

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: 51/22

Date to Members: 23/12/2022

Member's Deadline: 04/01/2023 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

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

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

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

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

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

Date:

To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE 23 December 2022

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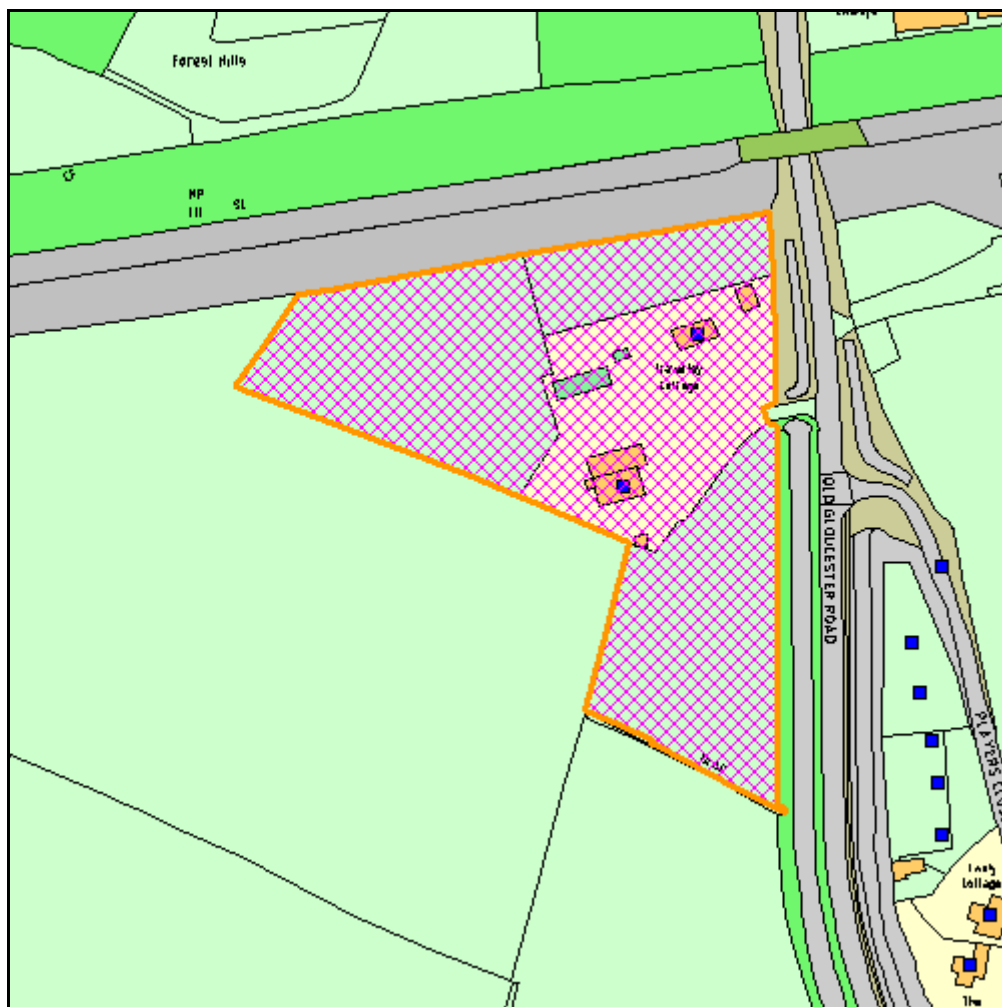
| ITEM NO. | APPLICATION NO | RECOMMENDATION | LOCATION | WARD | PARISH |
|----------|----------------------|---------------------------------|---|---------------------------|-----------------------------|
| 1 | P20/17979/O | Approved Subject to Section 106 | Waverley Cottage Old Gloucester Road Hambrook South Gloucestershire BS16 1RP | Winterbourne | Winterbourne Parish Council |
| 2 | P21/02638/F | Approve with Conditions | Prompt Transport Ltd Southway Drive Warmley South Gloucestershire BS30 5LW | Bitton And Oldland Common | Bitton Parish Council |
| 3 | P21/03182/F | Refusal | King William Iv 30 Tower Road South Warmley South Gloucestershire BS30 8BL | Parkwall And Warmley | Oldland Parish Council |
| 4 | P22/03899/R3F | Approve with Conditions | Former Grange School Site Tower Road North Warmley South Gloucestershire BS30 8XQ | Parkwall And Warmley | Oldland Parish Council |
| 5 | P22/06037/HH | Approve with Conditions | 14 Rushton Drive Coalpit Heath South Gloucestershire BS36 2PJ | Frampton Cotterell | Westerleigh Parish Council |

| 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 |
| No Circulated 30 December | | | | |
| 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. 51/22 - 23rd December 2022

| | | | |
|----------------------------------|--|-------------------------|---|
| App No.: | P20/17979/O | Applicant: | Waverley Development South West Ltd |
| Site: | Waverley Cottage Old Gloucester Road Hambrook South Gloucestershire BS16 1RP | Date Reg: | 13th October 2020 |
| Proposal: | Erection of up to 80no dwellings and associated works (Outline) with all matters reserved. | Parish: | Winterbourne Parish Council |
| Map Ref: | 363873 179634 | Ward: | Winterbourne |
| Application Category: | Major | Target Date: | 21st December 2020 |



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N.T.S.

P20/17979/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 REFERRAL TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to the requirement for a new Section 106 Agreement. Further, the application has been subject to an objection from Stoke Gifford Parish Council and Winterbourne Parish Council, which are contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission with all matters reserved for the erection of up to 80no. dwellings at the site known as Waverley Cottage, which is located off Old Gloucester Road, East of Harry Stoke.
- 1.2 The site comprises 1.7 hectares. There is an existing detached dwelling alongside an area of residential curtilage, a vacant commercial building, and two modest agricultural fields. The site forms part of a land allocation known as the East of Harry Stoke New Neighbourhood. This was adopted through Policy CS27 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013. Through this, the allocation was formally removed from the Green Belt and now forms part of the Bristol North Fringe Urban Area.
- 1.3 The site is bound to the north by an established railway line, and to the south and west boundaries by another development site of up to 1,290 dwellings known as South of the Railway, which was given permission through ref. PT16/4782/O. Old Gloucester Road runs along the eastern boundary and approximately 150 metres beyond this is the M4 Motorway. There are no Public Rights of Way crossing or adjacent to the application site.
- 1.4 On the existing site there is an existing major hazard gas pipeline which currently runs across the site. This is intended to be diverted as part of a wider re-location plan. Two electric powerlines and associated overhead cables previously crossed the site. As part of works on the wider allocation, one of these has been diverted and undergrounded and the other is expected to be diverted and undergrounded in the coming months.
- 1.5 The application site itself does not constitute Schedule 2 development in the context of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('EIA Regulations'). However, given the context of the site within the wider East of Harry Stoke New Neighbourhood a Screening Opinion was carried out. This identified that there would be unlikely to be significant affects resulting from the development and that an Environmental Statement was not required. As such, this application has been determined in accordance with the EIA Regulations.
- 1.6 The following documents have been submitted through the planning application process:
 - Design and Access Statement

- Flood Risk Assessment
- Heritage Impact Assessment
- Planning Statement
- Transport Statement
- Noise Impact Statement
- Topographical Survey
- Arboricultural Report
- Ecology Survey
- Desk Study and Ground Investigation Report

1.7 This application has gone through several re-consultations with consultees. As a result of negotiations revised documents and additional information has been received. This includes an amendment from the number of proposed dwellings from up to 85 to up to 80.

POLICY CONTEXT

National Guidance

National Planning Policy Framework July 2021 (NPPF)

National Planning Policy Guidance (NPPG)

National Design Guide (October 2019)

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 |
| CS8 | Improving Accessibility |
| CS9 | Managing the Environment and Heritage |
| CS13 | Non-safeguarded economic development sites |
| CS15 | Distribution of Housing |
| CS16 | Housing Density |
| CS17 | Housing Diversity |
| CS18 | Affordable Housing |
| CS23 | Community Infrastructure and Cultural Activity |
| CS24 | Green Infrastructure, Sport and Recreation Standards |
| CS25 | Communities of the North Fringe of Bristol Urban Area |
| CS27 | East of Harry Stoke New Neighbourhood |

South Gloucestershire 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 |
| 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 |
| PSP37 | Internal Space and Accessibility Standards for Affordable Dwellings |
| PSP38 | Development within Existing Residential Curtilages, including extensions and New dwellings. |
| PSP42 | Self-build and Custom Housebuilding |
| PSP43 | Private Amenity Space Standards |
| PSP44 | Open Space, Sport and Recreation |

Supplementary Planning Guidance

East of Harry Stoke Development Framework SPD (Adopted 2016)
 Endorsed East of Harry Stoke Strategic Masterplan
 Landscape Character Assessment SPD (November 2014)
 Trees and Development Sites SPD (Adopted April 2021)
 Green Infrastructure SPD (Adopted April 2021)
 SuDs SPD (Adopted April 2021)
 Residential Parking Standards SPD (Dec 2013)
 Design Checklist SPD (Adopted August 2007)
 CIL and S106 SPD (Adopted March 2021)
 Affordable Housing and Extra Care Housing SPD (April 2021)
 Waste Collection: Guidance for new developments SPD (Adopted March 2020)
 Householder Design Guidance SPD (Adopted March 2021)

Emerging Planning Policy - South Gloucestershire New Local Plan

The Council is exploring plan led growth in rural villages, as set out in Phases 1 and 2 of the new Local Plan. Phase 1 sets out the “building blocks” to help make choices about the Council’s new strategy for growth. The Council set out the desire to investigate the potential for an appropriate level of sustainable, small and medium scale growth, in and around the wide range of rural villages and settlements in South Gloucestershire. Phase 2 explored the potential to promote a ‘plan-led’ approach to growth and change through our new Local Plan. This consultation document set out the Council’s belief that, unless there are significant constraints or sustainability issues, all of the rural villages and settlements should be considered, to determine the role they could potentially play in a strategy for the sustainable growth of homes and jobs in South Gloucestershire.

Notwithstanding this, 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).

2. **RELEVANT PLANNING HISTORY**

The Application Site

No relevant planning history.

Other relevant and adjacent sites

2.1 **PT16/4782/O South of the Railway**

Outline planning permission for mixed use development comprising up to 1,290 dwellings including an extra care facility (Use Class C2/C3); community facilities (comprising use classes D1 and D2); provision of a mixed use local centre (Use Classes A1, A2, A3 and D1) together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping with access to be determined and all other matters reserved.

Approved with Conditions (S106 Signed) 3rd March 2020

2.2 **PT16/4928/O North of the Railway**

Hybrid planning application for the demolition of farmhouse and agricultural buildings and erection of 327 dwellings with a primary school and nursery; along with site access/spine road, car parking, public open space, landscaping, drainage infrastructure and associated infrastructure; of which full permission is sought (with no matters reserved) for a site wide earthworks strategy and drainage infrastructure together with 150 no. dwellings (of the 327 total) and associated landscaping, layout, infrastructure and access; and outline permission is sought for the erection of 177 dwellings, primary school and nursery (Use Class D1) with access to be determined and all other matters reserved.

Approved with Conditions (s106 signed) 30th October 2019

2.3 **PT17/5873/O Land off Old Gloucester Road, East of Harry Stoke**

Erection of up to 158no dwellings together with associated infrastructure and engineering works (Outline) with access to be determined. All other matters reserved.

Approved with Conditions (s106 signed) 5th October 2020

2.4 **P20/03681/F North of the Railway – Slot in application**

Erection of 150 no. dwellings, associated landscaping, infrastructure and vehicular access (drainage, strategic open space and associated play areas remain unaltered from approved application: PT16/4928/O).

Approved with Conditions (S106 signed) 18th June 2021

2.5 **P19/7772/F Land East of Players Close**

Erection of 9 No detached dwellings, creation of access, parking and associated works.

Approved with Conditions (S106 Signed) 28th September 2021

- 2.6 **PT16/1277/O Land to the West of Players Close**
Erection of 5no. dwellings with garages to include access layout with other matters reserved
Approved with Conditions (S106 Signed) 9th November 2016
- 2.7 **PT16/6182/F Land at Hambrook Lane, Curtis Lane**
Demolition of single dwelling unit (Roseneath) and erection of 70 no. dwellings with access, parking, public open space and associated works.
Approved with Conditions (S106 Signed) 21st December 2018
- 2.8 **P22/04211/F Land to the east of Old Gloucester Road**
Erection of 30 no. dwellings with vehicular access, servicing arrangements, parking provision, together with strategic green infrastructure and landscaping.
Pending Consideration
- 2.9 **P22/02357/F Land at Hambrook Lane**
Demolition of 14 Hambrook Lane. Erection of 92 no. dwellings with access, landscaping, creation of open space and associated works.
Pending Consideration
- 2.10 **P22/00116/PNS Land off Old Gloucester Road**
Request for Prior Approval under section 37 of the Electricity Act 1989 for the installation of 132KV Terminal Tower.
No Objection - 6th March 2022

3. CONSULTATION RESPONSES

- 3.1 Winterbourne Parish Council
Objection. There is not enough information with this application to make an informed decision.
- 3.2 Stoke Gifford Parish Council
Objection. Concerns regarding high density and use of access on Old Gloucester Road.
- 3.3 Lead Local Flood Authority
Originally raised a number of comments. Summarised as follows:
- Expectance of overground SuDs to be considered and included within the design
 - Querying technical details relating to the discharge rates.
 - Query why a number of attenuation tanks are proposed. A smaller number would be preferred.
 - Concerns expressed at trees being proposed on top of and within close proximity to multiple attenuation tanks.
 - Futher information requested in relation to the existing ditch network on site.

Following additional information being received comments as follows:

- No objection
- Technical details and further information needs to be submitted and agreed. It is recommended that a SUDs condition is imposed on a decision notice.

3.4 Environmental Protection Officer (Contamination)

No objection. I have reviewed the Desk Study and Ground Investigation report prepared by T&P Regeneration Ltd (ref CS-J-0768). I agree with the recommendations made in the report for further investigation of area that have not yet been investigated, such as the ground beneath that existing commercial units. Therefore In order to ensure that the site is suitable for its proposed use and in accordance with The National Planning Policy Framework, conditions are recommended for inclusion on any permission granted.

3.5 Environmental Protection Officer (Noise)

No objection. Comments summarised as follows.

- Site close to major roads and railway. Mitigation measures will be required, including acoustic heating.
- The proposal is capable of meeting noise criteria including WHO Guidance.
- Residents will need protected 'quiet areas' alongside careful design

3.6 Transport Officer

Originally raised the following comments:

- This application would not require a capacity modelling assessment of the access junction onto Old Gloucester Road. Traffic generated by the proposal would not have a significant impact on the junctions to the north and south of the site.
- Access should be agreed at outline stage and should include a right turn priority lane junction
- A pedestrian island should be incorporated into the junction design.
- Tracking will need to be submitted which shows HGV's can pass the refuge island and that waste vehicles can turn in and out of the site from both directions.
- Travel plan is required to be secured through S106
- The site would need to contribute towards the Infrastructure Delivery Plan for the whole New Neighbourhood.
- The site would be provided with a range of sustainable travel options.

Through the course of the application additional information have been submitted comments summarised as follows.

- Information submitted is sufficient for no objection to be raised subject to completion of a S106 agreement and conditions.
- Access is not determined at this time. However, details of access off Old Gloucester Road have been submitted alongside a Stage 1 Road Safety audit.
- An additional pedestrian/cycle link to adjacent development site is included in the DAS and the details of which can be conditioned.
- A contribution towards a central island on Old Gloucester Road near Players Close has been secured to be included in a S106 Agreement.
- A number of conditions are recommended.

3.7 Avon and Somerset Police Designing Out Crime Officer

No objection.

3.8 Arts and Development Officer

No objection.

- If the application is approved a planning condition should be imposed for a public art programme to be agreed which is integrated into the site.

3.9 Highway Structures Officer

No comments received.

3.10 Housing Enabling Officer

No objection.

Affordable Housing is sought in line with National Planning Policy Guidance: Planning Obligations and other requirements under Policy CS18 of the Council's adopted Core Strategy Development Plan Document.

This application generates the following Affordable Housing requirement which will be provided on site at nil public subsidy and in line with the comments set out above and recommended planning conditions:

- 35% Affordable housing provided as 76% Social Rent 24% Shared Ownership tenure.
- 8% of 35% Affordable Homes to be provided as wheelchair accommodation and social rent tenure.
- M4(2) & M4(3)(2)(a) planning conditions recommended.

3.11 Public Open Spaces Officer

Policy compliant Public Open Space and associated inspection fees are sought through a S106 Agreement. Open space requirements should be provided on site where possible. Contributions will be requested if any element of the open space is not provided on site in accordance with minimum requirements.

Raised a number of detailed comments. Summarised as follows.

- POS Plan should be provided to ensure we know what will be delivered.
- Provision for children and young people is not acceptable as shown.
- Any proposed play area needs to follow Fields in Trust guidance in terms of distances to dwellings.
- The play area location needs to be amended so it no longer abuts roads at three sides due to safety and escape.
- Concerns regarding the attenuation tank beneath a children's play area.
- Allotments need to be proposed on site.
- An off-site outdoor sports facilities contribution will be required.
- Number of attenuation tanks are shown beneath trees, and easements need to be shown.
- Some areas where method of adoption needs to be considered
- Concerns regarding the proposed linear space/trim trail and whether this could be executed.
- Concerns regarding planting in the easement of the gas main diversion

- Allotment provision needs to be provided on site.

3.12 Urban Design Officer

Originally raised an objection to the application. Comments are summarised as follows.

- The scheme appears to be cramped and will need easing
- A parameter plan needs to be provided specifying green infrastructure
- Design strategy is not assertive enough – further detail also required in DAS
- Shared space needs to be increased and surface materials need to be considered.
- Bin storage needs to be designed with care for terraced units
- Advises applicant to note Policy PSP6 and Council Climate Emergency
- Recommends design review panel at reserved matters stage

Following submission of revised DAS and other plans, comments summarised as follows.

- Objection removed.
- Some minor amendments to DAS recommended in relation to shared surface principles and walling materials
- Conditions recommended to ensure connections to and from the site are safeguarded.
- Amendments to DAS are welcomed.

3.13 Archaeology Officer

“The proposed development lies in an area of archaeological significance, though there has clearly been disturbance of deposits in some areas of the site. It is considered that the development may still impact on surviving buried heritage assets and therefore my recommendation is that any permission granted in this location should be subject to a condition for a programme of archaeological work (evaluation) for all ground works.”

3.14 Ecology Officer

Originally raised a number of comments, summarised as follows.

- The pond would be filled in, although ornamental some mitigation would be required.
- Further information needs to be submitted including the full Biodiversity Net Gain Metric 2.0 spreadsheet
- There is a Great Crested Newt Design Strategy for the wider site, the development needs to reflect this and demonstrate that it complies with the strategy
- A dark route is shown on part of the site, however, it is not adequate mitigation.
- Subject to above being resolved, conditions should be attached in event of approval.

Following the submission of additional information and discussion with the developer, comments were submitted. These are summarised below.

- The most up to date strategy is the A Great Newt Design Strategy (Version 5, 4th December 2018) and this was developed through Natural England’s

discretionary advice service. It provides an illustrative framework and design template for the wider development.

- The strategy focuses on licensable activities to ensure the GCN population in the wider area maintains conservation status.
- A buffer strip to the existing hedgerow / vegetation would be sufficient so that vegetation can be maintained appropriately.
- Integrated GI required along eastern edge of site in accordance with CS27
- The existing plans submitted do show some barriers to ecological connectivity.
- Suitable mitigation measures need to be incorporated into the layout
- A revised ecology report should be submitted that addresses these issues.

3.15 Landscape

Originally raised comments as summarised below.

- DAS needs to be amended to provide further clarification on landscape related design principles including;
 - maintenance of hedgerow and trees.
 - Provision of off-sets from buildings to accommodate taller growing trees species
 - Review of relationship between open space and development to ensure it is not dominated by vehicular routes
 - Detailed presentation as to how earthworks and maintenance access to attenuation will not result in loss of vegetation.
- Concerns in relation to proposed diversion of gas main and impact on existing vegetation and proposed planting

Following further information and revised plans, revised comments are summarised as follows.

- Revised plans do overcome many of the original landscape concerns
- Still has concerns in relation to proposed gas main. Delivery of these aspects are reliant on information in the DAS.
- Additional information will be required through condition and the reserved matters submission.

3.16 Streetlighting

Comments summarised as follows.

- Due to level of detail at this stage, no technical comments provided.
- Endorse comment in DAS regarding the need for landscaping design to be designed alongside streetlighting.
- This needs to be considered carefully at reserved matters stage.

3.17 Environmental Policy

A Sustainable Energy Statement will be required.

3.18 Community Infrastructure Officer

Comments summarised as follows.

- A pedestrian link would enable residents of the development to gain access via active travel into the wider neighbourhood and to the associated facilities planned there.
- Supportive subject to future detail of POS, landscape and access routes being acceptable and a safe link being created.

3.19 Tree Officer

Originally raised comments as summarised below.

- No objection. Some tree removals are proposed but majority would be retained
- Some works are in the root protection area of trees but tree protection is proposed. This will require inspection.
- An arboricultural method statement and soft landscaping proposal will need to be submitted, this can be conditioned.

Following revised information, the following comments were made.

- The revised plans are an improvement on existing trees
- There is no longer a conflict with root protection areas
- Not clear what planting will be possible due to proximity of easement for gas main
- Some proposed planting is very close together, this will limit their crown spread.

3.20 Public Rights of Way

No comments received

3.21 Wessex Water

Raised a number of comments as sewerage undertakers in this area. These are summarised as follows.

- Consideration has been given to surface water disposal with some understanding of drainage catchments with flood risk measures and sustainable drainage.
- Existing systems are unable to provide capacity for a development of this scale
- We have been working with developer/consultants to understand impact of development. This will ensure that sewerage infrastructure can be delivered with phased development across EoHS.
- Capacity improvements will need to be considered.
- Upsizing of sewers will be required prior to connection

3.22 Health and Safety Executive

The LPA utilised the HSE's planning advice web app which generates a response based on the location of major hazard sites or pipelines. Based on the current location and easement of the gas pipeline running across the site, the HSE advice was "*Advise Against – the assessment indicates that the risk of harm to people at the proposed development is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.*"

Following further correspondence with Officers, HSE and the developer, the comments summarised below were provided.

- As the situation stands, we would advise against the development on the basis of the gas main location

- However, we would not Advise Against providing that a condition is recommended to ensure that no development is carried out within 65 metres of the gas main pipeline until HSE has confirmed the risk has reduced to a level that HSE would not advise against, and that the gas diversion is completed.
- HSE could provide the developer with a future pipeline re-assessment including the new HSE consultation zones.

3.23 Environmental Protection (Air Quality)

Originally requested additional information, as summarised below.

- The site is close to multiple potential existing sources such as road network and the railway line.
- An Air Quality Assessment of the potential impacts of the development on lower air quality and impact of existing pollution sources should be undertaken and submitted.
- Where car parking is provided, EV charging points should be provided.
- All gas fired boilers should meet a minimum standard.

Following additional information submitted, it was agreed that an Air Quality Assessment was not required to be submitted in this instance.

3.24 Natural England

No objection

3.25 National Grid

There are no National Grid assets affected in this area.

Other Representations

3.26 Local Residents

2no. objection comments received. Comments summarised as follows.

- Concerns regarding the proposed access off Old Gloucester Road and that it is already congested and peak times
- There are no cycle lanes and pedestrian access is limited along Old Gloucester Road.
- Majority of residents likely to use car, adding to congestion
- Concerns regarding the loss of existing wildlife on site. The proposed mitigation and compensation are not viable.

