



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS  
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY  
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

**CIRCULATED SCHEDULE NO. 48/17**

**Date to Members: 01/12/2017**

**Member's Deadline: 07/12/2017 (5.00pm)**

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by the Planning and Transportation Committee on 21 November 1996. The procedure is designed to increase the effectiveness and efficiency of the Development Control Service. Under the arrangement reports are circulated on a weekly basis.

The reports assess the application, consider representations which have been received, and make a recommendation regarding the proposal. The procedure is designed to ensure that Members are aware of any concern expressed by interested parties in their ward and indicate a recommendation.

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **by email within five working days of the publication of the schedule (by 5pm)**. If there has been no 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, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee**

**PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.**

## **NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS**

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Environment of Community Services know 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 the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk) providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Development Control Committees or under delegated powers including:

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development

## **GUIDANCE FOR 'REFERRING' APPLICATIONS**

Members are entitled to refer any application for consideration by the relevant DC Committee or Sites Inspection Committee, before a decision has been made. However as call-ins will delay the decision on an application and in the interests of improving the effectiveness and efficiency of the Development Control service, this option should only be exercised after careful consideration. Members are therefore asked to take account of the following advice:

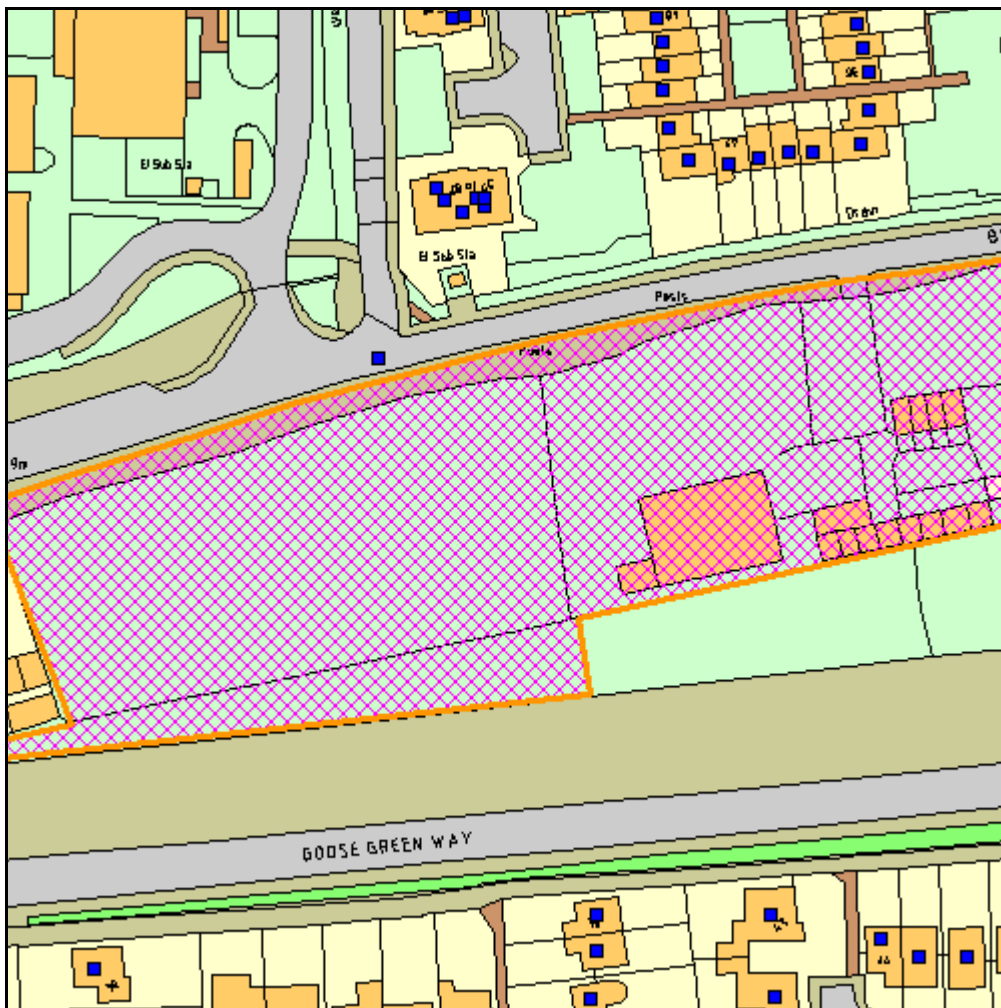
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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**
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.**
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

