reserved matters, the applicant has also

submitted site-specific information relating to several other conditions attached to the outline consent. These matters are covered in a later section of the report.

5.3 The layout and design have undergone several amendments following positive engagement with officers. The principal changes have been: -

- Alterations to layout to reduce overlooking (see later section in report).
- Amendments to layout to reflect updated Parameters Plans permitted by P22/05812/RVC.
- Changes to play equipment.
- Changes to landscaping to reflect ecology concerns
- Addition of balconies to apartments to create the required outdoor amenity space.
- Addition of path to Charlton Road to facilitate easier access to the north.
- Amendments to landscaping to negate biodiversity loss.
- Amendments to materials.

5.4 Appearance

5.5 The outline permission and its subsequent revision (P22/05812/RVC) provided Parameters Plans for land uses. The location of the development is now consistent with the Land Use Plan, which shows areas of POS, building heights, connections to the north and the off-site drainage basin.

5.6 The applicant has modified the materials palette so that there is a mixture of buff multi brick, off white render with cladding detailing (in grey) with grey slate effect tiles. Windows, doors, door surround features and rainwater goods are all to be in grey. There will be some relief detailing on some of the houses in the multi buff brick.

5.7 This mix is considered to be of good quality and reflect the area and create a good transition from the older housing in Brentry into the proposed more dense, modern housing in the Brabazon. The design demonstrates a cohesion across the site, but with sufficient detailing changes to create an interesting development with a well-designed identity.

5.8 The introduction of balconies to the apartments block to create an element of outdoor space to comply with policy PSP43 of the Policies, Sites and Places Plan 2017 also creates an attractive feature in its own right and also gives surveillance to the POS to the northwestern corner.

5.9 The comments of the Urban Designer with reference to materials was noted and amended materials were submitted which are considered to better reflect the local area, whilst transitioning into the more modern development that will be built at Brabazon. A condition can be applied about the weatherboarding being flush with the brickwork to give a better finish.

5.10 Scale

- 5.11 Whilst the proposal includes an apartment block, none of the buildings are shown as being more than 2 storey. However, the house types chosen are of differing heights to give a visual relief and interest to the rooflines. The houses range in height from approx. 7.5m – 9.0m
- 5.12 The dwellings range from 1 & 2 bed flats to 2, 3 and 4 bed dwellings with the requisite mix of social housing units integrated within the development. The Housing Enabling Officer has confirmed that she is satisfied with the layouts.
- 5.13 A range of parking options are provided from parking courts to off street parking and some plots are to have single or double garaging. Cycle storage provision is by of sheds on dwellings that do not have access to a garage.
- 5.14 Layout
- 5.15 The layout is considered to broadly comply with the outline Parameters Plan, as amended by P22/05812/RVC. The details of the layout have been amended following comments from officers to address the following issues/concerns
- 5.16 Residential Amenity
- 5.17 The Urban Designer and a neighbour have raised concerns about overlooking from the first-floor windows of the house on Plot 7 and the proximity of the dwelling to Cedar Lodge. Amended plans have been received which reduce the height of plot 7 (which is closest to Cedar Lodge) from approx. 9m to 7.5m and to fit the nearest 1<sup>st</sup> floor window with obscure glass (21.016-021a received 3<sup>rd</sup> August 2022). The dwelling has also been moved approx. 0.5m away from the boundary line.
- 5.18 Trees are also proposed within the garden on the boundary, but as these will be in private ownership they can be removed after the 5-year maintenance period required by the landscape condition. Additionally, being in private ownership retention by way of condition (in this circumstance) is not considered to pass the test of reasonableness as set out in Paragraph 56 of the NPPF. The proposal for the trees to mitigate the impact of the proposed dwellings, in this location, has therefore not been given significant weight.
- 5.19 Notwithstanding the ability to remove the landscaping, the boundary is a 1.8m high close boarded fence and the distance between windows is approx. 14m and at an approx. 40-degree angle. Under these circumstances, it is not considered that overlooking or loss of privacy would be of such a degree that would justify a refusal. Overlooking from the existing property (Cedar Lodge) into the garden of plot 7 is more significant, but anybody buying into that property would be aware of this. Overlooking between these properties is considered to be acceptable and to comply with policy PSP8 of the Policies, Sites and Places Plan (PSP).
- 5.20 Plot 7 has a blank gable facing Cedar Lodge and this has both been reduced in height from 9m to approx. 7.5m and is also a narrow house type of an approximate width of 6m. It is set approx. 10m from any window and set at an

angle, so that its impact is minimised and the outlook from the affected dwelling (Cedar Lodge) is considered to be acceptable.

- 5.21 In terms of residential amenity of Cedar Lodge's occupants and any future occupants of the new development, the revised design and layout is considered to have incorporated changes which would not lead to a loss of amenity that would justify a refusal. The proposal is considered to comply with policy PSP8 of the PSP.
- 5.22 The properties in Siddesley Close are well set back from the boundary with the site and overlooking is only of the front of the properties in any event, which is on a highway that serves the dwellings. Thus privacy to the front gardens is already minimal and will not be unacceptably exacerbated by the proposed development. The distance between facing windows is approximately 25m which is an acceptable distance between facing windows where a distance of 21m is generally considered to be acceptable.
- 5.23 The Urban Design Officer has raised some concerns about overlooking between internal plots but given the urban nature of the locality, distances and angles, it is not considered that overlooking will exist to an unacceptable degree and people buying the houses will be aware of the layout. The applicant has proposed 1.8m high close boarded fences between properties and additional landscaping to minimize any impact.
- 5.24 The balconies for the apartments have been increased in size to 5sqm now so that they comply with policy PSP43 of the PSP 2017
- 5.25 It is noted that the carpark and plots 5, 6, 7 and 9 (of those on a boundary close to other residential properties) require some underbuild beneath normal anticipated outside ground levels of 150mm (plots 5 & 7), 450mm for the garage of plot 6 and 525mm for plot 9. The car park will be built approx. 400mm above the adjacent POS area.
- 5.26 The applicant has stated that raising the ground levels is necessary for creating correct falls across the site and access from the proposed access road. Raising of the ground levels could give rise to overlooking or loss of amenity by being overbearing. However, in relation to the plots affected, Plot 7 is a reduced height dwelling with no side elevation windows with a Finished Floor Level (FFL) of 69.4 with surrounding existing ground levels of approx.. 69.05; plot 9 is away from any boundary by approx. 10m and plots 5 & 6 the underbuild relates to the garage, which has an overall height approx. 4.5m and no windows facing any other property.
- 5.27 In relation to the height difference to the parking court area, this height difference will be hidden by landscaping and is not considered to be of any detriment.
- 5.28 It is therefore not considered that this difference in levels would not lead to any additional overlooking or loss of amenity that would justify a reason for refusal. The proposal is considered to comply with PSP8 of the PSP.

5.29 There are no other residential properties in the vicinity that are likely to be detrimentally affected by the proposal in terms of residential amenity and whilst some of the gardens in the development are relatively small, they comply with policy CSP43 of the PSP. The developer has proposed trees within rear gardens to minimize the impact of any overlooking. This has not been given significant weight because when planted within an approved landscaping scheme it is standard for maintenance of that scheme to only be for 5 years. After that time they could be removed without further consent from the Local Planning Authority. Additionally it is not considered, in this particular instance, to require private owners to maintain such a screen. The layout is considered to be well enough designed to not lead to unacceptable overlooking.

#### 5.30 Landscaping

None of the existing trees on site are to be retained have all been categorized as U (Unsuitable for retention) or C (Trees of low quality with a life expectancy of less than 10 years or young trees with a stem diameter of less than 150mm). The scheme is reliant on replacement planting for both compliance with the policies CS1 of the SG Core Strategy and PSP3 of the PSP together with guidance in the Trees and Developments Sites SPD (April 2021). The landscaping of the site has been amended throughout the life of the development in the following specific ways: -

- Additional trees shown throughout the development, including street trees.
- Trees shown in rear gardens of northern properties, which will replace the scrub that provides a noted ecological habitat. Whilst these are in private gardens, their retention will be secured by a condition.
- Trees within the POS that contains play equipment have been located so as not to overhang any of the free space.

5.31 The Landscape Officer has now agreed that the landscaping is acceptable for the development and it is agreed that the proposal now provides an acceptable level of planting and landscaping that will make the development accord with policy CS1 of the SG Core Strategy.

#### 5.32 Heritage Issues

5.33 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66).

5.34 Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 201 and 202 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset.

- 5.35 Whilst the comments of the Conservation Officer are noted in relation to the block of apartments and it is acknowledged that they are a significant expanse of built form, which will partially block views of the Grade 2 Listed Cedar House, their height has been kept at 2 storeys to minimize this impact. Additionally, the main area from which views to and from the heritage asset will be gained is from the main road into the site which allow some views into the POS, which in turn allows an open aspect to the listed building.
- 5.36 The Conservation Officer notes the impact of the levels which are having to be modified in the western side of the proposed car park. However, this is to deal with a localized area of land formation difference and would elevate the car parking by approx. 0.4-0.5m. The bin store has been removed from views across the POS to the listed building.
- 5.37 The comments about the urbanizing effect of the development (particularly the apartment block) are noted and the views from Charlton Common on the approach to Cedar House will be altered. Nevertheless, the design of the building, including balconies and landscaping, will soften the impact.
- 5.38 Whilst it is acknowledged that the development will cause harm to the setting of the Listed Building, it is considered to be on the lower end of the less than substantial scale. and in accordance with paragraph 202 of the 2021 NPPF will be weighed against any public benefits of the scheme in the Planning Balance later in this report.
- 5.39 Drainage
- 5.40 The drainage of the site is to be provided by an off-site attenuation basin approved under P22/00593/F. This approach to drainage resulted in a S73 application (P22/05718/RVC) to allow this to occur. As the site's drainage is to be provided off-site, it will be necessary to tie this permission to approval P22/00593/F so no dwelling is occupied until that drainage solution is provided
- 5.41 The Drainage Engineer has raised no objections to this approach, following the receipt of revised details, provided that a condition is applied about management of the facility. Such a condition was applied to planning permission P22/00593/F.
- 5.42 Ecology
- 5.43 The original outline planning permission (P19/15643/O) contained several conditions relating to ecology, including the need for the reserved matters application to be submitted in line with an approved parameters plan. This parameters plan sought to protect a line of scrub and tree planting along the northern boundary, which provided a nesting habitat for a range of national priority bird species and to strengthen the green infrastructure of the Airfields Outline Masterplan. However, this line of scrub is no longer in evidence on site and its retention is of less worth than originally thought. The S73 application approved under reference P22/05812/RVC removed this



requirement.

- 5.44 The removal of many of the trees on site together with the loss of an area of semi-improved meadow potentially would have led to a loss of biodiversity on site, contrary to policy PSP19 of the PSP. Following negotiations with officers, revised plans were received which included the following additions to the scheme to increase biodiversity: -
- Wildflower areas with POS.
  - Additional street trees.
  - Trees secured in rear gardens of northern boundary
  - Retention of existing hedge along eastern boundary (secured by condition attached to P22/00593/F).
  - Creation of attenuation basin with additional panting as drainage design solution for this residential development (Permission P22/00593/F).
  - Quality landscaping.
  - Hedgehog friendly fencing in all gardens
  -
- 5.45 It is considered that these measures ensure that there is no net loss in biodiversity on site and policy PSP19 is fulfilled.
- 5.46 The outline planning permission requires a pre-commencement survey for badgers, which is controlled by way of a planning condition. In respect of the other surveys that are now out of date (being more than 2 years old) in relation to bats, Great Crested Newts and Dormouse, it is important to note that the 'planning permission' is the outline consent together with any reserved matters applications. There is no requirement to resurvey with the onus falling on the applicant to ensure compliance with the Wildlife and Countryside Act 1984. However, the applicant has submitted a letter from their ecologist who has undertaken a walkover survey and concluded that *while there has been some change to the habitats on site, it remains dominated by low distinctiveness habitats and its potential to support for the species identified in previous surveys remains unchanged. No further surveys are recommended and it is considered that the precautionary approach outlined in the EclA and discharge of conditions reports for the site are valid.*
- 5.47 On this basis, it is not considered that further survey work can be insisted upon and the compliance wording within the outline conditions is suffice.
- 5.48 Other matters in relation to ecology are covered below in relation to specific conditions on the outline permission.
- 5.49 Public Open Space
- 5.50 The majority of the issues raised throughout the consultation process by the POS Officer have been resolved. The latest set of plans received on 5<sup>th</sup> December removed the banking to the flats' path and demonstrated clearance of landscaping trees from free space around the play equipment. The path through the open space has been specified as macadam, which in this location is considered to be acceptable.

- 5.51 The play equipment has been changed to a more inclusive design. A plan showing area to be managed by the Management Company has been provided and this includes the land to the entrance which has now been incorporated into the areas annotated as POS.
- 5.52 The comments of the Urban Designer on the POS are noted but has always been anticipated and set out in the approved Parameters Plan that there would be 2 POS areas. There was no exact specification on size at the outline stage and the spaces provided are considered to be acceptably designed.
- 5.53 Overall, it is now considered that the areas of POS and play equipment are acceptable for this location.
- 5.54 Other Matters
- 5.55 Amended plans have been received to address the Occupational Therapist comments and the requirements have been met as contained within Housing Enabling comments
- 5.56 Conditions applied for to be discharged
- 5.57 Condition 7 (Condition 7 of P22/05812/RVC) – *The Reserved Matters to be submitted pursuant to Condition 1 shall include a Sustainable Energy Statement that demonstrates how the development hereby approved will meet SGC Development Plan Policies and Building Regulations applicable at that time. The development shall be constructed in accordance with the development plan policies and Building Regulations applicable at the time of construction.*
- 5.58 A revised Sustainability Statement has been received which has satisfied the concerns of the Climate Officer subject to further conditions as compliance with Policy CS6 requires the implementation of PV panels to achieve a 20% reduction in regulated and unregulated emissions.
- 5.59 Gas boilers are being specified and this form of heating is to be phased out because of its impact on climate change. The informative suggested by the Climate Officer will be applied to the permission to alert potential purchasers to the potential future costs.
- 5.60 Condition 7 is considered to be discharged.
- 5.61 Condition 8 (Condition 8 of P22/05812/RVC) – *The reserved matters submitted pursuant to Condition 1 shall include an up to date tree survey including details of tree protection where required and agreed and Arboricultural Method Statement which shall accord with BS5837 (2012); and prior to the commencement of the development hereby approved, protective fencing in accordance with drawings approved by Reserved Matters shall be erected around the root protection area of existing trees and hedgerows to be retained adjacent and within the site. Such fencing shall be erected prior to the use of any machines on the site and prior to any clearance on site and retained as such throughout the construction period and until the completion of the development hereby approved.*

- 5.62 The Tree Officer has raised no concerns and it is considered that this condition can be discharged.
- 5.63 Condition 12 (Condition 12 of P22/05812/RVC) – *The reserved matters to be submitted pursuant to Condition 1 above shall include measures to demonstrate that the development is in broad accordance with the recommendations made in Section 5 of the Ecological Assessment by Ecology Solutions (September, 2019).*
- 5.64 It is considered that the information submitted by way of the proposed planting of wildflower meadows within the areas of POS, additional tree planting, the retention of the hedge to the east and the securing of new trees within private gardens along the northern boundary. It has been accepted that the wildlife pond on site has been lost, but this is compensated for by the creation of the attenuation basin. This condition can be discharged.
- 5.65 Condition 14 (Condition 14 of P22/05812/RVC) – *The Reserved Matters submitted pursuant to Condition 1 above shall include a plan showing the location of nesting boxes, for starlings and house sparrows and bat tubes or boxes. Thereafter the development shall proceed in accordance with such details as approved through Reserved Matters, and photographic evidence of their installation shall be submitted to the local planning authority for approval in writing prior to the substantial completion of the development hereby approved. Reason: To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP19 of the adopted Policies Sites and Places Plan.*
- 5.66 The Ecology Consultant was not content with the submission and revised details have not yet been submitted. This condition therefore remains outstanding, but due to its wording (The details should be submitted with this reserved matters, a reworded condition will be applied.)
- 5.67 Condition 15 (Condition 15 of P22/05812/RVC) – *The reserved matters submitted pursuant to Condition 1 above shall include details of street lighting which is a sympathetic lighting scheme for bats using boundary vegetation. The scheme should show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications). All external lighting shall be installed prior to the substantial completion of the development hereby approved in accordance with the said lighting scheme as approved by the local Planning Authority in writing.*
- 5.68 The street lighting is not to be adopted and the Council's Lighting Engineer has raised no objections. No lighting is proposed at the boundaries and as such the darker corridors which exist at present, and which are of benefit to bats and other Protected Species, should not be significantly affected. This condition can be discharged
- 5.69 Condition 17 – *The Reserved Matters to be submitted pursuant to Condition 1 above shall include a mitigation strategy to avoid harm to reptiles (slowworm) and hedgehog and agreed with the Local Planning Authority*

*through Reserved Matters. All works are to be carried out in accordance with said strategy.*

- 5.70 The proposal has hedgehog fencing gaps in all locations and the development is in accordance with the EclA submitted with the outline (see condition 12 above). This condition can be discharged
- 5.71 Conditions 18 & 19 of P19/15643/O and condition 18 of P22/05812/RVC – *The Landscaping Reserved Matters submitted pursuant to Condition 1 above shall include full details of both hard and soft landscaping works and these works shall be carried out as approved. Such details shall accord with the principles of the approved amended Parameter Plans (Access & Land Use Plan No. L0201 B and Scale Plan No. L0202 B) and the principles and concepts contained in the Design and Access Addendum (September 2022).*
- 5.72 Satisfactory landscaping details have been provided and condition 19 was removed via planning permission P22/05812/RVC. Condition 18 can be discharged.
- 5.73 Condition 21 (condition 20 of P22/05812/RVC) – Swept Path Tracking – Highways Officer has raised no objections and this condition can be discharged.

#### Consideration of likely impact on Equalities

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

#### Planning Balance

- 5.75 The public benefits of the scheme can be listed as follows:-
- Provision of much need housing – This can be attributed moderate weight. Whilst the Council can currently demonstrate a 5 year housing land supply, this site forms part of the Former Filton Airfield (Brabazon) New Neighbourhood allocation.
  - Provision of 10 affordable homes – The provision of Affordable Homes can be given significant weight and is supported by the Housing Enabling Officer.
  - Biodiversity enhancement both on site and by the creation of the

(necessary) drainage attenuation basin- This can be given moderate weight due to its contribution towards helping South Glos Council towards its Carbon Neutral status and Nature Recovery aims.

- Provision of POS with play equipment – This is given moderate weight in both serving the development, but as Public Open Space adding to the choices available to people in the local area.

5.76 It is acknowledged that less than substantial harm (at the lower end of the scale) would occur to the setting of the Grade 2 listed house, Cedar House. This was taken into consideration in the granting of the outline permissions on the site, which included parameters plans to demonstrate where the built form was to be constructed. The proposed development conforms with those parameters plans.

5.77 However, given the comments of the Conservation Officer it is acknowledged that the design of the layout has led to less than substantial harm. In accordance with paragraph 202 of the NPPF 2021 this can be weighed against the public benefits of the scheme, which are set out above. Given the level of harm identified, being at the lower end of the less than substantial scale, it is considered that these benefits would outweigh this harm and Reserved Matters Approval can be granted.

## **6. CONCLUSION**

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

6.2 The recommendation to grant Reserved Matters Approval 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**

It is recommended that Reserved Matters Approval is GRANTED

## **CONDITIONS**

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

Reason

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

- 2) Prior to the construction of development above Damp Proof Course (DPC) level, the

detailed design including materials and finishes of the following items on all dwellings shall be submitted to and approved in writing by the local planning authority:

1. Weatherboard cladding relative to masonry external leaf/window frames
2. Balconies.
3. Details of all porches and canopies.

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

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

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

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

- 4) No dwelling within the development hereby permitted shall be first occupied until the attenuation drainage basin, permitted by P22/00593/F has been constructed and is fully functioning in line with the submitted drainage strategy 9754-C-P-0300 Rev J and Drainage Strategy Report V4.

Reason: To ensure the correct drainage of the site and to prevent flooding.

- 5) Prior to the commencement of the development hereby permitted a scheme for the retention of the hedges and trees in the gardens of plots 10-22 inclusive (as shown on plan 20.026-005 RevJ, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall remain in place in perpetuity.

Reason: To protect the biodiversity of the site and enhance potential for biodiversity gain. This is a condition precedent as it is essential to ensure no loss of biodiversity from the site.

- 6) No dwelling to be shown to have a cycle shed on plan 20.026-005 RevJ shall be first occupied until that cycle shed has been provided in accordance with the approved plan 020.

Reason: To ensure non car borne modes of transport have available storage in the interests of sustainability.

- 7) No development shall commence until a site-specific Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. It shall include the following details:
  1. 24 hour emergency contact number;
  2. Delivery and construction working hours;
  3. Parking arrangements of vehicles of site operatives and visitors (including any measures taken to ensure satisfactory access and movement for neighbouring properties during construction);
  4. The erection and maintenance of security hoarding including decorative

- displays and facilities for public viewing, where appropriate;
5. Construction access details and routes for construction and delivery traffic; ensuring safety of route from Charlton Road to site entrance;
  6. Locations for loading/unloading and storage of plant, waste and construction materials;
  7. Location and details of wheel washing facilities and methods of preventing detritus and mud from being carried onto the highway;
  8. Arrangements for turning vehicles, to be within the site unless completely unavoidable;
  9. Methods of communicating the CEMP to staff, visitors and neighbouring residents and businesses;
  10. Procedures for maintaining good public relations including complaint management, public consultation and liaison;
  11. Measures to minimise temporary noise and vibration impacts;
  12. Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local residents who may have a particular susceptibility to air-borne pollutants;
  13. Measures for controlling the use of site lighting whether required for safe working or for security purposes;
  14. Procedures for emergency deviation of the agreed working hours;
  15. Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained;
  16. Contact details of the main contractor;
  17. Membership details for the Considerate Constructor Scheme or similar regime and site induction of the workforce highlighting pollution prevention and awareness.

The approved CEMP shall be adhered to throughout the construction period for the development. The development shall be implemented in accordance with the approved CEMP.

Reason: In the interests of highway safety, and to protect residential amenity, in accordance with Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013); and Policies PSP8 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017); and the provisions of the National Planning Policy Framework. Pre-commencement is required as the condition relates to the construction period.

- 8) Prior to the first occupation of plot 7 as shown on approved plan 20.026-005 RevJ, the window shown to be obscure glazed on the rear elevation plan 21.016-021a shall be fitted with obscure glass to a level no lower than 3. The window shall be kept glazed as such in perpetuity.

Reason: To protect the privacy of the residents of Cedar Lodge.

- 9) No single dwelling to be shown to have an electric vehicle charging point on approved plan 20.026-005 RevJ shall be occupied until the associated individual electric charging point is provided in full working order'

Reason: In the interest of encouraging the use of more sustainable modes of transport.

10) Prior to the commencement of the development hereby permitted a scheme for installation of PV panels on the dwellings hereby approved to comply with the requirements of the submitted Energy Statement RevE dated 7<sup>th</sup> November 2022, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show details of the proposed PV system including location, dimensions, design/technical specification together with calculation showing the system will be capable of generating a minimum of 20,132kWh per annum. The development shall be carried out in full accordance with the approved details

Reason

To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions in accordance with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

11) Prior to the occupation of any dwelling fitted with PV panels as approved by condition 10, evidence that the PV system has been installed including exact location, technical specification and a calculation showing that the projected annual energy yield of the system, as installed is at least 20,132kWh per annum, shall be provided to and approved in writing by the Local Planning Authority.

The projected annual yield and technical details of the installed system shall be provided by the Micro-generation Certification Scheme (MCS) approved installer and the projected annual energy yield of the system taken from the MCS Certificate. The impact of shading on the annual yield of the installed PV system (the Shading Factor) should be calculated by an MCS approved installer using the Standard Estimation Method presented in the MCS guidance.

Reason: To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions in accordance with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

12) Notwithstanding the submitted details, a plan showing the location of nesting boxes, for starlings and house sparrows and bat tubes or boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with such details as approved, and photographic evidence of their installation shall be submitted to the local planning authority for approval in writing prior to the substantial completion of the development hereby approved.

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

13) The development hereby permitted shall be managed in accordance with the Landscape Management & Maintenance Plan prepared by Cambium and dated December 2021 in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the attenuation basin is correctly maintained and managed to



prevent.

- 14) The landscaping hereby approved and shown on approved plans 1474-01 RevQ and 1474 -02 RevN shall be carried out in the first planting season following the completion of the development. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin. Any trees or plants which within a period of 5 years, die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Local Planning Authority. All hard landscaping shall also be carried out prior to the first use of the development hereby permitted.

Reason: To ensure the satisfactory landscape setting of the site and to maintain existing habitat in addition to increasing biodiversity.

- 15) The development hereby permitted shall be carried out in accordance with the following plans:

20.026 – 004 – Site Location Plan/Existing Site plan  
Topographical Survey 378/12022/1 received 2<sup>nd</sup> February 2022.

Drainage Strategy 0754-C-P- 0300 RevJ  
Engineering Levels 0754-C-P-0331 RevJ  
Vehicular Tracking 0754-C-P-0341-I  
Drainage Strategy 0754-R-001- Rev4  
Landscape 1 of 2 – 147-01 RevQ  
POS Proposals – 1474-03 RevF  
Site Layout 20.026-005 RevJ  
Affordable Housing Plan -20.026-030A  
Plots 14 & 15 Modifications 21-016-013B  
Received 5<sup>th</sup> December 2022

Management Company Areas – 1474-06 RevC  
Boundary Treatments 1474-05 RevD  
Soft Landscaping 2 of 2 1474-02 RevN  
Received 16<sup>th</sup> November 2022

House Type D Plot 22 – 21.016-023 (revB)  
21.016 – 015 RevC A Type Plans and Elevations  
21.016 – 016 RevC B Type Plans and Elevations  
21.016 – 017 RevC C Type Plans and Elevations  
21.016 – 018 RevC D Type Plans and Elevations  
21.016 – 019 RevC E Type Plans and Elevations  
21.016 – 022 RevA F Type Plans and Elevations  
Received 6<sup>th</sup> October 2022.