4. ANALYSIS OF PROPOSAL - PRINCIPLE OF DEVELOPMENT

4.1 In establishing the principle of development, the starting point in primary legislation is Section 38 (6) of the Planning and Compulsory Purchase Act 2004. This states that planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. This is also reinforced in paragraph 47 of the NPPF. Therefore, this application has to be first considered in the context of the adopted development plan. The development plan comprises the following:

- South Gloucestershire Local Plan Core Strategy 2006-2027 (Adopted) December 2013 and;

- South Gloucestershire Local Plan Policies, Sites, and Places DPD (Adopted) November 2017.
- 4.2 In respect of Housing Land Supply, the five year housing land supply (5YHLS) calculation based of CLG 2014 – based Household Projections was most recently published by the Council in March 2022 following the release of the Office of National Statistics 2021 median house price to median gross annual workplace-based earnings ratios. The application of this new ratio, along with using an updated 10 year period in housing projections (2022-2032) means that local housing need in South Gloucestershire is now 1,388 dwellings per annum. The AMR identifies that the Council can demonstrate a 5YHLS, with a current figure of 5.99 years.
- 4.3 The most important policies for determining the application are also considered to be consistent with the NPPF and up to date.
- 4.4 The application site forms part of the allocated East of Harry Stoke New Neighbourhood which was adopted under Policy CS27 of the Core Strategy. As such, the principle of residential development on this site is accepted subject to the development according to the other relevant policies in the development plan.
- 4.5 Policy CS27 requires a comprehensive and co-ordinated approach to achieve the delivery of a sustainable new community over the Plan period and sets out the infrastructure that the New Neighbourhood is required to deliver. It also states that developments should demonstrate that they are in accordance with the East of Harry Stoke SPD, that they should not prejudice the development of the New Neighbourhood and that they should meet the overall vision for development. How the proposed development meets the requirements of this policy is discussed further below.

PLANNING CONSIDERATIONS

5. Design and Layout

Policy Context

- 5.1 Paragraph 126 of the NPPF sets out that the creation of high quality, beautiful and sustainable places are fundamental to what the planning and development process should achieve. It also goes on to state in paragraph 130 that planning decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive, reflect the local character, optimise potential for a mix of development (including green and other public space), and establish or maintain a strong sense of place which is safe, inclusive, and accessible.
- 5.2 This is similarly reflected in local policy. Policy CS1 requires that the highest possible standards of design and site planning are achieved, and that siting, form, scale, height, colour, and materials, are informed by, respect and enhance the character, distinctiveness, and amenity of both the site and its context, and density and overall layout is well integrated with existing adjacent

development and connected to the wider network of foot, cycle and public transport links. Policy PSP1 also sets out that proposals will be acceptable where they demonstrate an understanding of and respond to the buildings and characteristics of an area that make a positive contribution.

- 5.3 In addition, Policy CS27 sets out that development in the East of Harry Stoke New Neighbourhood should be comprehensively planned and special attention will be required to layout, building form, scale and roofscape, architectural treatment, and landscaping along ridgelines and slopes visible from the wider area. Further, development should be in accordance with the adopted SPD for the New Neighbourhood.
- 5.4 The application site is located along the eastern boundary of the allocation. The SPD 'Illustrative Framework Plan' identifies the eastern boundary of the site as part of a green buffer, it also identifies areas of vegetation for retention.

Illustrative Development Plan

- 5.5 An Illustrative Development Plan was originally submitted with the planning application, to demonstrate that the site could accommodate up to 85no. dwellings. A number of concerns were raised to this plan. This included the following:
- the layout was cramped
 - limited public open space
 - limited connectivity to the wider allocation
 - the diverted gas main had not been considered
 - there was a need to consider how noise impacts from the railway could be mitigated through the layout
 - concerns that landscaping shown could not be delivered
 - concerns that adequate and appropriate drainage attenuation could be provided
- 5.6 Through the course of the application process the Illustrative Development Plan has been amended. The scheme has been reduced to up to 80no. units. The layout is now slightly less cramped, and some additional open space has been shown. The diverted gas main (and associated easement) have now been included across the frontage of the site and dwellings moved back to account for this. Further, three possible options for connections to the adjacent site have been shown along the western boundary. Proposed landscaping has also been altered to incorporate some of the landscape officer's comments.
- 5.7 The revised illustrative layout proposes to retain the existing property (Waverley Cottage) in the north west corner of the site. This would be located adjacent to an area of public open space. Dwellings would generally surround the perimeter of the site with the majority of rear gardens backing on to existing hedgerows which bound the site. There would be a central open space to the north of the site and an area of open space to the frontage of the site along Old Gloucester Road which is also the proposed location of the diverted gas main

and associated easement. A pumping station is proposed in the south west corner of the site.

- 5.8 It is considered that whilst the revised Illustrative Development Plan is improved, the site does still appear to be somewhat cramped. At reserved matters stage, any dwellings proposed will need to be able to fit on the site without being detrimental to character, residential amenity, landscaping, sufficient drainage and the provision of public open space. As such, if the maximum of 80no. dwellings are to be realised, it is considered that a number of smaller units will be required to ensure the layout is appropriate. It is recommended that an informative referring to this is attached to the decision notice in the event of approval.

Design and Access Statement

- 5.9 The applicant submitted a Design and Access Statement (DAS) alongside the application. The originally submitted document was not seen adequate in ensuring that a high-quality scheme would come forward at reserved matters stage. Following extensive negotiations with the applicant, amendments and additional information have been incorporated. This includes the following:

- further detail regarding accessibility and connections
- improved details regarding character appraisal, as well as the expected design strategy and response
- details provided on requirements of a landscape envelope to ensure protection and maintenance of existing hedgerows
- further details provided on requirements for public open space on site
- details included for requirements for refuse on site.
- further detail included for drainage strategy in line with the Drainage Officer comments
- details of a design and mitigation for ecology strategy now included.
- details provided in relation to the Green Infrastructure and Access parameter plan included.
- illustrative extract included for potential need for adjustment to layout due to potential of the need to accommodate an overhead cable diversion and possible terminal tower.
- additional detail on the sustainable design and energy approach
- further details regarding what will be expected to be submitted at reserved matters stage.

- 5.10 Overall, the Design and Access Statement is considered to be acceptable. It considers the constraints of the site appropriately and introduces detail that will be expected to be provided at reserved matters stage. At this outline planning application stage layout, scale, and the appearance of dwellings are all reserved matters and will be subject to further consideration at reserved matters application stage.

Design conclusions

- 5.11 Given the above, the principles set out in the Design and Access Statement are considered to comply with Policies CS1, CS27, and PSP1 as well as the SPD. They also incorporate advice contained in the adopted National Design Guide. The illustrative development plan now incorporates some design improvements following negotiations with the applicant. Whilst the scheme is still considered somewhat cramped, Officers are mindful that this plan is illustrative, and that the permission is for up to 80no. dwellings. Further, it is noted that these matters will be assessed in detail at reserved matters stage. The applicant has also confirmed that they are willing to commit to a design review panel at reserved matters stage.
- 5.12 Overall, the development is considered acceptable from a design perspective at this outline stage. This is subject to recommended conditions in relation to the following:
- development to include details of layout, scale and appearance of the scheme at reserved matters stage.
 - development to proceed to reserved matters in accordance with the DAS
 - development to be referred to a design review panel at reserved matters stage
 - development to provide a connection through to adjacent development

6. Transportation

Impact on the highway network

- 6.1 The wider East of Harry Stoke development has been transport modelled for a future assessment year of 2031 as part of the main Crest development (ref. PT16/4782/O) for 1290no. dwellings. This modelling included 123no. dwellings on the site known as Land off Old Gloucester Road (ref. PT17/5873/O) and 327no. dwellings at North of the Railway (ref. PT16/4928/O) which has a secondary access from Old Gloucester Road.
- 6.2 Subsequent to that work being carried a Transport Assessment (TA) was submitted to support a planning application with an increase in dwellings on the site ref. PT17/5873/O from 123 to 158. The TA for the increased number of dwellings (158) indicated that the access for that site into Old Gloucester Road operated well within capacity for the assessment year of 2031.
- 6.3 On that basis the Transport Officer considers that this proposal for up to 80no. dwellings would not require a capacity modelling assessment of the access junction onto Old Gloucester Road. They consider the proposal would not have a significant impact on the junctions to the north and south of the site.

Infrastructure Delivery Plan

- 6.4 A package of infrastructure measures have been agreed for the wider allocation. These have been incorporated into the Infrastructure Delivery Plan (IDP). The sustainable travel facilities in the IDP include:
- shared use foot / cycle paths along Old Gloucester Road and the Stoke Gifford Transport Link (SGTL)
 - improvements to the Beacon Lane foot / cyclepath leading from Old Gloucester Road up to Winterbourne
 - new metrobus stops on the SGTL
- 6.5 These measures have already been secured through signed S106 Agreements for the outline consents approved at North of the Railway (ref. PT16/4928/O) and South of the Railway (ref. PT16/4782/O). For further details on these matters please see paragraphs 16.2-16.6 of this report.
- 6.6 This development is required to contribute to the IDP on a per dwelling basis. An Apportionment Table was created and approved by Councillors at Planning Committee as part of the North of the Railway planning application (ref. PT16/4928/O) in November 2018. The table identifies sites within the allocation and divides the various Infrastructure included in the IDP accordingly. This site constitutes a 'Residual Site' for the purposes of the table. The table indicates that a contribution of £28,305 (indexed) towards improvements to Great Meadow Roundabout would be required from this site.

Sustainable Travel

- 6.7 This proposal would benefit from the sustainable infrastructure facilities secured through the IDP. This would provide sustainable travel options to access various locations including Winterbourne Academy, the Metrobus service, retail, community, and leisure facilities which will be provided in the southern part of the New Neighbourhood, a new primary school on the northern parcel as well as the nearby employment areas to the west of Great Stoke Way and north of Winterbourne Road.
- 6.8 In addition, a route through the South of the Railway site, along Old Gloucester Road and through the North of the Railway site has been designed to accommodate future bus services.
- 6.9 The walking distances to existing bus services in Hambrook is approximately 850m where there are hourly services to Yate and half hourly services to Frenchay hospital and Bristol Bus station. Once the South of the Railway site is built out the walking distance to Metrobus stops on the SGTL at Hambrook Lane will be approximately 900m where it is expected that 10 – 20 minute frequency services will be provided to Bristol, Bradley Stoke and Cribbs Causeway. Although these distances are beyond the 400m and 800m respective recommended appropriate walking distances to ordinary services and metrobus services set out on Policy PSP11, the distances are not excessive, and the bus journey times are relatively short. The Transport Officer is therefore satisfied that the application complies with Policy PSP11.

Old Gloucester Road

- 6.10 The application site is located off Old Gloucester Road which is just west of the M4 and south of the B4057. It adjoins Bristol Road to the south which leads on to the A4174 Ring Road. A number of developments have been permitted with some/all access off Old Gloucester Road. As mentioned above, the IDP for the wider allocation includes highway works which do incorporate a cycle link from Old Gloucester Road to Beacon Lane as well as a cycle/footway along part of the western side of the road. Through S106 agreements for developments in the vicinity, the following additional highway improvements have also been secured along this road:
- PT16/1277/O – central island
 - PT17/5873/O – central island, footway link to Players Close, extension to foot/cycle way from site access to refuge island at Players Close

Access Arrangements

- 6.11 There is an existing access off Old Gloucester Road which currently serves Waverley Cottage and the former employment building. Access is not proposed to be determined at this stage. Nevertheless, a parameter plan has been submitted which identifies an area of the site where the access would be located. All options for access would be off Old Gloucester Road. Details of a standard priority junction access from Old Gloucester Road have also been submitted and an associated Stage 1 Road Safety Audit has been completed. The Transport Officer has raised no objections in principle to access off Old Gloucester Road and considers that these matters can be addressed at reserved matters stage.
- 6.12 Officers note that objections have been received from local residents and Stoke Gifford Parish Council relating concerns over an additional vehicular access off Old Gloucester Road and the impact that this could have on congestion. Whilst these concerns are understood, this planning application is submitted at outline stage with all matters to be determined, including access. In any case, the Transport Officer has not raised any principle highway safety issues to the access being proposed along this road.
- 6.13 The following highway works are proposed to be secured through a recommended condition:
- A priority junction vehicular access with footways on both sides
 - A realigned western kerbline on Old Gloucester Road to accommodate a 2m wide central refuge island (provided by others).
- 6.14 In terms of pedestrian and cycle access, the following have been proposed and will be secured by a recommended condition:

- 3 options for pedestrian/cycle connections to the adjacent site to the west
- A 3.5m wide foot / cyclepath on the west side of Old Gloucester Road between the site access, the location of a central refuge.
- A 3.5m wide foot / cyclepath on the west side of Old Gloucester Road between the location of the central refuge and the southern stepped pedestrian access.
- A stepped pedestrian access from the south of the site to Old Gloucester Road.

Transportation Conclusions

- 6.15 Access is not determined at this outline stage. Nevertheless, the Transport Officer has considered the parameter plan which indicates the location of the proposed access, and the impact on the local highway network. They have recommended that a number of highway works are secured by condition and S106 Agreement, and subject to this have not raised an objection.
- 6.16 Given all of the above, the development is considered acceptable in respect of transport considerations. Based on the information considered at this stage and subject to the recommended conditions and Heads of Terms, the application is assessed as complying with Policies CS8 and PSP11. Access will be considered in detail at reserved matters stage.

7. Landscaping

Context

- 7.1 The site comprises two agricultural fields together with the curtilage of Waverley Cottage and the employment unit. Its eastern, western, and southern boundaries are delineated by field hedgerows with intermittent trees, further with fruit/garden tree species located within the curtilage of the property. The application was supported by an Arboricultural Impact Assessment which identifies 4no. Category B Oak trees within the northern site boundary. The vegetated embankment of the mainline railway lies to the north of the site. Beyond the eastern boundary of the site is a wide highway verge which has a number of trees and hedgerow.

Proposals

- 7.2 The original scheme proposed raised a number of concerns from the Landscape Officer. Throughout the course of the planning application process amendments and additional information have been provided. This includes the following:
- Pictorial analysis of the existing boundary hedgerows and clarification relating to some of the existing vegetation on site
 - The illustrative development plan has been amended to move dwellings and garages away from hedgerows

- DAS has been updated to include landscape related design principles including long-term maintenance access of boundary hedgerows and trees as well as the need to provide screening vegetation along the eastern boundary.
- A parameter plan has been provided which identifies hedgerows and trees surrounding the site. Root protection areas are identified alongside a 1 metre no build zone to allow for maintenance as well as areas for potential maintenance access points.

7.3 The Landscape Officer considers that the revised information overcomes most of the original landscape concerns. Having said this, there are still some remaining concerns regarding the context and relationship between the proposed primary open space shown on the illustrative development plan and highway infrastructure. In addition, there is uncertainty how the proposed gas main diversion would impact existing vegetation and replacement planting on the eastern boundary adjacent to Old Gloucester Road. It is considered that these matters can be assessed in detail at reserved matters stage. Improvements and sufficient replacement planting to screen the development would be expected to ensure a policy compliant scheme.

Landscape Conclusions

7.4 Landscaping is not a matter that is considered through this outline application with all matters reserved. Nevertheless, whilst there are some outstanding concerns from the Landscape Officer, the scheme is considered acceptable in principle from a landscape perspective at this outline stage. The parameter plan provided will protect the boundary vegetation and trees and will ensure that maintenance access is provided. Officers are also satisfied that the outstanding matters can be considered at reserved matters stage.

7.5 As such, the development is considered to comply with Policies CS1, CS9 and PSP2. This is subject to a number of recommended conditions which are set out below.

- The reserved matters shall be in accordance with parameter plan
- A method statement, landscape mitigation and strategy plan to be submitted in relation to the trees and hedgerow along Old Gloucester Road.
- The reserved matters shall include a Landscape and Ecological Management Plan (LEMP).
- Plans indicating the location of tree and hedgerow protection measures to be submitted prior to commencement of development
- The reserved matters shall include full details of hard and soft landscaping
- Trees should be replaced if they die or are seriously damaged.

8. Ecology

Context

- 8.1 An ecology report was submitted alongside the application. This identifies that bats (a protected species) are present on the site. Further, that parts of the site would provide suitable habitat for other protected species. This includes nesting birds, reptiles, and hedgehogs. It is noted that concerns were raised by local residents in terms of the impact on wildlife.
- 8.2 In terms of the wider ecological context of the overall new neighbourhood, a Design Strategy has been approved for Great Crested Newts (GCN). This provides an illustrative framework and design template for the wider development. The strategy is focused on licensable activities to ensure that GCN's in the wider area are maintained. There are no GCN's identified on the application site itself. It is considered that a buffer strip to the existing boundary hedgerow/vegetation would be sufficient so that the existing vegetation is maintained appropriately for wildlife use.

Bats

- 8.3 The existing buildings on site were assessed for their bat roost potential. The main house was assessed as having High roosting potential, the workshops Low potential and the garage Negligible. Three emergence surveys were undertaken on the buildings with bat roosting potential to determine whether they are used as roosts. The main house was confirmed a roost being used by a small number of brown long-eared bats. At least two bats were observed emerging on all three surveys. The small numbers suggest it is not likely to be a maternity roost. No other bats were seen to emerge from the other buildings.
- 8.4 The main house is shown as being retained in the illustrative development plan, which means that the brown long-eared bat roost can be retained in situ. In order to protect the roost, the surrounding development design needs to ensure that the roost is not illuminated by new lighting, and that there is an unlit route between the roost and the retained habitat around it. The bats need to be able to have continued access to good quality foraging habitat consisting of woodland and woodland-edge habitat.

Proposals and Mitigation

- 8.5 The ecology officer considers that to ensure a strategic green corridor is provided along the eastern boundary for wildlife suitable mitigation measures need to be incorporated into detailed design of the proposal. The ecology officer requested an addendum to the ecology report that addresses these comments. This has not been forthcoming. Nevertheless, additional information and principles have been included in the DAS. This includes that the reserved matters should include:
- Retained and protected vegetation
 - Hedgerow maintenance
 - Proposed planting to include structural screening, focal. reduced highway dominance and bat hop-over

- POS and green space linkages
- Dark GI corridors
- Ecological connectivity
- General management

Ecological Conclusions

8.6 Given the above principles are now included in the DAS and that these matters will be considered in detail at reserved matters stage, the development is considered acceptable in principle from an ecology perspective in accordance with Policies CS9 and PSP19. This is subject to a number of recommended conditions which are summarised below.

- Landscape and Ecological Management Plan to be submitted
- Lighting scheme to be submitted including a lighting design strategy for biodiversity
- A scheme for the provision of bat and bird nesting features to be submitted
- A mitigation scheme for reptiles, badgers, hedgehogs, bats, GCN's and nesting birds to be submitted
- No development shall commence if 12 months or more has elapsed since the original field study for badgers, until a re-survey has been undertaken.

9. Drainage

9.1 The development falls within Flood Zone 1 and as such is at the lowest risk of flooding. A Flood Risk Assessment and Drainage Strategy were submitted alongside the application. This has been reviewed by the Lead Local Flood Authority (LLFA) alongside the updated illustrative development plan and DAS.

9.2 In terms of foul sewerage disposal, it is proposed to construct a piped network and pumping station within the site. This would connect to an existing Wessex Water sewer which is located on Old Gloucester Road. The LLFA consider that the proposed method is acceptable in principle. This is subject to the agreement of Wessex Water. Wessex Water have raised concerns in terms of capacity for connection prior to the upgrading of sewers which is expected to be phased across the wider allocation. A condition is recommended to ensure that further details are provided in relation to foul sewage prior to the submission of the first reserved matters.

9.3 In relation to surface water disposal, it is proposed that a piped system would be provided which includes a number of attenuation tanks and flow control devices. This would allow surface water to discharge into an existing ditch network at a restricted rate. The LLFA entered into detailed discussions with the applicant relating to the surface water outfall location within the southern catchment.

9.4 The LLFA consider that the finalised location for this needs to be included in a future reserved matters submission. The position will need to be in a location

where the opposing bank is at a higher level than the proposed outfall. Whilst the LLFA consider the surface water disposal method is acceptable in principle they have raised concerns regarding the number of attenuation tanks proposed and the location of an attenuation tank below an area of children's play.

- 9.5 Given the above, a condition is recommended to ensure that the reserved matters is accompanied by details of the surface water infrastructure of the site. Subject to this condition, the proposed drainage strategy is considered acceptable in principle and in accordance with Policies PSP20 and CS9.

10. Environmental Protection – Noise

- 10.1 The application site is exposed to noise from the M32, M4 to the south/east and from the railway line to the north. The application was supported by a Noise Impact Statement (NIS). The statement concludes that whilst external noise levels are high it is considered that the impact on future occupants of the proposed development could be controlled to an acceptable level without imposing restrictions which would be harmful to residential amenity. The NIS recommends that high performance acoustic glazing would be required alongside acoustic heating and ventilation.

- 10.2 The Environmental Protection noise team have reviewed the application and the submitted NIS. It is considered that the statement is comprehensive, and it is noted that the proposal is capable of meeting British Standard and WHO guidelines. In addition to the recommendations in the NIS, they have advised that internal room layout and plot design with possible acoustic fencing will need to be considered. Future occupants will be required to have protected quiet areas.

- 10.3 These details will need to be submitted and assessed at reserved matters stage. A condition is recommended for the provision of a noise assessment of the detailed site layout. Subject to this condition, it is considered that the development would comply with Policy PSP8 and PSP21.

11. Environmental Protection - Contamination

- 11.1 A Desk Study and Investigation Report were submitted alongside the application. The Contamination consultee has reviewed this report. They have advised that they agree with the recommendations made in the report for further investigation of area that have not yet been investigated, such as the ground beneath the existing commercial units.

- 11.2 Therefore, in order to ensure that the site is suitable for its proposed use and in accordance with Policies PSP21 and CS9, conditions are recommended in relation to further desk studies and appropriate mitigation should contamination be found.

12. Environmental Protection - Air Quality

- 12.1 The site is close to multiple potential existing sources of pollution such as the M4, M32, Old Gloucester Road (B4427), and the main London to South Wales

railway line. These sources could impact the future occupants of this development. The development may also introduce additional sources itself which may have an impact on local air quality.

- 12.2 The Air Quality consultee originally requested that an Air Quality Assessment (AQA) was submitted alongside the application. During the course of the application process, the applicant supplied additional information in relation to an AQA which was carried out for the adjacent site. This AQA covered the entire allocation (including the application site). This AQA concluded that there would be a negligible impact on air quality resulting from the development. Following a review of this information, the Air Quality consultee considers that an additional AQA is not required for this application. It is also noted that dust management would be covered by the recommended Construction and Environmental Management Plan (CEMP) condition.

13. Sustainability and Climate Change

- 13.1 Policies CS1 and PSP6 are relevant to this application. Both of these policies are applicable to the proposed development, including the requirement for greenfield major residential development (comprising 10 or more dwellings) to achieve at least a 20% reduction in carbon dioxide emissions through the use of renewable or low carbon energy generation sources on or near the site providing this is practical and viable.
- 13.2 The Environmental Policy consultee and the Urban Design Officer requested that a Sustainable Energy Statement is submitted. This has not been forthcoming through the course of the application process. Nevertheless, additional information and principles have been included in the DAS. This includes low carbon renewable energy options to come forward at reserved matters stage through and a commitment to submit a detailed energy statement at a later stage.
- 13.3 At this outline application stage this is considered acceptable subject to a recommended condition that the reserved matters will be accompanied by a detailed energy statement to detail how the scheme will comply with Policies CS1 and PSP6.

14. Residential Amenity

- 14.1 The site itself contains an existing dwelling known as Waverley Cottage. This is a two storey detached property which is located just north of the existing access off Old Gloucester Road. This property is proposed to be retained. The Illustrative Development Plan proposed that dwellings would be introduced fairly close to this property. It is not possible to make a full assessment of residential amenity based on the limited illustrative details submitted at this outline application stage. Having said this, the separation distance does appear to be appropriate.
- 14.2 All other existing properties in the locality are of a sufficient distance away to ensure that harmful residential amenity impacts would not occur. It is noted that the approved land use parameter plan for the adjacent site to the west (ref.

PT16/4782/O) shows residential uses along the western boundary of this site. Any future reserved matters applications coming forward would need to take account of this relationship.

- 14.3 At this outline application stage the impact on residential amenity is considered acceptable in principle. Any detailed scheme coming forward at reserved matters will need to ensure the layout of the site complies with Policy PSP8 as well as the residential amenity guidance contained in the Householder Design Guidance SPD.
- 14.4 It is recommended that a condition requiring a CEMP is imposed to ensure that any effects of noise, vibration, and site lighting are minimised and controlled throughout the construction period. This includes construction working hours on site.