# CIRCULATED SCHEDULE 01 December 2017-

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/2020/F	Approved Subject to	Amberley Lodge 4 Broad Lane Yate South Gloucestershire BS37 7LA	Yate North	Yate Town
2	PK17/4281/F	Approve with Conditions	Llanberis High Street Hawkesbury Upton South Gloucestershire GL9 1AU	Cotswold Edge	Hawkesbury Parish Council
3	PK17/4453/ADV	Approve	White Lion Public House Church Road Yate South Gloucestershire BS37 5BG	Yate Central	Yate Town
4	PK17/4478/LB	Approve with Conditions	White Lion Public House Church Road Yate South Gloucestershire BS37 5BG	Yate Central	Yate Town
5	PK17/4811/TCA	No Objection	3 Church Farm Paddock Church Road Bitton South Gloucestershire BS30 6HW	Bitton	Bitton Parish Council
6	PT16/6745/O	Approve with Conditions	Castle Quarry West Street Tytherington South Gloucestershire GL12 8UQ	Ladden Brook	Tytherington Parish Council
7	PT17/1330/F	Approve with Conditions	Land Rear Of Kilgobbin House Wotton Road Rangeworthy South Gloucestershire BS37 7NB	Ladden Brook	Rangeworthy Parish Council
8	PT17/2904/O	Approve with Conditions	Paddock To Northeast Of 119 Road Frampton Cotterell South Gloucestershire BS36 2AU	Frampton Cotterell	Frampton Cotterell Parish Council
9	PT17/3884/PDR	Approve with Conditions	63 Wright Way Stoke Gifford South Gloucestershire	Frenchay And Stoke Park	Stoke Gifford Parish Council
10	PT17/4577/F	Approve with Conditions	8 Falcon Walk Patchway South Gloucestershire BS34 5RZ	Patchway	Patchway Town Council
11	PT17/4846/F	Approve with Conditions	35 Braemar Avenue Filton South Gloucestershire BS7 0TF	Filton	Filton Town Council
12	PT17/4890/TRE	Approve with Conditions	84 Rectory Road Frampton Cotterell South Gloucestershire BS36 2BT	Frampton Cotterell	Frampton Cotterell Parish Council

CIRCULATED SCHEDULE NO. 48/17 – 1 DECEMBER 2017

<b>App No.:</b>	PK17/2020/F	<b>Applicant:</b>	Mrs Sarah KayNewland Homes Ltd
<b>Site:</b>	Amberley Lodge 4 Broad Lane Yate Bristol South Gloucestershire BS37 7LA	<b>Date Reg:</b>	23rd May 2017
<b>Proposal:</b>	Demolition of existing agricultural buildings. Erection of 26 no new dwellings with garages, parking and associated works.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370864 183749	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Major	<b>Target Date:</b>	4th August 2017



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100023410, 2008. N.T.S. PK17/2020/F

The application is referred to the Circulated Schedule as there is an objection comment received, contrary to the officer recommendation to approve the development.

The approval of the application would also be subject to a s106 legal agreement.

## 1. **THE PROPOSAL**

The application site is located between Broad Lane (to the North) and Goose Green Way (B4059) (to the South). Brimsham Green Secondary School is located due Northwest of the application site. Approximately 35 metres of Broad Lane to the front of the application site is closed off to vehicular traffic. The site is within the Yate and Chipping Sodbury Urban Area.

The site is currently made up of open land with a number of buildings which historically have been in an agricultural use. Access to the site is from Broad Lane a number of field access gates.

The planning application details the development of 26 dwellings, garages and associated access. The proposed access would be via two separate vehicular access points at the West and at the East parts of the application site. It is also proposed to include a pedestrian access centrally from Broad Lane.

Public Right of Way LYA66 and the Avon Cycle Way follow the route of Broad Lane immediately to the North of the application site.