Garage, Bin & Cycle Storage Plan 21-016-020 RevA  
Apartment Elevations -21-016- 011 RevC  
Materials Plan 21-106-007 RevA

Proposed Street Scenes – 21-016-006 RevC  
Apartment Floorplans – 21-016-012 RevB  
Floor plans 21-016-012 RevB  
Type S2 and S3 21-016-014 RevA  
Plot 7 & 8 House type S2/S3 21.01-021 RevA  
Received 9<sup>th</sup> August 2022

Plots 7 & 8 Floor Plans 21\_016-012 RevB  
Apartment Floorplans 21\_016-010 RevD  
Boundary Treatments (elevations) received 3<sup>rd</sup> August 2022

Road Longitudinal Sections 0754-P-D-0361 RevE

Site Sections 0754-C-P-0362 RevC  
Received 13<sup>th</sup> December 2022

Landscape and Management Plan received 2<sup>nd</sup> February 2022

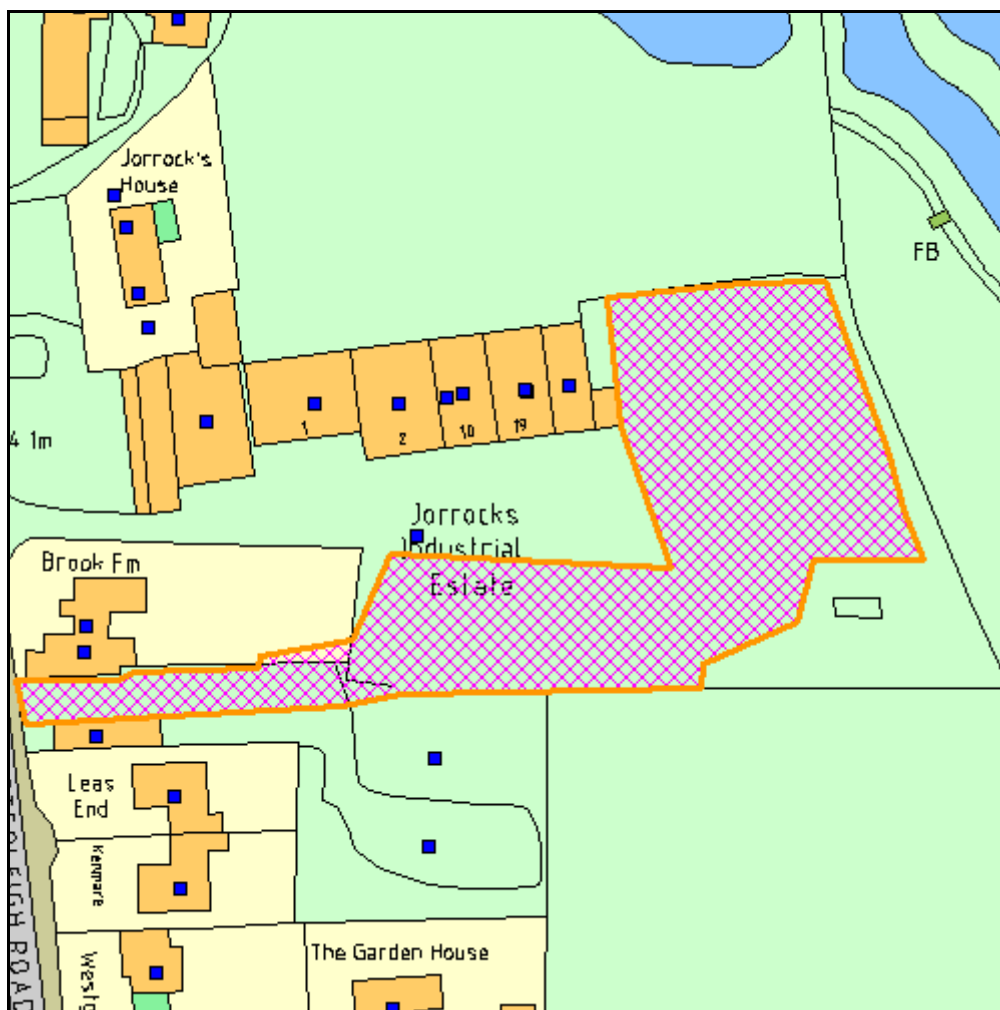
Reason: In the interests of the correct development of the site and clarity

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

## CIRCULATED SCHEDULE NO. 50/22 -16th December 2022

<b>App No.:</b>	P22/02179/RM	<b>Applicant:</b>	Estrans Developments (Haverfordwest) Limited
<b>Site:</b>	Jorrock's Estate Westerleigh Road Westerleigh South Gloucestershire BS37 8QH	<b>Date Reg:</b>	13th April 2022
<b>Proposal:</b>	Erection of 8 no. dwellings with appearance, layout, scale and the landscaping to be determined (Approval of Reserved Matters to be read in conjunction with outline permission P19/14583/O).	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	370001 179945	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th June 2022

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 100023410, 2008. N.T.S. P22/02179/RM

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

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

This application has been referred to the Circulated Schedule following the receipt of objections from Westerleigh Parish Council and 4no. Local residents; the concerns raised being contrary to the officer recommendation.

## **1. THE PROPOSAL**

- 1.1 Outline planning consent P19/14583/O was previously granted for the erection of 8no. dwellings, with access determined at the outline stage. This current application seeks consent for the outstanding reserved matters only i.e. layout, appearance, scale and landscaping.
- 1.2 The application site is a vacant plot of land, 0.38ha in area; that lies almost entirely within the Established Settlement Boundary (ESB) of Westerleigh village. The north and east sides of the site are bounded by agricultural land, whilst to the south and west of the site are residential buildings. To the north-west of the site are a number of industrial units in a variety of commercial uses, with associated access and car parking. The site is currently accessed via a vehicular driveway off Westerleigh Road, which is also used to access the industrial units. The proposed scene would utilise the existing access and private driveway to the south of Brook Farmhouse.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Practice Guidelines

### **2.2 Development Plans**

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

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment & Heritage
CS13	Non-safeguarded Economic Development Sites
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

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

PSP1	Local Distinctiveness
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PSP2	Landscape
PSP6	On-Site Renewable and Low Carbon Energy
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP37	Internal Space Standards
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

- 2.3 South Gloucestershire Supplementary Planning Documents  
 Residential Parking Standards SPD (Adopted) December 2013  
 Design Checklist SPD (Adopted) 2007  
 Affordable Housing SPD (Adopted) May 2014 (amended Dec. 2017)  
 Landscape Character Assessment SPD (Adopted) November 2014 –  
 Landscape Character Area 12 : Westerleigh Vale and Oldland Ridge  
 Waste Collection SPD (Adopted) January 2015 (amended March 2017)  
 CIL and S106 SPD (Adopted) March 2015

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

- 3.1 P98/1310 - Use of yard as taxi/coach business. Siting of 2 portakabins.  
 Refused 09th Oct. 1998
- 3.2 P98/1512/E - Use of land for sui generis use comprising a coach, bus and taxi  
 base, including use as a taxi control office. Refused 3rd April 1998 Appeal  
 dismissed 3 April 2000
- 3.3 P99/1504/CL - Certificate of lawfulness for an existing use of land as Haulage  
 Depot.  
 Withdrawn 29th July 1999
- 3.4 P99/1585 - Change of use of yard as taxi and coach business.  
 Withdrawn
- 3.5 PT00/0397/F - Erection of buildings for classes B1/B2/B8 uses. Use of land for  
 parking and stationing of vehicles. Landscaping works.  
 Approved 22nd May 2001
- 3.6 PT09/5690/F - Erection of vehicle maintenance and office building with parking  
 and associated works.  
 Withdrawn 05th Jan. 2010
- 3.7 PT10/0577/F - Erection of vehicle maintenance and office building with parking  
 and associated works (Sui Generis) (Resubmission of PT09/5690/F)  
 Approved 04th Oct. 2010

- 3.8 PT10/3288/NMA - Non-material amendments to PT10/0577/F to insert 2no. windows and 1no. door to front elevation, 1no. window to west elevation, 1no. door to east elevation and 2no. windows to rear elevation. Alterations to rooflights and addition of 12no. luminaries.  
Objection 14th Dec. 2010
- 3.9 PT11/0143/NMA - Non-material amendments to PT10/0577/F for alterations to external appearance at vehicle maintenance and office building.  
No objection 01st March 2011
- 3.10 P19/14583/O - Erection of 8no dwellings (Outline) with access to be determined, all other matters reserved  
Approved 28<sup>th</sup> Feb. 2020

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

##### **4.1 Westerleigh Parish Council x 2**

Westerleigh Parish Council objects to this application for 8 homes as it is considered over-development within the Green Belt. Additionally there are real concerns in regard to access and traffic effects on Westerleigh Road. The development appears to land-lock a further plot which would only result in a further application for more houses and in fact Housing Enabling team have already suggested a plan for that land within this consultation. This would cause even more over-development within the Green Belt to which the Parish Council objects.

Westerleigh Parish Council objects to this application on the grounds that the planned layout does not provide sufficient turning space for vehicles entering the development including emergency vehicles, delivery vehicles and refuse vehicles. Furthermore, the current turning area which allows residents of the two existing adjacent properties to reverse out of their properties and turn before exiting on to the Westerleigh Road, will be lost as a result of the design of the new access, resulting in a potentially dangerous situation on a difficult piece of road close to a bend. In addition, unit 8 of the development shows two parking spaces, however one would be inaccessible if the other was in use

##### **Dodington Parish Council**

No response

##### **4.2 Other Consultees**

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

Drainage details have been secured under Condition 12 of the Outline consent (see DOC22/00129). Subject to the development being carried out with the approved SUDS details and Drainage Strategy, there are no objections on flood risk or drainage grounds.

###### **Sustainable Transport - Transportation DC**

Details of a CEMP, internal road layout, cycle parking, electric vehicle charging points (see DOC22/00129) and an off-site pedestrian crossing point on

Westerleigh Rd, were all secured via conditions attached to the Outline consent. Subject to the development proceeding in accordance with the approved details, there are no transportation objections.

The Archaeology Officer Natural & Built Environment Team

No further comment

Children And Young People

No response.

Env Protection

Condition 15 of the Outline consent secured the submission of an Environmental Site Investigation and Contaminated Land Investigation. As such parts A & B of the condition have been discharged (see DOC22/00154). Parts C (Verification Report) and part D (Unexpected Contamination) remain in place.

Housing Enabling

No affordable housing requirement on 8no. houses but informative relating to land to the rear.

The Landscape Officer

Condition 13 of the Outline consent has secured an acceptable Landscape Scheme (see DOC22/00129) which will form the basis of the landscape details submitted as a reserved matter.

The Listed Building & Conservation Officer

The designs of the dwellings are unusual but interesting. Sample panels of natural stone should be secured by condition

**Other Representations**

4.3 Local Residents

2no. local residents submitted neutral comments which related mainly to the excessive speeds of traffic on Westerleigh Rd. rather than the development itself.

4no. letters/emails were received registering objections to the proposal. The concerns raised can be summarised as follows:

- The access road is inadequate (too narrow) for a development of 8 houses (plus 4 existing houses) with the associated car, delivery vehicle, lorry, cycle, pedestrian movements.
- The access road where it meets Westerleigh Rd. is unsuitable because of poor visibility due to buildings and stone walls. There is very little splay on the access road and several multi vehicle entrances/exits within a few metres.
- If Wapley View and The Headland lose their turning space, they and their visitors, deliveries etc. will have to reverse onto this access road.
- There is no pavement or crossing point to a pavement nearby for existing residents, never mind residents from this potential new development.

- Reduced light for garden of Wapley View from 3m high fence.
- Adverse impact on future residents from industrial uses.
- Increased traffic generation.
- Additional disturbance, fumes and light from additional traffic.
- Adverse impact on setting of Grade II listed Brook Farm.

## 5. ANALYSIS OF PROPOSAL

### Principle of Development

- 5.1 The principle of the development of this site for 8no. dwellings using the access proposed, has already been established with the approval of outline planning application P19/14583/O.
- 5.2 Current planning case law states that decisions and conditions on reserved matters applications cannot affect issues that 'go to the heart' of outline planning permission, that is, they cannot control issues that have already been allowed with the grant of the outline planning permission.
- 5.3 The only issues that can be taken into account in the assessment of this reserved matters application are **layout, scale, appearance and landscaping**, as set out in condition 1 of the outline consent. These must be considered, however, in the context of the outline permission. These matters, as expressed as planning issues, are essentially visual amenity, design and landscaping, which are discussed further in this report.

### Layout

- 5.4 The layout submitted has been informed by the indicative layout submitted at the outline stage. The layout is in the form of a cul-de-sac with the 8no. 4-bed, detached dwellings, arranged around it, taking into account the constraints and opportunities of the site and the character of the area.
- 5.5 The proposed density is comparable with the density of the surrounding development and is considered appropriate for this edge of village location; officers do not consider the scheme to be an overdevelopment of the site, as suggested by the Parish Council.
- 5.6 The layout of the proposed development would be consistent with existing forms of development within Westerleigh, with clusters of dwellings being served off a single access from the street i.e. separate from that serving the industrial units.

### Scale, Design and Appearance

- 5.7 The overall massing of the development is wholly in accordance with the indicative plans submitted at the outline stage, with two-storey dwellings proposed. With regard to the design ethos of the scheme, the approach has been taken to create a contemporary treatment for the dwellings, (with sustainable energy efficient design principles being a critical element), whilst being respectful to the current rural village character of Westerleigh. The scheme has a high quality contemporary visual appearance, and bespoke design approach, including a mix of larch cladding, farmhouse red brick and



natural sandstone elevations with slate roofs; that is suitable for the site context, making an interesting and attractive development.

#### Landscaping

- 5.8 At the request of the Council's Landscape Architect a revised and enhanced Landscape Strategy has been submitted along with a Landscape Plan, Plant Schedule and 5-year maintenance schedule. These were secured under Condition 13 of the Outline consent (see DOC22/00129). The revised Landscape Strategy includes the following:
- All planting to be native species to enhance the current landscape, to increase and link the wider biodiversity of the site and the wider landscape.
  - All existing hedgerows and hedgerow trees to be retained, as they provide a substantial screening to the wider landscape.
  - A net contribution to the tree cover and hedgerows.
  - Fruit trees to be planted in the rear gardens.
  - Enhanced screening to the listed building Brook Farm.

All hard-landscaping and boundary treatments are acceptable.

#### Transportation Issues

- 5.9 The access into the site off Westerleigh Road, along an existing access road to the south of Brook Farm, was approved at the Outline stage and does not need to be re-visited here. The Transportation Officer confirmed at the Outline stage that that the private access road has adequate visibility onto Westerleigh Road given the existing and previous office uses accessed from it.
- 5.10 It was also established at the Outline stage that the site is within a reasonable walking distance of facilities in Westerleigh, including regular bus services to Yate and Bristol and is therefore in a sustainable location.
- 5.11 To provide a pedestrian route to the bus stops, a dropped kerb pedestrian crossing would be provided across Westerleigh Road on the south side of the access junction. This has been secured via condition 9 of the Outline consent.
- 5.12 Each dwelling is provided with 2no. parking spaces and a garage, which meets the Council's minimum parking standards for 4-bed dwellings; 2no. visitor spaces are also provided. The parking arrangement for Plot 8 has been slightly revised to allow for better access.
- 5.13 Cycle Parking Details, Electric Vehicle Charging Points (in the garages) and a Construction Environmental Management Plan (CEMP) have already been secured via conditions attached to the Outline consent.
- 5.14 The alignment of the access road has been adjusted at the existing access point to the two dwellings to the south i.e. Wapley View and The Headland, so that a visibility splay of 2m x 15m back into the site can be provided for vehicles exiting those dwellings. Tracking for the Council's standard waste collection vehicle passing through this section has previously been provided, (at the Outline stage) on the revised alignment to demonstrate that such a vehicle can safely access/egress the site (see Technical Note -1). A turning point is

provided for such a vehicle within the site. The internal road is now shown as a shared surface with a grass verge.

- 5.15 There are no transportation objections to the proposed internal road layout and parking provision.

#### Impact on Residential Amenity

- 5.16 In line with Policy PSP8, development proposals will only be acceptable where they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of the development or of nearby properties. Matters to consider are:

- a) Loss of privacy and overlooking;
- b) Overbearing and dominant impact;
- c) Loss of light (daylight/sunlight)
- d) Noise or disturbance; and
- e) Odours, fumes or vibration.

- 5.17 Matters d) and e) will be addressed in the Environmental Issues section below. The dwellings are only two-storey and are a sufficient distance away from existing and neighbouring dwellings as to have no issues of overbearing impact. The proposal has been designed in order to avoid overlooking, not only between each of the houses but to reduce the impact on the surrounding context. Plot 1, 2, 3 and 4 have no windows on either the rear or side elevations, which faces the North-West boundary to avoid any overlooking issues. A 2m stone wall with a 1m timber fence on top has been used along this perimeter to allow for privacy. Plots 5-8 have been evenly spaced to allow access to the back gardens and to avoid direct overlooking, their side elevations have no windows.

- 5.18 Concerns have been raised by the occupiers of the two dwellings located at the end of the existing cul-de-sac (i.e. Wapley View and The Headland) about disturbance from the additional traffic generated from the scheme, on the proposed access. It is however noted that the two dwellings concerned are set back in their own cul-de-sac and do not face directly onto the proposed access road. The amount of traffic generated from 8no. dwellings' would not be significant and would be experienced against the comings and goings of the existing industrial estate. That said, the proposed acoustic fence to be located on the northern and western boundaries of the site, is likely to also benefit the occupiers of these two dwellings to the south. The fence is sufficiently distant as to have no overbearing impact on these properties.

- 5.19 More than adequate private amenity space is provided for each dwelling to meet the standards set out in Policy PSP43 (see Proposed Site Layout Plan).

- 5.20 On balance the scheme would not have a significant adverse impact on existing residential amenity.

#### Environmental Issues

- 5.21 The site lies within Flood Zone 1 and is therefore not prone to flooding. Existing foul sewers are available to the scheme and condition 12 of the Outline consent

has already secured the submission and approval of a SUDS drainage scheme. The site has not been the subject of underground mining for coal. The previous uses of the site may have caused contamination; condition 15 imposed on the outline consent, has already secured appropriate investigation and if necessary mitigation procedures. Subject to this condition the Council's Environmental Health Officer (EHO) raised no objection on contamination or odour grounds.

- 5.22 In terms of noise impact for future residents, a full Noise Impact Assessment was undertaken at the Outline planning stage, which considered the impact of the existing industrial uses and associated activities, which lie to the north of the site. Having regards to the findings of this report, the Council's EHO raised no objections subject to the noise being mitigated by the 3m high acoustic wall/fence, along the northern and western boundaries, as specified in section 5.5 of the report (Ref: M1911/R01A, dated 20th August 2019); this was secured by condition 14 of the Outline consent. Furthermore, the hours of working on the site during the construction phase, are appropriately controlled via condition 5 of the Outline consent.

#### Sustainability Issues

- 5.23 In relation to the requirements by policy PSP6 which is specifically referred to in Condition 6 of the Outline Planning Permission, several renewable and low carbon energy strategies have been incorporated within the design, not least:

1. The proposal minimises energy requirements by using high performing materials within the scheme.
2. Renewable energy sources have been incorporated into the design by providing the opportunity to have solar panels on each south facing roof. House type 1 can provide space for 18 solar panels and House Type 2, 16 panels. In addition to this each house has an electrical car charging point located in the garage.
3. The scheme uses low carbon energy sources wherever possible. This includes the opportunity for underfloor heating and adequate space to house energy efficient boilers that can be converted to hydrogen.

- 5.24 An Energy Statement has been provided and the Council's Sustainability Officer in confirming that the requirements of Condition 6 of the Outline consent have been met, stated that the improvements in the fabric efficiency, air permeability and specification of whole-house ventilation with heat recovery, and heat pumps are supported.

#### Heritage Issues

- 5.25 The application site does not lie within a Conservation Area. The only heritage asset that could potentially be affected by the proposed scheme, is the Grade II listed Brook Farm, which lies to the west of the application site and fronts onto Westerleigh Road.

- 5.26 It was established at the Outline stage that any harm to the setting of the Listed building would be less than substantial and that the public benefits of the scheme i.e. provision of housing in a sustainable location, on previously developed land within the settlement boundary and resultant visual

improvements, would justify the scheme and outweigh any perceived harm (such as it is) to the setting of the Listed Building.

- 5.27 The scale and appearance of the dwellings is now known and it is acknowledged by the Listed Buildings & Conservation Officer that the designs of the dwellings are unusual but interesting. Your case officer concludes that the high quality design of the dwellings would significantly improve the visual amenity of what is otherwise a wasteland, and would not harm the setting of the Listed building beyond that as assessed at the Outline stage. Sample panels of the proposed stonework would be the subject of an appropriate condition.
- 5.28 Local residents have raised concern about the loss of “historic walls” to provide the proposed access road, but officers noted at their site visit, that the wall is in fact constructed of modern breeze-blocks with a stone frontage and is therefore not an historic construction.

#### Ecology

- 5.29 The site is not covered by any ecological designations. A landscape and ecological management plan (LEMP) has been submitted to officer satisfaction. The LEMP refers to a planting schedule by Steele Landscape Design (Doc Ref: 053 210 rev2 Plant Schedule) and Five Year Maintenance Plan. Subject to a condition to ensure that the development proceeds in accordance with the Mitigation Measures provided in the Ecological Mitigation Plan (Herwick Ecology, June 2022) and Landscape and Ecological Management Plan (Herwick Ecology, July 2022) and a condition to secure biodiversity net gain, there are no objections on ecology grounds.

#### Other Matters

- 5.30 The concerns raised by the Parish Council are acknowledged, but the scheme was assessed in Green Belt terms at the Outline stage. It was found not to be inappropriate development in the Green Belt. The site meets the definition of previously developed land in the National Planning Policy Framework (NPPF). To this end, paragraph 145 of the NPPF is engaged in that the scheme improves damaged or derelict land.
- 5.31 It was concluded that the proposed residential scheme would contribute to meeting identified housing need on a brownfield site, and the proposal would not have a greater impact on the openness of the Green Belt than the existing authorised uses. This is entirely consistent with NPPF paragraph 149 (g) in that the scheme comprises both a form of limited infilling, and importantly the area for redevelopment comprises previously developed land, whereby this scheme as proposed will have a far more harmonious relationship to the openness of the Green Belt as opposed to the site being used intensively for vehicle depot operations.
- 5.32 The Parish Council have correctly noted that the application site is part of a larger land holding, the remainder of which could be the subject of a further housing development in the future. If that is the case, any future development would need to be the subject of a separate planning application which would be determined on its individual merits at that time. This current proposal does not therefore set a precedent for the future development of that land.

- 5.33 All of the land is currently under the control of the current applicant and The Affordable Housing & Extra Care Supplementary Planning Document states “where recent sub-division has taken place, or where there is considered to be a reasonable prospect of adjoining land being developed for residential purposes, which is not included in the relevant application, the council will assess both sites as one for the purpose of applying policy CS18. The particular circumstances and planning history of the site will be taken into account”.
- 5.34 The Housing Enabling Team therefore recommended at the Outline stage, that, in the event that planning permission is granted for the current scheme, an informative is attached advising that, should any of the land immediately to the North, North-West, East and South of this scheme should come forward for residential development in the future, then the whole site, including this current scheme, would be considered for Affordable Housing. Such an informative was attached to the Outline consent.

#### Consideration of likely impact on Equalities

- 5.35 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.
- 5.36 With regards to the above this planning application is considered to have a neutral impact on equality.

#### Planning Balance

- 5.37 NPPF para. 11c states that development proposals that accord with an up-to-date Development Plan should be approved without delay. The proposal has been assessed, on its individual merits, against the relevant policies within the Development Plan and found to be acceptable in principle at the Outline stage.
- 5.38 The outstanding reserved matters of scale, appearance, layout and landscaping have been found to be acceptable. The scheme would make efficient use of a previously developed site within the Established Settlement Boundary of Westerleigh. The scheme would provide additional open market housing in a sustainable location, where a need for additional housing has previously been established; this weighs heavily in favour of the scheme. There are no severe adverse highway implications and the impact on residential amenity is considered to be acceptable.
- 5.39 Any perceived harm to the setting of the nearby Listed Building would be less than substantial. The scheme on balance, would improve the visual amenity of the location and make a positive contribution to the wider setting of the heritage

asset. On balance therefore, the scheme is sustainable development that should be approved without delay.

## **6. CONCLUSION**

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

6.2 The recommendation to grant 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 reserved matters consent be GRANTED subject to the conditions listed below.

### **CONDITIONS**

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

Reason

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

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

SITE LOCATION PLAN Drawing No 001 Rev P01 received 19th July 2022

EXISTING SITE PLAN Drawing No 002 Rev P01 received 19th July 2022

PROPOSED SITE LAYOUT Drawing No 003 Rev P02 received 19th July 2022

PROPOSED SITE LAYOUT Drawing No 004 Rev P03 received 4th Oct 2022

HOUSE TYPE 1 PLANS Drawing No 005 Rev P01 received 19th July 2022

HOUSE TYPE 1 (PLOT 1) ELEVATIONS Drawing No 006 Rev P02 received 19th July 2022

HOUSE TYPE 1 (PLOT 2) ELEVATIONS Drawing No 007 Rev P02 received 19th July 2022

HOUSE TYPE 2A PLANS Drawing No 008 Rev P01 received 19th July 2022

HOUSE TYPE 2A ELEVATIONS Drawing No 009 Rev P03 received 4th Oct 2022

HOUSE TYPE 2B PLANS Drawing No 010 Rev P01 received 19th July 2022

HOUSE TYPE 2B ELEVATIONS Drawing No 011 Rev P03 received 4th Oct 2022

HOUSE TYPE MATERIAL VARIATIONS Drawing No 012 Rev P02 received 19th July 2022

HOUSE TYPE MATERIAL VARIATIONS Drawing No 013 Rev P02 received 19th July 2022

SITE ELEVATIONS Drawing No 014 Rev P02 received 19th July 2022

Reason

For the avoidance of doubt.

3. The development hereby approved shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Mitigation Plan (Herwick Ecology, June 2022) and Landscape and Ecological Management Plan (Herwick Ecology, July 2022).

Reason

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

4. Prior to the commencement of above ground works, a biodiversity net gain (BNG) assessment is to be undertaken (to achieve a minimum net gain of 10% using the most up to date DEFRA metric); and submitted to and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the details so approved and prior to the first occupation of the dwellings hereby approved.

Reason

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

5. Prior to the first occupation of the development for the use hereby approved, the car parking spaces, including visitor spaces, and manoeuvring areas shall be completed in accordance with the approved Proposed Site Layout drawing number 004 Rev P03 received 4th Oct. 2022 and retained as such thereafter.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of the The South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013 and the requirements of the NPPF.

6. Notwithstanding the details previously submitted, the development shall be carried out in accordance with -Landscape Plan 053/220 Rev. D; Accompanying plant schedule; Supporting Reference Specification dated August 2022, and the approved landscaping shall be subject to the 5-Year Landscape Maintenance & Management Plan by Steele Landscape Design received 9th Oct 2022.

Reason

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

7. Prior to the relevant part of the development hereby approved, sample panel/s of at least one metre square, showing the proposed natural stone, coursing and mortar, shall be erected on the site and approved in writing by the Council. The stonework shall be completed in accordance with the panel/s so approved, and the panel/s shall be retained on site until such works are completed.

Reason

Having regard to the historic rural character of the location and nearby Listed Building; to ensure the satisfactory appearance of the development and to protect the setting of the nearby Listed Building 'Brook Farmhouse' to accord with Policies PSP1 and PSP17 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017, Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and the provisions of the NPPF.

8. Prior to the first occupation of the dwellings hereby approved all boundary walls/fencing shall be erected in accordance with Proposed Site Layout Drawing no. 004 Rev P03 received 4th Oct. 2022.

Reason

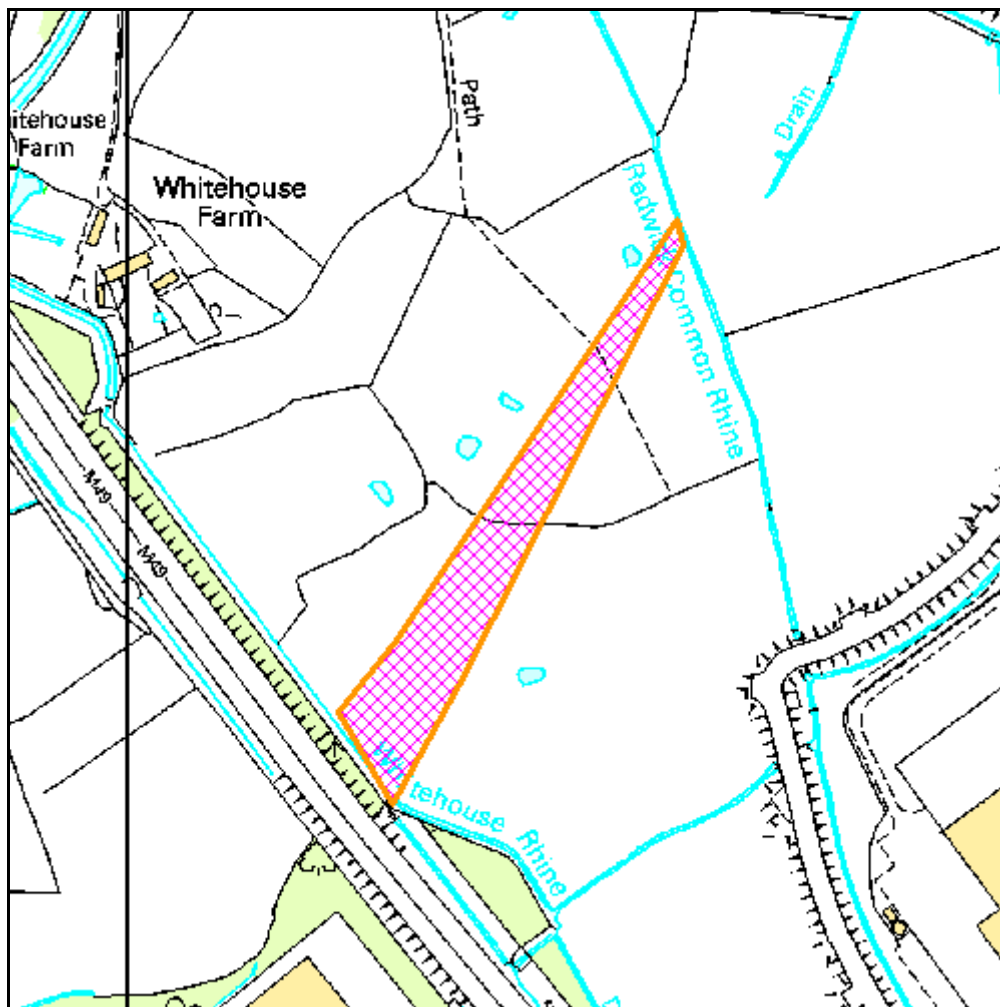
To protect the residential amenity of the neighbouring and future occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP8 and PSP21 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov 2017 and the National Planning Policy Framework.