15. Utilities

Gas Pipeline

- 15.1 There is an existing major high pressure gas pipeline which crosses through the site from the south west towards Old Gloucester Road. This gas pipeline is proposed to be diverted and upgraded where it runs through the wider development. This includes a diversion of the pipeline through the application site. Officers have been advised by the applicant that the statutory undertaker (Wales and West Utilities) have preliminary designed a diversion route which would run along the eastern boundary of the site.
- 15.2 The gas pipeline constitutes a major hazard and therefore the Health and Safety Executive (HSE) were consulted. Initially the Local Planning Authority consulted the HSE's Web App. This identified that based on the current location of the pipeline that HSE would 'Advise Against' this development.
- 15.3 However, following further correspondence with Officers and the applicant, the HSE provided some further advice that they do not Advise Against providing that a condition is recommended to ensure that no development is carried out within 65 metres of the gas main pipeline until HSE has confirmed that the risk has reduced to a level that HSE would not advise against, and that the gas diversion is completed.
- 15.4 The NPPG paragraph 071 (dated 9/12/2016) sets out that any advice from the HSE should not be overridden without the most careful considered. As such, Officers recommend that this condition is imposed in the event of approval.

Electricity Powerlines

- 15.5 On submission of this application there were two main electricity powerlines crossing the site from the north east to the south west. As part of work on the wider allocation to divert and underground these powerlines, one of these powerlines has now been diverted and the overhead cables removed. The

remaining powerline and associated overhead cables are due to be diverted in the coming months.

- 15.6 In terms of the outstanding diversion and undergrounding. It is not clear at this stage where this would be located. The Local Planning Authority received a prior approval application (ref. P22/00116/PNS) under Section 37 of the Electricity Act 1989 for the installation of a Terminal Tower just beyond the north western boundary of the application site. That application sought the Local Planning Authority's view whether it was considered this pylon would have a significant impact on the environment. The LPA confirmed that no objections were raised. As such, the statutory undertaker is now in a position to apply to the Secretary of State to erect the terminal tower. This application has not been made at the time of writing.
- 15.7 If the terminal tower were to be erected in the north west corner of the site this would impact on the developable area. Through the course of the application process this has been discussed with the developer. Additional information has subsequently been included in the DAS in the event that the terminal tower is located in this location including ensuring an appropriate separation distance. A condition was considered to be recommended but given the uncertainty of the situation and that it is outside of the developers control, it would have been unreasonable.

16. Archaeology

The Archaeology Officer sets out that the proposed development lies in an area of archaeological significance, though there has clearly been disturbance of deposits in some areas of the site. It is considered that the development may still impact on surviving buried heritage assets and therefore it is recommended that any permission granted in this location should be subject to a condition for a programme of archaeological work for all ground works.

17. Planning Obligations

- 17.1 The following matters are recommended to form planning obligations in a S106 Agreement.

Tariff Mechanism

- 17.2 The New Neighbourhood allocations in the 2013 Core Strategy were removed from the CIL charging tariff when the Council first adopted their CIL charging schedule in March 2015. These areas including East of Harry Stoke therefore have a zero CIL charged and are subject to the traditional S106 mechanism for securing community, transport, and other relevant infrastructure as mitigation for the impact of the development.
- 17.3 As such, a tariff mechanism was developed as an appropriate means of securing infrastructure for multiple landowners. A 'roof tariff' for each dwelling delivered was determined by the total infrastructure requirement for the allocation divided by the number of dwellings to be provided. Officers identified all of the infrastructure required to deliver the allocation in its entirety within an Infrastructure Delivery Plan (IDP). This IDP was costed by Officers to create a

fully costed position from which the roof tariff was calculated. The total sums required from the roof tariff are designated to specific infrastructure projects within the IDP, also referred to as 'apportionment'.

- 17.4 The roof tariff was calculated as £12,871 per dwelling and a total infrastructure package is identified of £25,742,648. These figures are to be indexed from November 2018.
- 17.5 The infrastructure package and the apportionment of this has already been presented to Planning Committee in the consideration of the planning applications for land north and south of the railway (refs. PT16/4782/O and PT16/4928/O), which propose up to 1,617 dwellings and thus the bulk of the dwelling numbers on the site. Both of these applications have now been permitted and S106 Agreements have been signed incorporating the tariff mechanism and apportionment exercise. It is therefore considered appropriate and consistent that this work should be used as the basis how this application contributes towards infrastructure provision on the wider site.
- 17.6 For the purposes of the apportionment exercise, the application site comes under 'Residual Sites'. The apportionment exercise therefore identifies that this proposal should contribute towards the following infrastructure items through a S106 Agreement.
- i) Great Meadow Roundabout Capacity Improvements
 - ii) Secondary Education Places

Affordable Housing

- 17.7 The NPPF sets out that the need for different tenures, including affordable housing, should be assessed, and reflected in planning policies (paragraph 62) and that where a need is identified this is expected to be met on site (paragraph 63). Policy CS18 of the Core Strategy requires developers to achieve 35% on-site affordable housing on new housing developments.
- 17.8 The Affordable Housing and ExtraCare SPD sets out more regarding how the affordable housing will be delivered to meet the needs of the community, including Affordable Housing for those with specific needs. The SPD sets out that clusters of affordable homes should contain a maximum of 12 homes (sites of over 100 dwellings only).
- 17.9 35% of 80 dwellings generates an Affordable Housing requirement of 28 Affordable Homes, to be provided without public subsidy, on-site and distributed throughout the development in clusters of no more than 12 units. It is considered that this should be split between 76% (21 homes) for social rent and 24% (7 homes) for shared ownership.
- 17.10 The delivery of this policy compliant level of Affordable Homes will be delivered through a S106 Agreement. Recommended Heads of Terms are as follows.

Quantum

35% of Affordable Homes without public subsidy.

For information based on a proposal of 80 dwellings this would generate a requirement of 28 Affordable Homes which shall be provided on-site and distributed throughout the development in clusters of no more than 6 units.

Any future RM or Full application must have regard for Crest's adjoining land in terms of proximity with any adjacent affordable housing.

Tenure and Type

No Affordable Rent (AR) is required in this instance as 3% AR requirement based on 28 affordable homes would generate 0.8 affordable home. Therefore, to meet identified housing need (Wider Bristol SHMA) the following tenure split shall be secured.

- 76% Social Rent i.e. 21 social rent homes
- 24% Shared Ownership i.e. 7 shared ownership homes

Any future RM or full planning application based on a scheme of 80 units must deliver a range of house types in line with the (Wider Bristol SHMA) as set out below:

Social Rent

| Percentage | Type | Min Size m ² |
|------------|--------------------------------|-------------------------|
| 22% | 1 bed 2 person flats | 50 |
| 16% | 2 bed 4 person flats | 70 |
| 29% | 2 bed 4 person houses | 79 |
| 29% | 3 bed 5 person houses 2 storey | 93 |
| 4% | 4 bed 6 person houses 2 storey | 106 |

Shared Ownership

| Percentage | Type | Min Size m ² |
|------------|--------------------------------|-------------------------|
| 16% | 1 bed 2 person flats | 50 |
| 17% | 2 bed 4 person flats | 70 |
| 34% | 2 bed 4 person houses | 79 |
| 33% | 3 bed 5 person houses 2 storey | 93 |
| 0% | 4 bed 6 person houses 2 | 106 |

Design

Affordable Homes to be built to the same high quality design standards and visually indistinguishable from the market units and in addition, Part M of the Building Regulations accessibility standards M4(2), Secured by Design Silver, Part Q Building Regulation standards and compliance with the RP Design Brief;

Please note that Part M of the Building Regulations accessibility standards M4(2) will be enforced by way of a planning condition.

- i. All rear gardens to be turfed and generally to have 1.8m high close boarded fencing to boundaries and privacy panels;*
- ii. All properties to have vinyl/tiles on floor in all ground floor rooms;*
- iii. Ceiling height tiling to 3 sides of bathroom to be provided;*
- iv. Provide wall mounted shower (either electric or valve and kit);*
- v. Provide gas and electric points to cooker space (where gas is available);*
- vi. Painted softwood curtain battens to each window (where construction is traditional as opposed to timber frame)*

No more than 6 Affordable Homes should share an entrance and communal area. Registered Providers would generally expect flats within a single block to be of the same tenure.

Wheelchair Provision

8% of Affordable Homes to meet Part M of the Building Regulations accessibility standards M4(3)(2)(a) which will be enforced by way of a planning condition.

Delivery and Phasing

The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.

Delivery is preferred through the Council's list of Approved Registered Providers. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.

Affordable Homes to be built out with the market housing on site in line with agreed triggers within the S.106 Agreement.

Rent Levels and Affordability

Social Rent homes to be let at Target Rent (Rent Standard Direction 2014).

Shared Ownership homes to be sold at no more than 40% of market value, and annual rent on the equity retained by

the RP should be no more than 1.5%.

Service charges will be capped at £650 per annum (base date to be date of resolution and linked to CPI) to ensure that all housing costs are affordable to future occupants.

Capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, with subsidy levels to increase by any capital appreciation.

Public Open Space

- 17.11 Policy CS27 requires development proposals within the New Neighbourhood to positively facilitate and meet the overall vision for the area including well planned and integrated green infrastructure including a strategic green corridor for amenity, recreation, woodland, and wildlife uses, sustainable urban drainage, allotments sports pitches and changing. The East of Harry Stoke SPD objectives for development also include the provision of Green Infrastructure.
- 17.12 In addition, Policy CS24 seeks the provision of green infrastructure, outdoor space, sport, and recreation facilities according to the following principles:
1. New developments must comply with all the appropriate local standards of provision in terms of quantity, quality and accessibility
 2. Provision must be delivered on-site, unless it is demonstrated that partial or full off-site provision or enhancement creates a more acceptable proposal; and
 3. The functionality and usability of spaces and facilities must be suitable for their intended purposes.
- 17.13 This Policy also sets out that environments for play are required to be delivered as an integral part of site design within both public and semi-private communal open space areas.
- 17.14 The following table provides a summary of the minimum POS requirements based on estimated occupancy on site. All financial contributions and inspection fees are subject to indexation (GM87 published by BCIS) from the date of this circulated schedule report.

| Category of Open Space | Minimum requirement to comply with Policy CS24/CS27 | Financial Contribution per square metre if not provided on site (indexed) |
|-------------------------------|--|--|
|-------------------------------|--|--|

| | | |
|---|---|--|
| Informal Recreational Open Space | Provide a minimum on site of 11.5 sqm per person – based on 2.4 persons/dwelling | Provision - £28.4356 Maintenance - £50.1229 |
| Natural and Semi-Natural Open Space | Provide on-site a minimum of 15 sqm. per person, based on 2.4 persons/dwelling | Provision - £15.7577 Maintenance - £26.1404 |
| Outdoor Sports Facilities | No provision on site 16 sqm. per person, based on 2.4 persons/dwelling | Provision - £56.5502 Maintenance - £17.1158 |
| Provision for Children and Young People | Provide on Site a minimum of 2.5 sqm per person of equipped play, based on 2.4 persons/dwelling | Must be delivered on site |
| Allotments | No provision on site. Minimum of 2.5 sq.m per person, based on 2.4 persons/dwelling | Provision - £10.3702 Maintenance - £13.2227 |
| Open Spaces Inspection Fee | N/A | £52 per 100 sqm. plus £500 core service fee. (indexed) |

17.15 There is limited information submitted at this outline application stage, and whilst the Illustrative Development Plan sets out where open space could go on site, it is only indicative at this stage. Throughout the course of the application process additional information was requested including a parameter plan showing where Public Open Space would be located on site. This has not been forthcoming prior to determination. Nevertheless, it is acknowledged that this will be assessed in detail at reserved matters stage.

17.16 Additional information has been incorporated into the DAS including the requirements for demarcation of public and private spaces, and further requirements of a proposed trim trail.

17.17 It has been agreed that provision for Children and Young People will need to be on site. Any provision will need to adhere to appropriate separation distances to dwellings to meet Fields in Trust guidance. A condition is recommended to ensure that these details alongside landscaping and access for areas for play are provided at reserved matters stage.

17.18 It has also been agreed that the provision for Outdoor Sports and Allotments would be off site. In terms of Informal Recreational Open Space and Natural and Semi-Natural Open Space, provision would be expected on site. If the minimum policy compliant amounts are not met on site, then it would need to

be demonstrated that partial or full off-site provision or enhancement creates a more acceptable proposal in accordance with Policy CS24. Further, a financial contribution would be expected to be provided up to the minimum sqm policy requirement.

- 17.19 Whilst there is limited information submitted at this stage, Officers consider that the scheme could provide a policy compliant level of public open space through a combination of both on-site and off-site provision in accordance with Policies CS24 and CS27. This is recommended to be included in a S106 Agreement. The design of these spaces will need to be assessed at reserved matters stage. A condition is recommended for a requirement to provide a public open spaces plan at reserved matters stage which specifies quantities and categories of public open space across the site.

Travel Plan

- 17.20 The site is within a wider allocation which is located in a congested part of the highway network. The development is of a size where the influence of a Travel Plan would be significant, and a Residential Travel Plan is therefore required to be secured through a S106 Agreement. This would need to be in accordance with the Framework Travel Plan which was approved as part of ref. PT16/4782/O.
- 17.21 There are two options for securing the delivery of the Travel Plan through a S106 Agreement, these are as follows and will be included in the Heads of Terms.
- £315 (indexed from 2018) per dwelling to be paid to the Council who will then prepare and implement a detailed Full Travel Plan; OR
 - The Developer / Owner submits a detailed Full Travel Plan in accordance with the East of Harry Stoke New Neighbourhood Framework Travel Plan, implements that Travel Plan and pays the Council a monitoring contribution of £1,000 (indexed from 2018) per year for the life of the TP.

Public Art

- 17.22 The NPPF states that the social role of the planning system should create a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing. Policy CS23 states that the Council will work with partners to provide additional, extended, or enhanced community infrastructure and encourage participation in cultural activity. Developers of Major Residential Schemes will be required to demonstrate how their proposals will contribute to the objectives of the South Gloucestershire Cultural, Heritage and Arts Strategies, through the provision of additional, extended or enhanced facilities and access to/or facilitation of art and cultural activities for the new residents. In addition, Policy CS1 highlights the role of public art in creating high quality developments.
- 17.23 The Public Art consultee was consulted as part of this application and originally recommended that a planning condition was imposed for a public art

programme. Through the course of the application negotiations have led to a proposal to include a contribution of £9000 towards public art on site. This has been agreed and is recommended to be secured through a S106 Agreement.

Monitoring Fee

- 17.24 The Councils adopted CIL and S106 SPD provides a guide to developers, stakeholders, and local communities as to how Policy CS6 will be implemented and the basis on which CIL and S106 contributions will be sought and administered in South Gloucestershire.
- 17.25 The SPD sets out that the supervision of public works and administrative, inspection, implementation, and compliance monitoring costs, all comprise monitoring activities to be covered by a monitoring fee. The Council has introduced (as of 1st April 2022) a monitoring fee of 1% of the total financial contributions contained within S106 agreement's, with a cap of £40,000 for agreements with a total value of less than £10 million. For financial contributions totalling over £10 million, a monitoring fee will be negotiated.
- 17.26 In this instance, the financial contributions would total less than £10 million and therefore a 1% monitoring fee is recommended to be secured through a S106 Agreement. This has been agreed by the applicant.

Community Infrastructure Levy Regulation 122

- 17.27 Regulation 122 of the CIL Regulations provides three statutory tests to be applied to all planning obligations. It sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is

“(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development”

- 17.28 It is considered that the recommended planning obligations as set out in section 16 of this report and the Heads of Terms set out in the recommendation below, form appropriate mitigation, are necessary to make the development acceptable in planning terms, are directly related to the development, and are in scale and kind to the development. As such, the planning obligations are considered to have passed the CIL Regulations, Regulation 122 tests.

18. Consideration of likely impact on Equalities

- 18.1 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.

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

19. PLANNING BALANCE AND CONCLUSION

- 19.1 This is an outline application with all matters reserved and as such, there are limited details submitted at this stage. Additional details including parameter plans and public open space plans have been requested but have not been forthcoming prior to determination.

- 19.2 Nevertheless, the application site lies within an area allocated for development for 2000 new dwellings through Policy CS27 in the adopted Core Strategy. As such, significant weight is given to the adopted development plan which includes this site as part of a strategic allocation to deliver a new neighbourhood, which is proposed to contribute towards the Council's supply of housing, in the next 5 years and beyond. The principle of development is therefore established in accordance with Policy CS27.

- 19.3 There are some outstanding concerns from the landscape officer in relation to the uncertainty of planting, screening, and removal of vegetation as a result of the gas main diversion along the eastern edge of the site. Additional details have been included in the DAS and the recommended conditions will ensure appropriate details come forward at reserved matters stage. Furthermore, Officers are mindful that these works could be carried out by the statutory undertaker (Wales and West Utilities) without planning permission and under their permitted development rights.

- 19.4 There are other matters including urban design, drainage, ecology, public open space, environmental protection, archaeology, and highways which require additional detailed information to be submitted. It is considered that subject to the recommended conditions and the principles included in the DAS, that these matters will come forward and can be suitably assessed at reserved matters stage.

- 19.5 Overall, Officers consider that the proposal, subject to the recommended S106 obligations, conditions, and principles in the DAS can create a high quality development of up to 80no. dwellings. Following negotiations with the applicant, the scheme has now been comprehensively planned and has been considered in the context of the wider strategic allocation including adjacent sites.

- 19.5 Accordingly, and based on all of the above Officers consider that the benefits of the development clearly and demonstrably outweigh the harms. On these grounds, it is recommended that this outline planning application should be

recommended for approval subject to the conditions and Heads of Terms (to be secured through a S106 Agreement) as set out below.

20. CONCLUSION

20.1 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.

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

21. RECOMMENDATION

21.1 That authority be delegated to the Executive Director - Place to grant outline planning permission, subject to:

- (a) The conditions set out below; and**
- (b) The applicant first entering into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:**

1. Public Open Space

- Informal Recreational Open Space: a minimum provision of 11.5 square metres per person based on 2.4 persons per dwelling. To be provided on-site and where this is not possible for all or part, a financial contribution of £28.4356 per square metre for provision and £50.1229 per square metre for maintenance (Indexed from the date of this circulated schedule report on the basis of GM87 published by BCIS).
- Natural and Semi-Natural Open Space: a minimum provision of 15 square metres per person based on 2.4 persons per dwelling. To be provided on-site and where this is not possible for all or part, a financial contribution of £15.7577 per square metre for provision and £26.1404 per square metre for maintenance (Indexed from the date of this circulated schedule report on the basis of GM87 published by BCIS).
- Outdoor Sports Facilities: A minimum provision of 16 square metres per person based on 2.4 persons per dwelling to be delivered off site comprising a financial contribution of £56.5502 per square metre for provision and £17.1158 per square metre for maintenance (Indexed from the date of this circulated schedule report on the basis of GM87 published by BCIS).
- Provision for Children and Young People: A minimum of provision on-site of 2.5 square metres per person of equipped play, based on 2.4 persons per dwelling.
- Allotments: A minimum provision of 2.5 square metres per person based on 2.4 persons per dwelling to be delivered off site comprising a financial contribution of £10.3702 per square metre for provision and £13.2227 per square metre for maintenance

- Open Spaces Inspection Fee: £52 per 100 square metres plus a £500 core service fee (Indexed from the date of this circulated schedule report on the basis of GM87 published by BCIS).
- The developer shall engage with the management companies being used by other developers within the East of Harry Stoke New Neighbourhood to manage open space and use best endeavours within this engagement to secure co-ordinated and comprehensive management of open spaces within the New Neighbourhood.

2. **Affordable Housing**

Quantum

35% of Affordable Homes without public subsidy.

For information based on a proposal of 80 dwellings this would generate a requirement of 28 Affordable Homes which shall be provided on-site and distributed throughout the development in clusters of no more than 6 units.

Any future RM or Full application must have regard for Crest's

adjoining land in terms of proximity with any adjacent affordable housing.

Tenure and Type

No Affordable Rent (AR) is required in this instance as 3% AR requirement based on 28 affordable homes would generate 0.8 affordable home. Therefore, to meet identified housing need (Wider Bristol SHMA) the following tenure split shall be secured.

- *76% Social Rent i.e. 21 social rent homes*
- *24% Shared Ownership i.e. 7 shared ownership homes*

Any future RM or full planning application based on a scheme of 80 units must deliver a range of house types in line with the (Wider Bristol SHMA) as set out below:

Social Rent

| <i>Percentage</i> | <i>Type</i> | <i>Min Size m²</i> |
|-------------------|---------------------------------------|-------------------------------|
| <i>22%</i> | <i>1 bed 2 person flats</i> | <i>50</i> |
| <i>16%</i> | <i>2 bed 4 person flats</i> | <i>70</i> |
| <i>29%</i> | <i>2 bed 4 person houses</i> | <i>79</i> |
| <i>29%</i> | <i>3 bed 5 person houses 2 storey</i> | <i>93</i> |
| <i>4%</i> | <i>4 bed 6 person houses 2 storey</i> | <i>106</i> |

Shared Ownership

| <i>Percentage</i> | <i>Type</i> | <i>Min Size m²</i> |
|-------------------|------------------------------|-------------------------------|
| <i>16%</i> | <i>1 bed 2 person flats</i> | <i>50</i> |
| <i>17%</i> | <i>2 bed 4 person flats</i> | <i>70</i> |
| <i>34%</i> | <i>2 bed 4 person houses</i> | <i>79</i> |

| | | |
|-----|--------------------------------|-----|
| 33% | 3 bed 5 person houses 2 storey | 93 |
| 0% | 4 bed 6 person houses 2 storey | 106 |

Design

Affordable Homes to be built to the same high quality design standards and visually indistinguishable from the market units and in addition, Part M of the Building Regulations accessibility standards M4(2), Secured by Design Silver, Part Q Building Regulation standards and compliance with the RP Design Brief;

Please note that Part M of the Building Regulations accessibility standards M4(2) will be enforced by way of a planning condition.

- i. All rear gardens to be turfed and generally to have 1.8m high close boarded fencing to boundaries and privacy panels;*
- ii. All properties to have vinyl/tiles on floor in all ground floor rooms;*
- iii. Ceiling height tiling to 3 sides of bathroom to be provided;*
- iv. Provide wall mounted shower (either electric or valve and kit);*
- v. Provide gas and electric points to cooker space (where gas is available);*
- vi. Painted softwood curtain battens to each window (where construction is traditional as opposed to timber frame)*

No more than 6 Affordable Homes should share an entrance and communal area. Registered Providers would generally expect flats within a single block to be of the same tenure.

Wheelchair Provision

8% of Affordable Homes to meet Part M of the Building Regulations accessibility standards M4(3)(2)(a) which will be enforced by way of a planning condition.

Delivery and Phasing

The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.

Delivery is preferred through the Council's list of Approved Registered Providers. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.

Affordable Homes to be built out with the market housing on site in line with agreed triggers within the S.106 Agreement.

Rent Levels and Affordability

Social Rent homes to be let at Target Rent (Rent Standard Direction 2014).

Shared Ownership homes to be sold at no more than 40% of market value, and annual rent on the equity retained by the RP should be no more than 1.5%.

Service charges will be capped at £650 per annum (base date to be date of resolution and linked to CPI) to ensure that all housing costs are affordable to future occupants.

Capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, with subsidy levels to increase by any capital appreciation

3. **Infrastructure Delivery**

A sum of £12,871 per dwelling delivered (Indexed from November 2018) will be required to pay for infrastructure delivery for the wider East of Harry Stoke New Neighbourhood in line with Policy CS27 and the adopted SPD as well as the IDP and apportionment exercise. This contribution will be directed to provision of the following infrastructure items.

- £28,305 towards the Great Meadow Roundabout Capacity Improvements; and
- The remainder towards Secondary Education Places off site.

4. **Travel Plan**

- A contribution of £315 per dwelling to be paid to the Council to implement the Travel Plan; OR
- The Developer submits a detailed Full Travel Plan in accordance with the East of Harry Stoke New Neighbourhood Framework Travel Plan, implements that Travel Plan, and pays the Council a monitoring contribution of £1,000 (indexed from November 2018) per year for the life of the Travel Plan to pay the cost incurred by the Council in monitoring the performance of the Travel Plan.

5. **Public Art**

A financial contribution of £9000 towards public art on site.