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework  
Planning Policy Guidance

### 2.2 Development Plans

#### The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
CS24	Green Infrastructure, Sport and Recreation Standards
CS30	Yate and Chipping Sodbury

### 2.3 South Gloucestershire Local Plan: Proposed Submission: 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
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP43	Private Amenity Space

#### 2.4 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted)

The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.

Affordable Housing SPD Adopted Sept.2008.

South Gloucestershire Council Residential Parking Standards (SPD) Adopted (2013)

### 3. RELEVANT PLANNING HISTORY

3.1 None in relation to the application site.

#### 3.2 Adjacent Site at 4 Broad Lane

- i) PK16/5622/O Demolition of existing dwelling and outbuildings and erection of 5no. dwellings with associated works (Outline) with access to be determined. All other matters reserved.

Approved 31<sup>st</sup> March 2017.

- ii) PK17/2712/RM Approval of the appearance, landscaping, layout and scale in relation to the erection of 5no. dwellings with associated works. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK16/5622/O).

Approved 27<sup>th</sup> October 2017.

### 4. CONSULTATION RESPONSES

A summary of the comments received from South Gloucestershire Council Specialist Officers, External Agencies and the Local Parish/Town Council is provided below;

#### 4.1 Yate Town Council

Object on the following grounds;

Concerns about additional traffic movement on Broad Lane in conflict with pedestrians and cyclist during peak times

The development would result in 3 exits onto Broad Lane

The existing pavement on Broad Lane is too narrow to accommodate school children who walk to school. The nature of the road is such that pedestrians can use the full width of the road.

Widening the pavement over the ditch rather than widening the road

Remodelling of the mini roundabout would be necessary to accommodate the development as would clear markings to facilitate access to YOSC

Consultations should include the School and YOSC

The hedgerow facing Goose Green Way should be retained outside the ownership of new home owners.

4.2 Urban Design Officer

No objection in principle. The Urban Design Officer considers that the basic design principles are sound. However, it is suggested that more refinement is carried out.

4.3 Sustainable Transport (Highway Authority)

No Objection in principle

4.4 Environmental Health Officer (Noise)

No Objection in principle subject to the provision of the noise mitigation (against noise from Goose Green Way) as detailed in Matrix Acoustic Design Consultants, Noise Impact Assessment, Acoustics Report M1631/R01a, dated 4th November 2016

4.5 Environmental Health (Land Contamination)

No objection. The updated Nichols Colton Report – Interpretative Report on a Ground Investigation has been considered. The EHO has confirmed that the conclusions of the report are acceptable and there is no requirement for a condition relating to land contamination

4.6 Lead Local Flood Engineer

No objection

4.7 Housing Enabling

The development triggers the requirement to provide Affordable Housing as follows;

*Social Rent Tenure*

2 x 1 bed 2 person flats @ 50m

1 x 2 bed 4 person house @ 79m<sup>2</sup>

2 x 3 bed house 5 person house @ 93m<sup>2</sup>

*Shared Ownership Tenure*

1 x 2 bed 4 person house @79m<sup>2</sup>

1 x 3 bed 5 person house @ 93m<sup>2</sup>

The applicant has agreed to this requirement in principle.

4.8 Public Open Space

No objection in principle subject to the following contribution towards the provision of off-site public open space

Off-site POS provision/ enhancement contribution	£85,578.20
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Off-site POS maintenance contribution	£61,271.39
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Total contribution	£146849.59
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4.9 Arboricultural Officer

No objection in principle. The development should proceed in accordance with the agree Arboricultural Method Statement and Tree Protection Plan

4.10 Arts Development Officer

Wishes to make no comment

4.11 Archaeology Officer

No objection in principle subject to further investigation works (secured by planning condition).

4.12 Waste Engineer

No objection in principle

4.13 Ecology Officer

No objection subject to a condition to secure the details of external lighting prior to the first occupation of the development.

4.14 Public Rights of Way Team

Concern is raised as to the impact of the development on Public Right of Way LYA66 as the definitive route shows that this runs partially within the site and the adjacent highway. The PROW team also raised concerns about the impact of the development upon the use of the Avon Cycle Way which passes. The concerns raised relate to pedestrian and cyclist safety as a result of potential conflict with additional movements resulting from the development.