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



**CIRCULATED SCHEDULE NO. 50/22 -16th December 2022**

<b>App No.:</b>	P22/02500/F	<b>Applicant:</b>	BGO Wire Propco Limited
<b>Site:</b>	Plot 3 Land At Western Approach Pilning South Gloucestershire BS35 4JX	<b>Date Reg:</b>	13th May 2022
<b>Proposal:</b>	Drainage works in relation to site ('Plot 3') and associated works.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	355839 184711	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Major	<b>Target Date:</b>	11th August 2022



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N.T.S.

P22/02500/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 it would require a new legal agreement under Section 106 of the Town & Country Planning Act 1990.

### **THE PROPOSAL**

- 1.1 Full planning permission is sought for drainage works comprising a shallow swale with perforated land drain, together with trees, hedgerow, shrubs and other planting. It would serve as flood storage and overflow surface water drainage, as well as a reptile receptor area for the development within reserved matters application (ref. P22/02510/RM concurrently under consideration) at Plot 3, Land at Western Approach, Pilning.
- 1.2 The application site is triangular in shape and comprises an agricultural field with several open channel ditches known as rhines, and bounded by fences. Public footpaths (ORN46, ORN47 and ORN48) adjoin to the north, east and west. The site is located within flood zone 3.
- 1.3 The application is supported by existing and proposed drawings, planning and design and access statements, and a range of supporting information including on landscape, flood risk, drainage, contamination and ecology. Additional and updated drawings and supporting information were submitted during consideration of the application.

## **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  
CS2 Green Infrastructure  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
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  
PSP11 Transport Impact Management

PSP17 Heritage Assets and the Historic Environment  
PSP18 Statutory Wildlife Sites: European Sites and Sites of Special Scientific Interest (SSSIs)  
PSP19 Wider Biodiversity  
PSP20 Flood Risk, Surface Water and Watercourse Management  
PSP21 Environmental Pollution and Impacts  
PSP26 Enterprise Areas

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted August 2007)  
Landscape Character Assessment SPD (Adopted November 2014)  
Green Infrastructure SPD (adopted April 2021)  
Trees and Development Sites SPD (adopted April 2021)  
Sustainable Urban Drainage SPD (adopted April 2021)

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

- 3.1 SG4244: Mixed development, predominately industrial, in excess of 1,000 hectares. Outline planning permission application 27 November 1957. At appeal in 2003 the Secretary of State confirmed that the 1957 outline planning permission remains extant. Therefore, planning permission SG4244 can be implemented in its current form.
- 3.2 SG.4244A Dated 30th July 1958 Further permission for the development of land adjacent to the 1957 permission, for similar employment uses, covering an area of 400 hectares.
- 3.3 PT11/3510/RM – Erection of two buildings for storage and distribution (Use Class B8) with floor areas of 9,566sqm and 26,600sqm with associated access, parking and landscaping. Submitted under Condition 1 of planning permission SG4244 dated 27 November 1957.  
Approved 29.05.12 subject to conditions
- 3.4 P21/05923/FDI Diversion of public footpath ORN 47/20.  
No objection
- 3.5 Plot 2, Land at Western Approach  
P21/009/SCR - Screening opinion for the development of 27,000m<sup>2</sup> of employment and logistics floor space, with car parking, servicing and 4 access points  
EIA Not Required
- 3.6 P22/02775/CLP - Development of buildings and associated areas to provide new Class E(g)(iii), B2 and B8 floorspace pursuant to outline planning permission ref. SG.4244, in respect of Plot 2, Land at Western Approach, Severn Beach, Bristol, including access and servicing arrangements, vehicle parking, landscaping, attenuation features and associated works  
Application pending consideration
- 3.7 Plot 3, Land at Western Approach

- P22/005/SCR - Screening opinion for the creation of 21,700m<sup>2</sup> commercial warehouse with parking and associated works.  
EIA Not Required
- 3.8 P22/02510/RM - Reserved Matters Application pursuant to condition 1 of planning permission ref. SG4244 (dated 27th November 1957) comprising the appearance, layout, and scale of 1 no. commercial building (Class Eg(iii)) industrial processes, (Class B2) other industrial, and (Class B8) storage and distribution, including servicing arrangements, vehicle parking, landscaping, attenuation features and associated works.  
Application Pending Consideration
- 3.9 Plot 4, Land at Western Approach  
P21/05372/RM - Reserved Matters Application pursuant to condition 1 of planning permission ref. SG4244 (dated 27th November 1957) comprising the layout, design and external appearance of 1 no. commercial building (Use Class B8) including servicing arrangements, vehicle parking, landscaping, attenuation features and associated works.  
Approved 24.06.22 subject to conditions

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

- 4.1 Pilning and Severn Beach Parish Council  
No objection to this application, however request comments to be considered. The Pilning and Severn Beach Parish Council are in the process of preparing a Neighbourhood Plan (NP) for adoption and to that end a Steering Group has been formed. The Steering Group have undertaken detailed surveys of local residents and businesses and the output from these has informed a range of aims and objectives for development in the Parish and a variety of potential policies for adoption. Whilst it is acknowledged that these are yet to be adopted the Steering Group consider that the principles of these policies are underpinned by planning policy and good practice and thus are relevant to current applications and should be given proper consideration and weight in any planning decisions. Observations also provided for application P22/02510/RM.
- 4.2 Sustainable Transport  
Provided that the works carried out under this application conform to the same Construction Management Plan submitted with application P22/02510/RM, have no further highways or transportation comments once construction is complete, do not believe that these works will generate any traffic. Therefore, they will not have any highways or transportation impacts which could be considered severe or unacceptable.
- 4.3 Highway Structures  
No comments received
- 4.4 National Highways  
No objections. Our drainage specialists have reviewed this application and the development, associated with application P22/02510/RM, doesn't affect National Highways drainage assets within the M49.

- 4.5 Public Rights of Way  
No comments received
- 4.6 Lead Local Flood Authority  
This planning application relates to the proposed drainage works at the site known as Plot 3. The Lower Severn Internal Drainage Board (LSIDB) are the drainage authority for this part of South Gloucestershire. As such the LSIDB will need to be consulted on this application to provide approval of these proposed drainage works.
- 4.7 Environment Agency (South West)  
No objection, in principle, to the Reserved Matters application, subject to conditions for compliance with the submitted Flood Risk Assessment and mitigation measures.
- 4.8 Lower Severn Drainage Board  
No comments received
- 4.9 Wessex Water  
No comments received
- 4.10 Avon Fire and Rescue  
No comments received
- 4.11 Crime Prevention Design Advisor  
Having viewed the application can see no crime prevention implications in relation to the application.
- 4.12 Arts and Development  
No response received
- 4.13 Environmental Policy And Climate Change Team  
No comments
- 4.14 Strategic Environment And Climate Change Team  
No response received
- 4.15 Landscape Officer (Summary)  
There are no existing trees within the site, but there is a small woodland group of category B2 Poplars (G1 on the tree survey) offsite to the southwest. It is stated that these trees are not affected by the development. A shallow swale and areas of grassland are proposed as a reptile receptor site for the Plot 3 development site and off-site landscape mitigation area, to enhance the landscape buffer along the western edge of Plot 3. Landscape proposals include a new native hedgerow and wood pasture/tree planting. The revised landscape plan Rev B with the feature hedgerow trees plotted, and the amended LEMP, are acceptable.

#### 4.16 Natural England

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

#### 4.17 Ecology Officer (Summary)

There are no sites designated for nature conservation value (statutory or non-statutory) within or immediately adjacent to the proposed development site, and no significant effects are anticipated on nearby designated sites. No significant effects are anticipated on priority habitats (none present). Best practice survey methodologies have been broadly adhered to.

An updated Lighting Assessment Report and updated Indicative External Lighting Assessment drawing shows that guidance from the ILP & BCT (2018) Guidance Note 08/18 on Bats and Artificial Lighting in the UK has been taken into account.

The reptile mitigation strategy seems reasonable with the mitigation methods described in paragraphs 5.3.27. to 5.3.31 of the Ecological Appraisal included in the updated CEMP. Clarification on the water vole mitigation, compensation and enhancement proposals has also been included.

The Habitats Regulations Assessment is sound. It concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. Recommend that you adopt this HRA to fulfil your duty as competent authority.

Recommend compliance with the CEMP and LEMP be conditioned.

#### 4.18 Avon Wildlife Trust

No response received

#### 4.19 Public Health and Wellbeing

No response received

#### 4.20 Planning Policy

No response received

#### 4.21 The Tree Team

There are no objections to this proposal provided that the existing trees are protected in accordance with BS:5837:2012

4.22 Environmental Protection – Contaminated Land

No adverse comments. Additional information submitted has been reviewed (Quod, Letter response to consultees ref TH/TR/Q200773 Dated 8th August 2022). Responses to contamination comments made previously by the Environmental Protection Team are noted (section 3 of the letter).

4.23 National Grid Electricity

An assessment has been carried out with respect to NGET apparatus and the proposed work location. Based on the search area entered in the LSBUD system for assessment the search area has been found to not affect any NGET apparatus.

4.24 National Grid Gas

An assessment has been carried out with respect to National Grid Gas Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to be outside the High Risk zone from National Grid Gas Transmission plc's apparatus and can proceed. Should the work area change or type of activity being undertaken, a new enquiry shall be submitted for assessment.

4.25 Esso Pipelines Team

This enquiry did not fall inside the zone of interest therefore we have no further comments to make. In future if your enquiry does not fall inside the zone of interest there will be no need to send paperwork to us.

**Other Representations**

4.26 Local Residents/Neighbouring Occupiers

1no. written comment received as follows:

This is an application for drainage but no drainage details are included in the application and the flood risk assessment advises that the calculations that are needed to prove that the rhine network and overflow ponds can cope with the proposed discharge are yet to be completed. The application thus cannot be approved as, by the applicant's admission, it is not possible to demonstrate that there is no additional risk of flooding elsewhere. The application should be withdrawn until such time as the calculations are available and can be properly assessed

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application site lies adjacent to, but not within the land covered by the 1957 consent (planning permission SG44) and Core Strategy policy CS35 for Severnside. It does however part lie within the Severnside Enterprise Area, for which Policies, Sites and Places Plan policy PSP26 safeguards for future

- economic prosperity, identifying a sector focus for large scale and strategic industrial, manufacturing and distribution.
- 5.2 The site also lies partly within open countryside covered by policy CS34, which requires development proposals to protect, conserve and enhance the rural areas' distinctive character, beauty, wildlife, landscape, biodiversity and heritage. Supporting paragraph 16.7 emphasises a strict control over development in line with other relevant policies.
- 5.3 The intention of the proposal is to support adjoining developments being brought forward under the 1957 consent, however, needs to be considered on its own merits. The proposal would provide a swale, habitat diversity, and planting, effectively enhanced green infrastructure, not altering function of the land as open countryside nor rural character. It would also support efficient use of adjoining sites for economic prosperity, therefore is acceptable in principle.
- 5.4 Design and visual amenity  
The proposals do not comprise any built floorspace with the visual elements being wood pasture/tree planting, native hedgerow and other planting, updated during consideration to detail feature hedgerow trees, and change planting species from those that National Highways comments (on application P22/02510/RM) identified concern with. The Landscape and Ecological Management Plan (LEMP) was also updated to cover site maintenance in perpetuity and minimise use of Herbicides.
- 5.5 The proposals would provide a visual enhancement of the site as existing and therefore offer acceptable design and visual amenity. Protection measures for existing trees are detailed in the submitted Tree survey, and a planning condition is recommended for compliance with these.
- 5.6 Visual screening that this site would provide for the building detailed within application P22/02510/RM is matter for consideration for that application.
- 5.7 Transport matters  
Other than maintenance, which would likely be carried out alongside that of adjoining sites, operation of the proposal would not generate any traffic. A Construction Environmental Management Plan (CEMP) has been submitted which satisfactorily covers impacts arising during construction.  
The highways and transport impacts of the proposal are therefore acceptable, a view supported by comments received from Sustainable Transport.
- 5.8 Residential and neighbouring amenity  
The nearest residential properties are lie approximately 400m east of the application site in Marsh Common Road, with the existing distribution centre between. Properties in Cranmoor Gardens lie over 500m to the north east on opposite side of the railway line. Whitehouse Farm also lies 300m to the north-west. The proposal would not provide any built floorspace nor create any noise or odour issues noise or odour. No impacts upon residential amenity would therefore occur, neither would there be any impacts upon nearby commercial occupiers.



#### 5.9 Flood Risk and Drainage

- The application site lies within flood Zone 3A, being an area with high probability of flooding. Core strategy Policy CS5(7) and Policies, Sites and Places Plan Policy PSP20 require all development proposals to follow the sequential approach to flood risk, reflect paragraphs 159 and 162 of the National Planning Framework, directing development away from areas at highest flood risk. Policy PSP20 requires development proposals to be served by suitable drainage arrangements.
- 5.10 No built development is proposed within the application site, with the proposals including a shallow swale and planting. This would provide a flood storage area as part of the surface water drainage design for the plot 3 reserved matters, as well as development within adjoining plots 2 and 4 and their associated land raising, modelled within a Drainage Impact Assessment on behalf of the LSIDB. The LSIDB were twice consulted on this application, however no response was received.
- 5.11 Comments received from the EA confirm no objection subject to condition for compliance with flood risk mitigation measures, referencing finished floor levels. Since no built development is proposed, hence there would be no finished floor levels, a planning condition is recommended for general compliance with mitigation measures in the FRA. National Highways also comment that the drainage proposals would not impact their assets within the adjoining M49 motorway, therefore they have no objections.
- 5.12 A public comment received in objection refers to risk of flooding elsewhere. This relates to land raising of adjoining plot 3 reserved matters which is a consideration for that application. The drainage impact assessment, as referred above, was submitted, together with drainage layout drawings.
- 5.13 Assessing this proposal on its own merits, through being a flood storage area it would increase drainage capacity and correspondingly reduce flood risk, and is therefore acceptable. Within the wider proposal of built development in plot 3, suitable arrangements for disposal of surface water have also been evidenced.
- 5.14 The adjoining development within plot 3 is reliant on the drainage infrastructure within this application for it to function. It would therefore need to be in place prior to land raising taking place within the adjoining plot 3 reserved matters, which in absence of this flood storage area could increase flood risk elsewhere. In discussion with the Council's Solicitor a legal agreement (in form of a unilateral undertaking), to require that the drainage infrastructure be completed prior to commencement of works on the plot 3 reserved matters, would be the most appropriate method to secure this. The unilateral undertaking would need to be secured under both applications with the applicant being landowner for both sites, which the applicant has confirmed agreement to.
- 5.15 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 Policy PSP21 provides that development on land which may be

- affected by contamination will be acceptable with adequate remediation measures to ensure suitability of the site for the proposed use.
- 5.16 Clarification was provided by the agent (letter dated 08.08.22) that level changes would be made using as much site won natural material as possible, with any imported material subject to the appropriate permit, exemption, WRAP protocols or CL:AIRE Materials Management Plan (subject to the source material), in accordance with waste regulations. The site would therefore be suitable for its proposed use, and Environmental Protection have confirmed no adverse comments.
- 5.17 Nature Conservation
- Habitats Regulations Assessment (HRA)*
- Regulation 63(1) of The Conservation of Habitats and Species Regulations 2017 (as amended) requires the competent authority to assess the implications of any proposed plan or project that is likely to have a significant effect on a European Site, and that is not directly connected with or necessary to the management of that site before deciding to grant permission. In this case South Gloucestershire Council, in its role as Local Planning Authority (LPA), is the competent authority.
- 5.18 The site comprises undeveloped greenfield land with semi-improved grassland with ruderal / scrub habitat situated along the southern boundary. The Whitehouse Rhine is situated to the southern side of the site. Redwick Common Rhine runs through the northern site boundary.
- 5.19 The site is not covered by any statutory or non-statutory designations, it is however situated within the coastal floodplain of the Severn Estuary and there are potential direct and indirect effects from the development. As required by the Habitat Regulations 2017 a Shadow HRA has been submitted due to the proximity of the site to the Severn Estuary Ramsar/ Special Area of Conservation (SAC)/ and Special Protection Area (SPA), approximately 1.3km to the east. These were designated, amongst other reasons, for supporting a number of notable birds and bird assemblages. The SAC is underpinned by 11no. constituent Sites of Special Scientific Interest (SSSIs) within area of 73,714.11ha that it covers.
- 5.20 The wintering bird surveys have not recorded any RAMSAR/SAC/SPA qualifying species within the site and it is not considered the site forms functionally linked land to these internationally important sites. The M49 and A403, residential development, solar farm and open countryside provide physical separation, and on this basis there would be no significant direct effects arising as a result of lighting or noise impacts during the construction and operational phases. The proposals are for drainage infrastructure, planting and habitat, therefore would not be significant effects from recreational pressure, cat predation and dog disturbance.
- 5.21 Mitigation measures for managing risk to surface water pollution are detailed within the CEMP, including appropriate storage of materials, implementing the

drainage strategy at an early stage, facilities to prevent sediments and construction debris entering drainage system and regular inspections and maintenance.

- 5.22 The HRA concludes, following detailed assessment, that significant effects upon the above sites are unlikely to occur, either alone or in combination with any other plans or projects, with no additional mitigation required. The proposal can therefore be screened out from further stages of assessment under the Habitats Regulations. This is supported by comments received from Natural England, since the LPA as the competent authority, adopt the submitted HRA, following recommendation of the Ecology Officer confirming that the HRA is sound. Therefore, the requirements of The Conservation of Habitats and Species Regulations 2017 have been adhered to.

#### *Ecology and Biodiversity*

- 5.23 Policies, Sites and Places Plan Policy PSP19 and NPPF paragraph 180 require development proposals to safeguard against loss of irreplaceable habitats and sites of value to local biodiversity and seek provision of ecological enhancements.
- 5.24 The application is supported by an Ecological Appraisal which was supplemented by additional information during consideration of the application including on bird surveys, reptile and water vole and mitigation, to address comments raised by the Ecology Officer. The application site includes reptile habitat with translocation exercise from the plot 3 reserved matters site (ref. P22/02510/RM) completed in 2021. Habitat manipulation detailed within the Ecological Appraisal would take place to safeguard reptiles during construction of the drainage works. Further ecological enhancements proposed are new native trees, hedgerows and ground flora planting.
- 5.25 To ensure water quality for water voles it has been confirmed that surface water run-off will be at green field rates and is to pass through a Class 1 Bypass Separator before discharging into the rhine. For the Redwick Common Rhine on eastern edge of the development, protective fencing currently in place would remain to minimise impacts on water vole habitat during construction and ongoing from path users (dog walkers in particular).
- 5.26 Planning conditions are recommended for compliance with the submitted CEMP and LEMP as sought in comments from the Ecology Officer.
- 5.27 Heritage  
Policies, Sites and Places Plan Policy PSP17 requires that any impact on the setting of archaeological heritage assets (both designated and non-designated) will need to be assessed to determine their significance.

#### *Built Heritage*

- 5.28 Built heritage assets nearby as Whitehouse Farmhouse & Cider Cottage (Grade II Listed) which lies approximately 300m to the north west, the Church of St Peter (Grade II Listed) and Cranmoor Villa (Grade II Listed), which both lie

approximately 700m to the north-east. The proposal as drainage and landscaping works at the above distances, and not built development, would not impact upon the setting of these heritage assets.

### *Archaeology*

5.29 The planning statement refers to information submitted for an EIA screening opinion covering plots 3 and 4 (ref. P21/012/SCR) that fieldwork has been undertaken, from which is known the application site is likely to have been favourable for settlement in the Iron age and Roman period. Comments from the Archaeology Officer confirm the fieldworks as being extensive including evaluation and full excavation, with post excavation and publishing work remaining for which a planning condition is recommended.

### 5.30 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.

5.31 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.

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

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 It is recommended that the application be APPROVED subject to

- (i) Conditions written on the decision notice; and
- (ii) Completion of an appropriate deed under Section 106 of the Town & Country Planning Act 1990 to require that the development within this

application is completed prior to commencement of adjoining development detailed within application reference P22/02510/RM.

## CONDITIONS

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

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

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

As received by the LPA 10.05.22:

Site Location Plan	- 21603 0500 Rev. B
Existing Site Plan	- 21603 0501 Rev. B
Proposed Site Plan	- 21603 0502 Rev. B

As received by the LPA 08.08.22:

Plot 3 Flood Storage Area	- 138977/1010 Rev. A
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As received by the LPA 01.12.22:

Landscaping Scheme Off Plot 3	- A4569 05 Rev. B
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Reason: To define the terms and extent of the permission.

3. The development hereby approved shall be carried out in accordance with the Construction Environmental Management Plan, Plot 3, Land at Western Approach, Severn Beach Rev. 2 dated 06/10/22 v2.

Reason: To ensure the free flow of traffic, minimise impacts upon neighbouring residential and commercial occupiers, and manage impacts upon biodiversity in accordance with Policies, PSP8, PSP11, PSP19 and PSP21 of the South Gloucestershire Council Local Plan: Policies Sites and Places Plan 2017.

4. The development hereby approved shall be carried out in accordance with the Tree Protection Measures as detailed in Appendix C - Method Statement for Tree Protection of the Tree Survey Report by Equation Properties dated 3rd March 2022.

Reason: To safeguard against loss of existing trees in accordance Policy PSP3 of the South Gloucestershire Policies, Sites and Places Plan November 2017.

5. The development hereby approved shall be carried out in accordance with mitigation measures as detailed in the Flood Risk Assessment, Plot 3, Land at Western Approach, Severn Beach by Fairhurst dated February 2022 (ref. 138977 R3.2 Rev. 2).

Reason: To manage the residual risk of flooding to the proposed and adjoining development and future occupants in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy December 2013, Policy PSP20 of the South Gloucestershire Council Local Plan: Policies Sites and Places Plan November 2017, and paragraph 167 of the National Planning Policy Framework.

6. Within 12 months of the date of this decision, the post-excavation assessment of the results of the archaeological excavation already undertaken, including a detailed plan and timetable for the post-excavation analysis and publication, shall be submitted to the Local Planning Authority for written approval. Thereafter, and within a period of two years of the date of that approval, the post-excavation analysis and publication shall be implemented in its entirety in accordance with the approved detailed plan and timetable.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with Policy PSP17 of the South Gloucestershire Council Local Plan: Policies Sites and Places Plan 2017.

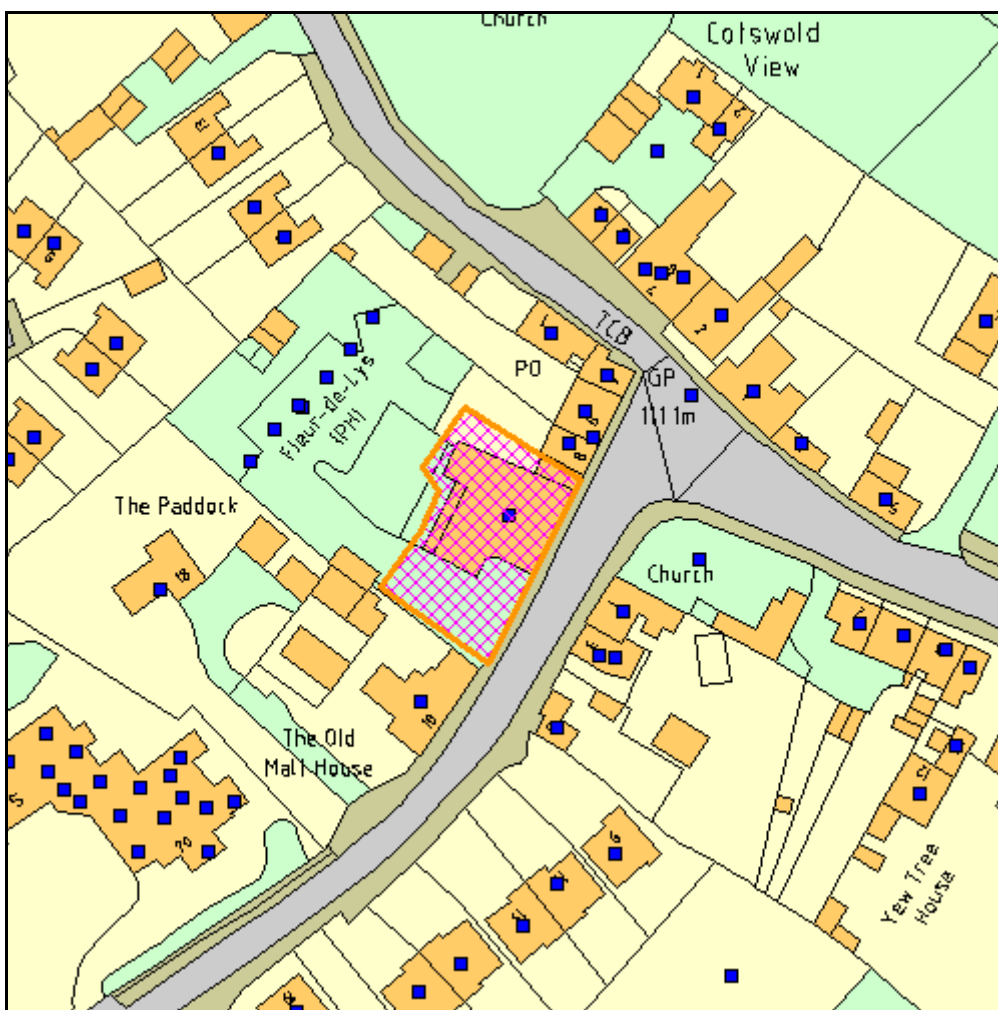
7. During the first available planting season following implementation of the drainage works hereby approved, the soft landscaping scheme as shown on drawing no. A5469 05 Rev. B - Landscaping Scheme Off Plot 3 shall be carried out in its entirety and thereafter maintained in accordance with the Landscape & Ecological Management Plan by Encon Associates ref. A5469 -Rev C dated 1 December 2022. Any planting which becomes damaged, diseased, dies or is otherwise removed in the first five years following the implementation of the landscaping shall be replaced on a like-for-like basis within the next available planting season.

Reason: In order to ensure an acceptable and functional standard of development upon completion and biodiversity gain, in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy December 2013 and Policies PSP2, PSP3 and PSP19 of the South Gloucestershire Policies, Sites and Places Plan November 2017 and paragraphs 130 and 180 of National Planning Policy Framework.

**Case Officer: Michael Fishpool**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 50/22 -16th December 2022**

<b>App No.:</b>	P22/02688/F	<b>Applicant:</b>	Flyer de Lys Limited
<b>Site:</b>	Fleur De Lys 12 Shortwood Road Pucklechurch South Gloucestershire BS16 9RA	<b>Date Reg:</b>	11th May 2022
<b>Proposal:</b>	Partial change of use of public house/restaurant/expanded food provision (Sui Generis), to 2no. dwellings (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), to include parking and associated works.	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	369923 176426	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	5th July 2022



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 100023410, 2008. N.T.S. P22/02688/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 as a response has been received from the Parish Council that is contrary to the findings of this report and officer recommendation. More than 3no. responses from interested parties have also been received that are contrary to the findings of this report and officer recommendation.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for a partial change of use of an existing public house/restaurant with expanded food provision (sui generis) to 2no. dwellings (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include parking and associated works.
- 1.2 This application is one of several applications relating to the Fleur De Lys site and its associated carpark to the rear. As evidenced by the planning history section below, residential development has been approved in the carpark, and the existing public house building has consent to be converted in full to 1no. dwelling, by virtue of P21/00127/F. Some members may recall that P21/00127/F was considered at the Development Management Committee on the 24<sup>th</sup> of June 2021, where members resolved to grant permission subject to conditions set out in the officer report.
- 1.3 This application proposes an alternative scheme, whereby the public house would be converted to 2no. dwellings, albeit this would be a partial conversion as some of the public house floor space would be left un-converted. Officers understand that a further application for an alternative use may be forthcoming in the future. It should be noted that initially it was proposed to convert the public house to 3no. dwellings, however the applicant has elected to pursue this amended 2no. dwelling scheme in light of the fact a 3no. dwelling scheme would have resulted in affordable housing provision being sought due to site sub-division, when considered in conjunction with the approved dwellings on the site, and the additional dwelling proposed under P22/01548/F. This scheme for a further dwelling (P22/01548/F) was refused by the development management committee, and officers understand will be subject to an appeal (it is however noted that the Planning Inspectorate has not yet confirmed the appeal as being valid).
- 1.4 The site is a public house/restaurant with expanded food provision located centrally within the village of Pucklechurch, where the Westerleigh Road, Abson Road and Shortwood Road meet. The site is within the Pucklechurch designated settlement boundary and is within the Pucklechurch Conservation Area. The extant lawful use of the premises is determined by a certificate of lawfulness for an existing use (P19/5721/CLE). The exact wording of that certificate of lawful use is a mixed use of a drinking establishment with expanded food provision.