6. **Monitoring Fee**

1% of the total financial contributions contained within the S106 Agreement.

21.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

21.3 Should the agreement not be completed within 6 months of the date of this Circulated Schedule that delegated authority be given to the Executive Director – Place to refuse the application if an extension of time to complete the agreement is not agreed.

CONDITIONS

1. Reserved Matters

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

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

Reason

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

2. Time Limit for Reserved Matters

All applications for the approval of the reserved matters shall be submitted to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason

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

3. Time Limit for Commencement

The development hereby permitted shall be begun either before the expiration of 2 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 provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

4. Approved Plans

This decision relates only to the plans below:

Submitted 13th June 2022

Design and Access Statement - Issue 6.

Submitted 12th May 2022

A-002- PL04 Hedge Maintenance and Protection Plan

A-PP-100-C Parameter Plan 80 Units

Submitted 17th November 2021

Updated Arboricultural Report - Silverback

Engineering Technical Note (ETN01) ES20.027 - Expedite dated 28th October 2021

Submitted 3rd June 2021

Ecology Report eg20953 - Engain

Submitted 23rd February 2021

A-200-02 Location Plan
A-500 Hedge Location Plan

Submitted 21st September 2020
Topographical Survey 1702 Rev A
Flood Risk Assessment - Expedite (11th September 2020)
Heritage Impact Assessment ALI20211 Rev 1 - ALI (10th September 2020)
Noise Impact Assessment - Parker Jones acoustics (20th August 2020)
Transport Statement - Apex Transport Planning (8th September 2020)
Desk Study and Ground Investigations Report CS-J-0768 - T & P Regeneration Ltd
(7th August 2020)

Reason

To clarify the plans forming this consent.

5. Reserved Matters

Applications for the approval of the reserved matters shall be in accordance with the approved Parameter Plan (dwg no. A-PP-100-C) and the principles and parameters set out in the approved Design and Access Statement (Issue 6 dated June 2022). Where additional space or revisions to the space are required for infrastructure to that shown on the Parameter Plan, this shall be provided elsewhere on the site (as defined by the Site Location Plan dwg no. A-200-02).

Reason

For the avoidance of doubt, and to ensure satisfactory provision of landscaping, open space and other infrastructure to accord with Policy CS24 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013) and to ensure the highest possible standard of design, in accordance with Policy CS1 and CS27 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013) and Policy PSP1 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017).

6. Design Review Panel

Prior to the approval of the first reserved matters, the applicant shall undertake a Design Review Panel which shall cover the entirety of the application site.

Reason

To ensure the highest possible standard of design, in accordance with Policy CS1 and CS27 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013) and Policy PSP1 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017).

7. Pedestrian and Cycle Movement Strategy

The reserved matters shall include details of a site-wide pedestrian and cycle movement strategy, which shall include the following:

- 3 metre wide pedestrian/cycle connections from the site to the adjacent residential development to the west of the site (in accordance with the options presented in the approved Parameter Plan (dwg no. A-PP-100-C).
- identify existing and predicted desire routes
- identify safe routes to school

The strategy shall be first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter accord with this strategy.

Reason

To ensure appropriate pedestrian and cycle access across the site and to accord with Policy CS27 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; and Policy PSP11 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017).

8. Highway Works

The Reserved Matters shall include the details of the following highway works:

1. Priority Junction vehicular access with footways on both sides
2. A realigned western kerblineline on Old Gloucester Road to accommodate a 2m wide central refuge island (provided by others).
3. A 3.5m wide foot / cyclepath on the west side of Old Gloucester Road between the site access, the location of a central refuge.
4. A 3.5m wide foot / cyclepath on the west side of Old Gloucester Road between the location of the central refuge and the southern stepped pedestrian access.
5. A stepped pedestrian access from the south of the site to Old Gloucester Road.
6. Two pedestrian / cycle path links from the site to the adjacent development site to the west.

The highway works shall proceed strictly in accordance with the approved details. The details as approved by the Local Planning Authority are to be completed as follows.

1. Prior to occupation of any dwelling.
2. Prior to occupation of any dwelling.
3. Prior to occupation of any dwelling.
4. Prior to occupation of 50% of the dwellings.
5. Prior to occupation of 50% of the dwellings.
6. Prior to occupation of 75% of the dwellings.

The approved highway works shall be retained as such thereafter.

Reason

To ensure a safe and suitable access is provided for all modes of travel, in the interest of highway safety and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; and Policy PSP11 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017.

9. EV Charging

The reserved matters shall show details of facilities for charging electric or other ultra-low emission vehicles at each dwelling applied for with an adjacent garage or parking space and 20% within communal spaces. The approved facilities shall be provided prior to occupation of each relevant dwelling.

Reason

To promote sustainable transport choices and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy.

10. CEMP

A site-specific Construction Environmental Management Plan (CEMP) shall be agreed in writing with the Local Planning Authority prior to commencement of the Development including any clearance of vegetation. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The CEMP must also demonstrate how the developer will prevent harm to the retained or created ecological features during the construction phase of development. The plan shall include, but not be limited to:

- A mitigation strategy to ensure that there is no harm to any protected species, as well as any pollution prevention measures
- Processes for keeping local residents informed of works being carried out and dealing with complaints.
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Measures to control the migration of mud from the site by vehicles during construction.
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works. Piling will not be undertaken.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants; to be incorporated into a dust management plan in order to minimise the impacts of construction dust.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of the development.
- The control and removal of spoil and wastes.
- Access arrangements for construction vehicles.
- Measures to control the tracking of mud off-site from vehicles.
- Measures to control dust from the demolition and construction works approved.
- Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- Adequate provision for the delivery and storage of materials.

- Adequate provision for contractor and visitor parking.
- A lorry routing schedule.
- Contact details of the main contractor.
- Pedestrian cyclist and horse rider protection.
- Proposed temporary traffic restrictions.
- Arrangements for turning facilities on site for vehicles.
- Membership details for the Considerate Constructor Scheme or similar regime and site induction of the workforce highlighting pollution prevention and awareness

The CEMP as approved shall be fully complied with at all times. The development shall be implemented in accordance with the approved CEMP.

Reason

To ensure that the construction of the development does not bring about adverse impacts in terms of ecology, highway safety and the amenities of the area and to accord with policies CS1, CS2, CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policies PSP8, PSP10, PSP11, PSP19, PSP21 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017. This is a pre-commencement condition to avoid any adverse impacts.

11. Highway linked to Dwelling

No dwelling shall be occupied until the highway linking that dwelling to the existing public highway has been provided with street lighting, completed to base course level for the carriageway and surface course level for the footway or shared surface, all in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interests of highway safety, to ensure all dwellings are provided with a safe and suitable access and to accord with Policy PSP11 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017.

12. Parking

No dwelling shall be occupied until car and cycle parking has been provided for that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to accord with Policy PSP16 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the approved Residential Car Parking SPD.

13. Landscape 1

Prior to the approval of the first reserved matters a method statement, landscape mitigation and strategy plan, and accompanying plans in relation to the existing trees

and hedgerow along the boundary of Old Gloucester Road shall be submitted to and approved by the Local Planning Authority in writing.

This shall include the following:

- (i). The root protection areas for any trees and hedgerows to be retained;
- (ii). The trees that are to be felled to construct the access and footway;
- (iii). Cross-sections showing the proposed access and footway works and adjacent trees to remain at a recognised scale;
- (iv). Methods of construction proposed to ensure the trees to remain are not adversely impacted by the works;
- (v). Replacement trees for those to be felled to accommodate the construction of the access and footway. Including details of the final spread of tree crowns.
- (vi) Routes to allow for maintenance of the trees both during and after construction.

The development shall be implemented in accordance with the approved details.

Reason

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

14. LEMP

Prior to the approval of the first reserved matters, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be prepared to accord with the advice of the submitted Ecology Report eg20953 (Engain). The content of the LEMP shall cover the initial 5 year establishment maintenance of the scheme as well as a subsequent 10 year management period. The LEMP shall include:

- a) Description and evaluation of features to be managed; including location(s) shown on a site map; and
- b) Landscape and ecological trends and constraints on site that might influence management; and
- c) Aims and objectives of management; and
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions; and
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); and
- g) Details of the body or organisation responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where results from monitoring show that conservation aims an objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP shall be implemented in full in accordance with the approved details.

Reason

To protect and enhance biodiversity on the site, and to accord with Policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013) and Policy PSP19 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017).

15. Tree and Hedgerow Protection

Prior to the commencement of development, plans indicating the location of tree and hedgerow protection measures shall be submitted to and approved in writing by the Local Planning Authority. These details shall include how the development will not adversely impact the trees and hedgerow to be retained.

The approved details shall be implemented in advance of any works on site and shall be retained in situ for the duration of the works.

Reason

To protect the trees and hedgerows, and to accord with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and Policy PSP3 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017). This is a pre-commencement condition in order to ensure that existing trees and hedgerow are protected throughout construction.

16. Trees

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

Reason

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

17. Hard and Soft Landscaping

The reserved matters shall include full details of hard and soft landscaping in the area applied for. These details shall include:

- a) a scaled plan showing all existing vegetation, trees, and landscape features to be retained as well as proposals for restoration where relevant; and
- b) the location of all new planting, supported by a planting plan and a written schedule detailing species, stock sizes, planting centres and numbers/planting densities of all proposed trees/plants; and

- c) identification of maintenance access to site boundary vegetation; and
- d) landscape implementation specification including tree pit details; and
- e) specifications for operations associated with plant establishment and maintenance that are compliant with best practise, including watering; and
- f) location, type, and materials to be used for hard landscaping including specifications; and
- g) Details, dimensions and specifications of all boundary treatments as well as street furniture, minor artefacts and structures, refuse and other storage units; and
- h) Details of play equipment including specification and natural play features; and
- i) Proposed and existing functional services above and below ground; and
- j) calculation of replacement trees in accordance with the Trees and Development Sites SPD; and
- j) Proposed finish levels and contours as well as any soil retention or retaining structures that may be required. There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

The development shall proceed strictly in accordance with the approved details. All planting, seeding, or turfing as approved shall be carried out no later than the first planting and seeding season following the substantive completion of the development hereby approved and shall be maintained as approved for the duration of the approved development.

Reason

To protect the character and appearance of the area to accord with Policy CS1, CS24 and CS27 of the South Gloucestershire Local Plan Core Strategy adopted December 2013 and Policy PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017.

18. Lighting Scheme

Prior to installation of any new external lighting on the site, details of a scheme of lighting shall be submitted to and agreed in writing by the Local Planning Authority.

For avoidance of doubt, the scheme shall be considered alongside proposed landscaping (as required through condition 17) and shall include a "lighting design strategy for biodiversity" for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- Identify those areas/features on site that are particularly sensitive for bats and Great Crested Newts that are likely to cause disturbance.
- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb the above species habitat, or prevent bats using their territory, or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations approved and shall be maintained as such thereafter.

Reason

In the interests of wildlife and the ecology of the site and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

19. Bat and Bird Features

Prior to the approval of the first reserved matters, a scheme for the provision of bat tubes/boxes and bird nest boxes/features shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the type and location of all boxes and design features, to cover a variety of species. The development shall be implemented in strict accordance with the approved scheme.

Reason

In the interests of wildlife and the ecology of the site and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

20. Mitigation Strategy Ecology

Prior to the commencement of development, a mitigation strategy for reptiles, badgers, hedgehogs, bats, Great Crested Newts and nesting birds shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved strategy.

Reason

In the interests of wildlife and the ecology of the site and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017. This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

21. Badger Survey

No develop shall commence if 12 months or more has elapsed since the original field survey for badgers, until a re-survey has been undertaken and a report of the findings of the survey has been first submitted to and approved in writing by the Local Planning Authority. The report shall provide details of all works subject to the licensing provisions of the Protection of Badgers Act 1992. The development shall be implemented in strict accordance with the approved strategy.

Reason

In the interests of wildlife and the ecology of the site and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017. This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

22. Foul Sewerage

Prior to the submission of the first reserved matters, details shall be first submitted to and approved in writing by the Local Planning Authority demonstrating how foul sewage will be disposed of, including details to demonstrate whether a foul sewage pumping station is required on site and if it is required, where it is proposed to be located. The development shall be implemented in accordance with the approved details.

Reason

To ensure satisfactory arrangements are made for foul sewerage, and to accord with policy CS24 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013) and Policies PSP8 and PSP20 and PSP21 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017)

23. Pumping Station

If a foul sewage pumping station is required on site, it shall be provided on site prior to the occupation of the first dwelling and shall comply with the following:

- (i) The foul sewage pumping station shall have a 15 metre buffer zone between its boundary and the boundary of the curtilage of any dwelling;
- (ii) The foul sewage pumping station shall include suitable access arrangements for the operation and maintenance of the pumping station.

Reason

To ensure any pumping station is constructed to a suitable standard, and to accord with policy CS24 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013) and Policies PSP8 and PSP21 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017).

24. Surface Water Drainage

The reserved matters shall be accompanied by details of the surface water drainage infrastructure for the site, this shall include a development layout showing surface water and SUDS (sustainable drainage). The details shall include the following:

- (i) A clearly labelled drainage layout plan showing the pipe networks and all attenuation features; and
- (ii) A full survey of the ditches within both the western, northern, and southern catchments and additional detail identifying final surface water outfall locations; and
- (iii) Updated Drainage calculations to show there is no flooding on site in 1 in 30 year storm events (winter and summer); and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer); and
- (iv) Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer); and
- (v) The drainage layout plan shall also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding (where applicable); and
- (vi) The plan shall also show any pipe node numbers referred to within the drainage calculations; and

- (vii) A manhole / inspection chamber schedule to include cover and invert levels; and
- (viii) Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as attenuation features and flow control devices where applicable for the lifetime of the development; and
- (ix) Sufficient access arrangements and space to allow for the maintenance of the attenuation basin and associated channels, and landscaping along boundary of the development site; and
- (x) Details of landscaping of the attenuation basin; and
- (xi) How nearby existing trees and vegetation would be protected from the construction of the attenuation basin.

The development shall be implemented in accordance with the approved details.

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

25. Noise Assessment

Prior to the approval of the first reserved matters a noise assessment of the site layout shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall identify the noise mitigation created by the housing layout and its orientation and identify any properties in which alternative ventilation would be required to achieve internal noise levels compliant with BS8233:2014 and/or the 'South Gloucestershire Specific Guidance Note 1 - Planning and Noise' or subsequent amendments to either document. The development shall be implemented in accordance with the approved details

Reason:

To protect the amenities of the future occupiers of the dwellings hereby approved, and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; and Policy PSP8 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017.

26. Contamination - Desk Study

Previous historic uses(s) of the site may have given rise to contamination. No development shall commence until an assessment of the risks posed by any contamination shall have 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 Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

Reason

In the interest of public safety, human health, ground water and plant growth and to accord with policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013) and Policy PSP21 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017). This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

27. Contamination - Investigation

Where following the risk assessment referred to in Condition 26, land affected by contamination is found which could pose unacceptable risks, no development shall take place until detailed site investigations of the areas affected have been carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems.

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

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

Reason

In the interest of public safety, human health, ground water and plant growth and to accord with policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013) and Policy PSP21 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017). This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

28. Contamination - Mitigation

Prior to first occupation, where works have been required to mitigate contaminants (under Condition 27) a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason

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

29. Contamination - Unexpected

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

30. Energy Statement

The reserved matters shall be accompanied by an Energy Statement detailing the energy saving measures for that will be incorporated into the design of the development, including layout and orientation, massing and landscaping, and how the development will reduce regulated and unregulated carbon dioxide emissions by at least 20% (over current Part L building regulations at the time of Reserved Matters determination) through on-site renewable and/or low carbon energy generation. Development shall be carried out in accordance with the approved Energy Statement.

Reason

To ensure the development is sustainable, in accordance with Policies CS1 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013) and Policy PSP6 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017).

31. Gas Main

No development within 65 metres of the high pressure gas pipeline (as shown on the Existing Gas Main Plan, dwg no. A-401 Rev A) shall be occupied until:

- (a) the specification details of the proposed diverted section of the pipeline have been confirmed by the applicant to the Health and Safety Executive (HSE) and HSE subsequently confirms that the risks to the proposed development will be reduced, as reflected in the HSE consultation zones, to a level at which HSE would not advise against the granting of planning permission; and
- (b) the diversion of the pipeline along the eastern boundary of the site has been completed.

Reason:

In the interest of public safety and to accord with policies CS9 and CS27 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

32. Affordable Homes

The Affordable Dwellings shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2), with the exception of 8% of these Affordable Dwellings, which shall be constructed as wheelchair accessible homes to meet Part M of the Building Regulations accessibility standard M4(3)(2)(a).

Reason

To ensure inclusive design access for all in accordance with Policy PSP37 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

33. Play Areas

The reserved matters shall include the following details for the play areas on the site:

- (i) Landscaping;
- (ii) Fencing;
- (iii) Site levels;
- (iv) A buffer between the play areas and the nearest dwellings to comply with the following (from Fields in Trust: Planning and Design for Outdoor Sport and Play):
 - Local Area for Play (LAP)- minimum of 5 metres between the activity zone and the boundaries of dwellings;
 - Local Equipped Area for Play (LEAP)- minimum of 20 metres between the activity zone and any dwelling façade containing habitable room windows;
 - Neighbourhood Equipped Area for Play (NEAP)- minimum of 30 metres between the activity zone and the boundaries of dwellings;
- (v) Access to the play areas for both pedestrians and maintenance vehicles
- (vi) The proposed play equipment

Reason

To ensure satisfactory provision of open space, to accord with policy CS24 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013).

34. Public Open Space Plan

The reserved matters shall include a Public Open Space Plan, specifying quantity and categories of Public Open Space across the site.

Reason

To ensure satisfactory provision of open space, to accord with policy CS24 and CS27 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013).

35. Travel Plan

No dwelling hereby permitted shall be occupied until a site-wide Travel Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with Highways England, which shall include incentives for occupiers to use modes of travel other than single occupancy car journeys. The Travel Plan shall be implemented in accordance with the approved details.

Reason

To promote sustainable travel, in the interests of the safe and efficient operation of the Strategic Road Network and the reduction on the reliance of the private vehicle, and to accord with Policy CS8 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013) and Policy PSP11 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017).

36. Surface Materials

The reserved matters shall include details of carriageways, footways, cycleways and shared surfaces widths and surface materials. The development shall thereafter be implemented in accordance with the approved details.

Reason

To ensure the reserved matters layout provides safe and suitable access to all dwellings and to accord with Policy PSP11 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017).

37. Archaeology

Prior to commencement of development or groundworks but excluding demolition of existing buildings and the existing concrete base of the former greenhouse, a programme of archaeological work and subsequent detailed mitigation, outreach and publication strategy, including a timetable for the mitigation strategy, shall be submitted to and approved by the Local Planning Authority. Thereafter the approved programme of work and mitigation measures and method of outreach and publication shall be implemented in all respects.

Reason

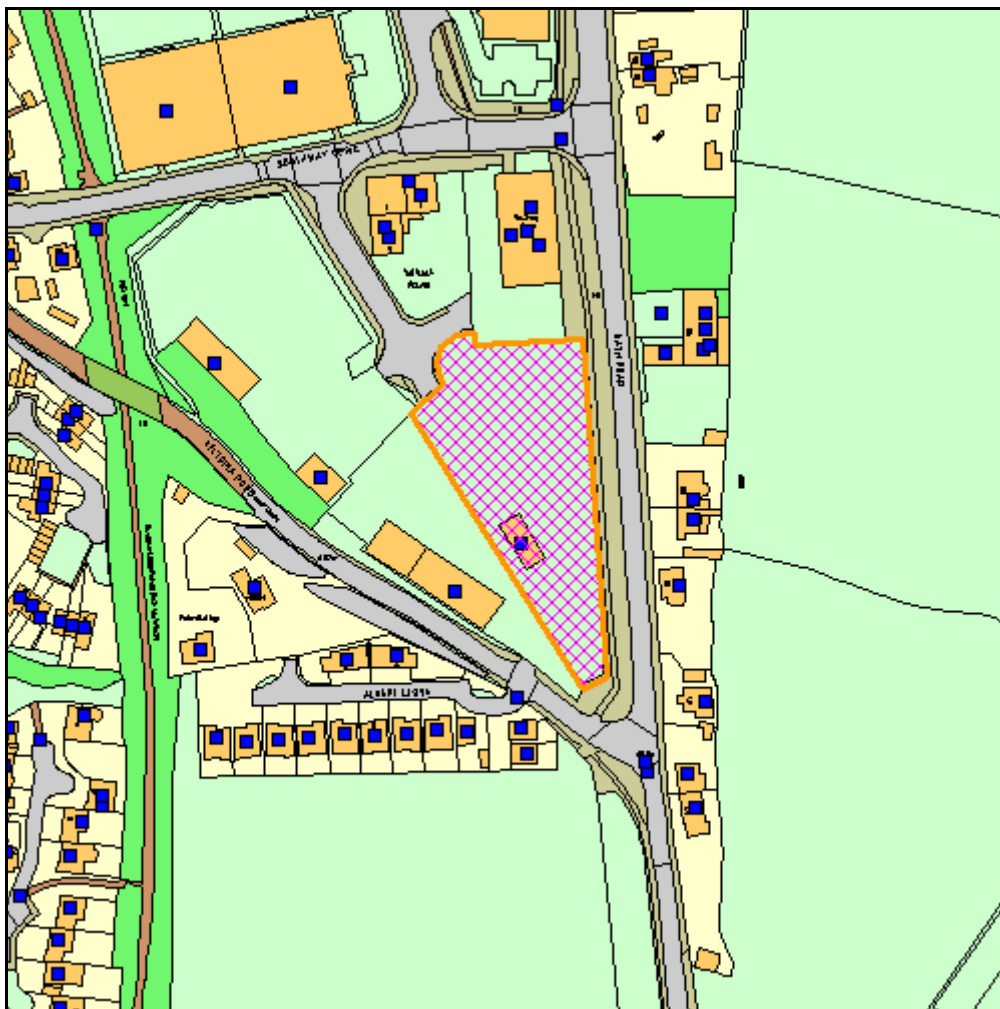
This is a pre-commencement condition that is required to ensure that archaeological interests are not prejudiced by construction works on the site and in the interests of archaeological investigation, recording and mitigation and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

Case Officer: Lucy Paffett

Authorising Officer: Eileen Paterson

CIRCULATED SCHEDULE NO. 51/22 - 23rd December 2022

| | | | |
|----------------------------------|--|-------------------------|------------------------------|
| App No.: | P21/02638/F | Applicant: | Mr Mark Williams |
| Site: | Prompt Transport Ltd Southway Drive Warmley South Gloucestershire BS30 5LW | Date Reg: | 27th April 2021 |
| Proposal: | Erection of HGV workshop and storage building (Retrospective). | Parish: | Bitton Parish Council |
| Map Ref: | 367881 172292 | Ward: | Bitton And Oldland Common |
| Application Category: | Minor | Target Date: | 17th June 2021 |



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N.T.S.

P21/02638/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 three written representations from different individuals have been received that are contrary to the officer recommendation.