**Other Representations**

4.15 Local Residents

No comments have been received.

**5. ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the demolition of existing structures/buildings on the site and the construction of 26 new residential dwellings. The development would provide 13 detached dwelling-houses, 11 semi-detached dwelling-houses and 2 flats. The development includes the provision of 7 Affordable Housing Units.

5.2 Principle of Development

The National Planning Policy Framework (NPPF) makes a strong presumption in favour of Sustainable Development. In respect of decision making,



paragraph 14 of the NPPF sets out that Local Planning Authorities should approve development proposals without delay where they accord with the local development plan, unless other material planning considerations indicate otherwise.

- 5.3 The South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 together with the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 form the adopted local development plan. Policy CS5 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013 encourage new residential development into the Urban Areas, whilst policy CS30 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013 encourages the provision of new housing in the Yate and Chipping Sodbury Urban Area in line with Housing policy CS15 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013.
- 5.4 The planning application details the provision of new dwellings within the Yate and Chipping Sodbury Urban Area. It includes a good mix of housing types including Affordable Housing. Accordingly, the proposed development is consistent with the scope of the above planning policies and the development is acceptable in principle; subject to the detailed consideration set out below.
- 5.5 Five Year Housing Land Supply  
At this time, South Gloucestershire Council cannot demonstrate that it has a five year supply of housing land. The proposed development would provide 26 dwellings towards the current deficit. Furthermore, it is likely that the developer would deliver the proposed dwellings within 5 years. Whilst the amount of housing is relatively modest, the delivery of it would bring a positive benefit to which officers afford modest weight.
- 5.6 Agricultural Land Impact  
Whilst the site lies within the Yate and Chipping Sodbury Urban Area, the application site is recognised as agricultural land. At this time the land is not being used for agricultural purposes. Nonetheless, the site would still be available for agricultural purposes.
- 5.7 The site measures 0.84 hectares. The site is surrounded by urban development and as such would not likely provide a viable agricultural use. Given the condition of the site and its overall area, it is unlikely to provide high quality agricultural land that should otherwise be retained. On this basis, officers are satisfied that the loss of the agricultural land would not result in a material impact in respect of the retention of high quality agricultural land; and limited weight is afforded to this impact.
- 5.8 Design and Layout  
The proposed development would provide 26 dwellings comprising of 13 detached dwellings, 11 semi-detached dwellings and 2 flats; as well as associated garage building and access roads.
- 5.9 Access to the site is from two separate access points onto Broad Lane and this accounts for the fact that Broad Lane has been closed to through traffic. This has the effect of splitting the site into two parts in access terms with plots 1 to

11 being served from Broad Lane 'West' and the remaining plots 12 to 26 being served from Broad Lane 'East'.

- 5.10 Notwithstanding the above, the layout of the proposed development is such that it would read as one when viewed from the surrounding public realm and in particular from Broad Lane. In particular, dwellings would face onto Broad Lane and in turn would sit behind the existing hedge to be retained as part of the development. This would give the impression of a continuous street frontage. The development would provide a good mix of housing styles. Whilst there are 'standard housing types' proposed, there is a varied selection throughout the proposal. The dwellings are relatively modest in scale and utilise traditional detailing throughout. It is proposed to utilise a strong pallet of materials to provide a distinctive development. The comments of the Urban Design Officer are noted, and the applicant has acted to improve the general detailing of the development through discussion with officers.
- 5.11 The general area is dominated by modern housing development. However, there are features such as the existing hedgerow and traditional cottages present in the immediate locality. The proposed development would retain the existing hedge and therefore reference to the rural nature of the lane. Similarly, the design of the dwellings reflects the more traditional modest form present nearby.
- 5.12 Accordingly, officers are satisfied that the proposed development would provide a good quality residential development that would not act to undermine the general character of the locality.
- 5.13 Landscape Considerations  
The site currently consists of a series of neglected buildings and sheds. The site is not a 'designated green space' under PSP4 of the South Gloucestershire Policies Sites and Places Plan (adopted) November 2017. It is enclosed by an existing hedgerow on its Northern and Southern boundaries. The site itself has remained undeveloped whilst there has been considerable development of housing and a school in the immediate vicinity of the site. Whilst the site has become unkempt, it is reflective of the more rural character of broad lane which existing historically. Nonetheless the historical rural character has been significantly eroded with the onset of more recent development. Furthermore, whilst the site does offer some landscape value in terms of its open nature, this benefit is somewhat eroded by the back drop of urban development that it relates to and as such is given limited weight in the consideration of this application.
- 5.14 As set out above, officers are satisfied that the proposed development is well designed. It would act to retain the existing hedges associated with the traditional 'rural' lane and in so doing retain historical landscape features that have survived the onset of development in the surrounding area. Views of the development from Broad Lane and from Goose Green Way (to the South) would be obscured by the hedge and this would soften the impact of the built form of development.