- 1.5 As alluded to above, this application has been subject to amendments, which have reduced the number of dwellings from 3no. to 2no. dwellings. Amendments to the development description and the red line have taken place and re-consultation has taken place for 21 days. The below report will consider the final amended scheme.

## 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
CS13	Non-Safeguarded Economic Development Sites
CS14	Town Centres and Retailing
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP34	Public Houses
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013  
Affordable Housing and ExtraCare SPD (Adopted) May 2014  
CIL and S106 SPD (Adopted) March 2015  
Waste Collection SPD (Adopted) January 2015 (updated March 2017)

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

3.1 DOC21/00378 (discharge of conditions 01/03/2022):  
Discharge of condition 2 (archaeology), 3 (SUDs), 4 (render sample), 5 (external finishes), 6 (large scale details), 7 (landscaping) and 10 (contamination) attached to planning permission P20/23558/F. Demolition of single storey rear extension to Fleur de Lys. Erection of 6no. dwellings with associated works (resubmission of P20/05814/F).

3.2 P22/01548/F (officer recommendation: approve (cond) / DMC resolution: refuse) (refused 21/08/2022):

Erection of 1 no. detached dwelling and associated works.

#### *Refusal reason 1*

The proposed development represents overdevelopment and fails to respect the character and local distinctiveness of the area. This is contrary to Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (December 2013) and Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017) and the advice contained within the NPPF.

#### *Refusal reason 2*

The proposed development would erode the visual and spatial buffer with view through the site, failing to respect the character and local distinctiveness of the area. This is contrary to Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (December 2013) and Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017) and the advice contained within the NPPF.

3.3 P22/03985/RVC (approved 21/10/2022):  
Variation of condition 17 attached to permission P20/23558/F to alter the approved plans. Demolition of single storey rear extension to Fleur de Lys. Erection of 6no. dwellings with associated works (resubmission of P20/05814/F).

3.4 P21/00127/F (approved 25/06/2021):  
Change of use of public house/restaurant/expanded food provision, to 1no. residential dwellinghouse (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), to include parking and associated works. (re-submission of P20/18183/F).

3.5 P20/23558/F (approved 17/11/2021):  
Demolition of single storey rear extension to Fleur de Lys. Erection of 6no. dwellings with associated works (resubmission of P20/05814/F).

3.6 P19/5721/CLE (not determination – appeal allowed 24/02/2020):  
Continued use as restaurant (Class A3).

*Other planning history is available, however is not directly relevant to this application.*

## 4. CONSULTATION RESPONSES

### 4.1 Pucklechurch Parish Council

Initial consultation

Objection:

- Impact on amenity of neighbours
- Contrary to PSP39
- Inadequate parking
- Existing elevations are inaccurate
- No indication that adequate light levels will be achieved
- Concerns regarding space standards
- Impact on the character of the historic building
- Cramped enclosed gardens
- Sub division would not read in the street scene as a terrace
- No provision for EVCP
- Parking impacts on collection point for waste
- Lack of visitor parking
- Condition 4 attached to P21/00127/F should be retained
- Concerned about the removal of wooden gates

Re-consultation:

Objection

- Additional plans are confused and inconsistent
- Request SGC request revised plans that clearly show the red line
- Proposed site plan and location plan do not concur with one another
- Lack of private amenity space
- Daylight to windows of plot 2 impacted by remaining part of the pub building
- Parking is at the expense of refuse collection
- Concern about how the revisions might affect the reading of the public house frontage
- Clarity sought on continued provision of the micropub
- No indication of how the retained pub floorspace will be used

### 4.2 Sustainable Transport

Amendments suggested regarding visitor parking and refuse collection.

No updated comments have been received.

### 4.3 Highway Structures

No comments have been received.

### 4.4 Drainage (LLFA)

Query the method of surface water dispersal (location of soakaways).

### 4.5 Planning Enforcement

No comments have been received.

### 4.6 Environmental Protection

Noise – no adverse comments.

Contamination – contamination condition required due to previous use as a public house.

4.7 Conservation Officer

Intensified sub-division is acceptable in principle. No external alterations are proposed, but query whether this is the case (vents and flues). PDRs should be withdrawn for extensions and openings. Interesting to understand how the building will be managed in respect of features to be retained and kept in good condition.

4.8 Economic Development

No comments have been received.

4.9 Housing Enabling

Initial consultation:

Objection – affordable housing is required as a site subdivision is considered to have occurred.

No updated comments have been received in light of the reduction to the scheme.

4.10 Local Residents

49no. responses have been received, all of which are in objection to the proposed development. The responses are summarized as follows.

Previous consultation – 45no. Responses received, one of which is submitted anonymously and so has not been included in the below.

- Have said the micropub would never happen
- Development is big enough
- Developers only interested in money
- Overdevelopment
- Not enough parking
- Road gets snarled up there already
- Would spoil the village
- No going back once it is done
- Will make existing parking situation on the road worse
- Amount of development is dangerous
- Council have not listened to previous objections
- Increase number of car movements
- No more room
- Pucklechurch no longer feels like a village
- Strongly object
- Where will the microbrewery be?
- Being let down by planners/the council
- Where are older people going to park to use the shop/Post Office?
- Cars block the pavement
- More houses are unnecessary

- Application has not been made in good faith
- No way to accommodate all the cars
- Developer trying to get original plans approved by the 'back door'
- This is the same no. of dwellings that was originally rejected
- Object to disregard for village life and opinions
- Development is profit motivated
- Is someone from the council friends with the developer?
- Do not agree with the plans
- Road is a death trap
- Too much development
- Village has become a rat run
- Blind bend with cars parked on all sides
- This is a village
- Won't be long before someone is injured or killed
- Where is the micropub?
- 6 properties are already too many
- Village businesses need parking for their passing trade
- This number of dwellings was already rejected
- Will bus services be increased?
- Application will destroy the centre of the village
- Site would be better suited to commercial use
- Should remain a pub
- Must contravene guidance of how many dwellings are allowed in a specific footprint
- Council should re-visit the original approval
- Listed pub should be returned to its original condition
- Puts the local shop and Post Office at risk
- High density development at odds with the character of the village
- Developer should be forced to improve the junction
- Applications are in breach of previous conditions
- Why are the council considering this?
- Do any of the planning committee live in Pucklechurch?
- Nobody is policing the working hours condition
- Does not benefit the local community
- This objection will not matter
- Council should put a pedestrian crossing in the village, not more houses
- Out of character with the conservation area
- Lack of external space for new dwellings
- Existing approval should be sufficient
- Existing development has caused traffic problems during construction
- We don't want any more houses
- Lorries have been breaking the weight limit
- Contractor not sticking to current planning permission
- Discrepancies between plans
- What is proposed for the un-used floor space?

Final re-consultation (8<sup>th</sup> – 29<sup>th</sup> November 2022) – 4no. responses received

- Not in character
- Previous decision being ignored
- Inadequate parking
- Health and safety issue

- Officers should visit the site
- Contractors park inconsiderately
- Village is being ruined by planning officers
- Parking restrictions will damage commerce in the village
- Unclear what is planned for the third property
- Plans still show the 7<sup>th</sup> house
- Greed motivated
- Existing properties and an eyesore and have been poorly built
- Impact on pedestrian safety
- No visitor parking

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 Planning permission is sought for a partial change of use of an existing public house/restaurant with expanded food provision (sui generis) to 2no. dwellings (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include parking and associated works.

### Principle of Development

- 5.2 The principal of a change of use away from the previous public house use has already been accepted by virtue of planning permission P21/00127/F, and so this report need not re-visit the previous assessment of principle in detail. Moreover, residential re-use of the site has also been found to be acceptable in principle by virtue of P21/00127/F. As this previous consent is extant, it carries strong material weight. The key matter to consider in this instance is the change to the number of dwellings within the former public house, which will be considered in the following sections of this report in respect of the usual planning issues such as (but not limited to) design, heritage, amenity, and transport.
- 5.3 It is noted that concern has been raised in regard to the micropub. This was part of the previous consideration, and was one of the factors that meant officers were able to recommend approval, as the economic and public house use would not be entirely lost from the site. Therefore, in the event that the revision to 2no. dwellings is approved, condition 6 attached to P21/00127/F should be revised and carried over, to ensure that the micropub is implemented to a second fix standard as part of the conversion. Subject to this, there is no material change to the circumstances and the development remains acceptable in principle.
- 5.4 Design and Visual Amenity  
Changes to the frontage of the building are virtually non-existent and the rear elevation is to remain as existing, save for the removal of existing flat roofed extensions. The rear extensions are noted to be modern post war additions that by all accounts are unsightly and their loss should not be resisted. The side elevation is to also remain as existing, save for a small side porch which was not present on the approved scheme.
- 5.5 As previously, there are no design objections to the proposed development. In terms of the porch to the side, this is a modest structure that is in keeping with the design and character of the host building. Should permission be granted, a

suitably worded condition would be required to ensure that materials to be used on the side porch match the existing.

#### 5.6 Heritage

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special regard is to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Local plan policy PSP17 sets out that development within conservation areas shall preserve or where appropriate, enhance those elements that contribute to their special character and appearance. The building could be considered to also be a non-designated heritage asset, although the conservation area status would take precedence. (4) of PSP34 when considering the loss of public houses also requires the retention of significant external heritage assets features. For the avoidance of doubt and in response to suggestions that the pub is listed, this is not correct, and there is no statutory listing in place for the public house building.

5.7 The approved scheme was found to be acceptable in heritage terms, subject to conditions relating to the retention of the public house signage, removal of permitted development rights and securing a sample panel for the rear boundary wall. This application does not propose any significant external changes; however it does now include the addition of a small single storey side extension to the SW end of the existing public house building. This would act as a porch for the LHS dwelling.

5.8 The loss of the public house function has been found previously to not have a harmful impact on the character and appearance of the conservation area, and the intensification of the residential use will be unlikely to result in any material harm either. The proposed porch to the end of the building is a modest addition that reflects the design characteristics and character of the host building and the surrounding conservation area, which is one of traditional forms with pitched roofs with clay pantiles or double roman tiles. Subject to a suitably worded condition to ensure that the porch is constructed of materials to match the existing building, this element would not result in any harm to the character or appearance of the conservation area.

5.9 The intensification of the residential use would invariably put pressure on the need for further vents and flues etc., and so suitably worded conditions will be required to secure details of their design and placement. As with the approved scheme, conditions will be required to remove permitted development rights in the interest of preserving the character and appearance of the conservation area, and conditions will also be required as previously to capture details of the stone to be used for the proposed rear boundary wall. As previously, conditions regarding the retention of the existing signage will be required, and the existing coach gates. Subject to the above, the proposed revised scheme does not present any material heritage issues, as the proposals would result in no harm to the character or appearance of the surrounding conservation area.

5.10 Application P21/00127/F was approved subject to a condition requiring a programme of archaeological investigation and recording for the site associated with any groundworks and to include a Level 2 building survey of the structure

itself to be submitted. As this condition has not been discharged, it will need to be carried over in this instance.

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 and overbearing/dominant impacts.

5.12 There would be no increase in scale or massing of the building and so officers are satisfied that there would be no material overbearing or overshadowing impacts if the proposal were granted permission. Additionally, it is noted that the first floor is already in use as a flat (Class C3), and there would be no changes to any of the fenestration. As such, officers would not consider there to be any potential for overlooking to occur. There are therefore no objections in terms of amenity of neighbouring occupiers.

5.13 Turning to future occupants, the new dwellings would both be two bed, and therefore to accord with PSP43 require at least 50sqm of private amenity space. Both dwellings are provided with 50sqm private amenity space, which accords with policy and is sufficiently useable and private.

5.14 In terms of living conditions, the left-hand side dwelling would fully accord with the nationally described space standards for a 2 bed, 3 person dwelling. The right-hand side dwelling would fall slightly short of this standard (with a GIA of 67sqm, and a 70sqm GIA being required). This dwelling would also not have a twin bedroom that accords fully with the standard; however, this would be a less than 1sqm deficiency. It is therefore accepted that the RHS dwelling does not fully accord with the NDSS, however as there is only a minor deficiency, officers do not consider this on balance to justify refusal.

5.15 Both new dwellings would provide sufficient levels of light and outlook to habitable rooms. Concern is noted in regards to the existing two storey rear wing and its impact on the RHS dwelling. However, this is an existing relationship as part of the existing building, and whilst the ground floor kitchen area window would be affected the most, the downstairs living area would also benefit from a further window to the front which would provide an acceptable level of light and outlook. There are therefore no material amenity issues that would justify refusal in this context.

5.16 Transportation

The key consideration would be the provision of a satisfactory level of parking, which is based on PSP16 and is calculated based upon the number of bedrooms. As two bed dwellings, each would require 1no. parking space.

5.17 The submitted site plan (22.016 – 002 rev.a) indicates 3no. spaces for the 2no, 2 bed dwellings. This exceeds the requirement of PSP16 and is therefore acceptable. This parking provision would not interfere with the parking provision for the development in the former carpark, the latest amendment to which was granted by virtue of P22/03985/RVC. Drawing 19.016 – 010 rev.a submitted



with P22/03985/RVC shows the recycling area as being adjacent to the parking area that forms part of this application, and comparison on the plans shows that the parking for this application does not remove the land for the recycling/bin storage required by P22/03985/RVC. Concerns about visitor parking are noted. The P22/03985/RVC scheme is provided with 2no. visitor spaces. PSP16 requires 0.2 visitor spaces per unit, which means 1 visitor space per 5no. units. Even if the 6no. houses are combined with the proposed 2no. units in the public house, this equates to 8no. units, which requires 2no. visitor spaces overall when rounded to the nearest whole number. This is provided within the site overall. Parking for the micropub as previously approved is unaffected by this development. Accordingly, the development is acceptable in terms of parking provision. It is noted that wider parking concerns have been raised within the locality. It would however be unreasonable to resist a scheme that provides sufficient parking to meet its own demand.

5.18 There is no reason for officers to believe that the grant of this consent would impact the viability of the nearby shop and Post Office, given that both units would meet their own parking requirements on site. A TRO is proposed as part of the scheme in the car park, however this is a separate process and subject to its own consultation requirements. In terms of access, officers note that the development would utilise an existing access, and the increase in amount of development by 1no. dwelling would not present any material highway safety concerns. Should permission be granted, conditions should be applied to ensure the provision of the proposed parking prior to occupation, and the provision of electric vehicle charging points for each dwelling.

5.19 Affordable Housing

An objection was initially raised by the housing enabling team, as the provision of 3no. dwelling, plus the 6no. dwellings in the carpark and the additional dwelling under consideration (now refused) would result in a total of 10no. dwellings. Based on the planning history and ownership of the site, this would be considered to trigger affordable housing by reason of artificial sub-division. However, the third dwelling has been removed and so the total number of dwellings (if an appeal were allowed for the refused additional dwelling in the carpark) would be 9, which falls below the affordable housing requirement. An informative should be applied however to remind the applicant that if residential development were to come forward for the remaining floor space, this may trigger AH requirement due to artificial subdivision.

5.20 Environmental Issues

Officer's note that the lead local flood authority have queried the soakaway locations. As noted in the officer report for the approved scheme, the proposals relate to an existing building already served by existing surface water dispersal infrastructure. Moreover, any alterations would be appropriately addressed through building control on a development of this scale.

5.21 The council's environmental protection officers have been consulted and advise that there is information to suggest historic use(s) of the site as a public house may have caused contamination which could give rise to unacceptable risks to the proposed development. In order to ensure that the site is suitable for its proposed use and in accordance with the National Planning Policy Framework

and local plan policy, a suitably worded pre-commencement condition will be required to secure a scheme of investigation and remediation (as required).

### **Impact on Equalities**

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

### **Other Matters**

- 5.24 A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.25 The remaining floorspace not part of this application is not being considered and any future use would require a planning application, which would be subject to the usual consultation requirements.
- 5.26 Financial motive or other motivations of the developer are not material considerations. The development industry in the UK operates on a for profit basis and so development being undertaken to generate a profit is to be expected.
- 5.27 There is no reason to suggest that the development would result in anyone being seriously injured or that the current situation is a death trap. A TRO as part of the 6no. Dwelling scheme in the carpark would have a materially positive impact on highway safety on the corner where it is noted suffers from existing parking issues.
- 5.28 Inconsiderate parking by contractors should be raised with the appropriate authority.
- 5.29 Conditions not being adhered to should be reported to the Planning Enforcement team. Concerns that the development is not being built to the correct standards should be raised with building control.
- 5.30 Discrepancies in the plans have been noted and revised plans have been submitted where appropriate.

5.31 A development of this scale would not trigger any financial contributions for public transport and in any case, the development is located within a settlement boundary which assumes that the location is sustainable.

5.32 The council is not able to re-visit the original approval and is duty bound to consider any planning application put before it.

## 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 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a duty placed upon the Council to pay special attention to the preservation or enhancement of the special character and appearance 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.

## 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. A) Desk Study - Previous historic uses(s) of the site and/or land within 250m of the site may have given rise to contamination. No development shall commence until an assessment of the risks posed by any contamination has been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's guidance - Land Contamination Risk Management (LCRM)\*, and shall assess any contamination on the site, whether or not it originates on the site.

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

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

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

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

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

#### Reason

This condition is required in order to ensure that the site is suitable for its proposed use in accordance with the National Planning Policy Framework and PSP21 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

This condition is pre-commencement to avoid the need for any unnecessary remedial action.

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

Reason

Any further external alterations, additions, openings or means of enclosure would require careful assessment in order to maintain and enhance the character and appearance of the Conservation Area, and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Prior to the commencement of development a programme of archaeological investigation and recording for the site associated with any groundworks and to include a Level 2 building survey of the structure itself 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 order to ensure the adequate protection of archaeological remains, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. The Fleur De Lys public house signage on the front and side elevations as indicated on plans 19.016 - 059 (proposed rear and side elevations) and 19.016 - 058 (proposed front elevation) as submitted with application P21/00127/F (received by the Council on the 8th January 2021) shall be retained in the positions as indicated and shall not be removed or altered without prior written consent from the Local Planning Authority.

Reason

To maintain and enhance the character and appearance of the 'commercial core' of the Pucklechurch Conservation Area, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

6. The vehicular and cycle parking as indicated on plan 22.016 - 002 (A) (as received 2nd November 2022) shall be provided prior to the first occupation of either dwelling and thereafter retained for their intended purpose. Each dwelling shall be provided with 1no. electric vehicle charging point to their respective parking space rated at 7kw 32amp minimum, which shall be installed to an operational standard and retained thereafter.

Reason 1

In the interest of highway safety and the provision of a satisfactory level of parking in accordance with PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

Reason 2

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

7. The dwellings shall not be occupied until the micropub element to be retained as part of permission P21/00127/F has been completed to a stage where it is fit to be used as such in accordance with the proposed plans submitted with P21/00127/F. For the avoidance of doubt, this means that second fix electrics, plumbing, heating and

internal wall finishes are to a standard acceptable under building regulations for a premises of this kind.

Reason

The retention of part of the site as a micropub has been considered as part of the weighing up of the harm of the loss of the main public house under PSP34 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017. The retention of part of the premises as a micropub contributes to the overall acceptability of the proposal under said policy, and as such it is reasonable and necessary to ensure that the micropub is left in a fit state to be used as such as part of the overall development.

8. A sample panel of stonework, demonstrating the colour, texture and pointing is to be erected on site and approved in writing by the Local Planning Authority for the rear boundary walls before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP38 of the South Gloucestershire Policies Sites and Places Plan (Adopted) and the provisions of the National Planning Policy Framework.

10. The existing coach gates at the access point to the micropub and as shown on plan 19.016-056b (submitted with application P21/00127/F as received 17th May 2021) shall be retained at all times. The gates shall be shut closed when the micropub is not open to customers.

Reason

To maintain and enhance the character and appearance of the 'commercial core' of the Pucklechurch Conservation Area, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

11. Prior to installation, details of all new vents, flues, soil vent pipes, and external services (including meter boxes and pipe runs) shall be submitted for approval in

writing. Details shall include detailed design and locations (depicted on elevation/plan drawings as appropriate). Development shall then proceed in accordance with the agreed details.

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

12. The development shall be implemented in accordance with the following plans:

19.016- 053 - Existing front elevation  
19.016- 054 - Existing rear and side elevation  
22.016- 056 - proposed ground floor plan (as approved)  
22.016- 057 - Proposed first floor plan (as approved)  
22.016- 058 - Proposed elevations 1 (as approved)  
22.016- 059 - Proposed elevations 2 (as approved)  
22.016- 062 - Proposed elevations 1  
22.016- 063 - Proposed elevations 2  
Received 10th May 2022

19.016- 052 - Existing PH first floor plan  
19.016- 051 - Existing PH ground floor plan  
As received 1st July 2022

19.016- 057 B - Proposed first floor plan  
As received 20th September 2022

19.016- 056 D - Proposed ground floor plan  
22.016- 002 A - Proposed site plan  
19.016- 060B - Site location plan  
As received 2nd November 2022

Reason

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

13. The materials to be used in the construction of the external surfaces of the new side porch hereby permitted shall match those used in the existing building.

Reason 1

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.

Reason 2

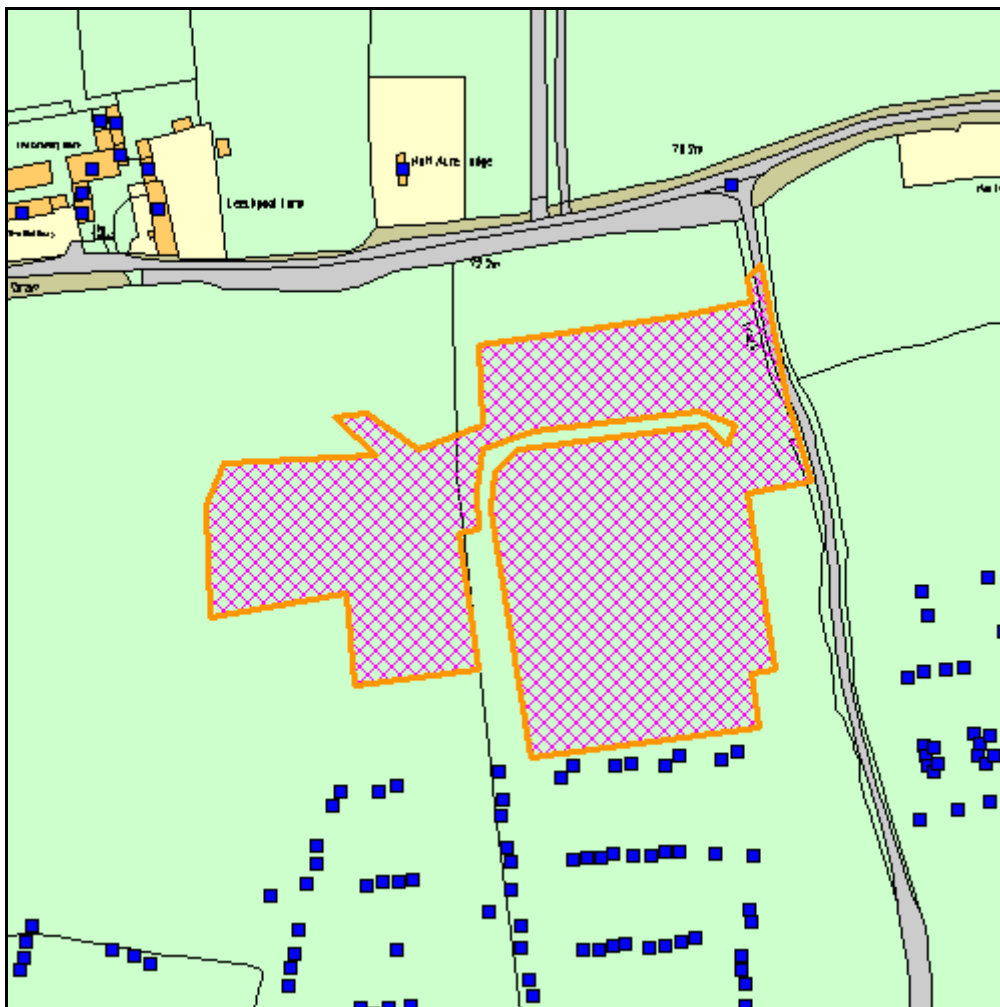
To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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



**CIRCULATED SCHEDULE NO. 50/22 -16th December 2022**

<b>App No.:</b>	P22/03612/RM	<b>Applicant:</b>	Bdw Trading Limited (SOUTH WEST REGION)
<b>Site:</b>	PL10,30 And 31 North Yate New Neighbourhood South Gloucestershire	<b>Date Reg:</b>	4th July 2022
<b>Proposal:</b>	Erection of 47no. dwellings with associated garages and infrastructure, with appearance, landscaping, layout and scale to be approved (Approval of reserved matters to be read in conjunction with P19/6296/RVC formerly PK12/1913/O.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371101 184152	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Major	<b>Target Date:</b>	3rd October 2022



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100023410, 2008.

N.T.S.

P22/03612/RM

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

## **INTRODUCTION**

This application appears on the circulated schedule because objections have been received from Yate Town Council and a member of the public contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks reserved matters consent for the erection of 47 no. dwellings with roads, drainage, landscaping and associated works with appearance, layout, scale, and landscaping to be determined. Approval of Reserved Matters to be read in conjunction with outline permission PK12/1913/O as amended by P19/6296/RVC. This outline consent included details of access into the site off Randolph Avenue and Leechpool Way, with provision for access from Peg Hill. The scheme benefits from an approved design code (North Yate New Neighbourhood Design Code Rev D March 2017) and masterplan (Condition 39 Detailed Masterplan 4739-LDA-00-XX-DRL-0013), as well as a number of framework plans approved at outline stage.
- 1.2 The application site comprises parcels 10, 30 and 31 in the North Yate New Neighbourhood, as shown on the approved phasing plan. The site is located in the north western edge of the North Yate New Neighbourhood. Parcel 10 is the largest of the three parcels and is located to the west of Tanhouse Lane (intersecting the site) and to the north of Parcel 11 which has gained Reserved Matters approval. Parcel 30 is a smaller parcel located to the north of Parcel 10 with an attenuation basin to the north of it. Both these parcels are in the Yate Gallops Character Area. Parcel 31 is located further west, adjacent the allocated school site. It is in the Yate Woods Character Area. Parcels 30 and 31 form part of the northern edge of development and are bounded to the north by a Green Infrastructure Corridor including attenuation basins. Tanhouse Lane also runs along the north of the site allocation. There are a number of existing residential properties on Tanhouse Lane, including the listed Leechpool Farm, within the vicinity of this application site.
- 1.3 The 47 dwellings proposed consist of a mixture 2, 3, 4 and 5 bedroom houses of 2 and 2.5 storeys in height. Of the 47 dwellings, 16 would be for affordable housing. A statement of compliance has been submitted in support of this application to set out how it complies with the approved parameter plans and Design Code.
- 1.4 Through pre-application discussions and negotiation during the application process, the following are some of the improvements secured to the scheme:
  - The house types and layout in parcels 30 and 31 were amended to provide looser knit lower density development in line with the approved design code
  - The layout in Parcel 10 was amended to improve back to back distances
  - Reconsideration of siting of visitor parking away from green edge of the site
  - Adjustments to the layout to allow improvements to grading of levels

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

## 2.2 Development Plans

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

The development plan for South Gloucestershire comprises of the following documents:

- Local Plan: Core Strategy (2013)
- Local Plan: Policies, Sites and Places (PSP) Plan (2017)
- West of England Joint Waste Core Strategy (2011)

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

CS1 High Quality Design

CS2 Green Infrastructure

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS16 Housing Density

CS17 Housing Diversity

CS18 Affordable Housing

CS30 Yate and Chipping Sodbury

CS31 North Yate New Neighbourhood

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP3 Trees and Woodland

PSP6 Onsite Renewable and Low Carbon Energy

PSP8 Residential Amenity

PSP10 Active Travel Routes

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP17 Heritage Assets and the Historic Environment

PSP19 Wider Biodiversity

PSP20 Flood Risk, Surface Water and Watercourse Management

PSP21 Environmental Pollution and Impacts

PSP37 Internal Space and Accessibility Standards for Affordable Dwellings

PSP43 Private Amenity Space Standards

PSP47 Site Allocations and Safeguarding

## 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

The South Gloucestershire Residential Parking Standards SPD (adopted)

Waste Collection: Guidance for New Developers SPD (adopted)

Extra Care and Affordable Housing SPD (adopted)

2.4 Emerging planning policy (New Local Plan)

The Local Plan is at an early (Regulation 18) stage in its preparation, and therefore carries little and limited weight (in line with NPPF para 48b).