THE PROPOSAL

- 1.1 Planning Permission is sought for a HGV workshop and storage building of length 17.7m and width 12.4m. The height is 5.5m to eaves and 7.2m to ridge with 6no. roof lights. 2no. roller shutter doors and 1no. personnel doors are to the front (west) elevation.
- 1.2 The building was constructed prior to determination of the application therefore retrospective consent is now sought and the application description updated accordingly. This is not considered however to alter the scope of the proposal and so no further publicity has been undertaken. The case officer is satisfied this does not prejudice the public interest.
- 1.3 The application site comprises a hardstanding service yard and HGV parking area serving a storage and distribution warehouse, with existing vehicle fuelling and maintenance buildings at the south-west site boundary being retained. The HGV workshop is at the north-west site corner.
- 1.4 The site lies within Flood zone 1 and is triangular in shape, with the main access from the north via service road leading from Southway Drive, which is the shortest side of the site. The other two sides are bounded by Victoria Road (a no-through road) and Bath Road. The latter is bounded by a mature hedgerow and timber fence. The Dramway path, also the route of Public Footpath PBN/2/50, runs between Bath Road and the application site.
- 1.5 The application is supported by existing and proposed plans, photographs and supporting information on coal mining risk, tree protection, acoustic fence and drainage, with updated drawings and details submitted in response to comments raised by consultees and the case officer.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

- CS9 Managing the Environment and Heritage
- CS12 Safeguarded areas for economic development
- CS29 Communities of the East Fringe of the Bristol Urban Area

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

- PSP1 Local Distinctiveness
- PSP2 Landscape
- PSP3 Trees and Woodland
- PSP5 Undesignated Open Spaces within Urban Areas and Settlements
- PSP6 Onsite Renewable and Low Carbon Energy
- PSP8 Residential Amenity
- PSP11 Transport Impact Management
- PSP16 Parking Standards
- PSP19 Wider Biodiversity
- PSP20 Flood Risk, Surface Water and Watercourse Management
- PSP21 Environmental Pollution and Impacts
- PSP24 Mineral Safeguarding Areas
- PSP27 B8 Storage and Distribution Uses

2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 There is a large amount of planning history associated with this site. The relevant history is detailed below.
- 3.2 P96/4494 Change of use from storage and distribution (B8) to transport depot (sui generis)
Approved Jan 1998
- 3.3 PK06/0745/F Erection of distribution depot with office accommodation
Approved 24.04.06 subject to conditions
- 3.4 PK08/3164/F Erection of side extensions for storage and loading.
External and internal alterations to create round and first floor office accommodation
Approved 15.04.09 subject to conditions
- 3.5 PK12/1100/F Erection of 2 no. storage bay extension
Approved 02.07.12 subject to conditions
- 3.6 PK13/1025/RVC - Variation of condition no. 4 of PK08/3164/F to amend opening hours within the new yard (annotated on Plan A) to 0600 to 1900 Mondays to Fridays, 0600 to 1100 on Saturday and no working shall take place on Sundays and Bank Holidays. No restrictions on working hours in the old Yard (as annotated on Plan A). (Resubmission of PK12/0873/RVC and PK12/1927/RVC).
Approved 13.05.13 subject to conditions

- 3.7 PK13/1191/F - Erection of two storey extension to form offices (Class B1a) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). (Re submission of PK12/1346/F)
Approved 21.06.13 subject to conditions

4. **CONSULTATION RESPONSES**

4.1 Bitton Parish Council

No objection to this application subject to the provision of adequate screening in the form of trees or acoustic screening between the proposed building and residential properties on Bath Road.

4.2 The Tree Team

Due to lack of supporting arboricultural information demonstrating how important trees on the site/neighbouring site will be afforded adequate level of protection are unable to support the proposal on arboricultural grounds.

Case Officer comment: Additional clarification sought from the tree team with the proposal now retrospective, detailed in sections 5.6 and 5.7 of this report

4.3 Ecology Officer (Summary)

No objections, conditions recommended for details of any proposed external lighting and location and specifications of the bird box

Case Officer comment: Additional clarification sought from the Ecology Officer with the proposal now retrospective, detailed in section 5.28 of this report.

4.4 Archaeology Officer

The proposed building would be on the route of the historic dramway which may survive beneath the current hard standing. As such, a HC11 condition to monitor construction works and record any archaeology should be applied to any consent granted.

Case Officer comment: Practicality and necessity of the archaeological requirements with the proposal now retrospective is discussed in section 5.26 of this report.

4.5 The Coal Authority (Summary)

General approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application. However note that the applicant has provided a supporting statement (letter dated 16 April 2021) informing that no groundworks are taking place as part of this proposal and the lightweight construction (steel portal framed building) is to be placed onto an existing concrete slab. On this basis we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of the development proposed in this particular case and do not object to this planning application. Suggest informative regarding coal mine workings.

4.6 Environmental Protection – Noise (Summary)

Note this retrospective application, no sustainable objection to the proposed building use per se. The Rating noise level for associated activities shall not exceed the pre-existing Background LA90 when measured and assessed in accordance with the British Standard 4142 as amended. The existing close boarded basic fence falling into disrepair shall be properly maintained, repaired and replaced as required to reduce noise breakout. In this respect all invasive shrubs and damaging tree growth impacting the existing fence and likely to be detrimental to a new, fit for purpose replacement fence and proper access for its installation, shall be routinely cut back or removed as appropriate.

4.7 Planning Enforcement

No response received.

4.8 Sustainable Transport (Summary)

Note the proposal and parking provision proposed. Although clarity of the existing and amended proposed parking would be appreciated, in transport terms it is unlikely to alter a conclusion of no objection on transport grounds. Therefore have no objection to this proposal.

4.9 Highway Structures

No response received

4.10 Lead Local Flood Authority

No objection in principle to this application subject to informative regarding public sewer location.

4.11 Economic Development

No response received.

Other Representations

4.12 Local Residents/Neighbouring Occupiers

3no. written comments received in objection to the application, summarised as follows:

- Increase in noise from maintenance tools, vehicle forklift, movement of trailers.
- Increase in air pollution and diesel fumes with maintenance processes and increased vehicle movements.
- Impact and reduced light (due to height of building) to well used Dram-way path that runs parallel, property's fence poorly maintained
- Fence and trees hit and damaged by reversed trailers in numerous places
- Removal of mature trees along the boundary fence. Elm disease mentioned in the application at odds with current condition of the trees which are all thriving and in early leaf.
- Housekeeping and upkeep of the Prompt facilities observed over recent years (late evening/weekend use of power tools, smells from cleaning of on-board toilet facilities in trucks, the trucks reversing into boundary

fence) does not provide confidence that the use of this new maintenance facility will be properly managed.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS4A of the Local Plan Core Strategy 2013 provides a presumption in favour of sustainable development and for this to be approved unless material considerations indicate otherwise. Policy CS12 safeguards employment land for economic development and policy CS29 seeks to promote economic development in the East Fringe of Bristol Urban Area, setting out in criteria 3 the Council's vision to maximise job opportunities for the local area. Policy PS27 of the Policies, Sites and Places Plan 2017 additionally provides support for Storage and Distribution uses within safeguarded economic areas.

5.2 The principle of the development to provide a new commercial building in association with an existing storage and distribution use is therefore considered acceptable, with the main further considerations being design, visual and neighbouring amenity, and transport.

5.3 Design, Visual Amenity and Trees

Core Strategy Policy CS1 requires proposals to demonstrate appropriate siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policies, Sites and Places Plan Policy PSP1 seeks proposals to respond constructively to the buildings and characteristics that make a particularly positive contribution to the distinctiveness of the area. Policy PSP3 requires proposals to minimise the loss of existing vegetation on a site that is of importance in terms of ecological, recreational, historical or landscape value.

5.4 The building has been constructed to the north-east corner of the site in place of a lorry parking bay and an existing storage container, which would be re-sited alongside the proposed building. Existing trees within the application site and a boundary fence, both of which are to be retained, separate and screens the site from the Dram-way path adjoining to the west, and from properties on opposite side of Bath Road further west. Of these properties, a vehicle repairs and sales garage in Bath Road lies directly opposite, thereby a less sensitive neighbouring use, with residential properties located north and south of this. An existing warehouse building is also located to the north along the same side of Bath Road as the application site.

5.5 The proposed building is of simple construction, sized to accommodate and allow work to be carried out on trailers. External materials are light grey coated profile steel sheeting with dark grey roller shutter doors and personnel door, and Perspex rooflights. The materials are in keeping with those of nearby commercial properties.

- 5.6 Comments received from the Tree Team refer to absence of information regarding protection of existing trees, and further details of trees proposed for removal was sought from Ecology. The applicant has clarified that no trees are proposed for removal and that the building would be lightweight construction bolted to the existing concrete slab, therefore does not involve groundworks. The updated block plan confirms existing trees would be retained and maintained.
- 5.7 The position following the building now having been constructed was discussed with the Tree Team and with the building being bolted to the existing hard standing this would limit impact to the trees, but they are also affected by vehicles parking along the eastern site edge, an issue also raised in public comments. To allow the impacts of the building, and proposed parking layout, upon the trees to be assessed a planning condition is recommended for submission of an Arboricultural Survey after one growing season following approval, compliance with any recommendations and scheme of replacement if necessary. These requirements were discussed and agreed with the applicant.
- 5.8 The proposed building would be seen within the context of similar scale buildings to the west of Bath Road, and existing trees provide sufficient screening, for which the above recommended planning condition would safeguard being retained or replaced.
- 5.9 The proposed building is therefore suitable for its immediate vicinity, and acceptable in terms of design and visual amenity.
- 5.10 Transport matters
Policies, Sites and Places Plan Policy PSP11 provides that development proposals which generate a demand for travel will be acceptable where appropriate, safe, accessible, convenient, and attractive access is provided.
- 5.11 The proposal would provide a HGV workshop and storage in connection with the existing use and therefore not generate a demand for travel and therefore acceptable on transport grounds as confirmed in comments received from Sustainable Transport. These also seek clarity on the existing and proposed parking, which has been provided through updated plans, demonstrating that the site would continue to allow to provide sufficient turning areas, HGV and car parking. A planning condition is recommended to ensure these spaces are laid out and retained.
- 5.12 Residential amenity
Policies, Sites and Places Plan Policy PSP8 requires that development proposals should not create unacceptable living conditions for nearby residential occupiers, including from noise or disturbance and odours, fumes or vibration. Policy PSP27 states proposals for B8 storage and distribution uses should not significantly conflict with neighbouring land uses.
- 5.13 The nearest residential property, 109 Bath Road, lies at distance of approximately 44m on the opposite side of Bath Road and to the south. There is greater separation, both by distance and other buildings lying in-between, from residential properties to the north on Bath Road and south-west in Victoria

- Road. Public comments received in objection refer to the proposal increasing noise, fumes and vehicle movements.
- 5.14 Comments from Bitton Parish Council confirm no objection providing there is adequate visual and acoustic screening to residential properties on Bath Road. Photographs of the existing boundary fence and trees have been provided, with both also viewed on site by the case officer.
 - 5.15 As an existing commercial yard the application site would give rise to the impacts mentioned, including repairs taking place in the open. Since the development proposed within this application is the addition of the building, the assessment is therefore limited to impacts arising from the building, for example that it allows working to take place for longer hours than the yard restricted by hours of daylight.
 - 5.16 From review of the planning history, the description of development for under ref. PK13/1025/RVC (referring to the site in this application as the 'old yard') indicates there being no restrictions on working within external areas of the site. From the officer report the case officer clearly considered that to be the case, and that intention of the planning condition restricting hours on that consent related to a building sought to be extended on the 'new' (western) yard and not the old yard.
 - 5.17 The applicant has advised normal working hours of Monday to Fridays 06:30 to 18:30, and Saturdays 06:30am to 12:00, with no planned working on Sundays or Bank holidays, but with a business need on occasion, to bring vehicles into the building outside of these hours, including overnight. This is to enable basic repairs to enable a HGV to be brought back onto the road; longer repairs would be scheduled for the next normal working day. The business therefore couldn't operate if a planning condition was imposed restricting hours of operation to specific hours.
 - 5.18 Given the proximity of residential properties to the proposed building it is necessary to ensure noise from the operations associated with the building do not cause nuisance. The applicant has submitted a letter detailing their normal hours, noise management measures, and that works outside these would be limited and only for emergencies.
 - 5.19 Following discussion with Environmental Protection a planning condition requiring compliance with the above is recommended, together with a condition for replacement of the boundary fence. As this may involve tree/ vegetation pruning and clearance the timing for submission is to coincide with condition recommended for the Arboricultural survey referred to under design and visual amenity.
 - 5.20 To safeguard increase in intensity of use of the building, and associated impacts not limited to noise, a planning condition is also recommended to require the building is only used ancillary to the existing yard.

- 5.21 Conditions on previous consents restrict storage of materials outside to safeguard manoeuvring areas. Since the remaining site areas are parking and manoeuvring areas, defined on an approved plan, the recommended condition discussed under transport considerations above for these being retained would achieve the same objective.
- 5.22 Subject to the recommended conditions the proposal would not detrimentally impact residential amenity, nor conflict with neighbouring commercial occupiers.
- 5.23 Flood Risk and Drainage
Policies, Sites and Places Plan Policy PSP20 requires proposals to follow the sequential approach to flood risk and incorporate satisfactory surface water drainage arrangements.
- 5.24 The site is located within Flood Zone 1 and below 1ha in area therefore does not require a Flood Risk Assessment. As an ancillary building upon an existing service yard, not increasing area of hardstanding, would not alter surface water drainage arrangements at the site nor require foul drainage. No further information on flood risk or drainage is therefore required, a view supported by comments received from the Lead Local Flood Authority (LLFA).
- 5.25 The LLFA suggest an informative to bring to the applicant's attention proximity of a public foul and/or surface water sewer. The applicant has advised is aware of this and for information has provided copy of consent received from Wessex Water to build over the sewer.
- 5.26 Ground Conditions
Policies, Sites and Places Plan Policies PSP21 and PSP22 provide that development on land which may be affected by contamination and/or instability will be acceptable with adequate remediation measures to ensure suitability of the site for the proposed use.
- 5.27 The application site lies within an area of both recorded and probable shallow coal mining, however due to the building having no groundworks, lightweight construction, and placement on existing concrete slab, a coal mining risk assessment is unnecessary, as confirmed in comments from The Coal Authority confirming no objection. An informative is recommended as sought in their comments.
- 5.28 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.
- 5.29 No archaeological information has been submitted. Comments received from the Archaeology Officer advise that remains of the historic dramway may survive beneath the current hard standing and seeks planning condition for submission of a programme of archaeological work. The building was constructed since these comments and therefore such a condition if imposed could not be complied with.

- 5.30 As evidenced in photos provided by the applicant the building has no foundations, being bolted into the existing hard standing. Since there has been no excavation of the hard standing no disturbance of historic remains beneath could therefore have taken place. A condition requiring a programme of archaeological work is therefore unnecessary.
- 5.31 Nature Conservation
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.
- 5.32 No ecological information has been submitted however the site comprises hardstanding and applicant has confirmed no trees have been removed by the development, and that no external lighting is proposed. Following receipt of updated drawings with the proposal now retrospective, the Ecology Officer has confirmed no objections and that the proposed location and specification of the bird box is acceptable. Planning conditions are recommended for installation of the bird box and for no external lighting without consent, the latter to also safeguard residential amenity and impact on adjoining highway.
- 5.33 Sustainability
Policies, Sites and Places Plan Policy PSP6 encourages all development to minimise end-user energy requirements over and above those required by the current building regulations.
- 5.34 The submitted floor plan confirms that the building would be unheated. As a modern industrial building thermal efficiency could expect to be achieved through its building fabric, which is sufficient and reasonably related in scale to the proposed development.
- 5.35 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.
- 5.36 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.
- 5.37 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

6. CONCLUSION

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

7. RECOMMENDATION

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

CONDITIONS

1. The development is approved in accordance with the following plans:

As received by the LPA 25.08.22:

| | |
|--|-------------------|
| Site Location Plan | - 1294/11 Rev. B |
| Proposed Block Plan | - 1294/131 Rev. B |
| Vehicle Movement Plan | - 1294/132 Rev. C |
| As Built HGV Workshop and Storage Building | - 1294/41 Rev. B |

Reason: To define the terms and extent of the permission.

2. The building hereby approved shall only be used for HGV workshop and storage, and only used ancillary to the Storage and Distribution warehouse within the land shown edged blue on drawing no. 1294/131 Rev B - Proposed Block Plan, and for no other purpose.

Reason: To ensure the impacts of any intensification of use of the building can be fully assessed, and to safeguard amenity of nearby residential and commercial occupiers in accordance with Policies PSP8, PSP11 and PSP27 of the South Gloucestershire Local Plan: Policies Sites and Places Plan 2017.

3. The building hereby approved (including any associated vehicle movements) shall be used in full accordance with the Operational / Noise Management Response by Prompt Transport Limited dated 14th December 2022.

Reason: To safeguard amenity of nearby residential occupiers in accordance with Policy PSP8, of the South Gloucestershire Local Plan: Policies Sites and Places Plan 2017.

4. Within three months of the date of this decision the vehicle parking spaces and turning areas, as shown on drawing no. 1294/132 Rev C - Vehicle Movement Plan, shall be painted and thereafter retained and used only for their intended purpose. No development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any provision

equivalent to that Order revoking and re-enacting that Order with or without modification, shall be carried out on the site in such a manner or in such a position as to preclude the use of or access to the reserved vehicle parking spaces and turning areas.

Reason: To ensure sufficient off-street vehicle parking provision and turning areas to serve the development in accordance with Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy December 2013 and Policy PSP11 of the South Gloucestershire Local Plan: Policies Sites and Places Plan November 2017.

5. Within three months of the date of this decision a bird box, as detailed in the letter from R.P. King dated 23rd August 2022 shall be installed in the location shown on drawing no. 1294/131 Rev B - Proposed Block Plan a minimum of 3m above ground level in a north-easterly facing direction. Thereafter the bird box shall be retained.

Reason: To ensure satisfactory provision of ecological enhancements in accordance with Policy PSP19 of the South Gloucestershire Policies, Sites and Places Plan November 2017 and paragraph 180 of National Planning Policy Framework.

6. Notwithstanding annotations on drawing no. 1294/131 Rev B - Proposed Block Plan, within six months of the date of this decision details of a replacement fence to be installed between points X and Y on that drawing, any tree/vegetation pruning and/or clearance necessary for the works, and a maintenance schedule for the replacement fence, shall be submitted to the Local Planning Authority and approved in writing. Within two months of that approval the replacement fence shall be installed in accordance with the approved details, and thereafter maintained in accordance with the maintenance schedule.

Reason: To safeguard amenity of nearby residential occupiers from noise arising from use of the building and associated vehicle movements, and in the interests of visual amenity in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy December 2013 and Policy PSP8, of the South Gloucestershire Local Plan: Policies Sites and Places Plan 2017.

7. Within six months of the date of this decision the following shall be submitted to the Local Planning Authority and approved in writing.
 - (i) An Arboricultural Survey Report for the trees between points X and Y shown on drawing no. 1294/131 Rev B - Proposed Block Plan, to be carried out on or after 1st April 2023 in accordance with BS:5837:2012 (or any subsequent revision);
 - (ii) Details of replacement tree planting in the event any trees surveyed have died, are diseased, recommended for removal, or compromise replacement of the fence as required under condition 6; and
 - (iii) A timetable for implementing any recommendations of the Arboricultural Survey Report and the planting of replacement trees.

Following approval the recommendations of the Arboricultural Survey Report and any replacement tree planting shall be carried out in accordance with the approved details and timetable.

Reason: To ensure protection, retention and where necessary replacement of trees that screen the development and in the interests of residential amenity in accordance

with Policies PSP3 and PSP8 of the South Gloucestershire Policies, Sites and Places Plan November 2017.

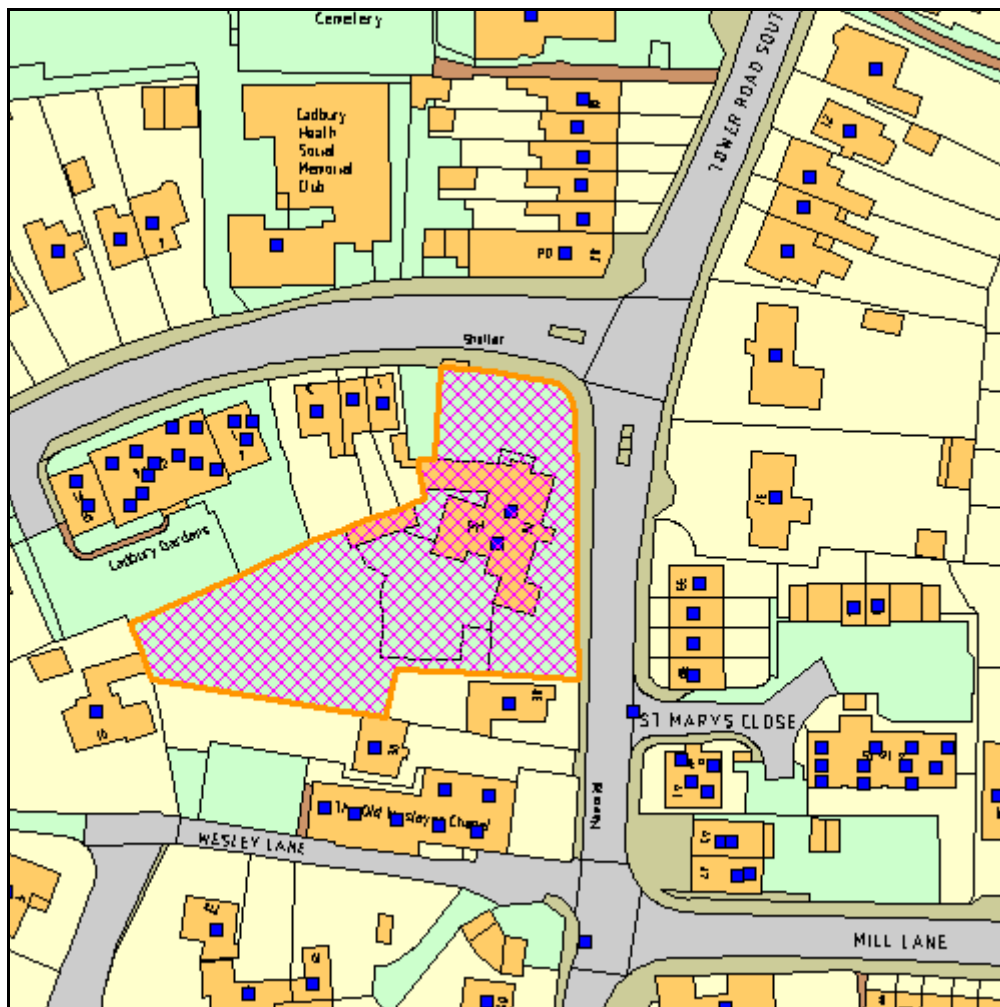
8. No external lighting shall be installed upon the building hereby approved unless details of its design, siting and operation have first been submitted to, and approved in writing by, the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard amenity of nearby residential occupiers, in the interests of highway safety, and to avoid adverse impact upon biodiversity features in accordance with Policies PSP8, PSP11 and PSP19 of the South Gloucestershire Local Plan: Policies Sites and Places Plan 2017.

Case Officer: Michael Fishpool
Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 51/22 - 23rd December 2022

| | | | |
|------------------------------|---|---------------------|---|
| App No.: | P21/03182/F | Applicant: | Cordage Estates Limited Punch Partnerships (PML) Ltd |
| Site: | King William Iv 30 Tower Road South Warmley South Gloucestershire BS30 8BL | Date Reg: | 5th July 2021 |
| Proposal: | Demolition of extension and entrance porch on existing public house. Erection of a convenience store (Use Class E), creation of new access/egress off Tower Road South to serve reconfigured car park for pub and convenience store, new delivery bay and associated hard and soft landscaping. | Parish: | Oldland Parish Council |
| Map Ref: | 366885 172533 | Ward: | Parkwall And Warmley |
| Application Category: | Minor | Target Date: | 26th August 2021 |



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100023410, 2008.

N.T.S.

P21/03182/F

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

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following a number of support comments received from local residents which are contrary to the officer recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 This is a full planning application for the erection of a Class E convenience store and the creation of a new access/egress to serve the existing public house and new convenience store, new delivery bay and associated hard and soft landscaping, following the demolition of an extension and entrance porch at the existing public house.
- 1.2 The site is located within the settlement boundary of Warmley. The existing public house is a locally listed building.
- 1.3 The proposal has been altered several times to alter the design of the building and to submit further information in respect of transport movements. Full re—consultations have been undertaken for these changes.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

| | |
|------|--|
| CS1 | High Quality Design |
| CS4a | Presumption in Favour of Sustainable Development |
| CS5 | Location of Development |
| CS8 | Improving Accessibility |
| CS9 | Managing the Environment and Heritage |
| CS14 | Town Centres and Retail |
| CS23 | Community Infrastructure and Cultural Activity |
| CS29 | Communities of the East Fringe of Bristol Area |

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017
PSP1 Local Distinctiveness

| | |
|-------|---|
| PSP2 | Landscape |
| PSP5 | Undesignated Open Spaces within Urban Areas and Settlements |
| PSP8 | Residential Amenity |
| PSP16 | Parking Standards |
| PSP17 | Heritage Assets and the Historic Environment |
| PSP19 | Wider Biodiversity |

PSP31 Town Centre Uses
PSP34 Public Houses

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

3. RELEVANT PLANNING HISTORY

3.1 PK01/0307/F - Erection of front porch – Refused 26.03.2001

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council – *“Oldland Parish Council reiterates its previous objections as we do not consider that the application has materially changed to address our concerns. The Parish Council objects to this application in the strongest terms and fully supports the legitimate and reasoned objections of neighbouring businesses and residents. The applicant's reports continue to fail to recognise local issues with respect to traffic, access and road safety.*

There is inadequate provision for parking (customers and staff) and for parking, loading and turning of delivery vehicles. The existing road layout is inadequate and this application is prejudicial to public safety on the highway, contrary to the requirements of the local transport policy and the NPPF.

The proposed development is overbearing and not in scale or character compatible with the local street scene. Furthermore neighbouring properties would be adversely affected by noise, disturbance and negative visual impact.

Local businesses would be adversely affected and the proposed development would undermine the village feel of the local community.”

4.2 Conservation – No objection in principle. Detailing and materials to be agreed by condition

4.3 Transport - Objection – *“The proposed loading/unloading bay in front of the Public House with the access/egress arrangement in proximity to the existing pedestrian crossing is unsatisfactory and do not meet the minimum standards necessary to serve the development... The construction and use of such service bay would be likely to increase highway dangers and create more hazardous conditions than exist at the present time, all to the detriment of highway safety.”*

4.4 Drainage – No objection subject to the submission of detailed drainage design.

4.5 Urban Design – *“Some of the design aspects have moved in a positive direction, such as the height and position of the store, but issues still remain, such as the public realm landscaping, architectural detailing and application of materials.”*

Other Representations

4.6 Local Residents

202 individual objection comments have been received plus a petition signed by 78 individuals. The concerns are summarised as:

- Small independents will not be able to compete with a large company
- Proposal is on busy road
- Accidents will be caused
- Lives will be put in danger
- Too close to two roundabouts
- Visibility will be reduced at junction
- Pub will not survive with reduction in floor space
- Proposal is an eye sore
- Increased traffic will creased disturbance
- No benefit from new store
- Insufficient parking
- Housing should be proposed
- Harm to a community facility
- Harm to vitality and viability of centres
- Mass and amount of built form out of character
- Loss of green space
- Undesirable precedent
- No proposal for pedestrian crossing
- Increase in air pollution
- Deliveries cannot be policed 24/7
- Character of existing building will be altered
- Sufficient stores in local area
- Accidents have occurred but not been reported
- Loading area inadequate
- Noise caused by refrigeration units
- Impact on daylight
- Retail impact statement does not include all stores
- Traffic survey conducted during lockdown
- No junction modelling has been provided
- Vehicles turning right would impede traffic flow
- Conflict between service vehicles and pedestrians
- Subsidence concerns
- Visibility splays do not meet manual for streets standards
- Traffic survey not taken immediately adjacent to site
- Many accidents not recorded
- Entrance adjacent to pedestrian crossing
- TRICS report not representative
- Increase in antisocial behaviour

5 support comments have been received, summarised as:

- Existing public house is disruptive and should be replaced by a store
- Local stores have limited produce and are expensive
- Large company store will not prevent peoples shopping at local stores
- Good idea

5. ANALYSIS OF PROPOSAL

Principle of Development

5.1 The proposal is sited within the Settlement Boundary, outside of any local or town centre.

5.2 Paras 87 and 88 of the NPPF state the following:

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

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

5.3 Para 90 states that impact assessments should be required for retail and other main town centre uses on sites outside town centres

“...if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)”

5.4 Para 91 states that if an application fails to satisfy the sequential test or is likely to have a significant adverse impact on any town centre, it should be refused. They are separate tests and refusal is indicated if either is failed.

5.5 Para 93 notes local shops comprise valuable community facilities and that planning decisions should, inter alia, *“guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.”*

5.6 Town centres are defined in the Glossary as

“Areas defined on the local authority’s policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or

centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.”

5.7 Core Strategy Policy CS14 defines the retail hierarchy. Of relevance here, Kingswood and Hanham are defined as town centres. 49 local centres and parades are identified, listed in a separate table. Longwell Green Retail Park is defined as out of centre. New investment in town centre uses is directed to the town and district centres. This will be achieved, amongst other things by requiring retail impact assessments for developments of more than 1000 sq m and applying the sequential approach when considering proposals for town centre uses. Development for town centre uses in local centres and parades is to be to meet local needs and of a scale appropriate to the role and function of the centre.

5.8 Policy CS29 for the Bristol Eastern Fringe seeks to:

“Improve the viability and vitality of Emersons Green, Downend, Staple Hill, Kingswood and Hanham centres, to enhance their role as service centres for the urban and surrounding rural areas and provide for additional comparison floorspace as appropriate”

5.9 PSP Policy 31 directs development proposals for main town centre uses to town and district centres identified on the Policies Map. The policy makes provision for new comparison goods retail floorspace in the defined town centres up to 2021. Large scale retail development will be acceptable in primary shopping areas and small-scale retail development to meet local community needs will be acceptable outside of the primary shopping areas.

5.10 Subsection 6 of the policy sets out the sequential test and indicates that out of centre proposals will only be acceptable where: -

- i) no centre or edge of centre sites are available; and*
- ii) the proposal(s) would be in a location readily accessible on foot, cycle, and by public transport; and*
- iii) alternative formats for the proposed uses have been considered.*

This policy differs from the NPPF to the extent that it requires sites to be available without qualifying when. This reflected the wording of the NPPF before 2018. The wording is however sufficiently broad for it also to encompass the current NPPF to require alternative sites to be available within a reasonable period. There is therefore no conflict between the policy and the NPPF and it can be regarded as up to date.

5.11 Sub-section 7 sets out the policy regarding the impact on defined centres.

When considered with recently completed developments in the plan period form 2011, outstanding planning permissions and allocations in the catchment

area they serve, out of centre development proposal(s) should not have an unacceptable impact on:

a) existing, committed and planned public and private investment in a centre(s), in the catchment area of the proposal(s); and

b) the vitality and viability of established centres.

Sub-section 8 requires impact assessments for retail developments over 350 sq m.

5.12 Para 7.60 defines “out of centre” as locations outside of the boundaries of Town, District boundaries and beyond edge of centre locations. In line with the NPPF glossary, Para 7.61 notes that for most other main town centre uses edge of centre means within 300m of the town centre boundary. It is noted in para 7.62 that Longwell Green will be treated as out of centre with no separate notation on the Policies Map.

5.13 Policy PSP 32 is concerned with the local centres and parades and policies for them but also applies to small scale retail developments elsewhere in the district. It sets out how such proposals will be assessed.

Development proposal(s) for retail and main town centre uses in local centres, parades and elsewhere in the district will be acceptable where:

1) small scale retail, or main town centre [uses] are proposed of a scale and character appropriate to the location; and

2) access for pedestrians, cyclists and those with impaired mobility is provided or enhanced; and

3) car parking facilities that prioritise short stay are retained or enhanced; and

4) vacant floor space and living space would be brought back into active use; and

5) an active ground floor frontage is maintained or provided; and

6) they do not result in the loss of any retail and main town centre uses that meet essential day to day convenience, retail or service needs; and

7) they avoid harm to the vitality, vibrancy and function of the centre or parade.

5.14 Para 7.68 notes the importance of local centres parades and individual shops in meeting day to day convenience and service needs, the community cohesion they can create and their role in reducing the need to travel.

5.15 The town centres boundaries, primary shopping areas and primary and secondary frontages are defined on the Proposals Map. Appendix 3 of the Plan contains town centre summaries.

- 5.16 The key retail policies regarding this application are policies PSP 31 and PSP 32. Policy PSP 31 applies to all retail development and identifies the sequential test and retail impact as material considerations. It requires retail impact assessments for retail developments over 350 sq m. It is not stated whether the threshold is net sales or gross. The proposal has a gross floorspace of 372-5 sq m and a net sales floor of 209 sq m. The implications of this are considered further in this report. The Practice Guidance (PG) indicates that retail impact assessments should be proportionate and undertaken in locally appropriate way. While the PG sets out a check list for carrying out a retail impact assessment, it is not considered that it would be appropriate to require that full approach to a proposal of this scale.
- 5.17 PSP32 allows for small scale retail development in local centres, parades and out of centre provided it is small scale, of a scale that is appropriate to the location and would not cause harm to any centre or parade. The defined local centres in the relevant area are:
- Ellacombe Road
 - Longwell Green Parade
 - Newton Road/School Road
 - Oldland Common Village
 - Warmley Village
 - Westcourt Drive
- 5.18 The definition of town centres set out in the NPPF glossary excludes small parades of shops of purely neighbourhood significance. However, these centres are identified in the local plan Policy PSP 32 which makes specific reference to parades in assessing the harm to centres. Possible harm to the identified parades must therefore be assessed.
- 5.19 Objections have been raised relating to there being no identified need for the development. There is no policy requirement for a specific need to be identified for a development of this type. Whilst the NPPF did previously require this, it was removed from National Planning Policy in 2009.
- 5.20 The focus of impact assessment is on centres and the impact on individual shops in centres and out-of-centre shops is not a material consideration unless the proposal of impact would result in the loss of any retail or other main town centre uses which meet essential retail, convenience or retail day to day needs. This is a policy which generally seeks to protect against changes of use away from retail or other uses which are important to community needs. Where a retail proposal would result in the replacement with a similar shop, it is difficult to demonstrate that there would be any such loss. Post offices have been recognised an important to local communities and where a shop contains a post office, its loss may be relevant. While there is often sympathy for existing shopkeepers in a local area, it would take very exceptional circumstances to justify a refusal of permission on this basis.

The Threshold for Impact Assessment

- 5.21 The Practice Guidance (para 15) indicates that the impact test only applies to retail developments above the national or a locally adopted threshold. While this may be correct regarding the interpretation of the NPPF, it cannot override policies PSP31 and PSP32. Policy PSP32 specially allows for small scale shops in out of centre locations to meet local needs, subject to there being no harm to existing centres. Applications have to be determined in accordance with development plan unless material considerations indicate otherwise. The Plan postdates the Practice Guidance in this respect. Subject to the threshold, the impact on the local centres and parades is material.
- 5.22 The applicant's position is that the threshold of 350 sq m refers to the net sales floorspace sales on the basis that Examination Topic Paper (OS3) was based on evidence which referred to net sales floorspace. Para 7.59 of the explanatory text defines small scale retail as "development below 350 sq m (internal floorspace)" and it is likely that it would have defined sales floorspace rather than internal floorspace. OS 3 is concerned with justifying the definition of local shopping for the purposes of the Plan and sought a threshold appropriate to the smaller centres. It used available data and there is sufficient leeway for the data to justify either a net sales or gross floorspace threshold. From the examples of units quoted in para 5.2.21, it appears that an allowance has been made to add non-sales floorspace to derive the significantly larger threshold. The Report of the Examination Inspector simply commented that the evidence presented in Document OS3 justifies the requirement for schemes larger than 350 sq m to be subject to an impact assessment
- 5.23 However, it is clear that the threshold of 1000 sq m in policy CS 14 is gross floorspace and it would be inconsistent to adopt a different definition in the PSP without making this clear or explaining the change. Also, the national threshold of 2,500 sq m is explicitly gross external and this is used as a benchmark to assess local thresholds. The LPA therefore considers that on balance the threshold refers to gross floorspace rather than net sales.
- 5.24 The threshold determines the need for a retail impact assessment. It does not mean that there will be no effects from smaller developments or that there is an impact the moment the threshold is reached. The threshold needs to be interpreted flexibly. It indicates which developments are likely serve local shopping needs and should not be applied with undue rigour. The proposal would meet a local need for day-to-day shopping only and not serve wider shopping needs.
- 5.25 The gross internal floorspace of the proposal given on the application form is 373 sq m, only marginally above the threshold and the floorspace of some 23 sq m above the threshold from would not alter its function. It arises from the two-storey form of the building which provides more back of house space than normal. The sales area forms about 56% of the total floorspace compared with about the 70% more usually found in this type of shop. A shop unit with the same sales floorspace and generating the same turnover could easily come under the threshold if it had less back of house space. It would be unreasonable to require an impact assessment of this particular proposal when

it would not be required for a proposal with a similar sales area but less back of house space.

Existing shopping provision

5.26 The relevant neighbourhood centres identified in the PSP are:

Ellacombe Road
Longwell Green Parade
Newton Road/School Road
Oldland Common Village
Warmley Village
Westcourt Drive

5.27 These are described in the Retail Statement (paras 5.5-5.14). and the updated Addendum (paras 2.5 -2.1). The nearest town centres are Kingswood and Hanham. The applicant describes these as beyond a reasonable travel distance for day-to-day groceries. This appears to be based on the concept that the proposed store would cater only for walk-in trade, however because of its location, it is likely the proposal will also attract car borne shoppers, particularly for top-up shopping on trips combined with other activities. Top-up shopping tends to take place near either the origin or destination of such trips (e.g., near home or near the place of work or school). Local residents are likely to do a significant amount top-up shopping outside of the local area, but not concentrated on these two town centres. In assessing retail impact, allowance should be made for some “clawback” from outside the local area.

5.28 There are also other convenience shops in the area outside of the neighbourhood centres:

Costcutter – Tower Road South (currently closed)
Premier Heath Rise
Jeeves/Budgens Mill Lane
Tesco Express, near the A420/Bristol Ring Rd junction

The larger foodstores in the area are the Asda, Aldi and Lidl - all in the Longwell Green area.

Retail Impact

5.29 The assessment should be proportional to the scale of the proposal and a full assessment is not required. There are difficulties assessing impact on independent stores both because the turnover of such stores is low and little is known about their turnover and costs (e.g. mortgages and loans, rent/interest payments) or their personal circumstances. The impact of this proposal cannot be approached as one would a large foodstore and the assessment check list set out in the Practice Guidance on Town Centres and Retail Para 018) is of little assistance. Undue precision should be avoided and as such figures have been kept broad brush. The focus of the assessment is on the impact on the defined centres. The impact assessment has been assessed by assuming that the Costcutter will re-open for trade at some stage. However, if the store does

not re-open other nearby stores will have benefited with greater turnover and can be regarded as more resilient as a result. A cumulative exercise trying to redistribute the Costcutter turnover to other stores would imply a spurious level of precision.

Trade Diversion

- 5.30 To give an idea of the scale of the proposal, it is estimated that the annual turnover of the proposal would be between £1.2m and £1.6m. About 20% of this turnover would be diverted from shops outside the area – such as the Sainsbury Local on the A420 High St. Kingswood, largely as combined visits in Bristol are diverted nearer to the home end of the trip. There would be some diversion from the large foodstores since these are used for top-up as well as main food shopping trips. This is likely to be fairly limited given that the large foodstores are all located to the south of the study area and it is estimated that this could amount to about 10% of the proposal's turnover.
- 5.31 This suggests that between £0.84m and £1.12m would be diverted from shops within the study area. In general, the trade diversion would be expected to be greatest on the shops nearest the proposal and to decline with distance from it. Regarding top-up shopping the decline with distance is likely to be steep. In broad terms between about one-third and one-half of this local turnover could be expected to be diverted from the Costcutter opposite - giving a trade diversion figure of about between £250k and £500k.
- 5.32 A similar amount could be expected to be diverted from the other stores within about 1 km of the site. This includes the Premier store on Heath Rise, the Budgens on Mill Lane, the Co-op and K & A Estate Stores on School Road and McColl's on Westcourt Drive. Newton Rd/School Road and Westcourt Drive are defined local centres.
- 5.33 This would indicate that the trade diversion from the remainder of the study area would be between about £120k and £600k. This takes the other defined centres that have been considered and the Tesco Express near Warmley.

Impact

- 5.34 It is likely that the Costcutter would close (or not reopen) as a result of the proposal. However, it is not in a defined centre and therefore is not policy protected. Whilst policy PSP 32 subsection 6, aims to avoid the loss of facilities which meet day to day convenience retail and service needs, the proposal would not result in a loss of facilities but an increase, at least in quantitative floorspace terms. The permanent closure of the unit might result in the permanent loss of the Post Office. However, the Post Office closed in Nov 2021. The PO advertised the vacancy without receiving any interest and made the closure permanent in November 2022. In view of the length of the closure, any new options would be subject to a sustainability appraisal for both the Post Office and the operator. In view of this decision, it is not possible, to give weight to the loss of the post office in determining the application.

- 5.35 In relation to the other stores within 1km of the proposal, the loss of a similar amount would be spread amongst four shops. The nearest two, the Premier on Heath Rise and the Budgens in Mill Lane would experience the largest trade diversion. Neither is likely to close as a result of the proposal but the Premier store on Heath Rise may be vulnerable in any case. The Budgens is approximately the same size as the proposal, clearly recently refurbished and in our view would be able to compete successfully. Neither of these shops is in a defined local centre and weight could not be given to the impact on them. Relatively little trade diversion could be expected from Newton Road centre, and from the Co-op in particular. Both have substantial food offers but the Co-op is unlikely to close. The offer of the McColl's in the Westcourt Drive centre is less food orientated and is likely to be limited.
- 5.36 In the rest of study area, the trade diversion is likely to be more dispersed and relate to the element of car and bus borne shopping trips rather than walk-in trips. The proposal would be more attractive to traffic approaching the north of the study area from the A420 and Tower Road South than to traffic approaching via Longwell Green. There would be more minor trade diversion from Warmley village centre and a bit more from the Tesco Express at the filling station, but very little from Longwell Green Parade, Ellacombe and Oldland Common centres.
- 5.37 Overall, the proposal is unlikely to cause significant harm to the vitality and viability of any of the relevant centres.

Sequential Assessment

- 5.38 The sequential test requires that there should be no town centre or edge of centre sites available before out of centre sites are considered. With regard to out-of-centre sites, preference should be given to those sites which are accessible and well connected to the town centre. The assessment should be proportionate and applicants and local authorities should both be flexible.
- 5.39 Policy PSP 32 indicates that that small scale retail developments to meet local needs for day-to-day shopping will be considered outside of town centres and it is clear from this that in some circumstances, such as rural areas with no local and town centres, the sequential test will not apply. There are, however, a number of local centres in this area and it is reasonable for such shops to be developed in the centres where possible.
- 5.40 The applicant refers to the Dundee decision by the Supreme Court quoting from the judgment that the question was

"...whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site".

However, that judgment also went on to note the requirement for developers to be flexible in considering the suitability of alternative sites for their proposals and noted that it was a planning judgement whether sufficient flexibility has

been shown or not. This is for the Local Authority to consider and that the Courts will not intervene in such decisions unless they are clearly irrational.

5.41 The applicant (para 4.29) refers to this judgment as

“...setting the tone for subsequent sequential assessments which are no longer required to demonstrate the degree of flexibility including disaggregation previously sought”.

This may, to some extent, have reflected practice but does not accurately reflect the judgment.

5.42 Since then there have been a number of judgments. The most significant, not least because it considered the Dundee and later judgments, is the Mansfield case (Aldergate Properties Ltd v Mansfield DC and Regal Sherwood Oaks Ltd ([2016] EWHC 1670 (Admin)). This primarily addressed the issue of the relevance of the individual developer or retailer to the operation of the sequential test and found (para 35) that

“suitable” and “available” generally mean “suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer.”

This is now the latest word on the matter.

Flexibility and site size

5.43 Flexibility is required, and disaggregation is still sought depending on the circumstances of the case.

5.44 In this case disaggregation is not relevant and the applicant has shown considerable flexibility in the design of the proposal. This includes the first-floor storage and remote parking provision and it is likely that a larger sales floor, nearer to the unrestricted Sunday trading maximum of 280 sq m (sales) would have been preferred. The application site area is given as 0.24 ha on the application form and this is the minimum size site that could be reasonably sought. In terms of existing buildings which might accommodate the development, the minimum unit size of about 200 sq m is reasonable.

Search Area

5.45 The applicant used a 500 m radius to define the area of search in the original Retail Statement. The addendum statement addresses the centres in the local area. The study area encompasses the whole of the proposal’s likely catchment area and the peripheral location of some of the centres may reduce their suitability. As is demonstrated on the map in para 4.9 of the original statement, they would serve a substantially different catchment area.

The Centres

- 5.46 The original Retail Statement excluded Ellacombe Road, Warmley Village and West Court Drive as being too small to comply with the NPPF definition of a centre. These are defined centres in the Development Plan and are now included in the Addendum sequential test assessment. The applicant has sought for vacant premises and possible sites. These have also been assessed by the retail consultant.
- 5.47 *Ellacombe Road* – There are no vacant units in the centre and any unit would in any case be too small. The centre is a small parade in a wholly residential area and there are no suitable sites in or on the edge of the centre.
- 5.48 *Longwell Green Parade* – There are no vacant units in the centre and any unit would in any case be too small. Although there have been some recent larger scale developments, there are no obvious sites that might become available in a reasonable period.
- 5.49 *Newton Road/School Road* - There are no vacant units in the centre and any unit would in any case be too small. There are several community facilities adjacent to the parade which would provide a large enough site, however there is no indication that any of these would become available in the foreseeable future.
- 5.50 *Oldland Common* – There are no vacant units and no non-residential uses that might provide an opportunity for redevelopment in the near future.
- 5.51 *Warmley Village* – There are some opportunities along the A420, however none are sufficiently related to the main village area to be considered sequentially preferable.
- 5.52 *Westcourt Drive* - There are no vacant units in the centre. The centre is a small parade in a wholly residential area and there are no suitable sites in or on the edge of the centre.
- 5.53 No opportunities have been identified which would be sequentially preferable, and the sequential test is passed. The proposal complies with policies CS14, PSP31 and PSP32, and is acceptable in principle.

Design and Impact on Heritage Asset

- 5.54 This application affects the King William IV Public House, a building that has been identified by the council as making a significant contribution to the character and distinctiveness of the locality. The building is recorded in the 1840 tithe map apportionment as a dwelling house and garden, owned and occupied by Mary Fudge. A public house is recorded in the parcel of land to the south, it being occupied by Daniel Shellard – the 1870 Kelly's Directory records him being a 'beer retailer' at 'Long Wells Green'. The first suggested use of the present building as a public house is in 1881 when the landlord was Mr H Potter, a local butcher and beer retailer. The William IV Inn is subsequently recorded in Wright & Co.'s Bristol Directory of 1895 and, as recorded in the

Heritage Statement, in successive Kelly's Directories. It is located at the north-eastern edge of what was once the small, loose-knit, rural village of Cadbury Heath, south of Warmley House and Champion's Brassworks site, now largely surrounded by, and incorporating, 20th century suburban expansion and infill.

- 5.55 The building is two-storey, rendered brick or stone, 4 bays wide (3 & 1) with 2 over 2 sash windows in exposed sash boxes to the first floor. Canted bay windows to ground-floor bays 1 and 3 are 20th century additions, and a modern gabled porch to bay 2 replaced an earlier, 20th century flat hood. The roof is covered in clay double roman tiles between coped parapets, and there are render and brick chimneystacks at each gable and between bays 3 and 4. To the left is a 1.5 storey storage/outbuilding sweeping down to single-storey close to the road. This structure was extended slightly in the 20th century with the former loading door replaced with a uPVC mock sash window.
- 5.56 The building has undergone alterations and adaptations over the 19th and 20th centuries as described in the Heritage Statement, and as seen in historic photographs. One particular image clearly shows the roof originally enclosed by a raised parapet to the front elevation, and 6 over 6 sashes on the first floor, giving the building slightly more formal, classical proportions compared to its current arrangement. The 2no. bay windows and porch are, as noted above, also 20th century additions, as are elements to the north and west. These changes have eroded some of the former classical proportions and character of the building and it now has a late 19th/early 20th century vernacular appearance.
- 5.57 Despite the changes over time, internally and externally, the building still retains a sense of its traditional character and makes a positive contribution to the streetscene. The fact that it remains in its original use or function is particularly relevant to its interest, and this also reflects the traditional, functional character of the building and its contribution to the social and economic development of the area. It also serves as an important reminder of the gradual physical development of the settlement, prior to urban expansion and redevelopment of the mid-late 20th century. The site, with its open roadside corner to the north, and the cottages and former Methodist chapel to the south, still retains a sense of the loose-knit grain of the original settlement, compared to the tight-knit terraces of the late 19th century, and the semi-detached dwellings and flats of the mid-late 20th century. Judging by aerial photos of the site, the land to the north of the public house was formerly grassed and with trees to the east and west. The grass was replaced by gravel in the mid-late 1990s, and the trees felled in the last year or two. What was once likely a private garden or beer garden enclosed by a tall wall, is now an untidy parcel of land that permits views of the north gable of the public house, but which does not make a particularly positive contribution to the streetscene. Although this parcel of land historically contained two small cottages (demolished by 1900), this has remained an undeveloped site for at least 120 years and the cottages, when they were extant, were set back in the plot, allowing the public house to maintain a degree of primacy and visibility at the junction of the two roads.