**3. RELEVANT PLANNING HISTORY**

3.1 PK10/042/SCO, Scoping Opinion for a proposed mixed-use site approximately 104ha in North Yate.

3.2 PK12/1913/O, Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved. Approved on 17th July 2015.

3.3 PK15/5230/RVC, Variation of condition 41 of Planning Permission PK12/1913/O to change the proposed wording which related to the need for an Energy Statement and energy targets. Approved on 6th May 2016.

3.4 PK16/2449/RVC, Variation of condition 12 attached to planning permission PK12/1913/O to allow for a programme for archaeological investigations across the site. Approved on 15th August 2016.

3.5 PK17/0039/NMA, Non-material amendment to Condition 19 of PK16/2449/RVC (Outline planning permission for the North Yate New Neighbourhood) to reflect the updated phasing plan submitted pursuant to Condition 4. Approved on 23rd February 2017.

3.6 PK17/4826/RVC Variation of conditions 12, 19 and 41 attached to outline planning permission PK12/1913/O to rationalise and validate amendments to conditions previously granted under application reference numbers PK15/5230/RVC, PK16/2449/RVC, and PK17/0039/NMA. Permitted 27th November 2017

3.7 P19/6296/RVC, Variation of condition 19 attached to outline planning permission PK12/1913/O (as amended under applications PK15/5230/RVC, PK16/2449/RVC, PK17/0039/NMA and PK17/4826/RVC) to amend the wording of the condition (19) to "There shall be no commencement of Phase 5 of the development as shown on the Phasing Plan submitted pursuant to condition 4, until such time as the internal link road linking Randolph Avenue, Leechpool Way and the access from the Peg Hill development (as approved by planning permission PK12/0429/O) has been implemented and is operational. Construction use and residential use are deemed operational". Approved on 13th September 2019.

3.8 PK17/4260/RM, Laying out of landscape and infrastructure (Phase 0) including primary and secondary streets, utilities, services, foul and surface water drainage, hard and soft landscaping. (Approval of reserved matters including appearance, landscaping, layout and scale to be read in conjunction with Outline Planning

Permission PK12/1913/O superseded by PK16/2449/RVC). Approved on 21st May 2018.

- 3.9 PK18/1656/RM, Approval of remaining site wide infrastructure including primary and secondary streets, utilities, services, foul and surface water drainage, hard and soft landscaping in relation to Phase 0 (Reserved Matters application to be read in conjunction with outline planning permission PK12/1913/O) amended by PK17/4826/RVC in regards to landscaping, appearance, layout and scale). Permitted 5th December 2018.
- 3.10 P21/02991/NMA, Non material amendment to P19/6296/RVC to change the description of development as stated in outline planning permission reference PK12/1913/O and subsumed into outline planning permissions reference PK15/5230/RVC, PK/16/2449/RVC, PK17/4826/RVC and P19/6296/RVC to Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), residential care home or extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Permitted 02nd July 2021.
- 3.11 Reserved matters applications for neighbouring residential parcels including P20/16804/RM to the south of the application site and P21/03161/RM to the east of the application site.
- 3.12 P22/05801/RM, Reserved matters application for an Electricity substation within the redline of this RM application – Under consideration
- 3.13 PRE22/0169 – Pre application advice for the development of Parcel 10, 30 and 31.

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

##### 4.1 Yate Town Council Object First Response

1. The application site, as submitted, excludes a large section of the road. It includes pavements but does not include the public highway to get to the properties. So, ALL of the highway needs to be within the application site. As currently presented the application shows areas of highway for adoption which are not connected to any other adopted public highway in the application. Now it may be that the gaps are already consented as adopted public highway in another application, but nonetheless this is not evidenced in this plan.

2. The footpath out the NW of the application site which is to be surfaced needs to be adopted as it one of the connector footpaths out to the countryside, as well as being the access to the large play area planned immediately to the north. It is not appropriately laid out, so that children from this entire section of the development, not just this particular application site, and children going to the adjoining school will have to walk up a driveway access round a blind corner to get onto the footpath (plot 667 is built right out to the corner). The route will be an important cycle/walking route into and

out of the development to open countryside and will be well used by families, dog walkers etc.

3. There is no provision for parking anywhere for people using the play area, which is likely to lead to conflict with residents of this application site. The only visitor parking for the application site is at the SW and E edges of the site, rather than close to the proposed play area at the NW edge.

4. The massing and form of the dwellings, including 3 storey buildings so close to the northern edge of the site will have an adverse impact on the tranquil rural context of Tanhouse Lane.

5. We are concerned about the road serving the affordable housing being block paving, which is more expensive to maintain, and it not being adopted. All the roads and pavements should be adopted.

6. We welcome the provision of pavements throughout the development at last and hope all future phases will adopt this approach.

Second response - Following our earlier comments, the Town Council continues to object to these revised plans. The proposals still Lack safe foot and cycle routes - meaning for example children going to school in winter will be walking along roads in the dark with no safe space. Even when finally the 20mph limits are introduced, this is simply not safe. We have drawn attention to other places where developments have managed to combine the shared space approach with the safe route approach. There is insufficient visitor parking and it is not well laid out in relation to housing. Swept vehicle paths seem to show that refuse vehicle access, whilst possible, very constrained requiring the vehicles to turn round in front of parking spaces adjacent to properties - and of course as well known, many of the delivery vehicles that will need to access these properties are longer and have harder turning lines than refuse vehicles. Designing streets where lorries cannot deliver to properties or get round corners is unacceptable We need the 20mph zone in place NOW for the whole development, not left until the end as even if you consider the scheme safe enough when the limit is in, we know it is NOT safe until that is in place. It would fail a Safety Audit without the limits, and so far some streets have been occupied for over 3 years with NO sign of the speed limit required for the street to be safe. We strongly support the comments from the Urban Design officer (Matt Haslam) and Landscape Officer (Rachel Fry) - particularly in relation to the urbanisation of what is supposed to be a rural transition. The reduction in original green space between properties. The impact of development on PROW - we know how much residents on the development are getting out into the countryside and these green connections should be central to design not peripheral. We reiterate our earlier comments, as almost NONE of them have been addressed.

4.2 National Highways – No objection

4.3 Street Lighting – Provided advice on location of columns and potential conflicts with landscaping in first response. Liaised with applicant's ecologist to produce a lighting plan.

4.4 Crime Prevention Design Advisor – Having viewed the information as submitted I find the design to be in order and complies appropriately with the crime prevention through environmental design principles.

- 4.5 Tree Officer – The Tree Officer is satisfied that the Arboricultural Method Statement, Ref: DWH23835ams, and the Tree Protection Plans Ref: DWH23835 03, all dated 22/06/2022, provide sufficient information regarding the protection of existing trees on site
- 4.6 Conservation Officer – On the basis of the information reviewed to date, we do not wish to offer any comments on this scheme. We defer, therefore, to the view of the case officer in assessing the impact of the proposed development on the setting and significance of the above heritage asset, taking into account the approved Design Code, Masterplan Parameter Plans and guidance such as the Householder Design Guide SPD
- 4.7 Affordable Housing Officer – The quantum of housing is in accordance with the s106 but has less units than on the Masterplan and therefore the Affordable Housing Masterplan will need to be amended. Still concerned about the clustering of affordable units.
- 4.8 Climate Change Officer – The response expresses disappointment that the applicants are just marginally improving upon building regulations, that no solar PV is proposed and that gas boilers are proposed. The response also queries the proposed buildings resilience to climate change including overheating. The applicants are encouraged to improve the fabric efficiency of the buildings as a simple and cost effective improvement.
- 4.9 Urban Design Officer – Raised concern about the relationship of front door to street on the shared street and the detailed design of the large properties in Parcel 30 and 31.
- 4.10 Landscape Officer– First response - Advocates looser layout for lower density edge of development. Highlights issue with building heights as both large tall buildings and on raised ground levels.  
Other issues raised include the relationship to PROW, the effect of parking on landscaping, relationship to school site, position of visitor parking and tree pit details  
Second response – Revised layout only makes minor changes. Suggestion to reduce number and size of units.  
Third response - Changes to parking has improved development, changes to native mix still required, additional trees added, build outs still hard landscaped and tree pit details now acceptable.  
Fourth response – Hedge species changed and hedges extended, further annotation of plan required. Small landscaped areas should be managed by the management company. Now that street lighting plans have been provided, concern is raised about maintaining dark landscape corridors. Additional point raised about parking spaces. Breaches in hedgerow network requires replanting.  
Fifth response – Verbally confirmed that applicant's email sets out that final points were addressed in revised drawings.
- 4.11 Transportation Officer – Recommended introducing traffic calming. Supported the use of block paving on all shared surface roads and on the Cul de Sac.
- 4.12 Drainage Officer – No objection

- 4.13 Public Art - No comment in relation to this site. Barratts are implementing the public art plan for the whole North Yate new neighbourhood
- 4.14 Public Rights of Way Officer - The proposed plans now indicate part of the footpath coming in from Tanhouse Lane in yellow dashed lines. The legal line appears not to be proposed for diversion but follows the line of the pathway adjacent to the carriageway under previous planning application PK18/1656/RM. Where the footpath will follow a sealed surface this must form part of the adoption agreement. On this basis no objection is sustained.
- 4.15 Archaeological Officer - No objection
- 4.16 Public Open Space Officer – Highlighted numerous discrepancies in the plan and queried some of the choices as to whether land would be private, adopted or management company.
- 4.17 Self Build Officer – Scheme predates Self Build Housing Policy

#### Other Representations

- 4.18 Local Residents  
One neighbour objection relating to potential use of field access to the north west of this application site by residents.

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

#### **5.1 Principle of Development**

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

5.1.2 The comments from Yate Town Council regarding the relationship of the site to connecting infrastructure are noted and it is appreciated that this could be made clearer on the submitted plans. This Reserved Matters site is bounded by other approved Reserved Matters applications including the Green Infrastructure and the Primary and Secondary Roads and as such officers are satisfied that the development is connected to and will be served by the consented infrastructure.

#### **5.2 Environmental Impact Assessment**

5.2.1 This Reserved Matters application is considered an EIA application as it is a subsequent application in respect of EIA development. It is considered that the proposal is within the scope of the original Environmental Statement and consideration of the reserved matters below sets out how the scheme complies with the principles



and parameters secured in the outline permission to avoid and mitigate significant environmental impacts. There are considered to be no new significant effects.

### 5.3 Layout, landscaping, scale and appearance.

5.3.1 The approved Masterplan and Design Code set out a number of Framework Plans and the proposed form of development is largely consistent with these and deviations justified as set out in this report.

5.3.2 Residential use is specified for these parcels in the Land Use Framework. The Building Heights Framework suggests building heights of two storeys – up to 8.5m for the parcels. The proposed building heights in Parcels 30 and 31 do not exceed this but it is noted that they do sit on a higher ground level to the north so will appear taller. The scale and mass of these buildings have been reduced and the space between them increased during the application, in response to comments from Yate Town Council, The landscape Officer and Urban Design officer, so they will appear as large two storey dwellings rather than three storey. The majority of dwellings in parcel 10 are two storey and within the specified height limit. A small number on the southern boundary are two and a half storey and this is considered to be consistent with the emerging street scene. The Urban Structure Framework is also not strictly adhered to with a more semi continuous building line along the street frontages rather than the looser frontage and transition to lower density recommended. The layout does reduce in density and provide a looser knit layout as it moves from south to north and does not include any terraced housing or apartments found in the higher density parcels to the south. It is considered that this change is also justified and is an efficient layout of back to back housing within parcel 10. The Access and Movement Framework is also relevant to the individual parcel layouts within this RM application and the layout provides connection to existing Public Rights of Way and proposed pedestrian routes through the site. The Town Councils comments regarding access to the northwest and the play area are noted but the path to the play area is largely outside this RM application and has been approved as a stone and dust path. The part of the path within the application site will connect to this. The strategic cycleway through the site is to the east of the application parcel and the connection to this route is to be adopted. The proposal responds to the infrastructure approved under separate RMs which in turn responded to the Green Infrastructure Framework, Blue Infrastructure Network and the Access and Movement Framework approved under separate RM approvals. Revisions were made during the course of the application so that the scheme would respond better to the approved parameters. Overall, it is considered that the identified deviations from the approved parameters plans are justified and limited and on the whole the development as proposed would deliver the lower density, looser knit development envisaged for this part of the North Yate New Neighbourhood.

5.3.3 The approved Design Code expands on the principles secured in the parameters plan to provide more detailed guidance on the type of development for each location. Each character area contains specific codes and guidance to ensure that a distinct character emerges through the adherence to simple rules. A Code Reference Plan provided for each character area stipulates which codes must be used when designing at the RM stage. The site forms part of both the Yate Gallops and Yate Woods Character Area. Yate Gallops is intended to demonstrate a tight, highly organised urban form with formal characteristics apparent in the regular layout pattern, with shorter straight streets running from east to west. In contrast Yate Woods is intended

to be shaped and strongly influenced by the original hedgerow and tree corridors extending through the development with a more informal layout. The parcels surrounding the application site have approved Reserved Matters and have either been implemented or under construction and this evolving character provides a further point of reference. The parcels the subject of this application are at a point of transition between the North Yate New Neighbourhood and the open countryside.

- 5.3.4 The Urban Edge Codes specify the setback, the plot rhythm and the plot width and serve to create the character envisaged in the parameters plans such as the Urban Structure Framework and Density Framework. The Design Code for Yate Woods specifies U1W (Typical 2 storey detached housing) for Parcel 31. The proposed housetypes are entirely consistent with the guidance for this house type and the gaps between building have been increased to allow for further landscaping. The Design Code for Yate Gallops specifies U1G (Typical 2 storey detached housing) for Parcel 30 and U2G (Typical 2 storey semi - detached housing) for Parcel 10. The housetypes in parcel 10 are primarily semi detached in line with the guidance and include the occasional detached unit. The layout and housetypes provide a degree of uniformity consistent with previously approved parcels.
- 5.3.5 The Boundary Codes specify the type, material and variation of boundary treatment along urban edges to create a consistent character. The specified boundary treatment is consistent with the code and neighbouring approved parcels.
- 5.3.6 The Green Edge Codes specify street/footway dimensions, materials and landscape where development meets a green edge. The development layout and design of streets and paths at the urban edge are consistent with the guidance.
- 5.3.7 The Primary and Secondary Street Codes have been considered under a separate infrastructure Reserved Matters application. The Tertiary Street Guidance has been complied with to the satisfaction of officers following some revisions to improve the quality in terms of appearance and safety. This is discussed further in relation to highway safety. In response to the comments from Yate Town Council regarding block paving, the tertiary street through the site is to be adopted and as such the maintenance of the block paving will not fall to the affordable housing provider.
- 5.3.8 The Green Infrastructure Areas separating the parcels the subject of this application have also been considered under a separate infrastructure Reserved Matters application and the submitted layout has demonstrated that it fits comfortably with the approved infrastructure. Some changes have been made to proposed levels at the northern edge of the development and the transition to the school site. It is considered that the treatment of changing levels responds to existing topography and landscape features. There was one neighbour objection relating to the use of an existing field gate. The field gate is outside this RM application. A review of the approved infrastructure Reserved Matters has confirmed that the opening will be reduced with additional planting and will be linked to the application site via a mown grass path.
- 5.3.9 The Design Code also specifies some architectural detailing and a materials palette. The proposed house types and materials are in keeping with the Design Code and previously approved parcels.

- 5.3.10 In addition to complying with the principle and parameters secured in the outline consent the proposal must also comply with the relevant policies contained within the Development Plan.
- 5.3.11 Core Strategy Policy CS1 seeks to ensure that new development is of the highest possible standard of design and is inter alia of an appropriate scale, form, appearance and layout that respects and enhances the character, distinctiveness and amenity of both the site and its context. Policies Sites and Places Plan PSP 2 requires landscape design to be of a high standard. It is considered that by responding to the parameter plans and Design Code that the layout, scale and appearance of the proposed development complies with Policy CS1 and PSP2
- 5.3.12 The Reserved Matters have also adequately responded to other requirements such as conditions on the outline consent, housing requirements, highway safety, parking standards, private amenity space standards, back to back distances, tree protection, ecology, public rights of way, energy efficiency, designing out crime and waste collection and these are discussed in more detail later in the report. Overall, it is considered that the layout, landscaping, scale and appearance of the development are acceptable. The Town Council raised concern that there is no dedicated visitor parking for the play area. However, the councils Highways officer raised no concern in this respect and it is a Local Equipped Area of Play intended to serve residents of the development within walking distance of the facility.

#### 5.4 Other Matters

- 5.4.1 Residential Amenity - PSP8 requires development to provide acceptable living conditions for future occupants and not result in unacceptable harm to the amenities of existing residents. PSP21 relates to Environmental Pollution and Impacts and PSP43 provides Private Amenity Standards. There is also guidance on separation distances. There are no neighbouring uses that are incompatible with residential use or require specific design measures to safeguard amenity. The layout also respects the amenities of existing nearby residential occupants and maintains an acceptable distance from these. It is considered that the development will provide a satisfactory level of amenity for future residents in accordance with the above policies.
- 5.4.2 Affordable Housing - The proposal is for 47 dwellings of which 16 dwellings would be for affordable housing. A site wide affordable housing schedule has been agreed with the Council's Enabling Officer as required by condition 5 on the outline consent to ensure a sufficient quantum, mix and distribution of affordable homes throughout the parcels at the NYNN. The proposal broadly complies with the agreed schedule. Concerns were raised regarding the clustering of affordable units in the centre of Parcel 10 and this has not been resolved. The proposal do technically comply with the council's policy on clustering as the group is broken up with a pair of Market Housing. The houses in Parcels 30 and 31 are larger housetypes and the rationale for not including the required smaller affordable housetypes within these parcels is accepted. Whilst there may be some scope to move some units to the south, they would then be in closer proximity to affordable units on the approved parcel to the south. Therefore, it is considered that the placement of the units achieves mixed and balanced communities across the development as a whole and does not represent an unacceptable cluster that would warrant refusal of the application.

- 5.4.3 Public Rights of Way - The application will affect public footpath LYA 53. The proposed plans now indicate part of the footpath coming in from Tanhouse Lane in yellow dashed lines. The legal line appears not to be proposed for diversion but follows the line of the pathway adjacent to the carriageway under previous planning application PK18/1656/RM. A number of informatives are to be included on the permission in respect of Public Rights of Way.
- 5.4.4 Security- The design complies with the crime prevention through environmental design principles and therefore, accords with policy CS1 in the Council's Core Strategy.
- 5.4.5 Sustainability - The aspirations and requirements of the development in relation to sustainability have already been agreed by virtue of the approval of the outline permission (granted on 17th July 2015), and reserved matters are required to be determined in the context of the conditions attached to the outline permission. Condition 40 on the outline permission requires an energy statement to be submitted to set out how passive solar gains and cooling of buildings and natural ventilation will be maximised, insulation measures to reduce energy demand, and a calculation of energy demand. The wording and requirements of condition 40 reflect the policy requirements of policy CS1 of the South Gloucestershire Core Strategy (2013), and focuses on passive solar gains and insulation measures to reduce energy demand; there is no requirement for any renewable/low carbon technology in this case. The condition pre-dates PSP6 in the Policies Sites and Places Plan Adopted November 2017, which imposes a more stringent energy saving requirement of 20% via renewable/low carbon energy generation sources on major greenfield residential development. The energy statement submitted focuses on a fabric first approach which prioritises improvements to the fabric of dwellings to avoid unnecessary energy demand and consequent CO2 reduction.
- 5.4.6 Transportation- The concerns raised by Yate Town Council regarding a lack of pavements and the proximity of front doors to the street in the layout is noted; however, the streets have been purposely designed for shared surface use with no segregation between pedestrians and vehicles. This approach has been accepted in principle by virtue of the NYNN design code and it is an approach that seeks to slow vehicular speeds, making streets safer and more pedestrian friendly. Officers have negotiated improvements to the design of the shared surface street in this parcel. The street is fully block paved and will have speedbumps to reduce vehicular speeds. The various proposed traffic calming measures which include, transition strip located at the entrances to the street, block paving, the narrow width of the streets, and the absence of any pavements, will indicate to motorists the change in nature of the streets to a shared surface. The objections relating to visitor parking are also noted. However, visitor parking has been provided in accordance with minimum standards and The Highway Authority has raised no objections to the level of allocated parking and visitor parking proposed in the scheme. Therefore, the proposal is considered to be acceptable in this regard and complies with Policy PSP16. The tracking plans submitted show that refuse vehicles and delivery vehicles could manoeuvre safely within the parcels, and the Council's Transportation Officer has raised no objection on this basis. The highway design of the scheme and tracking will be considered again at the S.38 highway adoption stage. An informative note is attached to encourage the developer to make future residents aware of the 20mph speed limit and for this speed restriction to be implemented as soon as practically possible. Accordingly, the design of the road is such that it is not considered that there would be any adverse highway

safety issues in relation to visibility and the Highway Authority have raised no objections on this basis.

- 5.4.7 Listed Building Impacts - The closest heritage assets to the site are the grade II listed Tanhouse Farm located approximately 500 metres to the east, and the Grade II Leechpool Farmhouse located approximately 100 metres to the northwest of the application site. The principle of residential development in this location has already been accepted in heritage terms by virtue of the approved outline consent. Given the level of separation, the compliance with the parameter plans, as well as intervening development, it is considered that there would not be a harmful effect on the setting of the listed buildings resulting from this reserved matters application. It is considered the layout, scale, appearance and landscaping of the site would not result in additional harm to the setting of the listed buildings.
- 5.4.8 Drainage - The Council's Drainage Officer has raised no objections to the proposal. The Drainage Officer is satisfied that the information submitted demonstrates compliance with the wider Surface Water Drainage Masterplan/Strategy.
- 5.4.9 Waste Collection and Storage – No objection is raised to the waste collection strategy and tracking has demonstrated that the layout can accommodate the council's refuse collection vehicles.
- 5.4.10 Ecology - A number of ecological strategies were secured as part of the discharge of conditions on the outline consent. This included a Landscape and Ecological Management Plan, and wildlife mitigation strategies. These strategies were required to help mitigate the impact on, as well as measures to enhance wildlife. An informative note is attached to notify the developer of the requirement to accord with the relevant conditions on the outline permission including the wildlife strategies. Most of the streets within the parcels will be adopted and therefore, will be required to have street lighting and details of this have been provided as part of the application.
- 5.4.11 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 it is considered to have a neutral impact on equality.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

### **CONDITIONS**

1. No development shall commence until the trees and hedges on the site and on the adjacent site, which are to be retained, have been enclosed by protective fencing, in accordance with the approved Tree Protection Plan DWH23835-03. After it has been erected, the fencing shall be maintained for the duration of the works and all works shall be carried out in accordance with the approved Arboricultural Method Statement DWH23835AMS

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

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

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

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

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

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

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

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

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

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

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

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

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

8. The residential units hereby approved shall be built to the fabric first/energy efficiency measures as set out in the Energy Statement hereby approved, including units achieving a minimum airtightness of 5.01m<sup>3</sup>/h.m<sup>2</sup> @50Pa.

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

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

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

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

0642-12-100 Topographical Survey-A0L, received 4th July 2022

0642-12-101 Location Plan-A1L, received 28th June 2022

0642-12-102 D Planning Layout-A1L, received 9th December 2022  
0642-12-103 B Street Scenes-A0L, received 3rd November 2022  
0642-12-104 D External Works Layout-A0L, received 9th December 2022  
0642-12-105 D Vehicle Tracking Layout-A2L, received 9th December 2022  
0642-12-106 External Detailing-A3L, received 28th June 2022  
0642-12-107 D Adoption Plan-A1L, received 9th December 2022  
0642-12-108 D Materials Layout-A1L, received 9th December 2022  
0642-12-109 A Garages-A1L, received 3rd November 2022  
0642-12-110 D Building Heights Plan-A1L, received 9th December 2022  
0642-12-111 D Refuse Strategy Layout-A1L, received 9th December 2022  
0642-12-112 D Code Reference Plan-A1L, received 9th December 2022  
0642-12-113 Cycle Storage-A4L, received 28 June 2022  
0642-12-E Network 1 Drainage Calculations, received 28th June 2022  
0642-12-E Network 2 Drainage Calculations, received 28th June 2022  
0642-12-E-01-1-D General Layout Sheet 1-A1L, received 9th December 2022  
0642-12-E-01-2-C General Layout Sheet 2-A1P, received 9th December 2022  
0642-12-E-02-1-D Contours and FFLs Sheet 1-A1L, received 9th December 2022  
0642-12-E-02-2-C Contours and FFLs Sheet 2-A1P, received 9th December 2022  
0642-12-E-03-1-D Main Drainage Sheet 1-A1L, received 9th December 2022  
0642-12-E-03-2-C Main Drainage Sheet 2-A1P, received 9th December 2022  
0642-12-E-04-1-D Flood Exceedance Routes Sheet 1-A1L, received 9th December 2022  
0642-12-E-04-2-C Flood Exceedance Routes Sheet 2-A1P, received 9th December 2022  
0642-12-E-05-B Longsections-A1L, received 12 September 2022  
0642-12-E-06-A Construction Details-A1L, received 28th June 2022  
0642-12-E-07-1-A Construction Details Sheet 1-A1L, received 28th June 2022  
0642-12-E-07-2-A Construction Details Sheet 2-A1L, received 28th June 2022  
0642-12-E-08-1-D Drainage Areas Sheet 1-A1L, received 9th December 2022  
0642-12-E-08-2-B Drainage Areas Sheet 2-A1P, received 9th December 2022  
0642-12-E-09-B Site Sections-A1L, received 16th September 2022  
0642-12-HTB Issue 4-Housetype Booklet-A3L, received 1st December 2022  
GL1649 01D Soft Landscape Proposals, received 9th December 2022  
GL1649 02B Tree Pit Details, received 3rd November 2022  
GL1649 03C Phase 6 Infrastructure Proposals, received 9th December 2022  
GL1649 04 Soil Volumes Plan, received 3rd November 2022  
GL1649 Designers Landscape Risk Assessment Ph 6, received 30 June 2022  
0642-12 Garden Areas Schedule-ISSUE 3-A4P, received 3rd November 2022  
0642-12 Parking Matrix-ISSUE 3-A4P, received 3rd November 2022  
DWH SWMP PH6 V1 Site Waste Management Plan, received 28th June 2022  
DWH23835-03 Tree Protection Plan, received 1st December 2022  
DWH23835ams Arboricultural Method Statement, received 1st December 2022  
Sustainability Statement Ph6, received 1st December 2022  
PL10, 30 & 31 SoC Issue 1 Compliance Statement, received 4th July 2022  
SLD-581-001A Streetlighting Plan, received 9th December 2022  
UKP6146-DWG100-Rev1-CONSTRUCTION DETAIL-SUBSTATION 2 received 9th December 2022

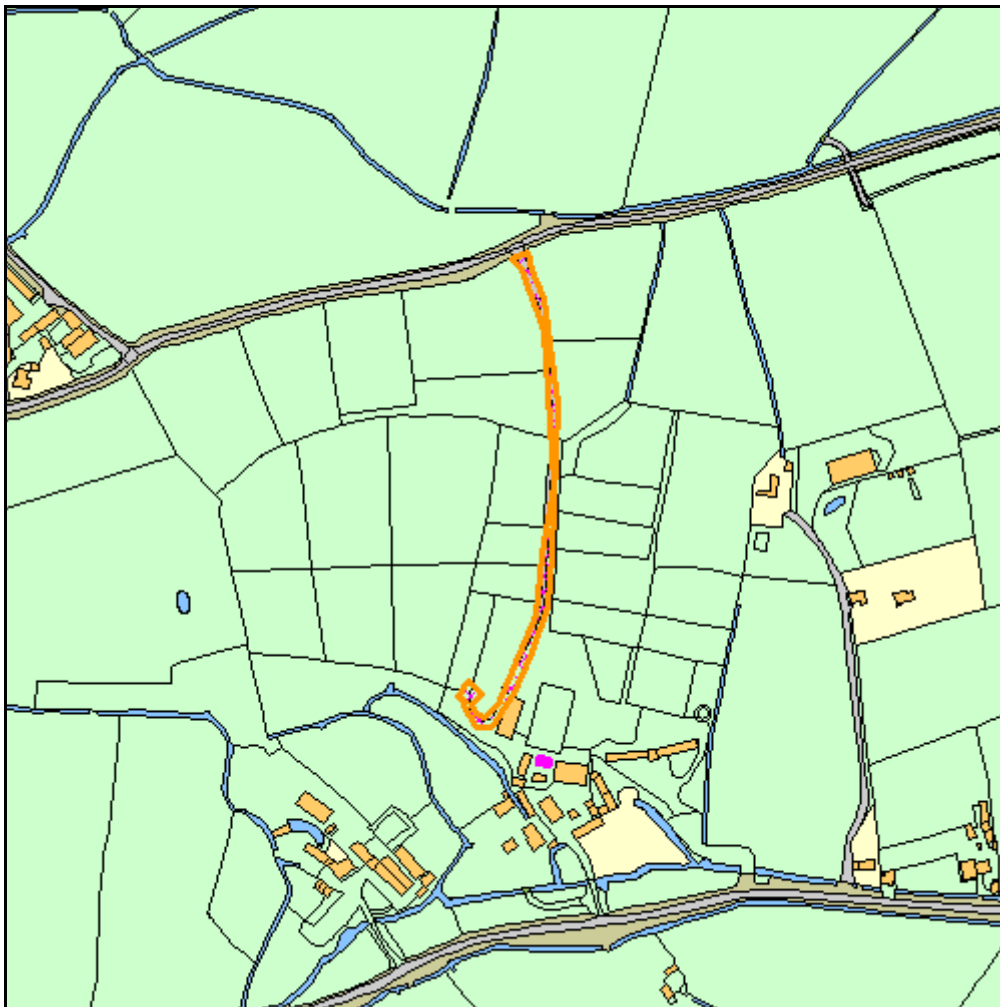
Reason: For the avoidance of doubt.