- 5.58 Paragraph 5.42 of the Heritage Statement makes the observation that *“Based on the previous analysis of the historical development and fabric of the King William IV, the building is considered to be a non-designated heritage asset of modest heritage significance overall. As set out above, the building has been much altered and extended, and many of these changes have diminished its historic and architectural interest.”* Aspects of the buildings setting which contribute to its overall significance are set out in paragraph 5.50. This includes the wider curtilage to the public house, including the plot to the north, and aspects of the surviving settlement pattern associated with the historic settlements of Cadbury Heath and Warmley. The LPA concurs with this assessment.
- 5.59 In terms of Policy, PSP17 of the adopted Local Plan: Policies Sites and Places Plan and the adopted Local List Supplementary Planning Document are relevant to the application, as is CS1 and CS9 in respect of ensuring high quality design and development that conserves, respects and enhances heritage assets in a manner appropriate to their significance. What is also highly pertinent to this application is Policy PSP1: Local Distinctiveness. This over-arching policy states: Strategic Planning Policy and Specialist Advice *“Development proposal(s) will be acceptable where the proposals demonstrate an understanding of, and respond constructively to, the buildings and characteristics that make a particularly positive contribution to the distinctiveness of the area / locality. Innovative architectural responses will be favourably considered, where this would result in a high quality design that would in itself contribute positively to the distinctiveness of a place.”*
- 5.60 Paragraphs 3.2 – 3.9 of the Local Plan set out guidance in respect of identifying what genuinely makes a positive contribution to the distinctiveness of an area/locality, noting that it *“remains common for developers, in undertaking a context appraisal, to attempt to justify further indistinct development by referring to usually 20th century post-war development of indistinct quality nearby and/or claiming that the locality lacks distinction by way of the variety of ages and styles of development that exist in a locality. In justifying new development in accordance with the NPPF requirements, this approach will not be acceptable.”* The area around the application site does contain much in the way of non-descript 20th century development, but there are also elements that make a positive contribution to local character and distinctiveness with which local residents are more likely to associate and cherish. Such features may include the traditional Victorian terraces, the use of natural pennant stone, building scale/proportions/rhythm and good quality architectural detailing to elevations.
- 5.61 In terms of the physical alterations to the public house itself, using frameworks set out in the Design Manual for Roads and Bridges and ICOMOS guidance of Heritage Impact Assessments, the loss of the attached, late-19th century outbuilding will result in a minor-moderate adverse impact. The extent of demolition of a traditionally constructed outbuilding that reinforces the historic character of the public house would result in the asset being more than “slightly different” but not such that it is ‘significantly modified’. Having regard to the low heritage significance of the asset, the overall significance of effects would be slight adverse. The removal of the 20th century porch and flat roof extension to the north would have a minor positive impact, with an overall significance of

- effects being neutral/slightly beneficial. When balanced, the direct, physical works to the locally listed building would result in a slight adverse impact to its significance.
- 5.62 In terms of the new development to the north, this will affect the setting of the public house, introducing built form into a space that has been open and undeveloped for over 100 years. The garden area has been eroded by the loss of the trees, reduction/removal of the boundary wall, and the introduction of gravelled parking areas, and the north gable of the public house is equally eroded by the collection of wires/lights and the flat roof addition. However, the ability to see the gable of the public house allows an appreciation of its traditional form, reflects the historic prominence of the building at the northern entrance to the settlement and would have undoubtedly provided space for additional signage. The introduction of built form into this space will inevitably have an impact on the prominence and visibility of the public house and it is, therefore, the quality of design and layout which will determine whether that impact is positive, neutral or negative.
- 5.63 The proposal has undergone significant design changes since originally submitted, with input from the Conservation Officer and Urban Design Officer. Whilst still a predominantly two storey building, the massing and height have been reduced and the front elevation of the store fronting onto Tower Road South has been stepped back, and the proposed building has an increased gap between it and the public house. The north elevation takes the appearance of two cottages, with a hipped roof above the single storey frontage on the east elevation. The north, east (gables) and west elevations incorporate stone, with the remainder of the building finished in render. Quoin detailing is to be used between render and stone, on corners and bordering fenestration.
- 5.64 The scale, proportions and general appearance of the development as a whole has improved significantly from the original submission and the arrangement of a pair of cottages reflects many of the Victorian buildings in the locality. The new build sits comfortably between the public house and the cottages on Cadbury Heath Road.
- 5.65 The front elevation features projecting pilasters/buttresses which are not typical of local character or building styles, and are likely to be difficult to convincingly detail and construct with natural stone. These should be removed, leaving the junction between the single storey section and the cottages defined by the proposed quoin detail, providing a transition between the render and stone.
- 5.66 The proposed roofline and building silhouette lacks interest, however this could likely be solved with a central appropriately proportioned stack between the two cottages.
- 5.67 There is no indicated roof covering for the cottages, however it is anticipated that double roman tiles or natural slate would be proposed. Flat concrete slates would not be acceptable. Where the first floor flat roof is visible between the gables, a plain clay tile to match the roof of the single storey section would be preferable over slate tiles to keep the number of different materials to a minimum and give further coherence to the building. Visual interest could be

added here with fishscale tiles or natural variation in the colour of the clay tiles which would give a softer appearance compared to uniform concrete tiles.

- 5.68 Further detailing of the fencing to the west side of the site will be required, including how it wraps around onto the north side enclosing the yard. Ideally, this should be set back to match the adjacent gate and back from the building line.
- 5.69 Natural stone will be required, not reconstituted, in order to enhance local character and distinctiveness. Other recent developments in the local area have incorporated natural stone in their primary and secondary elevations and pennant stone is available for walling from a range of quarries and suppliers. Where it is used, front elevations tend to be of a squared and coursed rubble, with random rubble used on secondary elevations. A good quality recon stone could be used for the quoins/coping etc subject to an agreed sample.
- 5.70 Details will be required for security shutters, assuming they are to be proposed. If external, the shutters should be integrated into the openings over the doors/windows.
- 5.71 Overall, the proposal has been well designed and the applicant has actively taken on board design suggestions. As previously discussed, the introduction of built form into an undeveloped area is a significant modification to the setting of this locally listed building. Having regard to the low heritage significance of the asset, the significance of the effects would be slight adverse, in addition to the slight adverse significance of the physical alterations to the public house.
- 5.72 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.73 The well-designed scheme, taking into account the impacts on the heritage asset as well as its surroundings, is considered to outweigh the slight adverse impact upon the heritage asset. The proposal is considered to comply with policies PSP1, PSP17, CS1 and CS9, and the National Planning Policy Framework, subject to the below information being approved by condition:

Large scale details of:

Windows including reveals, quoins, cills and heads

Doors (including recessed wood panelling) including reveals, quoins and head.

Eaves (including rainwater goods), verges, parapets, kneelers and ridge

Chimney (if incorporated)

External signage

External lighting

Security shutters

Boundary treatment

Samples:

External walling (demonstrating stone type and colour, coursing, jointing and pointing), plinth, quoins and coping.

Tiles and/or slates (plain and profiled)

Render demonstrating colour, texture and finish.

Landscape

- 5.47 The proposal area is currently largely un-landscaped, laid to gravel with some overgrowth. Two large trees were previously present but have been removed, although this was some years ago and appears unrelated to the current development.
- 5.48 The proposed site plan includes small landscape areas to the car park on the south side of the public house, and a landscape strip to the north side around the proposed store, including grass, shrubs and to trees. The landscaping is limited however it is acknowledged that this is an improvement upon the current situation, and the proposal is within an urban area. The landscaping is therefore considered to be commensurate to the scheme and subject to a detailed landscape plan is considered to be acceptable.

Community Facility

- 5.49 The existing public house is considered to be a community facility and policy CS23 must be considered. The use of the public house is proposed to continue, however it must be considered whether the proposal puts that use at risk.
- 5.50 The proposal involves the demolition of a single storey extension to the pub, reducing the internal floor space. A yard to the rear of the public house will also be reused for parking.
- 5.51 The applicant's statement sets out that the public house will continue to be a viable business by removing underutilised land and providing an enhanced car parking arrangement. The single storey element is not needed, and has become a financial burden.
- 5.52 The remaining public house will still be substantial with a large rear garden, and it is unlikely the proposals would significantly impact on the business. No information has been received by the publicans to suggest they have concerns with the ongoing running of the business. It is therefore concluded that the proposals would not have an impact on the ongoing viability of the public house.

Transport

- 5.53 The application proposes a new access from Tower Road South to the south side of the public house, to provide parking for customers of the proposed store and public house. A delivery area is proposed to the front of the public house, with a dropped kerb provided goods vehicle egress.

- 5.54 Initially, concerns with the visibility splay were raised by the Transportation Team. Although speed readings were undertaken, the location of these was felt to be too close to the mini roundabout, and did not include a breakdown of hours within the day. Revised plans have been submitted, widening the site entrance and the existing telegraph pole relocated outside the visibility splay. The splays are now considered to be sufficient.
- 5.55 The proposed loading bay to the front of the public house is intended to serve both public house and store. The HGV servicing/delivery arrangements are contrived and located extremely close to the pedestrian crossing to Tower Road South. It is situated virtually adjacent to the footway and fronts the entrance door/windows to the existing public house. To protect pedestrians moving either side of the service vehicle, the applicant is proposing a complex form of protective measures comprising of safety barriers to the back of the footway as well as a series of bollards, all within a constrained space.
- 5.56 A safety audit report has been submitted, which notes that the service bay may become used as a car parking space. It is unlikely that marking/signage would be sufficient to deter parking in this area, resulting in further physical barriers or bollards to prevent misuse, adding further complication to the scheme.
- 5.57 The Transport Officer has also raised concerns regarding how the delivery bay would be used by vehicles, with the risk that in order to have the shortest route from the bay to the store front delivery driver may be tempted to reverse a vehicle along the frontage of the public house, adjacent to the footway and towards the pedestrian crossing, creating a risk of pedestrian-vehicle conflict in a location where pedestrians will least expect it.
- 5.58 The shared use of the bay between two different operators to be problematic, and with a greater number of deliveries increasing HGVs in and out of the proposed service bay results in large vehicles manoeuvring and crossing lanes, potentially creating additional disruption to safe and free flow of traffic on the public highway in proximity to a pedestrian crossing.
- 5.59 The applicant has proposed a Servicing Management Plan to be conditioned, however this is likely to require continuous monitoring which is impractical to enforce by the LPA, and as such would not meet the six tests for conditions. The applicant has provided other sites where Management Plans have been considered an appropriate solution, however they are not considered to be comparable to this situation.
- 5.60 The proposal was initially submitted with 24 spaces in total, now reduced to 21. Of these, 8 are provided to the store, with 13 provided to the public house. Although the parking for the public house will be demarcated, it is likely that this would not prevent store customers from using these spaces on occasion.
- 5.61 The Transport Officer has raised concerns that the parking provision has been reduced with no justifiable reason. They have requested either a parking survey to understand the impact on-street parking may have on the local area and the current demand for car parking for the existing land use. Neither has been provided by the applicant.

- 5.62 Existing car parking on site is largely informal, using the gravelled area to the north, the land to the front of the public house and the area to the south. The applicant has stated that the same number of spaces are to be provided as the existing arrangement, however with no existing marked spaces or understanding of usage it is difficult to compare the two. The applicant also states that the amount of parking to be provided is based on information from the tenants of the public house and their understanding of the maximum amount required based on usage of the existing car park.
- 5.63 There are no minimum requirements for public houses. It is also noted that the public house is located within an urban area, with a bus stop directly located outside. A rough analysis of the existing parking shows the provision of around 18 spaces, and several site visits have shown that the unrestricted parking along Cadbury Heath Road and further north on Tower Road South generally has spaces available.
- 5.64 The Transport Officer has noted that the required parking standards as per PSP16 would be 10 spaces for the shop, based on one space per 35sqm. However, as already noted in this report, the shop has a larger back-office space than standard and the sales area of the shop is around 209sqm, leading to a requirement of 6 spaces.
- 5.65 Taking the above into account, it is not considered that the parking provision could substantiate a reason for refusal.
- 5.66 Concerns have been raised regarding the impact the increase in traffic would have upon the highway network. Discrepancies were noted by the Council's Transport Officer in relation to the initial TRICs data as it was based on Town Centre and Edge of Centre locations. Amended TRICs data was submitted by the applicant, suggesting trips of up to 36 vehicles entering the site and 35 leaving in a peak hour. This is around one vehicle every two minutes in a peak hour, which is not a level likely to have any detrimental impact on the local highway network.
- 5.67 In summary, the proposed loading/unloading bay in front of the Public House with the access/egress arrangement in proximity to the existing pedestrian crossing is unsatisfactory and do not meet the minimum standards necessary to serve the development. The construction and use of such service bay would be likely to increase highway dangers and create more hazardous conditions than exist at the present time, all to the detriment of highway safety and contrary to policies CS8 and PSP11.

Residential Amenity

- 5.68 The proposal is sited on a corner plot within a residential area. With the public house to the south and roads to the north and east, it is unlikely that impact would be caused on residential amenity.
- 5.69 Dwellings are however located immediately adjacent to the site to the west, with 1 Cadbury Heath Road the most likely to be impacted.

- 5.70 The west elevation of the store is located between 1.4m and 3.8m from the site boundary, and between 3.7m and 4.9m from the east elevation of the dwelling. There are no windows on the eastern elevation of the property. Around 3.4m of the store would project from the rear elevation of the property, however this is separated from the rear garden of the property by an existing outbuilding. From the usable garden area, the western elevation would be around 4.7m away and whilst it would be visible, it is unlikely to cause an overbearing impact upon the residents.
- 5.71 The extraction equipment for the store would also be sited on the western elevation. A 2.4m acoustic fence has been proposed between the store and the dwelling. Given the layout of the dwelling and the protective fencing it is unlikely the equipment would cause significant noise disturbance, however it is considered appropriate to secure an acoustic report by condition.
- 5.72 36 Tower Road South is located adjacent to the south of the site and has some windows overlooking the car park area. This area is an existing car park and although the use would intensify, it is unlikely that this would significantly impact upon the residents.

Any delivery area impacts could be conditioned by an hours limitation had the recommendation been consent.

Drainage

- 5.73 Concerns were initially raised by the drainage team in relation to the proposed connection points into the public foul and surface water.
- 5.74 The applicant submitted further details showing that other options were unviable, and as such the proposal is to connect surface water into the existing combined sewer on site. Confirmation from Wessex Water will be required.
- 5.75 Subject to a condition for a detailed drainage scheme, there is no drainage objection to the proposal. For the avoidance of doubt, the following will be required to discharge the condition:
- Confirmation and acceptance of an agreed connection point and discharge rate for surface water disposal from Wessex Water.
 - A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds.
 - Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events (winter and summer); and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer) in line with the current industry accepted allowance 40% up to and including the 10080 minute scenarios. (Preferably in the MicroDrainage format to include the MDx file for auditing).

- Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer) in line with the current industry accepted allowance.
- There is to be no planting of trees over, or within close proximity (3 metres) of any existing or proposed drainage infrastructure, which may include but not limited to, pipework, gullies and attenuation features such as ponds, basins and tanks (3 metre offset from top of bank including access track).
- The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
- The plan should also show any pipe node numbers referred to within the drainage calculations.
- A manhole / inspection chamber schedule to include cover and invert levels.
- Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration/Conveyance features, Flow Control Devices, and Pumping Stations where applicable, for the lifetime of the development, must also be provided. This should clearly outline which elements/components will be offered for adoption and those which are to remain privately maintained and by whom (in this context this refers to the wider scheme infrastructure such as ponds, basins, swales, ditches, soakaways, and permeable paving which may form part of the surface water network).
- If privately maintained, the document should also consider any future sale scenarios and how tentative purchasers will also be made aware of their jointly vested highway and drainage assets.

Planning Balance

- 5.76 The proposal is not considered to impact upon local centres and the sequential test has been passed. The proposal complies with policies CS14, PSP31 and PSP32, and is acceptable in principle.
- 5.77 The well-designed scheme, taking into account the impacts on the heritage asset as well as its surroundings, is considered to outweigh the slight adverse impact upon the heritage asset. The proposal is considered to comply with policies PSP1, PSP17, CS1 and CS9.
- 5.78 The proposed landscaping is considered to be acceptable, subject to detail, and complies with policy PSP2.
- 5.79 The proposal is not considered to negatively impact on the viability of the existing community facility, and as such complies with policy CS23.

- 5.80 The proposed loading/unloading bay in front of the Public House with the access/egress arrangement in proximity to the existing pedestrian crossing is unsatisfactory and do not meet the minimum standards necessary to serve the development. The construction and use of such service bay would be likely to increase highway dangers and create more hazardous conditions than exist at the present time, all to the detriment of highway safety and contrary to policies CS8 and PSP11. Other transport impacts are considered to be acceptable. Significant weight must be attributed to the harm.
- 5.81 The proposals are considered to be acceptable in terms of residential amenity, and complies with PSP8.
- 5.82 Other benefits of the scheme have been set out by the applicant, including an economic benefit and the provision of alternative retail and the enhancement of a community facility.
- 5.83 The provision of additional retail facilities will improve provision, particularly if the Costcutter store remains closed. The proposal could carry a wider range of goods including more fresh and chilled food, as a result of the greater floorspace and being, possibly, tied into a main foodstore distribution network. However, the provision within the area is not considered to be deficient, and only limited weight could be attributed to this benefit.
- 5.84 The application form suggests 5 full-time and 20 part time jobs giving a full-time equivalent of 15 full time jobs. There are recognised economic concepts which help identify the net gains from investment. These are:
Leakage – jobs filled from people from outside the target area;
Displacement – reduced jobs elsewhere in the retail sector in the target area;
Substitution – where a firm reduces activity elsewhere as a result;
Multiplier effects – the effects on the economy of increased spending from jobs.
- 5.85 Leakage is generally regarded as quite low in the retail sector, but displacement (as referred to by Nash and Partners) is likely to be high. There is no major population growth expected in the area and there has been no real growth in convenience spending for a long time and none is likely in the foreseeable future, so employment in the convenience sector cannot grow without a decline in sales elsewhere and a decline in staff productivity. Shops can reduce employment levels more readily than reducing most other costs when faced with trade diversion and they do so. Since the trade diversion is mostly expected to occur within the local area and no real growth in convenience spending is likely there in the short to medium term at least, displacement within the area is likely to be high. Substitution would obviously take place but generally without local effects. Multiplier effects are positive and have been estimated for the retail sector as about 1.2 - that is for every 5 jobs an extra job is created by the additional local spending. Taking account of these factors is likely to reduce the net benefit in terms of jobs to 4 or 5 additional jobs. Limited weight can be attributed to this benefit.
- 5.86 The applicant states that the proposals would retain and enhance the existing public house through the provision of a better configured car park. There is

however no indication that the public house is at risk, and the public house could provide itself with the installation of a better car park without the provision of the shop. This can only be attributed limited weight.

- 5.87 The applicant also states that the convenience store would be considered a community facility in its own right. Given there is not an under provision of retail in this area, and a shop would not normally be considered a community facility, no weight can be attributed to this.
- 5.88 In this instance, the harm arising from the scheme cannot be outweighed by the benefits, and the application is recommended for refusal.

Consideration of likely impact on Equalities

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission is refused.

REASONS FOR REFUSAL

1. The proposed loading/unloading bay in front of the Public House with the access/egress arrangement in proximity to the existing pedestrian crossing is unsatisfactory and does not meet the minimum standards necessary to serve the development. The construction and use of such a service bay would be likely to increase highway dangers and create more hazardous conditions than exist at the present time, all to the detriment of highway safety and contrary to policies CS8 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP11

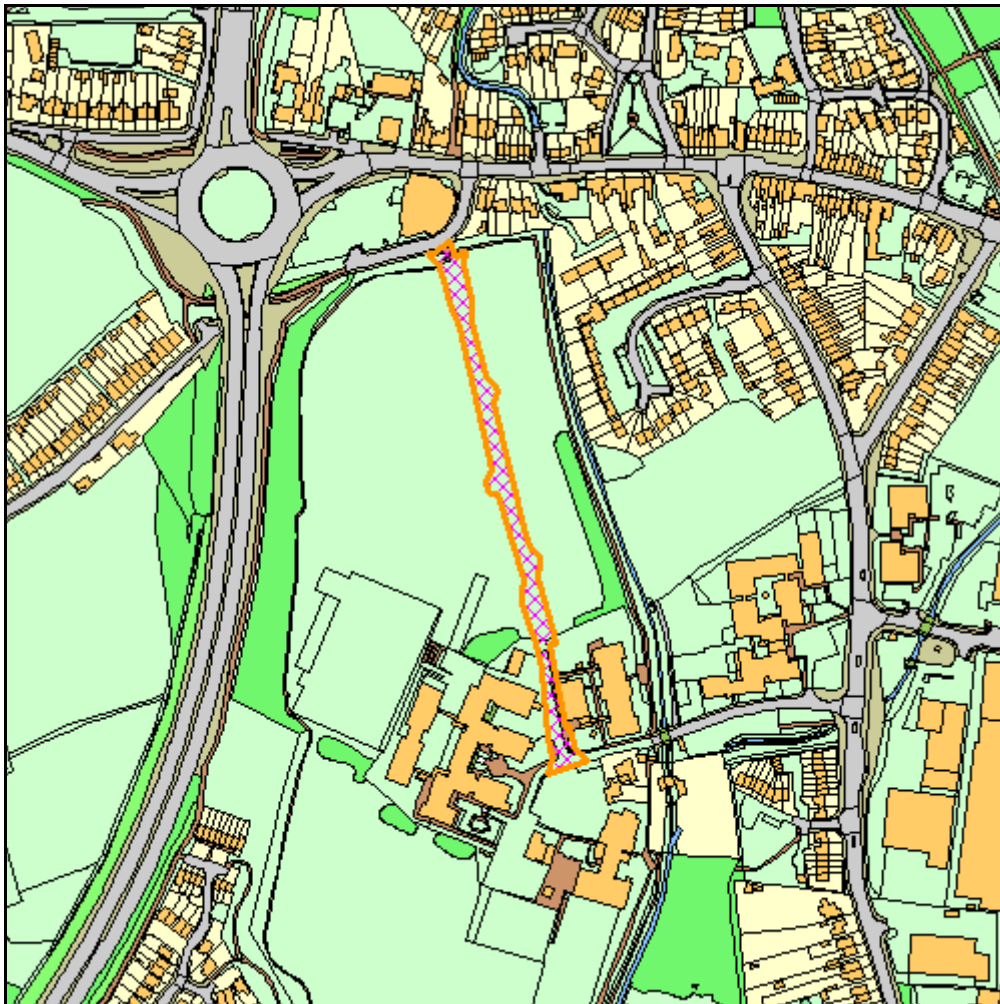
of the Policies sites and places Plan adopted November 2017 and the National Planning Policy Framework.

Case Officer: Rae Mepham

Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 51/22 - 23rd December 2022

| | | | |
|------------------------------|--|---------------------|-------------------------------|
| App No.: | P22/03899/R3F | Applicant: | South Gloucestershire Council |
| Site: | Former Grange School Site Tower Road North Warmley South Gloucestershire BS30 8XQ | Date Reg: | 18th July 2022 |
| Proposal: | Creation of 1 no. temporary access road and associated works connecting Baden Road to the Digitech Studio School for the duration of the Tower Hill Road bridge replacement works. | Parish: | Oldland Parish Council |
| Map Ref: | 366748 173193 | Ward: | Parkwall And Warmley |
| Application Category: | Minor | Target Date: | 8th September 2022 |



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P22/03899/R3F

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

INTRODUCTION

The following report and recommendation is referred to the Circulated Schedule in accordance with procedure as the applicant is South Gloucestershire Council and three letters of objection have been received. In addition, there is an objection from a Statutory Consultee (Sport England) which given the officer recommendation will require referral to the Secretary of State.

1. THE PROPOSAL

- 1.1 The application is for a temporary vehicle access road to serve the Digitech Studio School and adjacent sports facilities on the former Grange School site, Warmley. The temporary access road is required in order for a new bridge to be installed along the existing access road from Tower Road North to the east. The temporary access is proposed from Baden Road to the north.
- 1.2 The permission is sought for a period of 12 months. Although at the time of considering this proposal an application for the bridge works has not been received. It has been indicated that the installation of the bridge would take approximately six months. The road would be 280 metres long running from Baden Road at the northern end of the playing fields to an area of hard standing situated just to the north of the Digitech School.
- 1.3 The details supplied with the application indicate that the temporary road would be for vehicle use only with proposals to provide a temporary pedestrian footbridge over Warmley Brook for access from the east and a diverted footpath for access from the north and the south. Cyclists could either use the temporary road currently under consideration or the temporary footbridge. The full details of this provision is not being considered with this application but would be included with the subsequent application for the bridge works.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2021
National Planning Policy Guidance
- 2.2 Development Plans South Gloucestershire Local Plan Core Strategy Adopted December 2013.

CS1 High Quality Design
CS2 Green Infrastructure
CS8 Accessibility
CS9 Managing the Environment and Heritage
CS23 Community Infrastructure and Cultural Activity
CS29 Communities of the East Fringe of the Bristol Urban Area

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

3. RELEVANT PLANNING HISTORY

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

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

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

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

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

No objections, subject to the access road being temporary for the duration of the construction works

4.2 Sustainable Transportation (Summary)

No objection subject to a condition to limit the use of the road to the 12 month period stipulated in the application and a condition to secure a Construction Management Plan.

4.3 Lead Local Flood Authority

No objection

4.4 Sport England (Summary)

Initial Response (Summary – the full response is on the Council website)

Objection

Over the years the site has accommodated a number of facilities. Information is supplied for 1999, 2005 (spring), 2005 (summer), 2007, 2013, 2017.

The temporary road will adversely affect the northern playing fields. It is noted that no report is included with the application to consider other options or a report to show how the fields would be returned to the former use afterwards given potential damage.

The proposal is therefore contrary to the NPPF (para 99) and the policies of the Council. The proposal is considered not to meet any exception in the SE Playing fields policy, the NPPF, and Local Plan.

Following receipt of these comments, the applicant supplied an analysis of five options including the application proposal. This information was supplied to Sport England.

Sport England have indicated in a response dated 15th November that an alternative route to Option 1 (the proposed route) may be possible, that the weighting given to each option has not been independently examined and that there may be an alternative solution to the bridge which might be a less expensive alternative.

Following further discussion a further comment has been received from Sport England indicating that the objection remains in place (14th December). This indicates that alternative options to the proposal may be acceptable subject to an appropriate scheme to restore the land at the end of the use. If temporary permission is granted the playing fields should be returned in an agreed timeframe to the same or better quality. The means by which the bridge is being secured and built is also questioned again.

4.5 Coal Authority

Whilst a Coal Mining Risk Assessment does not appear to accompany the planning application, when considering the nature of the proposals the Coal Authority does not consider that a Coal Mining Risk Assessment would be proportionate in this particular instance and **do not object** to this planning application. An informative is recommended to remind the applicant of the possible risk and their responsibilities

4.6 Listed Building

The temporary track itself will not compromise the significance of the listed summerhouse, nor the conservation area – the impact of the subsequent development of the Grange site will need to address the issue of setting and impact, but that is for a later assessment.

Other Representations

4.7 Local Residents

Three letters of objection has been received (the full details can be seen on the website). The grounds of objection can be summarised as follows:

The road is required to facilitate the building of homes on the old school site against the wishes of local residents and infrastructure design

The development and bridge will do damage to the nearby special school with vehicle damage and parking

Bridge replacement is not needed nor are more houses needed on brown field sites. The site is within a Conservation Area where there is listed building

The road should be a permanent road and should be used instead of using the bridge even when that bridge is replaced. There is a strong objection to the use of the bridge crossing as the permanent new access to the future housing development.

The use of bridge crossing for an access for the new development will have the following negative impacts on the locality:

- The bridge is within a nature reserve, is close to a Listed Building and Conservation Area
- The location next to Warmley Special School is not appropriate given potential conflicts between the two uses
- There will be resulting pollution

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF states that there is a presumption in favour of sustainable development and that proposed development that accords with up to date policy should be approved. The proposed development is located within the Urban boundary, and is considered acceptable in principle subject to the following material planning considerations.

Loss of Playing Fields

The key issue to consider in terms of the principle of development is that the proposal would result in the loss of part of playing fields. Although it should be noted that this would be for a short period.

Paragraph 99 of the NPPF in summary states that playing fields should not be built upon unless: an assessment has been undertaken which has clearly shown the space is surplus to requirements; the loss would be replaced by equivalent or better provision; the development involves alternative sports and recreational provision the benefits of which clearly outweigh the loss.

Policy PSP44 of the Policies Sites and Places Plan essentially reiterates the above criteria. The proposed development would not fit within the above criteria although as has been indicated the loss would be temporary.

An objection as set out above (full details to be found on the website) has been received from Sport England,

The applicant has provided a justification for the development, indicating that the road is required to provide continuation of access to the Digitech School

and to the gym that is undergoing refurbishment and is providing a replacement to one to be lost at another location (Majestic Gym). It is noted that there is a long term aim to provide an improved residential led mixed use scheme at the former Grange School however no such proposal has currently been submitted. The applicant has indicated that the replacement of this bridge rather than creation of a bridge at an alternative location is the most viable option, a view that the Case Officer can see on the ground is the most viable option.

The applicant has indicated that there are five possible options: the current proposal; an access from the Ring Road; access from Belfry Road, an access from Montrose Drive, an access that runs through Warmley Park School. Each one of these options has been assessed against a number of criteria. These criteria are considered by the Case Officer to be reasonable, they are the impact upon the public highway; topography, impact upon trees and ecology, impact upon traffic/highways; impact upon sports provision and lastly impact upon heritage. When this consideration is undertaken as to whether the impacts are minor, moderate or significant the proposed development known as Option 1 is shown to be the least "impactful". The Case Officer has visited the site and broadly agrees with the assessment that has been made.

In summary the proposed development is contrary to policy as set out above. The objection from Sport England is noted. In mitigation however that loss would be temporary and an appropriate condition will be applied to ensure the loss of playing field space is temporary and the road is removed and the land restored following the use of the bridge within a reasonable timeframe. The condition will require evidence of the agronomy of the existing land to be submitted to ensure the restoration is "in kind" and a programme of works for the restoration. The applicant has indicated that the restoration will take place a maximum of ten months after the first use of the new bridge.

It is worth noting that the playing fields have not been used now for a number of years so no existing users would be disadvantaged by the development. On balance it is considered that the proposal is acceptable however in accordance with

5.2 Highways

Policy PSP11 in compliance with the National Planning Policy Framework sets out that all new development should not have an unacceptable effect on road and highway safety. The NPPF actually expresses this in broader terms stating that development should only be refused where a severe impact upon Highway safety would result.

As set out above the purpose of the road is as a temporary replacement road while a replacement bridge is provided. An application has not been submitted for this structure at the current time. The road itself is proposed from Baden Road at the northern end of the playing fields heading south for some 280m across the playing fields to meet the existing hard standing parking area just to the north of Digitech Studio School. The access would make use of the existing dropped kerbs provided on Baden Road adjacent to the rear of residential

property 24 Deanery Road, and therefore the temporary access road junction would be in the form of a footway crossover design.

It should be noted that the new access road will not provide a footpath, this will form part of the bridge works but while works take place a temporary footbridge across the brook will be provided and a footpath diverted, this will also serve cyclists.

In terms of the use of the road, this would be largely by the existing Digitech School and the refurbished sports hall/gym when that is up and running. However, it is not envisaged that vehicles associated with drop off/pick up of students would divert and use the temporary access road. Based on the 2018 traffic survey it is envisaged that around 17 staff vehicle arrivals would occur in the morning peak hour. In the afternoon around 14 staff vehicle departures would occur. In the morning peak hour, the Majestic Gymnastics centre would be closed and therefore unlikely to generate any traffic flows. In the afternoon peak around 71 arrivals and 25 departures could occur over the hour, and in the evening peak hour on Baden Road 32 arrivals and same departures are envisaged. However as with Digitech it is likely that some drop off trips to the gymnastic centre would occur on local streets.

In summary subject to conditions to limit the time for the road to 12 months with the land being reinstated after and a condition to secure a detailed Construction Management Plan the proposal is considered acceptable in highways terms and will not result in any highway safety concerns.

5.3 Drainage/Flood Risk

There is no objection to the proposed development subject to informatives to remind the applicant of their duties and responsibilities to the water environment.

5.4 Visual Amenity and Heritage

The proposed access road notwithstanding that it is a temporary “structure” is not considered to have an adverse impact upon the visual amenity of the area. In addition given its location and the nature of the development it is not considered that the proposal would affect the setting/significance of the Grade II Summerhouse or the Conservation Area.

5.5 Other Issues

Concern has been raised that the proposed temporary access road is required to facilitate a future development of the former Grange School site and to allow the installation of an inappropriate enhanced crossing point of the Warmley Brook which in turn will be used as the means of accesses the new development (after which the temporary access will be removed|). It is indicated in the objection that the access currently being considered is a more appropriate design solution. It is indicated that the bridge would impact upon neighbouring occupiers, heritage features and ecology among other matters.

Firstly these concerns are noted however the Case Officer has to consider the proposal that is under consideration. While recognising the concerns raised in relation to the future bridge those are matters that would be considered as part of that application if and when it is received. The current proposal must be assessed against the material planning considerations that are relevant to it although of course the purpose of the structure as part of a longer term project is recognised.

5.6 Equalities

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

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

6. CONCLUSION

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

RECOMMENDATION

- 7.1 It is recommended that the application be **APPROVED** subject to the conditions written on the decision notice.
- 7.2 Authority is delegated to the Head of Environment and Community Services to refer the resolution to grant planning permission to the Secretary of State for Communities and Local Government.
- 7.3 Provided that the Secretary of State for Communities and Local Government does not recover the application for consideration, that Authority is delegated to the Head of Environment and Community Services to grant planning permission in accordance with the recommendation.

CONDITIONS

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

Reason

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

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

Received 14th July 2022

11.3M LARGE REFUSE VEHICLE
170 C SITE LOCATION PLAN
171 C BLOCK PLAN -AS EXISTING
175 C BLOCK PLAN -AS PROPOSED
2939.27 A SIGNAGE, CONTOURS AND STANDARD DETAILS

Reason

For the avoidance of doubt

3. Prior to the commencement of all works, (to include clearance of top soil) a scheme for the restoration of the land shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the baseline of agronomy of the existing playing field and a programme for the restoration works. All works shall take place in accordance with the approved scheme.

Reason

The design of the proposed access road does not include a pedestrian footway (temporary provision is to be provided via a temporary footbridge over Warmley Brook and a diverted footpath along Warmley Brook) as such it does not provide a permanent solution. The proposal requires the restoration of the existing playing fields. To accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP11 and PSP44 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

4. Reason

The design of the proposed access road does not include a pedestrian footway (temporary provision is to be provided via a temporary footbridge over Warmley Brook and a diverted footpath along Warmley Brook) as such it does not provide a permanent solution. To accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP11 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

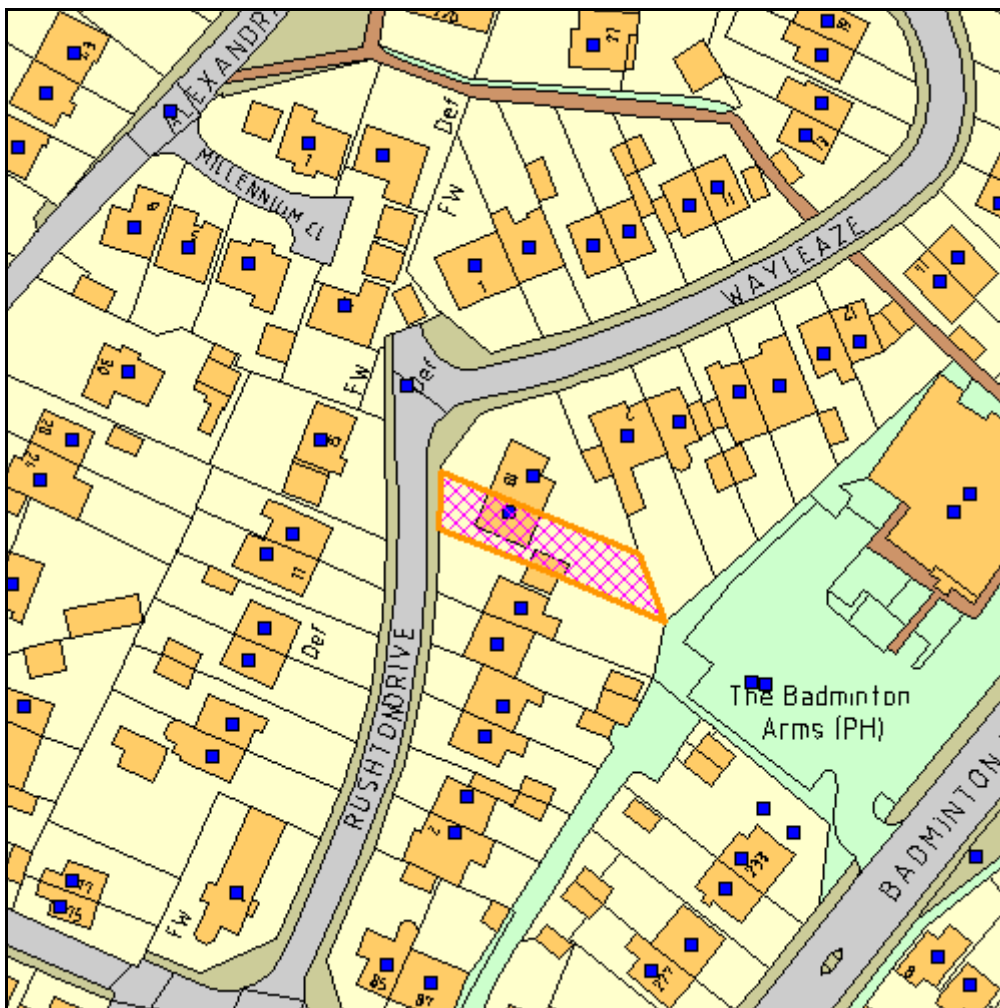
Reason:

In the interests of the amenity of the area and to accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy and PSP11 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

Case Officer: David Stockdale
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 51/22 - 23rd December 2022

| | | | |
|------------------------------|---|---------------------|----------------------------|
| App No.: | P22/06037/HH | Applicant: | Mr Humphreys |
| Site: | 14 Rushton Drive Coalpit Heath South Gloucestershire BS36 2PJ | Date Reg: | 26th October 2022 |
| Proposal: | Demolition of existing garage. Erection of two storey side and rear extension and single storey front and rear extensions to provide additional living accommodation and integral garage. | Parish: | Westerleigh Parish Council |
| Map Ref: | 367742 181289 | Ward: | Frampton Cotterell |
| Application Category: | Householder | Target Date: | 20th December 2022 |



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P22/06037/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 reception of an objection comment from the parish council, contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the demolition of existing garage and erection of following works to provide additional living accommodation and integral garage at 14 Rushton Drive, Coalpit Heath:
- Two-storey side and rear extension.
 - Single storey front and rear extension.
- 1.2 The applicant site comprises a modest plot with the host property itself forming a two-storey semi-detached dwelling. The dwellinghouse displays typical characteristics of the area and benefits from off street parking and a rear garden, providing the residents with ample amenity space. Likewise, it is recognised on-site development is not limited by any local development plan policies.

2. POLICY CONTEXT

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

2.2 Development Plans

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

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

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

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

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

3. RELEVANT PLANNING HISTORY

3.1 No relevant planning history.

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council

The Parish Council object to this application on the grounds of inappropriate design and non-compliance with PSP38.

4.2 Sustainable Transport Officer

No objections are raised in principle, but it is requested that matters relating to the number of bedrooms at the property are clarified as to help inform assessment against PSP16. Likewise, a condition is recommended to be attached to any permission with regard to the implementation of EV charging points.

4.3 Archaeology Officer

No comments received.

4.4 The Coal Authority

No objections but recommend an informative.

4.5 Local Residents

One letter has been received from a neighbour who has stated concern the proposed development may result in overshadowing and have a strong physical presence on their rear garden.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. The development is therefore acceptable in principle but will be determined against the analysis set out below.

5.2 Design and Visual Amenity

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

5.3 The proposed works would introduce a two-storey side extension projecting from the South elevation by approximately 2.8 meters that effectively elongates the host's ridge. At the rear, another two-storey extension is sought to be erected which would have a maximum depth of 3.5 meters and feature a hipped roof. Adjoining this would be a smaller single storey 'lean-to' extension, creating a combined width (with the two-storey) of 8.5 meters. The result of these works would facilitate the creation of a larger kitchen/diner, integral

garage, additional bathroom and capacity for 4th bedroom. Finishing materials are set to match the existing.

5.4 Whilst initial concern was raised regarding the increase in built form and the potential to create an unbalanced and potentially inappropriately designed property – making specific reference to the parish council’s objection at this juncture also – it is noted the largest of works would be attached to the rear elevation, meaning greater design tolerance is generally afforded to this façade as works as less prominent than if attached to the principal elevation. Notwithstanding this, it is the sitting of the applicant property (further forward than No.12 Rushton Drive to the South) that means the rear extension, at least when viewed from the side, is likely to be visible within the public realm and could appear at odds with the pattern of development in the street. However, properties within the immediate vicinity (the point at which Rushton Drive transitions into Wayleaze) do demonstrate a number of design quirks. Notably, the double side garage at No.15 Rushton Drive with front projecting gables, the oversized and angular two-storey extension to the adjoining neighbour (No.16 Rushton Drive), the large two-storey side extension at No.1 Wayleaze and the first-floor side extension over garage at No.2 Wayleaze. In essence, it is unlikely the proposed schedule of works would diminish the character of the area as to warrant refusal and due to this, complies with policies CS1 and PSP38.

5.5 Residential Amenity

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

5.6 When assessing the potential impact of the proposed development on residential amenity, the largest concern relates to the potential for overbearing effect to No.12 Rushton Drive (neighbour to South) due to the two-storey works. Here, the Householder Design Guide SPD advises those two-storey extensions which extend along a shared boundary generally have a strong physical presence upon the internal and external amenity spaces of neighbouring properties and present the possibility of breaching the 45-degree rule. This rule informs that no part of a proposed extension should break an angle of 45 degrees when drawn from the centre of a neighbouring window that serves a primary accommodation area e.g., kitchen or bedroom, helping to ensure adequate natural light remains as well as retaining a less disturbed outlook. With respect to this, and as indicated above, No.12 sits back from the host property (by an approximate 6.2 meters) meaning it is not physically possible to break the 45-degree angle towards the rear, but does suggest the outlook from the front windows of No.12 could be comprised. However, the diagram below confirms that whilst there would be a breach in 45 degrees from the first floor left-hand side window, it would only be of minor extent and does not warrant a refusal in this instance.

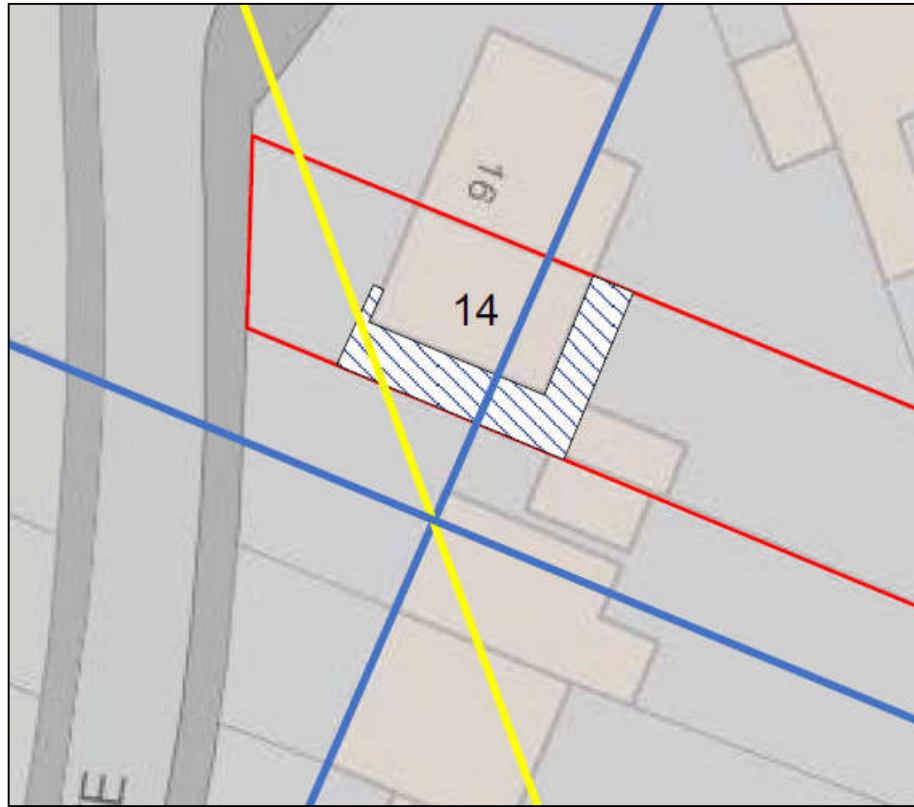


DIAGRAM 1: 45 degree intersection shown by yellow line.

- 5.7 Notwithstanding this and as the two-storey works also project southwards, there could be an impact on the ground floor access and first floor window of No.12 by means of restricting light due to shorter separation distances between side elevations. In this instance, No.12's first floor side window (as suggested by the floor plan layout) serves a landing, meaning it is not a primary living area and the ground floor access is exactly that i.e., not an area of high amenity. Due to this, loss of light to these opening does not warrant grounds for refusal, but, it would not be undue to attach a condition that ensure no new side windows are installed on the South Elevation without permission from the Council as to assess the potential for inter-visibility.
- 5.8 Lastly, the only other property that could be affected by the development is the property to North, No.16 Rushton Drive. However, the introduction of a single storey rear extension with a depth of 3.5 meters is highly unlikely to create an overbearing effect.

- 5.9 In light of the above considerations, the proposed development has demonstrated compliance with PSP8 subject to a condition preventing the applicant installing side windows on the South elevation. It would likewise be appropriate to attach a condition relating to working hours as the host property is situated within a highly residential environment and would be best to reduce noise disturbance during the construction phase.
- 5.10 Private Amenity Space
Policy PSP43 states that residential units, including those that are subject to development, are expected to have access to private amenity space that is: functional and safe; of a sufficient size in relation to occupants; and, be easily accessible. As the proposal does not reduce access to the rear garden, the officer is satisfied private amenity space for the host property would remain intact and as such, the development proposal would comply with PSP43.
- 5.11 Transport
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.
- 5.12 No changes are proposed to the existing access and as such, no objection is raised with regard to PSP11.
- 5.13 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 2no. on-site parking spaces. Whilst the submitted evidence has not provided any indication of the existing on-site capacity and the concerns of the transport officer are noted, aerial imagery confirms the site could accommodate 1no. vehicle. Further to this, there is availability for on-street parking within close proximity to the host dwelling which would not prejudice access to other road users. Due to this, no parking objection is raised.
- 5.14 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act, the public sector equality duty came into force. Among other things, those subject to the equality duty must have due regard to: eliminate unlawful discrimination; harassment and victimisation; advance equality of opportunity; and, foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

CONDITIONS

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

Reason

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

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

Reason

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the South elevation of the property.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy PSP8 of the Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

4. The hours of working on site during the period of construction shall be restricted to:

Monday - Friday.....8:00am - 5:00pm

Saturday.....8:30am - 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 residential amenity of the neighbouring occupiers and to accord with Policy PSP8 of the Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

5. The development hereby approved shall be completed in strict accordance with the following plans (received 19th October):

Existing Plans and Elevations

Proposed Plans and Elevations

3d views

Reason

To define the extent and terms of the permission.

Case Officer: Ben France

Authorising Officer: David Stockdale