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

**CIRCULATED SCHEDULE NO. 50/22 -16th December 2022**

<b>App No.:</b>	P22/03877/O	<b>Applicant:</b>	Mrs Sally Boulton-Major
<b>Site:</b>	Land At Willbeard Farm Greenditch Street Pilning South Gloucestershire BS35 4HJ	<b>Date Reg:</b>	19th July 2022
<b>Proposal:</b>	Removal of mobile home and Erection of 1no. rural workers dwelling (Outline) all matters reserved.	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	358342 186087	<b>Ward:</b>	Severn Vale
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th September 2022



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N.T.S.

P22/03877/O

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

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

The application appears on the Circulated Schedule because 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 removal of an existing mobile home and erection of 1no. rural workers dwelling. This application is submitted in outline form, with all matters reserved. No indicative elevation or floor plans have been submitted.
- 1.2 The application site is a parcel of land within Willbeard Farm. The site lies within the open countryside and the Green Belt, and is within EA flood zone 3.
- 1.3 The proposal is essentially to replace an existing mobile home with a permanent dwelling. It is therefore important to note that the mobile home to be removed benefits from a permanent consent for residential use, as a rural workers dwelling. This consent was given by virtue of PT07/0673/F, and is subject to a condition limiting occupation to those employed, or last employed at the adjacent stud farm/equestrian centre.
- 1.4 During the application's consideration, a revised red line has been submitted as the red line submitted initially was deemed too small to fit a dwelling and its curtilage in and appeared to only bound the footprint of the proposed dwelling. The red line was also amended to include the mobile home to be removed from the site. A formal 21-day re-consultation was carried out as a result of this change.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

CS34 Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP40	Residential Development in the Countryside
PSP41	Rural Workers Dwellings
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

Residential Parking Standard SPD (Adopted) December 2013

Landscape Character Assessment SPD (Adopted) November 2014

CIL and S106 SPD (Adopted) March 2015

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

Trees and Development Sites SPD (Adopted) April 2021

**3. RELEVANT PLANNING HISTORY**

3.1 PT07/0673/F (approved 14/06/2007):

Change of use of land to stationing of residential mobile home.

3.2 PT03/2687/F (approved 25/03/2004):

Siting of mobile home for residential use.

3.3 PT01/0531/F (approved 19/07/2001):

Change of use of land to equestrian. Erection of stable block and construction of access track, retention of manege and stationing of caravan for use as office.

3.4 PT00/0883/RTC (approved 30/11/2000):

Retention of Menage and Livery Stables for 6 Horses.

3.5 P98/2199 (approved 05/02/1999):

Retention of manege and use of agricultural building as stables for livery purposes.

**4. CONSULTATION RESPONSES**

4.1 Olveston Parish Council

Object due to insufficient detail.

Updated comments: object as site is in Green Belt and parish council has previously objected to mobile home application. It was predicted that this would lead to a dwelling, as per this application.

4.2 Transport

No objection. Conditions recommended.

4.3 Drainage (LLFA)

Not acceptable in current form. Further information is needed.

Updated comments: condition recommended.

4.4 Ecology Officer

A preliminary ecological appraisal is required pre-determination.

Updated comments: No objection, subject to conditions.

4.5 Landscape Officer

No objection. Condition recommended.

Updated comments: no objection in principle, subject to route of PROW and location/canopy extent of trees being established pre-determination. Conditions recommended.

4.6 Lower Severn Drainage Board

No comments have been received.

4.7 Archaeology Officer

No comments.

4.8 Environment Agency

Objection – FRA required.

Updated comments: objection withdrawn. LPA should ensure that the proposed development meets the requirements of the sequential and exception tests.

4.9 Tree Officer

Further information is required.

Updated comments: No objection. Condition required.

4.10 Local Residents

1no. objection has been received during the first consultation, summarised as follows:

- Loss of privacy
- Concern regarding sewage discharge as discharge is onto our property
- Existing sewage provision is poorly maintained
- Area susceptible to flooding
- Ask that provisions are made to mitigate impacts.

## 5. ANALYSIS OF PROPOSAL

- 5.1 Planning permission is sought for the removal of an existing mobile home and erection of 1no. rural workers dwelling. This application is submitted in outline form, with all matters reserved.

### Principle of Development

- 5.2 Policy CS5 directs new development to the urban fringes of Bristol and settlement boundaries as designated by the policies map. The application site is within the open countryside and is not within any settlement boundary, nor does it relate well to one. Therefore, the proposed development conflicts with the spatial strategy set out in CS5.

- 5.3 PSP40 sets out the limited forms of residential development that are acceptable in the open countryside. These are:

- *Rural workers dwellings*
- *Rural housing exception initiatives*
- *Replacement dwellings (subject to being within the same curtilage, being of a similar size, and of a design in keeping with the locality that minimises visual intrusion into the countryside)*
- *Conversion and re-use of existing buildings for residential purposes.*

- 5.4 The situation is somewhat unusual, as the proposal relates to replacement of a permanent mobile home, with a permanent dwelling. However, the mobile home to be replaced benefits from consent as a permanent rural workers dwelling, and so this proposal would fall under PSP40 (2) (rural workers dwellings). PSP41 submits that outside of the defined settlement boundaries, the erection of dwellings for permanent workers in agriculture, forestry, or other rural business will be acceptable where they can demonstrate that:

- 1) *the dwelling is required to satisfy a clearly established existing functional need to live at the place of work or within the immediate area, which can't be met within the defined settlement boundaries; and*
- 2) *the rural business has been established for at least three years, has been profitable for at least one of them, is financially sound, and has a clear prospect of remaining so; and*
- 3) *the need could not be fulfilled by another existing dwelling or building capable of conversion on the unit, or any other accommodation or building capable of conversion in the area, which is suitable and available for occupation by the worker concerned; and*
- 4) *the proposal(s) is satisfactorily sited in relation to the rural business and wherever possible, is sited within a hamlet or existing group of buildings.*

- 5.5 Willbeard Farm operates as an equestrian enterprise (equestrian centre and stud farm), which is well established and has operated for many years. As a result of the equestrian enterprise having a requirement for 24-hour

supervision, a temporary workers dwelling was granted previously. Subsequently, the council considered PT07/0673/F for a permanent workers dwelling in the form of a mobile home. Officers at the time recommended refusal on design grounds only as the park home design was not considered appropriate. However, the development management committee took a different view and consent was granted. Therefore, in this context, there is already a permanent workers dwelling on the site, and so this application need not re-consider the need for the workers dwelling. That said, the replacement dwelling would need to be conditioned appropriately to ensure that occupancy continues in accordance with the existing workers dwelling. A further condition would also be required to ensure the removal of the mobile home, once the replacement workers dwelling is occupied. In this respect, PSP41 (1) and (2) are satisfied.

5.6 In terms of (3) of PSP41, the proposal would see the replacement of an existing workers dwelling with a dwelling that would be able to offer a far more in keeping appearance than the existing mobile home, and the existing mobile home would be removed from site. In this context, the proposal would not conflict with (3) of PSP41, as a rural workers dwelling has already been found to be acceptable on the site as opposed to converting an existing building. Finally in terms of PSP41 (4), the dwelling would be located in close proximity to the existing enterprise, and would relate well to the existing rural grouping and wider farm complex. The development would therefore accord with the requirements of PSP40 and PSP41, subject to the appropriate conditions as discussed above.

#### 5.7 Green Belt

The site is located within the Green Belt, which is an area within the district where development is strictly controlled. Only limited forms of development are appropriate in the Green Belt, and these are listed in para. 149 of the NPPF. Additional forms of development that are appropriate subject to preserving the openness and not conflicting with the purposes of including the land within the Green Belt are listed in para. 150. CS5 submits that outside settlement boundaries within the Green Belt, development will be expected to accord with the NPPF. CS34 instructs that development proposals within rural areas will be expected to protect the designated Green Belt from inappropriate development.

5.8 A rural workers dwelling does not fall within any of the forms of development listed in para. 149 or 150. For the avoidance of doubt, the proposal is not considered to be a replacement building, as a mobile home does not constitute a building. The development would therefore be inappropriate in the Green Belt.

5.9 As stipulated by the NPPF, *Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.* The NPPF goes on to state that: *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

- 5.10 Rural workers dwellings are located in rural areas and have to be in a specific location by reason of their functional requirement in support of an existing and established rural enterprise where an essential need for workers accommodation has been identified. To put it another way, if the case for a workers dwelling is accepted in policy terms, then it follows that it will need to be located in a specific location and that may be within the Green Belt. With a bona-fide need established, it would be highly unreasonable to expect the dwelling to be located outside of the Green Belt, if the rural business is located itself within the Green Belt.
- 5.11 In this case, the need for a workers dwelling has been established and this proposal would simply see the replacement of an existing workers dwelling. Very special circumstances were found to exist when PT07/0673/F was determined, and this continues to be the case given that the consent granted by PT07/0673/F was a permanent one. On that basis, officers are satisfied that there are in this instance very special circumstances which are sufficient to outweigh the harm caused by reason of the inappropriate development. For the avoidance of doubt, substantial weight if given to the harm caused by the inappropriate development, as required by the framework.
- 5.12 The above said, officers are mindful of the need to ensure that the scale of the new dwelling to replace the existing workers dwelling is appropriate for the Green Belt location. Whilst this application is submitted in outline form with all matters reserved, it would be necessary to ensure that parameters relating to scale are established at the outline stage. The existing dwelling is a park home style mobile home, which is single storey and is mounted on blocks, with a garden area to the rear. Officers note that the submitted DAS states that new dwelling would be proposed to be two storey, with a floor area 195sqm in total. However, given the location within the Green Belt, officers are mindful that a full two-storey dwelling would have a greater impact on the openness than the existing situation, and so careful consideration is needed as to the overall height. In this setting, officers would consider no more than 6.5 metres to the ridge as appropriate. The actual appearance and overall design would be a matter left for the reserved matters, and this could include accommodation in the roof, subject to appropriate external appearance and compliance with the overall ridge height condition. A further condition would also be necessary to remove permitted development rights, to ensure that any further additions are carefully considered in their Green Belt context.
- 5.13 Flood Risk  
The application site is within EA flood zone 3, which is an area within the district with the highest risk of flooding. For that reason, a flood risk assessment has been provided during the course of the application's consideration (aegaea, September 2022). This confirms, as per the EA's flood vulnerability classification, that a mobile home is a 'highly vulnerable' use, whereas a dwelling is classed as 'more vulnerable'. It is noted that following the submission of the FRA, the Environment Agency have withdrawn their initial objection. The Council's drainage officers (LLFA) have also raised no objections in relation to the submitted FRA.



- 5.14 The NPPF instructs that *inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.* The NPPF also sets out the sequential and exception tests. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. If a development passes the sequential tests, then it should be subject to the exception test, which it would need to pass in order to be accepted.
- 5.15 A new dwelling in the flood zone would be subject to the sequential and the exception tests. However, in this instance, it would not be appropriate to apply the sequential or exception tests as the proposed development would replace an existing permanent residential use, with the existing being highly vulnerable to flooding. There would therefore be no further units of occupation created in the flood zone and instead simply the replacement of an existing unit. There is therefore no objection to the proposed development in terms of flood risk.
- 5.16 Design and Layout  
Policy CS1 is the Council's principal design policy. CS1 requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by respect and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.17 The application is made in outline form with all matters reserved, and the only plans submitted in support of the application is a site location plan and block plan. However, no indicative elevations or detailed plans have been provided.
- 5.18 The submitted block plans shows a site area of c.372 sqm, which officers consider more than enough to site a dwelling and provide appropriate levels of amenity space and parking. The layout as annotated suggests broadly that the dwelling would be to the South of the plot, however it is unclear how this would work given that it would be in the way of the access and presumably block access to any parking/turning area. That said, this is not a definitive plan, and the final layout would form part of the detailed reserved matters submission.
- 5.19 Overall, the location for the proposed workers dwelling is such that it would not appear isolated within the wider site and would relate well to the existing building group and rural business. It would be necessary given the rural location to ensure that appropriate landscaping is included within the proposals, however as landscaping forms one of the reserved matters, this can be addressed appropriately at the reserved matters stage, given the scale of the development. Moreover in light of the development's scale, it is not considered necessary to secure a framework/control document at this stage.
- 5.20 Officers are also mindful of ensuring that the replacement workers dwelling is of an appropriate height to not appear dominant or harmful within the rural setting. As noted above, a condition will be required to limit the height (6.5 metres), which will also help to avoid this issue.

- 5.21 It is noted that the landscape officer has raised the presence of a PROW. Footpath OOL/22/10 runs through the farm, but does not cross the site of the dwelling or its curtilage.
- 5.22 Overall, officers consider the plot and site to be capable of accommodating a dwelling in design terms, subject to the final design which will form part of the reserved matters submission. There are therefore no objection on matters of design or landscape at the outline stage.
- 5.23 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.
- 5.24 The replacement workers dwelling would be located a substantial distance from the closest neighbouring residential property, and so the case officer is satisfied that there would be no unacceptable impacts on neighbouring residential amenity, should permission be granted.
- 5.25 The case officer is also satisfied that the plot is of sufficient scale to provide enough private amenity space to accord with PSP43, and would be capable of providing satisfactory living conditions for future occupiers, subject to an appropriate final design as part of the reserved matters submission. There are therefore no residential amenity objections to the proposed development.
- 5.26 Transport  
The application site is within a rural location, with poor access to key services and facilities by means other than the private car. The development therefore would not accord with the locational requirements of PSP11. However, the development would see the 1 for 1 replacement of an existing workers dwelling, and so this would not be a reasonable reason for refusal as the residential use exists and has been established as being necessary in this specific location.
- 5.27 Access would be via an existing access onto Greenditch St to the North, which is not proposed to change. As a workers dwelling, there would be ample turning and manoeuvring space within the wider site and officers are satisfied that the proposed plot would also provide sufficient space to provide 2no. Parking spaces as required for a 3 or 4 bed dwelling. There are therefore no transportation objections to the proposed development, however a suitably worded condition will be required to ensure that as part of the reserved matters, full details of the proposed parking and turning area are provided.
- 5.28 Drainage  
The development proposals have been reviewed by the LLFA, who have no objections to the development in drainage terms. However, should permission be granted, a suitably worded condition would be required to secure details of the surface and foul drainage methods to be utilised.

5.29 Ecology

The proposals do not relate to any existing building, however the site is within a rural area adjacent to existing trees and so the proposals could have the potential to impact on protected species and other biodiversity. Moreover, the structure to be removed (mobile home) could have potential to support roosting bats. Accordingly, a preliminary ecological appraisal (Acer Ecology, October 2022) has been provided. The site is not covered by any ecological designations.

5.30 The submitted appraisal confirms that the mobile home is of negligible potential for roosting bats, and existing trees are to be retained. Sensitive lighting has also been recommended within the submitted appraisal. One ditch 20m from the site was assessed for its suitability for GCN, which was concluded as poor, though the presence of GCN cannot be ruled out. Precautionary measures have been recommended and this approach is acceptable. Having reviewed, the submitted PEA, the Council's ecologist does not have any objections, and notes that appropriate mitigation has been put forward. As such, there are no ecological objections to the development.

5.31 Should permission be granted, conditions will be required to ensure that the development proceeds in accordance with the submitted mitigation. A condition will also be required to secure details of the external lighting, and to secure full details of the proposed ecological enhancements.

5.32 Trees

There is an existing tree copse immediately to the East of the site, which is to be retained. As such, an arboricultural report has been submitted during the consideration of this application (Ligna Consultancy, September 2022). Provided trees are protected in accordance with the submitted report, the tree officer has no objections. As such, officers are content that the development is acceptable in arboricultural terms, subject to the usual compliance condition to ensure that works proceed in accordance with the submitted tree protection measures.

**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 permission is **GRANTED** subject to the following conditions:

### CONDITIONS

1. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

#### Reason

This is an outline application only and the reserved matters shall be made to the local planning authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the site access, the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

#### Reason

This is an outline application only and the reserved matters shall be made to the local planning authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority 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).

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. As part of the reserved matters required by condition 2 in relation to access and layout, full details of the proposed parking and turning arrangements for the new dwelling shall be submitted and carried out as approved prior to first occupation.

Reason

To ensure that appropriate parking is provided in accordance with PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places plan (Adopted) November 2017.

6. The occupation of the dwelling shall be limited at all times to a person solely or mainly working, or last working at the adjacent equestrian centre and stud farm, or to a person working in or last working in agriculture, or a widow or widower of such a person and to any resident dependents.

Reason

The site is not within an area intended for residential development and has been permitted solely on the grounds of an established functional need and very special circumstances because it is required to accommodate a person working at the adjacent rural enterprise.

7. Within 1 month of the dwelling hereby approved being occupied, the existing residential mobile home as approved originally by PT07/0673/F shall be permanently removed from the land and the residential use of the land in association with this mobile home shall cease permanently.

Reason

This development has been permitted on the basis of replacing an existing permanent workers dwelling, and so the removal of the existing permanent mobile home is essential to the overall acceptability of the development in planning terms.

8. The workers dwelling hereby approved shall not have a height exceeding 6.5 metres from ground level to the roof ridge level.  
The details submitted pursuant to condition 1 above shall include existing and proposed site levels in order to demonstrate this condition is complied with.

Reason

To ensure that the dwelling does not have any undue impacts on the openness of the Green Belt and to ensure that the development is visually appropriate in the rural setting, in accordance with CS1 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, and the relevant parts of the National Planning Policy Framework.

9. Development shall proceed in strict accordance with the tree protection measures as set out in the submitted arboricultural report (Ligna Consultancy, September 2022).

Reason

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

10. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal (Acer Ecology, October 2022).

Reason

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

11. Prior to installation, details of any proposed external lighting are to be submitted to the local authority for approval and the submitted details are to include the location and specifications of all lighting features. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason

To ensure that new lighting as part of the development does not have impacts on protected species and other biodiversity and to accord with PSP19 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

12. Prior to occupation, an Ecological Enhancement Plan is to be submitted to the local authority for approval, and this is to detail suitable ecological enhancements for (including, but not limited to bats, birds, hedgehogs and invertebrates). The enhancement plan is to include a plan detailing the locations and specifications of the enhancements. Enhancements are to be implemented prior to occupation of the dwelling.

Reason

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

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

Reason

This condition is necessary to allow the local planning authority to retain control over future development in order to preserve the openness of the Green Belt and to ensure that any additions are of an appropriate scale and design within the rural setting.

14. Prior to commencement of above ground works, surface water and foul sewage drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection are to be submitted to the Local Planning Authority for approval in writing. Development shall proceed in accordance with the agreed details.

Reason

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

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

Site location plan

Received 14th December 2022.

Reason

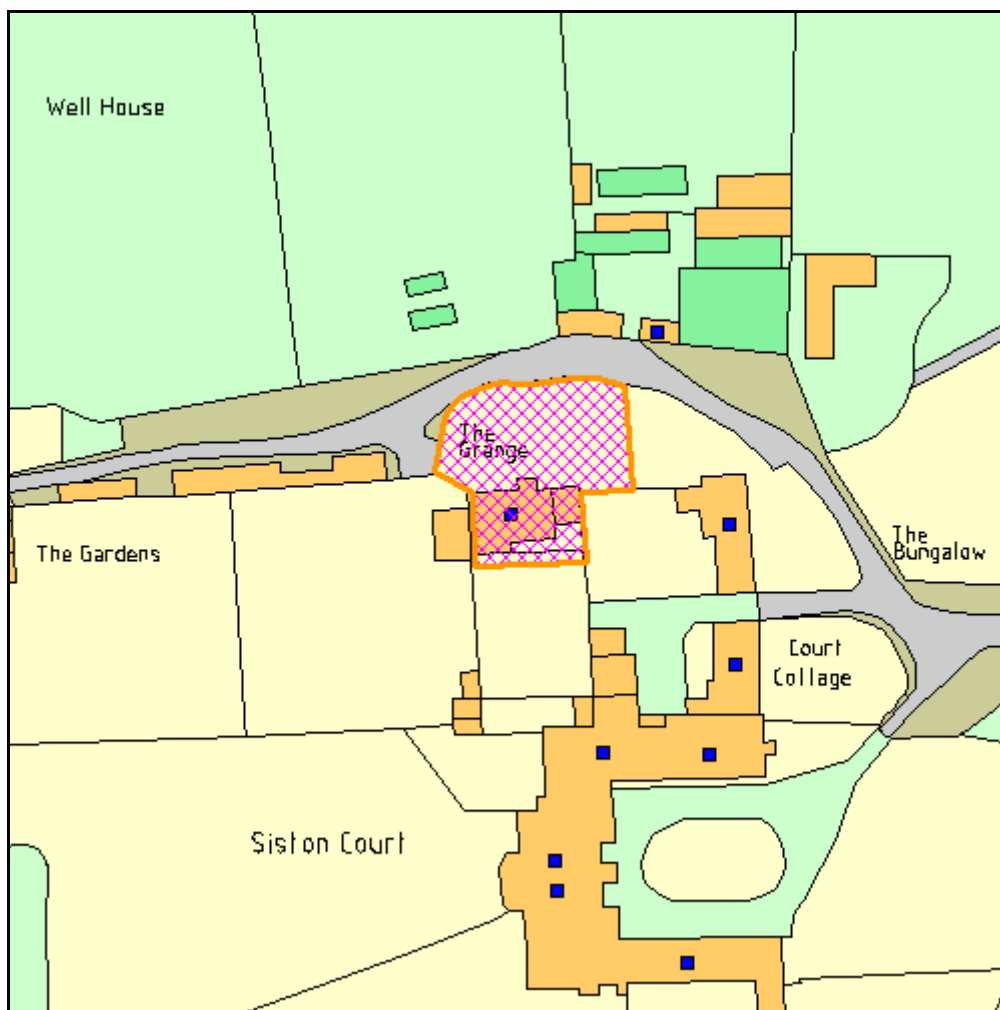
For the avoidance of doubt and to define the exact terms of the permission.

**Case Officer: Alex Hemming**

**Authorising Officer: Helen Ainsley**

**CIRCULATED SCHEDULE NO. 50/22 -16th December 2022**

<b>App No.:</b>	P22/04252/HH	<b>Applicant:</b>	Mr Toby Nevitte
<b>Site:</b>	The Grange Siston Court Mangotsfield South Gloucestershire BS16 9LU	<b>Date Reg:</b>	15th August 2022
<b>Proposal:</b>	Erection of a detached garage and associated works (retrospective)	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	368655 175420	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	6th October 2022



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

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

This application is referred to circulated schedule due to objection comments received from 5no. local residents which are contrary to the Officer's report.

### **1 THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a detached garage and associated works at The Grange, Siston Court, Mangotsfield. The work has commenced on site with the frame of the building completed, permission is therefore sought retrospectively.
- 1.2 The Grange is a grade II listed building in the Gothic Style which is within the curtilage of Grade I listed Siston Court. The site also falls within the Siston Conservation Area and locally registered Siston Historic Park and Garden; it is also washed over by the Bristol and Bath Green Belt.
- 1.3 A detached garage was permitted at the site in 2019, under application reference P19/3000/F; this followed a previously withdrawn application for which the Officer raised concerns with the size, scale and design of the proposed garage, as well as its substantial impact to the significance of designated heritage assets. Subsequently, a scheme similar to that which was initially withdrawn was re-submitted and refused in 2020.

### **2 POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
National Design Guide

#### 2.2 Development Plans

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

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

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

PSP1 Local Distinctiveness  
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
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Standards

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

Development in the Green belt SPD (Adopted) 2007

## 3 RELEVANT PLANNING HISTORY

### 3.1 **P20/03434/F**

Erection of a detached garage and associated works.

Refused: 15/04/2020

#### **Reasons:**

- 1. The site is located within the Bristol and Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt as the proposed development is considered to be disproportionate. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of Policy PSP7 of the Policies, Sites and Places Plan (Adopted) November 2017; the advice set out in the adopted Development in the Green Belt SPD (2007); and the National Planning Policy Framework.*
- 2. By virtue of its siting, scale and massing, the proposed development would result in a building which fails to be informed by, nor respect the character or distinctiveness of the host dwelling or its context. The proposal would appear as a disproportionate addition to the host dwelling and harmful to the visual amenity of the local area. As such, the proposal does not achieve the highest possible standards of design required and is therefore contrary to Policies CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policies PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.*

3. *By reason of its design, siting and scale, the proposed structure would result in a harmful impact to the setting and in turn the significance of the Grade II listed The Grange and the Grade I listed Siston Court. Furthermore, the visually intrusive and discordant structure would neither preserve or enhance the character or appearance of the Siston Conservation Area. The proposed structure is therefore considered contrary to policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.*

3.2 **P19/3000/F**

Erection of a detached garage and associated works. (re-submission of P19/0455/F).

Approved with conditions: 04/06/2019

3.3 **P19/0455/F**

Erection of a two-storey detached outbuilding to form garage, home office and storage area.

Withdrawn: 13/03/2019

#### **4 CONSULTATION RESPONSES**

4.1 **Parish Council**

Concerns with height of the garage.

4.2 **Conservation Officer**

Question of if the proposal is materially different to that approved under P19/3000/F.

Site visit was carried out with case officer to view the stone sample panel and garage in context.

#### **Other Representations**

4.3 **Local Residents**

Objection comments received from 5 local residents, summarised as follows:

- Conditions not adhered to.
- Garage exceeds in size that which was agreed. Now out of scale with adjoining listed buildings and setting.
- New plans include external support pillars, deviation from agreed plans. Would not be in keeping with the historic surroundings.
- Planning consent stated building was to be completed within 3 years, now expired.
- Colouring (blue/grey) and profile (30-60cm in length) of stonework inappropriate.

## 5 **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

The principle of development was established under approved application P19/3000/F, however the development subject of this application has increased the size of the proposal and therefore requires re-assessment. The main issue to consider is if the new proposal is materially larger than that previously agreed.

5.2 Policy PSP7 of the PSP Plan (November 2017) states that inappropriate development is harmful to the Green Belt and will not be acceptable unless very special circumstances can be demonstrated that clearly outweigh the harm to the Green Belt; and any other harm. Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. Of particular importance is Policy CS9 of the Core Strategy which seeks to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.

### 5.3 **Green Belt**

The erected garage is greater in size than that agreed by approximately 0.7m in length and 0.2m in height. It is shallower in depth by approximately 0.2m. The appearance initially appeared to be significantly higher than that agreed to due to increased eaves height to the front of the garage, though this was later amended. The proposal would still be set back from the road and be sited within the context of a large driveway. Although, increased in size, this is marginal, and the garage would still not appear disproportionate to the main dwelling in its own right. It is also set within a small cluster of dwellings surrounding Siston Court.

5.4 As such, the proposed garage would not represent a disproportionate addition to the original house and would not result in an unacceptable impact to the openness of the Green Belt. The proposal is therefore acceptable in principle.

### 5.5 **Heritage and Design**

As stated above, the partially erected garage is marginally larger than that approved under P19/3000/F. Initially the new proposal appeared significantly more dominant than the agreed scheme, however this was due to a raised eaves to the front of the development which resulted in a large expanse of wall when viewed from the front. Following a site visit, it was accepted that by amending the design to a more traditional eaves, in line with the remainder of the development, the proposal would retain its subservience to the surrounding heritage assets. Some concern has also been raised by residents of the

- external support pillars. However, these are not considered to result in any significant harm to the design of the building, nor the significance of the heritage assets.
- 5.6 What was of more concern was the impact of the proposed materials. The stonework which had already begun on site was of a blue/grey colour which was not considered harmful to the sensitive setting. Subsequently, a new stone sample was presented and approved by the council's conservation officer on site which removed the inappropriate blue tones in the stone. As such, the already constructed stonework is to be removed and re-constructed in accordance with the approved sample. (photograph, dated 24/11/22).
- 5.7 Drawings have been provided of the proposed eaves, rooflight and door detail which is all deemed acceptable, provided the colour of materials matches that of the host dwelling.
- 5.8 Overall, subject to appropriately worded conditions, the proposal would be of an suitable standard of design to preserve the character and appearance of the heritage assets.
- 5.9 **Residential Amenity**  
The proposed modest increase in size of the garage would not materially alter the previous assessment of residential amenity.
- 5.10 **Transport**  
Sufficient parking provision will remain and improvements are being made to the existing access. As such, no objections are raised in terms of transport.
- 5.11 **Equalities**  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.12 With regards to the above this planning application is considered to have a neutral impact on equality as it does not impact on any protected characteristics.

### 5.13 **Other matters**

The previous application included a condition for work to begin within 3 years, not be completed.

## 6 **CONCLUSION**

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

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

## 7 **RECOMMENDATION**

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

## **CONDITIONS**

1. Within 2 months of this decision, the already constructed stonework shall be removed entirely. The development hereby approved shall then be erected in accordance with the stonework sample provided and agreed by the council on-site (photograph dated 24/11/2022), demonstrating the stone, coursing, mortar and pointing. The agreed stonework sample provided shall remain on site for the duration of the build.

### Reason

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with sections 66(1) & 71(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2018) and policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

2. The proposed roof tiles shall match in profile and colour those of the The Grange.

### Reason

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with sections 66(1) & 71(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2018) and policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

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

Received by the Council on 29th July 2022:

The Location Plan

Conservation Rooflights

Details Doors and Eaves

Received by the Council on 24th November 2022:

Site Plan (drawing no.1579-02A)

Elevations (1579-04A)

Floor Plan 1579-03A)

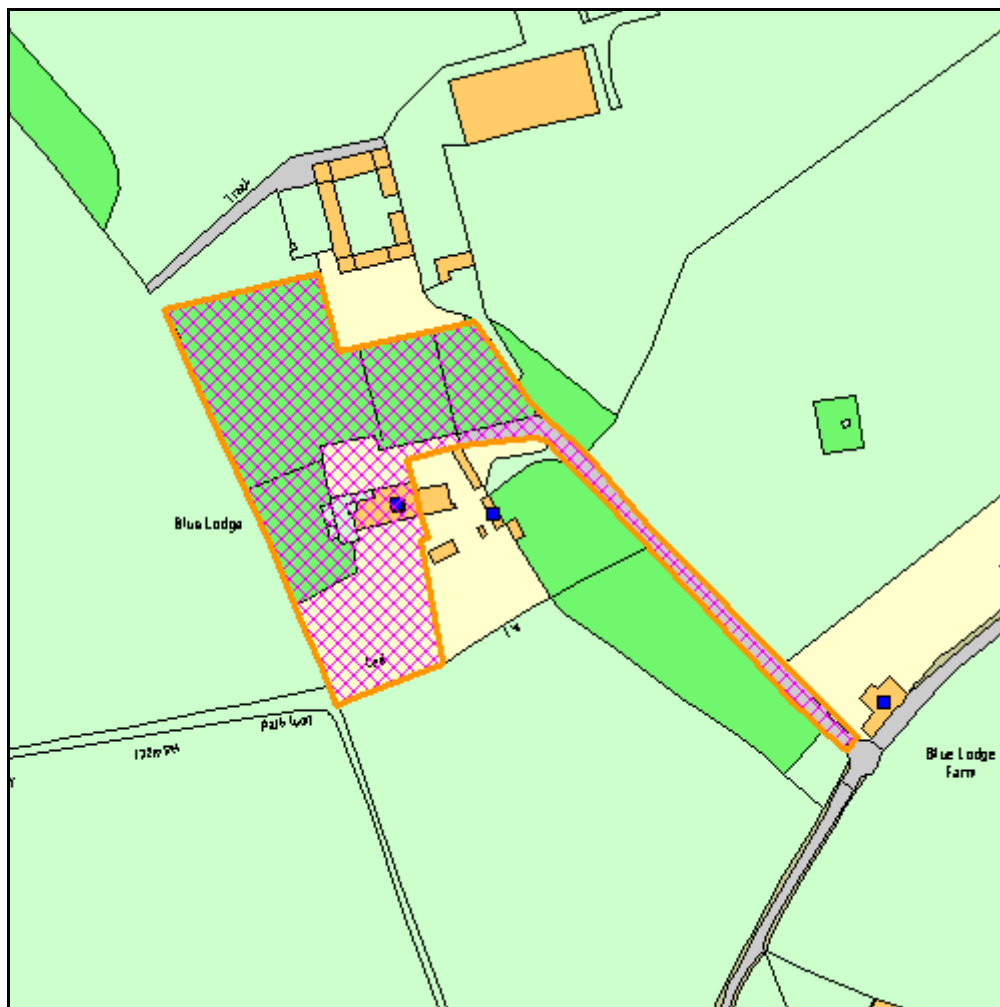
Reason

To define the terms of the permission.

**Case Officer: James Reynolds**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 50/22 -16th December 2022**

<b>App No.:</b>	P22/05867/LB	<b>Applicant:</b>	Mr Andrew Attfield
<b>Site:</b>	Blue Lodge West Wing Lodge Road Wick South Gloucestershire BS30 5TX	<b>Date Reg:</b>	11th October 2022
<b>Proposal:</b>	Erection of a single storey front/infill extension, first floor glazed front extension and single storey rear extension. Removal and replacement of 3 no rear and 2 no side second floor windows. Internal alterations to remove and replace 2 no staircases and alterations to first and second floor internal walls.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	369293 174068	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd December 2022



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P22/05867/LB



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 APPEARANCE ON CIRCULATED SCHEDULE**

This application appears on the circulated schedule due to the receipt of an objection comment from Siston Parish Council, contrary to the recommendation of the case officer.

### **1. THE PROPOSAL**

- 1.1 This application seeks listed building consent for the following items at Blue Lodge West Wing, Wick:
- Erection of a single storey front/infill extension, first floor glazed front extension and single storey rear extension to form additional living accommodation.
  - Removal and replacement of 3.no rear and 2.no side second floor windows.
  - Internal alterations to remove and replace 2.no staircases and alterations to first and second floor internal walls.
- 1.2 The site of the proposed development sits approximately 900m to the Northwest of the defined settlement boundary of Wick with the host property itself comprising a three-storey detached dwellinghouse. The dwelling is categorised as a Grade II Listed Building and has associated grounds that are designated as a historic park and garden which is likewise 'washed over' by the Bristol and Bath Green Belt (BBGB).
- 1.3 Lastly, it is noted this Listed Building Consent should be read in conjunction with the full planning application **P22/05868/HH**.

### **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  
CS9 Managing the Environment and Heritage

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP17 Heritage Assets and the Historic Environment

### 3. RELEVANT PLANNING HISTORY

- 3.1 Ref: P99/4646/L. Approve Listed Building Consent, 06.10.1999.  
Proposal: Re-instatement of sash windows. Alterations to elevations and roof.  
Internal alterations.
- 3.2 Ref: K6713/1. Refuse consent, 19.08.1991.  
Proposal: Conversion of redundant barn and outbuildings to form farmhouse.
- 3.3 Ref: K1103/2. Approval, 05.11.1980.  
Proposal: Alteration to postillion gatehouse to form games room.

### 4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council  
No objection.
- 4.2 Siston Parish Council  
A strong objection is raised as the development is not sympathetic to the to the historic interest of this building with particular concerns raised to the window and staircase replacements.
- 4.3 National Amenity Society  
No comments received.
- 4.4 Listed Building and Conservation Officer  
The following comments have been summarised from the Listed Building Officer:
- Whilst the Design, Access and Heritage Statement suggests the applicant building is of 19<sup>th</sup> century origin, a site visit has confirmed the property has undergone significant alterations and does indeed indicates otherwise. This is best demonstrated through the Victorian additions to the rear elevation and the presence of 3no. cross mullion casements (circa 18<sup>th</sup> century) and archway to the West (circa 17<sup>th</sup> century).
  - Likewise, due to the Victorian additions, this building presents a striking contrast in architectural styles between the 'front' and 'rear', which not only adds a great degree of interest to the building, but also lends itself to some confusion regarding the original principal elevation. However, it is understood that the North elevation has functioned as the 'front' for a period in excess of 100 years.
  - Each of the proposals put forward have been assessed individually and are now listed below:

#### **Single storey front/infill extension:**

- This arrangement is considered to date from the 1960s meaning the concrete lintels are of no historic interest and do

not represent a loss of historic fabric. Likewise, as this part of the building appears to be an awkward and almost forgotten space, the loss of 2no. windows which only serve a WC and storage space would be acceptable.

**First-floor glazed front extension:**

- Whilst the proposal for a glazing extension to the front elevation poses significant concern from the onset for any listed building application, it is the evolution of this building and current aesthetical appearance to the North elevation that means the glazing link would not appear as an out of character addition in this instance.
- Similarly, the roof which the extension would be placed upon does not appear overly historic, meaning the removal of this fabric does not raise a pressing issue.
- Lastly, the impact on historic fabric at first-floor level would be outweighed by the other enhancements in the scheme.

**Single Storey rear extension (garden room):**

- The submitted Design, Access and Heritage Statement confirms that a historic precedent has been set for some form of building in this location.
- Although there was initial concern that the extension would have appeared as an inappropriate addition due to the loss of historic fabric and change in character to solidity of rear elevation, the weighing up against other proposals means this loss would be offset by the level of enhancements achieved elsewhere and as such, the garden room is acceptable.

**Removal and replacement of 3.no rear and 2.no side second floor windows:**

- These are modern windows that only serve to detract from the existing character of the building meaning there is no objection to their replacement.

**Internal alterations to remove and replace 2.no staircases and alterations to first and second floor internal walls:**

- The main staircase to be removed does not bare any original or historic value which is exemplified through its scale and positioning, ultimately intruding upon the entrance and leaving a contrived planform. Likewise, the use of materials and rather unrefined design in its construction suggests the staircase is of 1960s origins and therefore confirms its removal would not result in any loss of character or fabric.
- Similarly, the new staircase, due to its grand sweeping form, is more in keeping with the character of the building than the current arrangement and represents a significant enhancement.
- In respect of the proposed reconfiguration of the identified internal partitions, the proposed works are considered to be acceptable as it will not result in a change or loss of character to the building.

- To conclude, the development proposals would help to preserve and perhaps even enhance the character and appearance of this Grade II listed building. However, a condition relating to detailed design of windows, fixed glazing, rooflights, vents and flues, eaves, and pipe runs is suggested as to help preserve the quality of this heritage asset. Likewise, a matching tile condition would not be undue.

4.5 Archaeology Officer

No comments received.

4.6 Public Rights of Way Officer

No objection as this application is unlikely to affect the right of ways PSN/33/30 & LWA/6/10 which run along the drive to the Southeast of the site.

4.7 Tree Officer

No objection but request the Arboricultural Report and Tree Protection Plan (both prepared by Alan Engley and dated 19th July 2022) be added to the approved documents list of any given consent.

4.8 Gardens Trust

No comments received.

4.9 Local Residents

No comments received.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

As stated in Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities have special regard in the consideration as to whether to grant listed building consent. This applies to any works associated to the desirability of preserving the Listed Building itself, its setting, or any features of special architectural or historic interest in which it possesses. Further to this, the NPPF attaches great weight to the conservation of heritage assets to ensure their significance is maintained or enhanced. The development seeks to make alterations to a listed building and is therefore acceptable in principle but will be further assessed to determine the level of potential harm.

5.2 Impact on the Listed Building

In the first instance, it is noted that the accompanying full planning application covers the extent of works in terms of its planning merits beyond the necessary heritage consideration, with this application evaluating the consent required to alter the Listed Building.

5.3 Blue Lodge West Wing represents a Grade II listed building with a mixture of external architectural styles that range from the 17th century through to the Victorian era. Likewise, there are a number of modern internal reconfigurations (estimated to be of 20<sup>th</sup> century origin) that have generally led to a contrived planform and do not add any historic value. This means those elevations which have undergone the most significant change, namely, the North, are more

accommodating for development, with this approach also applicable to the more modern internal adaptations.

- 5.4 In light of this and referring to comments of Siston Parish Council – who have strongly objected on the basis the proposals are unsympathetic to the building’s historic character – the largest of the works do indeed relate to the North elevation and the 20th century additions. Here, the first-floor glazing extension (sought to be installed to the North elevation), had originally raised significant concern but it is due to the evolution of the building and ranging styles that the glazing extension is not considered to be an out of character addition. Likewise, the roof plane it would be situated upon does not bare any historic value, suggesting the development is unlikely to remove any fabric that holds quality for this listed building. Similarly, the replacement of the property’s main staircase with a revised grand sweeping form would be more in-keeping with the character of the building and represents an enhancement. Based on these considerations, concerns of the Parish Council are considered to be addressed whilst also demonstrating these parts of the proposal are acceptable.
- 5.5 Further to the above, the single storey rear extension (garden room) is confirmed by the submitted Design, Access and Heritage Statement to be sited in a location that benefits from a historic precedent for some form of structure in this position. Due to this, it would not be unacceptable to expect a small and lightweight extension protruding from this elevation. Similarly, and whilst there was some original concern relating to solid-to-void ratio of the rear façade, this is outweighed by the enhancement (staircase) described above. Therefore, this part of the development is also acceptable.
- 5.6 Lastly, the remaining works (window replacement, internal wall alterations, infill extension) generally relate to 20th century additions and do not represent a loss of historic fabric nor do they not result in a change to character of the building.
- 5.7 Based on the above considerations, the development proposals would help to preserve the appearance of Blue Lodge West Wing and listed building consent should be given. However, the advice of the Listed Building officer to impose conditions relating to detailed design of windows, fixed glazing, rooflights, vents and flues, eaves, pipe runs and matching tiles is not considered undue as the host building does have some remaining 17<sup>th</sup> century origin and should be, where practically possible, protected. Therefore, conditions relating to the above will be attached to the listed building consent and any associated planning permission, with the works, subject to condition, in a position that is compliant with the requirements of national legislation and local plan policy.
- 5.8 Consideration of likely impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act, the public sector equality duty came into force. Among other things, those subject to the equality duty must have due regard to: eliminate unlawful discrimination; harassment and victimisation; advance equality of opportunity; and, foster good relations between people who share a protected characteristic and those who do not.

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

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

## 6. **CONCLUSION**

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

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

## 7. **RECOMMENDATION**

- 7.1 That the consent be **APPROVED** subject to conditions.

### **CONDITIONS**

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason

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

3. Prior to the commencement of the relevant works, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.

- a. All new windows and fixed glazing (including cill, head, reveal and glass details)
- b. Rooflights
- c. All new vents and flues
- d. Eaves (including rainwater goods) for "infill extension" only
- e. Pipe runs to all new bathrooms.

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

Reason:

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2018) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

4. The development hereby approved shall be completed in strict accordance with the following plans (received 7th October 2022):

- Tree Protection Plan (AJE/AF 29283)
- Site Location Plan (010)
- Existing Roof Plan (014)
- Existing GF Plan (015)
- Existing FF Plan (016)
- Existing SF Plan (017)
- Existing North Elevation (018)
- Existing South Elevation (019)
- Existing West Elevation (020)
- Proposed Roof Plan (021)
- Proposed GF Plan (022)
- Proposed FF Plan (023)
- Proposed SF Plan (024)
- Proposed North Elevation (025)
- Proposed South Elevation / Garden Room West and West (026)
- Proposed West Elevation (027)
- Proposed Stairs (028)
- Proposed Garden Room Details (029)
- Proposed Glazed Link Detail (030)
- Proposed Window Elevation (032)
- Proposed Door Elevation (033)

Reason:

To define the extent and terms of the permission.

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

**CIRCULATED SCHEDULE NO. 50/22 -16th December 2022**

<b>App No.:</b>	P22/05868/HH	<b>Applicant:</b>	Mr Andrew Attfield
<b>Site:</b>	Blue Lodge West Wing Lodge Road Wick South Gloucestershire BS30 5TX	<b>Date Reg:</b>	11th October 2022
<b>Proposal:</b>	Erection of a single storey front infill extension, a single storey rear extension to form garden room and a first floor extension to form a glazed walkway.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	369293 174068	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	2nd December 2022



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P22/05868/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 APPEARANCE ON CIRCULATED SCHEDULE**

This application appears on the circulated schedule due to the receipt of an objection comment from Siston Parish Council, contrary to the recommendation of the case officer.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a single storey front infill extension, a single storey rear extension to form garden room and a first-floor extension to form a glazed walkway at Blue Lodge West Wing, Wick.
- 1.2 The site of the proposed development sits approximately 900m to the Northwest of the defined settlement boundary of Wick with the host property itself comprising a three-storey detached dwellinghouse. The dwelling is categorised as a Grade II Listed Building and has associated grounds that are designated as a historic park and garden which is likewise 'washed over' by the Bristol and Bath Green Belt (BBGB).
- 1.3 Lastly, it is noted this planning application should be read in conjunction with the listed building consent **P22/05867/LB**.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

#### **2.2 Development Plans**

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

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment

PSP38      Development within Existing Residential Curtilages  
PSP43      Private Amenity Space

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

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

- 3.1    Ref: P99/4646/L. Approve Listed Building Consent, 06.10.1999.  
Proposal: Re-instatement of sash windows. Alterations to elevations and roof.  
Internal alterations.
- 3.2    Ref: K6713/1. Refuse consent, 19.08.1991.  
Proposal: Conversion of redundant barn and outbuildings to form farmhouse.
- 3.3    Ref: K1103/2. Approval, 05.11.1980.  
Proposal: Alteration to postillion gatehouse to form games room.

### 4.    **CONSULTATION RESPONSES**

- 4.1    Wick and Abson Parish Council  
No objection.
- 4.2    Siston Parish Council  
A strong objection is raised as the development is not sympathetic to the to the historic interest of this building with particular concerns raised to the window and staircase replacements.
- 4.3    Listed Building and Conservation Officer  
The following comments have been summarised from the Listed Building Officer:
- Whilst the Design, Access and Heritage Statement suggests the applicant building is of 19<sup>th</sup> century origin, a site visit has confirmed the property has undergone significant alterations and does indeed indicates otherwise. This is best demonstrated through the Victorian additions to the rear elevation and the presence of 3no. cross mullion casements (circa 18<sup>th</sup> century) and archway to the West (circa 17<sup>th</sup> century).
  - Likewise, due to the Victorian additions, this building presents a striking contrast in architectural styles between the 'front' and 'rear', which not only adds a great degree of interest to the building, but also lends itself to some confusion regarding the original principal elevation. However, it is understood that the North elevation has functioned as the 'front' for a period in excess of 100 years.
  - Each of the proposals put forward have been assessed individually and are now listed below:

#### **Single storey front/infill extension:**

- This arrangement is considered to date from the 1960s meaning the concrete lintels are of no historic interest and do not represent

a loss of historic fabric. Likewise, as this part of the building appears to be an awkward and almost forgotten space, the loss of 2no. windows which only serve a WC and storage space would be acceptable.

**First-floor glazed front extension:**

- Whilst the proposal for a glazing extension to the front elevation poses significant concern from the onset for any listed building application, it is the evolution of this building and current aesthetical appearance to the North elevation that means the glazing link would not appear as an out of character addition in this instance.
- Similarly, the roof which the extension would be placed upon does not appear overly historic, meaning the removal of this fabric does not raise a pressing issue.
- Lastly, the impact on historic fabric at first-floor level would be outweighed by the other enhancements in the scheme.

**Single Storey rear extension (garden room):**

- The submitted Design, Access and Heritage Statement confirms that a historic precedent has been set for some form of building in this location.
- Although there was initial concern that the extension would have appeared as an inappropriate addition due to the loss of historic fabric and change in character to solidity of rear elevation, the weighing up against other proposals means this loss would be offset by the level of enhancements achieved elsewhere and as such, the garden room is acceptable.

**Removal and replacement of 3.no rear and 2.no side second floor windows:**

- These are modern windows that only serve to detract from the existing character of the building meaning there is no objection to their replacement.

**Internal alterations to remove and replace 2.no staircases and alterations to first and second floor internal walls:**

- The main staircase to be removed does not bare any original or historic value which is exemplified through its scale and positioning, ultimately intruding upon the entrance and leaving a contrived planform. Likewise, the use of materials and rather unrefined design in its construction suggests the staircase is of 1960s origins and therefore confirms its removal would not result in any loss of character or fabric.
- Similarly, the new staircase, due to its grand sweeping form, is more in keeping with the character of the building than the current arrangement and represents a significant enhancement.
- In respect of the proposed reconfiguration of the identified internal partitions, the proposed works are considered to be acceptable as it will not result in a change or loss of character to the building.

○

To conclude, the development proposals would help to preserve and perhaps even enhance the character and appearance of this Grade II listed building. However, a condition relating to detailed design of windows, fixed glazing, rooflights, vents and flues, eaves, and pipe runs is suggested as to help preserve the quality of this heritage asset. Likewise, a matching tile condition would not be undue.

- 4.4 Archaeology Officer  
No comments received.
- 4.5 Public Rights of Way Officer  
No objection as this application is unlikely to affect the right of ways PSN/33/30 & LWA/6/10 which run along the drive to the Southeast of the site.
- 4.6 Tree Officer  
No objection but request the Arboricultural Report and Tree Protection Plan (both prepared by Alan Engley and dated 19th July 2022) be added to the approved documents list of any given consent.
- 4.7 Gardens Trust  
No comments received.
- 4.8 Local Residents  
A response has been received from a local resident in the form of a written representation with key points summarised as follows:
- The design and form of the proposed works would not ensure the significance and setting of the heritage asset is preserved.
  - The proposed first floor extension would appear as an obtrusive and discordant addition to the historic building.
  - The proposed single storey rear extension adopts a contrasting glass and aluminium design which due to the difference in levels between West wing and East wing would significantly increase the degree of overlooking and result in a loss of privacy.
  - The proposal would also disrupt the appearance of the garden walls.
- 4.9 [*Officer response to Consultees*] The above comments have been noted with further assessment against design and residential amenity found below.

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy PSP38 states that alterations to dwellings within established residential curtilages are accepted in principle, subject to detailed development control considerations in respect of design, residential amenity and transportation.
- 5.2 Notwithstanding this and in regard to the constraint identified above (the Bristol and Bath Green Belt), policy PSP7 and the NPPF sets out strict criteria to avoid inappropriate development in the Green Belt. Similarly, it is recognised that the applicant building constitutes a 'designated' heritage asset, indicating the main issue to assess (whilst not dismissing those highlighted by PSP38) is whether the proposed development would be considered inappropriate and excessive having regard to local plan policies and the NPPF.
- 5.3 Green Belt  
Policy CS5 supports the protection of the Green Belt from inappropriate development, however, paragraphs 149 and 150 of the NPPF make clear the

forms of development that are not inappropriate within the Green Belt. One such development is 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.

- 5.4 Further to this, policy PSP7 provides guidance on the assessment of the severity of potential harm caused by development in the Green Belt. It states that the larger a building becomes in excess of 30% over and above its original size, the more likely the building will become disproportionate, with those equating to a 50% increase or above resulting in a detrimental impact to the Green Belt.
- 5.5 Given the scale of the host property (which is also noted to not have been enlarged since 1948), it is highly unlikely the development would amount to a volume increase in excess of 30%. Therefore, the proposed works do not create a Green Belt concern over and above the existing situation, with no objection therefore raised.
- 5.6 Impact on Heritage Assets  
As stated in paragraph 199 of the NPPF, great weight should be given to the conservation of heritage assets. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Further to Government planning policy, PSP17 seeks to ensure that alterations, extensions or changes of use to a listed building or development within the setting of a historic park and garden will be expected to preserve and where appropriate, enhance those elements which contribute to their special historic interest.
- 5.7 As confirmed above, the applicant building is designated as a Grade II listed building due to its 17th century origin with a mixture of historic architectural styles. Whilst concerns of Siston Parish council and a local resident describe the proposed development being unsympathetic and unlikely to preserve the historic significance of this heritage asset, the weighing up process has found the works would, on balance, help to preserve the appearance of Blue Lodge West Wing. Of specific note is the replacement of 1960s staircase with an improved grand sweeping form, which would be more in-keeping with the character of the building than the current arrangement. Likewise, the evolution of this building puts it a unique position that is more accommodating for development, meaning the glazed walkway is in this instance, acceptable. In similar vein, the historic precedent for some form of structure to be positioned on the rear façade means the garden room would not be out-of-keeping with the property's character or indeed the garden's historic status.
- 5.8 However, comments of the listed building officer should also be taken into consideration which emphasize the need for conditions relating to detailed design of windows, fixed glazing, rooflights, vents and flues, eaves, pipe runs and matching tiles. Due to the value of this historic present, such conditions would not be unreasonable if attached to any planning permission. Subject to such conditions, the proposed development complies with corresponding provisions of the NPPF and meets the requirements of PSP17.

## 5.9 Design and Visual Amenity

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

5.10 The proposals contained within this application and the associated listed building consent are expansive in number with the following assessment centred on developments that are externally visible. It is noted the assessment in the corresponding LBC has sufficiently reviewed the internal proposals.

5.11 The North elevation would see the introduction of a first-floor glazed walkway positioned above the existing porch and utility room. It would measure approximately 7.3m in length and have a width of 1.6m. Below this, a small in-fill extension would make use of the 'dead' space between the utility room and entrance hall, covering an area of 3.25m<sup>2</sup>. To the South, a single-storey extension would project from the rear building line by 5m and have a maximum height of 3.7m, which features a significant amount of glazing.

5.12 Whilst previous concerns have been raised about the impact of the development on the character of the host i.e., its appearance, the small-scaled nature of the works in the context of a building that has been heavily adapted does indeed mean the distinctiveness of this building is retained. Here, reference is again made to the accompanying LBC which more closely examines the impact of works upon the character of the host. Due to this, a satisfaction level has been reached to demonstrate the proposal has an acceptable standard of design that complies with policy CS1.

## 5.13 Residential Amenity

Policy PSP8 explains that development proposal will be permitted provided they do not create unacceptable living conditions or result in unacceptable impacts on residential amenities. These are outlined as follows (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.

5.14 Initially, no concerns were raised with regard to residential amenity as the works would either replace existing windows (meaning the relationship of overlooking would be unaltered) or the new vantage points would overlook a driveway (not presenting an opportunity for intervisibility). However, a concern has been raised by a neighbour regarding the garden room and the potential to disrupt the privacy of their external amenity space due to a change in levels. As a result, a site visit was conducted on the 7<sup>th</sup> December with the photographs below highlighting the minor change in land slope and 2.5m boundary wall. In essence, the garden room is highly unlikely to result in an impact that would warrant refusal. The development is compliant with policy PSP8.



FIGURE 1: *Rear elevation of host property and 2.5m boundary wall*



FIGURE 2: *Rear boundary wall between West Wing (host) and East Wing (neighbour) blue lodge.*

#### 5.15 Private Amenity Standards

Policy PSP43 states that residential units, including those that are subject to development, are expected to have access to private amenity space that is: functional, safe, of a sufficient size in relation to occupants and be easily accessible. Due to the retainment of access to existing rear garden, the case officer is satisfied private amenity space standards would be acceptable, and as such, the proposal complies with PSP43.

#### 5.16 Transport (Access and Parking)

In terms of transport, policy PSP11 confirms development proposals that generate a demand for travel will be acceptable provided that access is appropriate, safe, convenient and attractive for all modes of travel arising to and from the site. It also outlines that access should not: contribute to congestion; impact on the amenities of communities surrounding access routes; have an unacceptable effect on highway and road safety; and, should not harm environmentally sensitive areas.

- 5.17 No changes are proposed to the existing access and as such, no objection is raised with regard to PSP11.
- 5.18 When referring to 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 expected to provide 3no. on-site parking spaces (it is reasonable to assume the existing games room could be converted to a bedroom, which does not require planning permission). Submitted evidence has confirmed the site can comfortably accommodate 3no. vehicles with the development therefore compliant with PSP16.
- 5.19 Public Right of Way  
PSP10 confirms those developments that affect the amenity or safety of existing active travel routes (such as a PROW) will only be considered acceptable where an alternative of equal quality is provided. As the proposal would not affect the visual and recreational amenity of users of PSN/33/30 & LWA/6/10, the development is compliant with PSP10.
- 5.20 Consideration of likely impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act, the public sector equality duty came into force. Among other things, those subject to the equality duty must have due regard to: eliminate unlawful discrimination; harassment and victimisation; advance equality of opportunity; and, foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.21 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** consent has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to 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 tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason

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

3. Prior to the commencement of the relevant works, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.

- a. All new windows and fixed glazing (including cill, head, reveal and glass details)
- b. Rooflights
- c. All new vents and flues
- d. Eaves (including rainwater goods) for "infill extension" only
- e. Pipe runs to all new bathrooms.

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

Reason:

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2018) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

4. The development hereby approved shall be completed in strict accordance with the following plans (received 7th October 2022):

Tree Protection Plan (AJE/AF 29283)

Site Location Plan (010)

Existing Roof Plan (014)

Existing GF Plan (015)

Existing FF Plan (016)

Existing SF Plan (017)

Existing North Elevation (018)

Existing South Elevation (019)

Existing West Elevation (020)

Proposed Roof Plan (021)  
Proposed GF Plan (022)  
Proposed FF Plan (023)  
Proposed SF Plan (024)  
Proposed North Elevation (025)  
Proposed South Elevation / Garden Romm West and West (026)  
Proposed West Elevation (027)  
Proposed Stairs (028)  
Proposed Garden Room Details (029)  
Proposed Glazed Link Detail (030)  
Proposed Window Elevation (032)  
Proposed Door Elevation (033)

Reason:

To define the extent and terms of the permission.

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

## CIRCULATED SCHEDULE NO. 50/22 -16th December 2022

<b>App No.:</b> P22/06016/F	<b>Applicant:</b> BoyleSports (UK) Ltd
<b>Site:</b> 124-126 High Street Staple Hill South Gloucestershire BS16 5HH	<b>Date Reg:</b> 19th October 2022
<b>Proposal:</b> Change of use from (Class E) commercial, business and services to betting office (sui generis) as defined in Town and Country planning (Use Classes) Order 1987 (as amended) with external alterations.	<b>Parish:</b>
<b>Map Ref:</b> 364880 175904	<b>Ward:</b> Staple Hill And Mangotsfield
<b>Application Category:</b> Minor	<b>Target Date:</b> 13th December 2022



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

### **CIRCULATED SCHEDULE**

The application appears on the Circulated Schedule due to a large number of objections (216) contrary to Officer recommendation. Also due to the receipt of an objection from the Ward member.

#### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the Change of use (Class E) commercial, business and services to betting office (sui generis) as defined in Town and Country planning (Use Classes) Order 1987 (as amended) with external alterations..
- 1.2 The application site relates to 124-126 High Street, Staple Hill. The building is the site of the former Lloyds Bank. It is of some age, style and architectural merit appropriate to its former use. The two-storey stone building is part of a terrace of mixed use buildings – retail and business at ground floor with some residential above. The site is within Staple Hill Town Centre, within a primary shopping centre and a primary shopping frontage area.
- 1.3 It is worth highlighting and confirming certain declarations within the Planning Statement provided by the applicant.

*No listed buildings in the immediate vicinity* - The Portcullis Pub at the eastern end of the terrace, two doors away from the application site, is a locally listed building and similarly, the building at the western end of the terrace is locally listed. In addition, Staple Hill Methodist Church, almost directly opposite is also locally listed and therefore, these non-designated assets are worthy of some recognition.

*Economic benefits* – the statement refers to Wakefield City Centre not Staple Hill and therefore, it appears the statement is a generic and not specific assessment of the situation at this location.

#### ***1.4 Applicant's supporting statement***

The applicant's rebuttal to consultation objections made is summarised below:

- Disagrees with the objection comment made by another betting shop – Backhouse Bet, saying the comments are an act of 'trade protectionism'
- Public objections are repetitive and some do not comprise material planning considerations, a number of which are unfounded and make incorrect assertions
- With regards to over saturation of betting shops in the locality, the applicant acknowledges that betting offices often seek to locate in close proximity and in this instance is no different to other town centre uses which take advantage of critical mass i.e. a café quarter or financial district, etc

- Often customers of betting shops visit other shops and facilities during visits which increases overall footfall to a centre
- Associations have been made between betting offices and the health and wellbeing of residents but as noted in an appeal decision example, ‘... *there is little conclusive evidence that the proposal would, individually or collectively, result in harm to people’s health and education, or prevent them from leading health and active lifestyles.*’ (May 2018, APP/J2373/W/18/3196247).
- Some concerns regarding anti-social behaviour are unjustified and are based on opinions rather than facts. No evidence has been provided to show the existing betting offices have a detrimental impact on anti-social behaviour and / or crime rates.
- Every application for a betting office would need an operating licence from the Council’s Licencing Sub-Committee which requires an application to demonstrate reasonable consistency with the 3 statutory licencing objectives of:
  1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
  2. Ensuring that gambling is conducted in a fair and open way
  3. Protecting children and other vulnerable people from being harmed or exploited by gambling
 Every application is measured against the above objectives which fall under the Gambling Act 2005
- The proposal will provide inward investment to the location, and will provide a number of full-time and part-time roles as well as supporting employment indirectly in the wider locality for services and good provided to the shop.

## 2. POLICY CONTEXT

- 2.1 National Guidance  
 National Planning Policy Framework  
 National Planning Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS14	Town Centres and Retail
CS29	Communities of the East Fringe of Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP31	Town Centre Uses – boundary and primary shopping area
PSP32	Local Centres, Parades and Facilities
PSP33	Shopping Frontages

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007)

Planning Obligations Guide SPD – (Adopted) March 2015

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

3. **RELEVANT PLANNING HISTORY**

3.1 P22/06017/ADV Display of 1no. internally illuminated fascia sign and 1no. non-illuminated projecting sign.

**Pending consideration**

3.2 P22/02848/F Partial conversion of Class E buildings to form 1 no. first floor flat (Class C3) with associated infrastructure.

Approved 13.7.22

3.3 PK13/0883/ADV Display of 1 no. internally illuminated static sign, 1 no. internally illuminated static hanging sign, 3 no. non illuminated static signs and 1 no. internally illuminated static sign.

Approved 8.4.13

4. **CONSULTATION RESPONSES**

4.1 Parish Council

The area is unparished

Cllr Ian Boulton

There are already 2 betting shops within feet of this unit. In the most economically deprived super output area in South Gloucestershire this sends entirely the wrong message about our High Street which has enjoyed a reputation for being a vibrant town centre with a wide range of shops. This reputation is being seriously eroded- enabled by planning decisions in recent years. This is an opportunity to demonstrate that this Council actually values a diverse offering within our town centre. This unit has been unavailable for new tenants/owners for years whilst the previous long-term tenancy contract was finalised. I understand that a number of businesses have enquired about taking possession of this and the neighbouring unit which forms part of the same estate. Therefore, while these empty units have blighted our High Street, there

was little doubt that it would be snapped up as soon as they became available, and this seems to be the case now

### **Internal Consultees**

- 4.2 Economic development  
No comment

### **Statutory / External Consultees**

- 4.3 DM Transport  
No objection: - within urban area

### **Other Representations**

- 4.4 Local Residents  
216 objection comments have been received by the LPA. The comments fall into the following heading areas:

Position of the Council:

- Baffled that consideration is being given to another gambling facility in the current climate
- Staple Hill has one of the highest levels of child poverty in South Gloucestershire and to allow a betting shop would harm and exploit vulnerable families
- Looks like south Gloucestershire Council want to get people into debt and create more hardship for families
- Planning Committee has a great deal of responsibility here to the future development of the High Street and should be encouraging any change of premises to fit in with our young professional families that are now part of the area
- Suggest the local council listens to the sentiment of overwhelming objection, and consider methods to incentivise economically beneficial investment in the local area
- The council and government need to limit the amount of these types of shop to a max per area radius
- While recognising that South Glos council has little power to reject this change of use application under the 'aim to permit' framework a further betting shop on Staple Hill's High Street will not be of benefit to the local community
- The council has a duty of protecting children and other vulnerable persons from being harmed or exploited by gambling

Gambling encourages wrong type of people:

- Gambling shops target the most vulnerable and disadvantaged people
- Reckless and detrimental to families; exploitation of some struggling to make ends meet; morally unacceptable; leads to addiction
- Encourages wrong type of people
- Encourages anti-social behaviour
- Sends entirely the wrong message about our High Street which has enjoyed a reputation for being a vibrant town centre with a wide range of shops. This

reputation is being seriously eroded- enabled by planning decisions in recent years. This is an opportunity to demonstrate that this Council actually values a diverse offering within our town centre

- Common sense and common decency should prevail

Already have 2 close by:

- No need for another betting shop
- Third betting shop will not raise the profile of Staple Hill; would make the high street less attractive to other potential businesses

Impact on area:

- Customers will be unlikely to use other shops
- Will not attract people to the high street or improve general footfall
- No shops for locals or to attract people to the High Street
- Risk to the character of the area
- Disagree that a chain betting shop would suit the commercial character of the frontage
- Already noticed more litter on the street, fights and people 'under the influence'
- Object to proposed garish changes to the frontage of this beautiful building

Alternative uses:

- Premises should be let to a retail or café, flats or a community centre. Need to promote positive small businesses
- The unit should be used to enhance the community, encourage local independent business and improve the area
- Would rather see an empty unit than this

Other:

- Planning statement makes reference to Wakefield City Centre and shows economic benefits to Staple Hill have not been assessed
- Research found that clusters of betting shops (250m from each other) were found in most deprived areas. Scientific literature links gambling and health problems
- Studies by the University of Bristol (2021) reports that betting shops are ten times more likely to be found in deprived areas
- Government has de-regulated gambling to such an extent it has become a huge problem

## **5. ANALYSIS OF PROPOSAL**

5.1 This application is for the Change of use (Class E) commercial, business and services to betting office (sui generis) as defined in Town and Country planning (Use Classes) Order 1987 (as amended) with external alterations.

5.2 Principle of Development

5.3 The scheme stands to be assessed against the above listed policies and all material considerations.



- 5.4 The site is located within Staple Hill Town Centre as defined on policy maps and within a primary shopping area and a primary shopping frontage. Under a suite of economic policies within adopted policy the Council aims to protect and enhance the vitality and viability of existing centres in South Gloucestershire in recognition of their retail, service and social functions. Specifically PSP31 deals with Town centre uses and PSP32 deals with local centres, parades and facilities. The criteria for development proposals emphasise the need to retain the vibrancy of high streets is key to the acceptability of new development in these areas.
- 5.5 Any new development must accord with all the relevant policy tests and these include design, appearance, impact on the character of the area, impact on amenity space and on highway safety.
- 5.6 More specifically, given the site is located within a primary shopping / Town centre area where the aim is to promote and retain retail and / or service functions, the acceptability of such development depends on whether the proposal meets the tests of all other relevant policies. These are discussed below.
- 5.7 A betting shop is a sui generis use. Before 15 April 2015, betting shops were in the A2 use class, which also covered financial services such as banks and building societies and solicitors and estate agents. Permitted development rights allowed the change of use from restaurants and cafés (A3), public houses (A4), and hot food takeaways (A5) into betting shops. Planning permission was therefore not required to change from these uses to betting shop use and so local planning authorities did not have a role in approving (or not) change of use.
- 5.8 **Location:**
- 5.9 The site falls under the umbrella of being within a primary shopping area. Policy PSP31 - Town Centre Uses. The collection of economic policies within the adopted development plan that would be relevant therefore include CS14, PSP31, PSP32 and PSP33. All these policies have a clear goal of protecting, retaining and encouraging growth in local retail centres, parades and areas providing services and facilities for local people. Policy CS14 lists town centres, local centres and parades and updated PSP32 mentions this list is not exclusive and new areas or localities are being created all the time that meet the day to day convenience and service needs of local residents. Staple Hill High Street is included in the CS14 list and is defined as a town centre. A betting office is regarded as being a leisure activity and having regard to the definition in the NPPF is therefore a town centre use.
- 5.10 With regards to Staple Hill Town centre the Policies Sites and Places Plan (adopted) 2017, describes Staple Hill as a priority neighbourhood with an active regeneration partnership. Primary and secondary shopping frontages are shown in support of policy PSP33.
- 5.11 **PSP31 - 2 – Town Centre Uses**

5.12 General assessment criteria (12).

Development proposal(s) for all main town centre uses, including retail, in any location, will be expected to:

- i. *positively respond to any centre specific health check or locally prepared and endorsed vision (see also CS1 criteria 4); and*

It is understood that the vision for Staple Hill is for it to maintain its local retail and service function and capitalise on the strength of its independent traders. The continued aim is for consolidation of the town centre and for it to have a central role within the local community. Vitality and vibrancy is to be enhanced and strengthened through promotional activity and policy as per the overall vision of the Communities of the East Fringe of the Bristol Urban Area (CS29).

These aims and aspirations are of course general so it is useful to examine the High Street more closely and discuss what *vitality, vibrancy and function mean*.

A vibrant high street can represent a wide variety of benefits for people which include employment, education, healthcare, leisure, shopping, eating and drinking. It is therefore obvious that for any high street to be vibrant and function well, all of these individual services need to work together effectively.

Research has shown that ensuring a mix of retailers and other services is crucial for a successful high street with many shops complementing one another for everyday shopping and needs.

Again research has shown that if high streets do not have variety and are too uniform or have too many of the same kind of shops, shoppers will look elsewhere and the vitality, vibrancy of the high street will suffer.

It is noted that there are 2 other betting shops along this main street. These are on the north side of High Street approximately 75 metres to the west and 60 metres to the east of the application site. It is therefore necessary to look at the number and type of other shops / services within the vicinity to make an informed judgement on any harm.

On the day of the site visit the Officer examined an area to the west and east of the application site taking in a total of 39 units on the south of the High Street where the application site is located. A similar area was examined on the north side of the High Street, again to the west and east of the application site, taking in a total of 38 units.

Of the 39 units on the south side of High Street 4 were either empty or closed at the time of the Officer's visit. Of those occupied included (from east to west):

On The Hill Motors; The Wooden Walls; Gadgets; PDSA charity shop; Brunt and Fussell's estate agents; Cardplus; Spectrum accountants and insurance; The Redland Bakery; Natural Therapy Centre/Health Food

Shop; International Food Store; Antalya Barbers; Tattoo studio; The Card Shop; Spencers jewellers; 501 café; The Portcullis public house; Express shoe repair's and locksmith; Il Eleven off licence; ABC Blinds; The Friendly Eco; The Oriental Food Shop; The Butcher's Hook; The Fruit Tree - green grocer; Sheen Studios; TShirts 4U; Pink Lotus thai massage; Jay Jays hair, nails and beauty; Premier newsagent; Boots; Perfect Balance; Armstrong and North opticians; Young Lives versus Cancer outlet shop; One Hut Kitchen take away; Shire; Staple Hill stores.

Of the 38 units on the north side of the High Street 3 were either empty or closed at the time of the Officer's visit. Those occupied included (from west to east):

Mobile phone repair shop; Chinese massage; Staple Hill Tailoring; The Smoke Shop; Sweet Treats; Top Nails; Pizza; Dida Cutz barbers; Oasis Cafe; Dickson kitchens and interiors; Post Office; GuruJs; Backhouse Bet; Happy Cod; Charlie's Barber; Miss Millie's; American Candy; AB Autos; Jasons; Mark Richard insurance; William Hill; St Peter's Hospice; H G Harris funeral directors; Dream Café; Fresh Fruit and Veg green grocers; Cold Beer Cave; Elite Mobility; Salvation Army; Westbury Inks; Greggs; Prom and Pageants; Chicken and Fish BBQ Bar; British Red Cross; Nom Wholefoods; Carpe Diem therapy centre;

The variety of the occupied units is demonstrated in the above lists with a snapshot indication that out of 77 units approximately 7 were either closed or empty that day (around 9%). A good mix of shops is represented including but not limited to a butchers, bakers, fruit and veg, chemist, Post Office, cafes, health food shops, stationers, off-licence, fast food takeaways, hair dresser, newsagent, barber, nail bar, phone repair shops and iron mongers.

Using this sample of 77 units, the introduction of another betting shop, taking the total to 3, would represent under 4% of the sample units. This would not represent a negative clustering of this type of premises and as such there can be no objection in these terms.

In addition it may be considered that the introduction of a betting shop which stays open later than, for example a retail use, would be complementary to nearby pubs contributing to the evening economy of the High Street.

Given the above, the introduction of a betting shop in this location would not be harmful to the vibrancy, vitality and function of the high street, would be complementary to the vision and therefore meets this part of the test.

*ii. be in proportion to the role and function of the location; and*

The proposal is small scale as it related to a single unit and therefore accords with this part of the policy

- iii. *ensure any shopfront(s), sign(s) or advertisement(s), are of a scale, detail, siting and type of illumination appropriate to the character of the host building, wider street scene and avoids a harmful effects on amenity of the surrounding area; and*

A separate application for Advertisement Consent has been submitted and has received a recommendation for approval for an internally lit fascia sign, a non-illuminated projecting sign and the installation of new window glazing and signage.

- iv. *have convenient, safe and attractive access to and from surrounding residential areas for pedestrians and cyclists; and*

Other than changes to the front fenestration / doorway and some changes to the rear the scheme does not proposed any alterations to the function of this building in terms of access. The proposal accords with this part of the policy.

- v. *have appropriate provision for parking and servicing; and*

Given its High Street location which is well-served by public transport, there is no customer parking provision but the building benefits from a rear access with can be used for service vehicles. The proposal accords with this part of the policy.

- vi. *not give rise to unacceptable levels of vehicular traffic to the detriment of the amenities of the surrounding area and highway safety; and*

The change of use would not give rise to unacceptable levels of vehicular traffic over and above the existing (or previous) situation and therefore accords with this part of the policy.

- vii. *where possible and viable include and make positive use of upper floors; and*

It is understood that the first floor has been subject of other planning applications and can be used as residential accommodation.

- viii. *demonstrate a positive contribution towards the public realm and non-car circulation; and*

The contribution to the public realm would be the bringing back into use this empty building.

- ix. *be well served by public transport*

The building is located on the main High Street where a regular bus service to many different areas and centres in the district can be found.

- 5.13 In conclusion, the proposal would bring back into use vacant floor space, it would ensure that an active ground floor frontage is maintained, there would be

not loss of any retail or main town centre uses and it would not harm the vitality, vibrancy and function of the centre.

#### 5.14 **Comments received from local residents:**

These have been grouped into like areas that are discussed below:

##### **Encourage debt:**

Many comments have stated a betting shop would encourage people into debt which is particularly concerning they say in these dire economic times.

Response:

Planning policy cannot dictate how people spend their money. This would be an infringement of a person's civil liberty. If someone does not have money they cannot use the betting shop facilities as these businesses do not operate on a loan basis. Everyone has free choice on how and where to spend their money. One comment has provided links to research on adverse effects of gambling and shopping areas but the documents are merely press articles which could be open to interpretation and sensationalising. They are not academic papers on gambling, nor do they relate to South Gloucestershire.

##### **Too many betting shops nearby already**

A number of comments have asked the question why is another betting shop necessary?

Response:

The market/economy dictates what type of shops or services are successful in an area. Some degree of competition is always present. The success or otherwise of an enterprise depends on factors such as supply and demand. It appears the applicant is an experienced business, has researched their market thoroughly and chosen this currently empty site for their trade.

##### **Gamblers are unlikely to use other shops.**

Response:

Betting shop customers are quite likely to use nearby shops and facilities and bring added footfall into a shopping area.

##### **Personal views or personal experience relating to gambling.**

A number of people have stated that betting shops target the most vulnerable people; they lead to addiction; are detrimental to families; encourage anti-social behaviour

Response:

It is understood that planning can be emotive however, the assessment of planning applications is impartial, based, in this instance, purely on policy tests. The personal views of individuals, whatsoever they may be, cannot influence a decision maker whose role it is to make an unbiased assessment using policies. This is to achieve a consistent approach to the overall assessment and decision making process.

**Adverse impact on character:**

Some have said the High Street is dying while others have been at pains to emphasise how well the area has developed in recent years commenting on the diversity of independent shops in the local area. One commentator recognised the role of national government and the use of permitted development, taking decisions out of the hands of local planners and which has played a large role in shaping local areas in recent years.

**Response:**

All comments must be viewed objectively and with impartiality which is why applications are tested against policy. The evidence gathered by Officers during site visits shows the diversity of the shops along a part of the High Street (a sample of 77 units) with only around 7 units showing an indication of being empty/unused or closed on those days.

**Other comments:****Research on gambling:**

Research is conducted on many topic areas and it is often possible to find contradictory findings on most subjects. This is why planning assessments are made on policies that are adopted and endorsed by Members of the Council.

**5.15 Design:**

The proposal includes some minor changes to the front of the building. Currently the ground floor frontage consists of 4 arched window openings and 2 doorways. The proposed development would see one of the doors being swapped over with one of the window openings. In total the split of windows and doors would remain the same but the reconfiguration would allow changes within. It is noted Advertisement Consent is being considered under a separate application but would briefly consist of replacing the existing Lloyds Bank Limited writing with an internally lit fascia sign, introducing a non-illuminated projecting sign and installing new window glazing and signage. Details state the stone work above the fascia panel and first floor decorations are to be retained, the stonework pilasters are to be retained and cleaned as are the stonework stall risers.

- 5.16 Some minor changes are also being proposed to the rear elevation specifically the positioning of 2 x satellite dishes on the rear flat roof (set back from the roof edge so as not to be visible from ground level); the removal of a window and creation of a new fire escape door; the removal and blocking up of a door (render to match existing) and introduction of 2 x ground level new A/C condenser units.
- 5.17 Changes to the side elevation include the removal and blocking up of a ground floor level window (render to match existing).
- 5.18 Given the above, the proposals are considered appropriate and accord with the adopted design policies within the development plan.

- 5.19 Transport:  
Given the site is location within the urban area, the proposal would comply with adopted policy PSP11.
- 5.20 Residential amenity:  
It is noted that planning permission has been given for the change of use from office to residential flat above the former bank. The applicant has acknowledged this and intends to use sound proofing materials for the benefit of residential amenity. This would be a building control matter to be picked up should the proposal be recommended for approval.
- 5.21 The opening times of the betting shop are noted and are similar to others in and around the area. Betting shops are not considered to be a noisy activity and on this basis no objections are raised to the requested hours of opening.
- 5.22 Overall the change of use would not have an adverse impact on the residential amenity of closest neighbours and can be recommended for approval.
- 5.23 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.
- 5.24 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.
- 5.25 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** 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 written on the decision notice.

### **CONDITIONS**

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

Reason

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

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

As received by the LPA on 18.10.22:

Location plan

Block plan

Existing floor plans - 101

Existing and proposed front elevation - 501 B

Existing rear and side elevations - 502

Proposed side and rear elevations - 503

Proposed floor plans - 504

Reason:

For the avoidance of doubt.

**Case Officer: Anne Joseph**

**Authorising Officer: Marie Bath**



### CIRCULATED SCHEDULE NO. 50/22 -16th December 2022

<b>App No.:</b>	P22/06017/ADV	<b>Applicant:</b>	BoyleSports (UK) Ltd
<b>Site:</b>	124-126 High Street Staple Hill South Gloucestershire BS16 5HH	<b>Date Reg:</b>	20th October 2022
<b>Proposal:</b>	Display of 1no. internally illuminated fascia sign and 1no. non-illuminated projecting sign.	<b>Parish:</b>	
<b>Map Ref:</b>	364880 175904	<b>Ward:</b>	Staple Hill And Mangotsfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th December 2022



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 100023410, 2008. N.T.S. P22/06017/ADV

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

## **CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule following objection comments received by local residents. It is noted that the comments relate to the accompanying full planning application for the change of use to a betting shop but nonetheless under the Constitution, the application must still be referred to Circulated Schedule.

### **1. THE PROPOSAL**

1.1 Advertisement consent is sought for the display of signage to front elevation of the building as follows:

- Display of 1no. internally illuminated fascia sign and 1no. non-illuminated projecting sign.

1.2 The application site is the former Lloyds Bank, 126 High Street, Staple Hill.

### **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

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017  
PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP11 Transport Impact Management

2.3 Supplementary Planning Guidance  
Shopfronts and Advertisements SPD (Adopted 2012)

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

3.1 P22/06016/F Change of use from (Class E) commercial, business and services to betting office (sui generis) as defined in Town and Country planning (Use Classes) Order 1987 (as amended) with external alterations.  
**Pending consideration.**

3.2 P22/02848/F Partial conversion of Class E buildings to form 1 no. first floor flat (Class C3) with associated infrastructure.

Approved 13.7.22

- 3.3 PK13/0883/ADV Display of 1 no. internally illuminated static sign, 1 no. internally illuminated static hanging sign, 3 no. non illuminated static signs and 1 no. internally illuminated static sign.  
Approved 8.4.13

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

4.1 Parish/ Town Council  
The area is unparished

4.2 Sustainable Transport  
No objection.

#### **Other Representations**

4.3 Local Residents / Neighbouring Occupiers  
5 objection comments have been received. The points raised can be summarised as:  
- Do not want another betting shop here

*(None of the comments relate to the application for advertisement consent).*

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

5.1 Principle of Development  
The NPPF in paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve with good design cited as a key aspect of sustainable development and thereby positively contributing to making places better for people. The NPPF stipulates in paragraph 136 that the quality and character of places can suffer when advertisements are poorly sited and designed. These should therefore be controlled in the interests of amenity and public safety, taking into account cumulative effects.

5.2 The application proposes signage to the frontage of the former Lloyds Bank. A change of use application to a betting shop is currently being considered under a separate reference (P22/06016/F). There is therefore a reasonable expectation of new signage being required for the proposed changes of use.

5.3 The proposal is therefore acceptable in principle subject to amenity and public safety considerations below.

5.4 Visual and Residential Amenity:  
The application site is within a busy high street location with a large variety of shops and adverts on display along both sides of the road. The previous signage was limited to the carved and gold inlaid name of the bank. This proposal would bring back into use the empty building and therefore new treatment is proposed to modernise the frontage in readiness for the new business. It is however, noted that plans submitted with the application stress

the existing carved sign would be protected rather than removed and this is a welcome conduct and shows respect for this fine building.

- 5.5 A single fascia sign would stretch across the front of the building, covering the existing, but not extending above the cornice level. It would consist of opal acrylic lettering with vinyl applied to the face. The main colour would be dark blue with pale lettering in accordance with the company colour scheme. This dark blue is continued in the highest parts of the arched windows and within the window display. The sign would be internally illuminated via LED fittings but would be limited to the letters and logo only. Details confirm the illumination would not exceed 250 CD/M2 which is within the recommended limits set out by the Institution of Lighting Professionals for illuminated advertisements and is therefore acceptable.
- 5.6 The proposed projecting sign would also have the same colour scheme as the fascia board and be of an acceptable size comparable to many others along the High Street.
- 5.7 Residential properties are found along this road and in the floors above retail and businesses. The positions, designs and illuminations of the proposed signs would not have an unacceptable impact on the residential amenity of local residents.
- 5.8 The proposal is therefore considered acceptable in terms of visual and neighbouring amenity.

#### Transport matters

- 5.9 The main public safety consideration is that of highway safety. The signage, where illuminated, would be to an appropriate level and not cause any unacceptable or severe highways or transportation issues, a view supported by comments received from Sustainable Transport.
- 5.10 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.
- 5.11 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.
- 5.12 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 The recommendation to **grant** advertisement consent has been taken having regard to the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007; the policies and proposals in the local development plan, the NPPF and to all relevant material considerations set out in the report.

## 7. RECOMMENDATION

7.1 It is recommended that advertisement consent is **GRANTED** subject to conditions written on the decision notice.

### CONDITIONS

1. Development shall proceed in accordance with the following plans as received by the LPA on 19.10.22:

As received by the LPA on 18.10.22:

Location plan

Block plan

Existing floor plans - 101

Existing and proposed front elevation - 501 B

Existing rear and side elevations - 502

Proposed side and rear elevations - 503

Proposed floor plans - 504

Reason:

To define the terms and extent of the permission.

2. Illumination of the advertisements hereby approved shall be static and unchanging, and shall not exceed an illuminance level of 250 cd/m<sup>2</sup>.

Reason:

In the interests of visual and residential amenity in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy December 2013, Policy PSP8 of the South Gloucestershire Council Local Plan: Policies Sites and Places Plan 2017, and paragraph 136 of the National Planning Policy Framework.

**Case Officer: Anne Joseph**

**Authorising Officer: Marie Bath**