- 5.16 Part of the application site would provide an extended area of open landscaped space in the Southwest part of the site. This would contain part of the proposed 'sustainable drainage measures' (this is discussed later in this report) and would form an area of private shared open space. The area would be subject to a landscape management plan and is to be managed by a private landscape management company. For the avoidance of doubt this area of land is not to the public and as such does not count towards the provision of *public* open space. In this instance, the landscape management plan can be secured by way of an appropriately worded condition in the event that approval is granted.
- 5.17 A close boarded fence would be introduced along the Southern Boundary of this area of open space. This would act as noise attenuation in the first instance. However, given the topography of the site this fence is not required to exceed 1.8 metres in height such that its impact is not significant. New trees would also be introduced in this area and this would improve the general landscape character of the site when viewed from Goose Green Way. The landscaping of the site itself is can be secured by way of an appropriately worded condition in the event that approval is granted.
- 5.18 On this basis, officers are satisfied that the development is acceptable in landscape terms.
- 5.19 Residential Amenity  
The site is flanked on its West and East boundaries by existing dwellings. The existing dwelling to the East is part of an existing planning permission associated with the adjacent site and would be demolished as part of a residential redevelopment of that site to provide five new dwellings (the site at 4 Broad Lane as detailed in section 3 of this report). Existing residential development also exists to the North of the site and this is separated from it by Broad Lane and associated hedge on its Northern side. Similarly, residential development to the South is separated from the site by Goose Green Way which includes a substantial verge.
- 5.20 Officers are satisfied that the relationship of the proposed development and the existing residential areas surrounding the site is acceptable. Similarly, the proposed development has been designed with the adjacent planning permission in mind and as such provides an acceptable relationship with this development.
- 5.21 The general layout of the proposed development is considered to be well designed. Although there would be some views across neighbouring properties in the proposed development, this is consistent with a typical sub-urban relationship; and there would be no direct inter-visibility between the proposed dwellings. The development as a whole would provide sufficient private amenity space for individual dwellings consistent with the requirements of policy PSP8 and PSP34 of the South Gloucestershire Policies Sites and Places Plan (adopted) November 2017.
- 5.22 The site is located between 20 and 30 metres to the North of Goose Green Way. This is a relatively busy route into and out of Yate Town Centre and as such would generate higher levels of traffic noise especially during the peak

hours. In order to mitigate this, the development includes an acoustic attenuation fence (1.8 metres in height) along the Western 80 metres of the site facing towards Goose Green Way.

5.23 Having regards to the above, it is considered that the development is acceptable in residential amenity terms.

5.24 Drainage Issues

The proposed development includes comprehensive surface water and domestic drainage measures. These have been agreed by the Lead Local Flood Authority and as such officers are satisfied that the drainage of the development can be achieved through appropriate sustainable methods. The implementation and management of the drainage scheme can be secured by way of an appropriately worded condition. Subject to that condition, the proposed development is acceptable in drainage terms.

5.25 Ecological Considerations

The application is supported by a comprehensive ecological assessment. The Ecological Officer has confirmed that the findings of the assessment are acceptable and demonstrate that there is no ecological constraint affecting the proposed development. However, a condition is requested so as to control the provision of external lighting as part of the development. This would ensure that the external lighting is designed to minimise the impact on the ecological value of the wider locality. Subject to that condition, the proposed development is acceptable in ecological terms.

5.26 Affordable Housing

The proposed development triggers the threshold for affordable housing to be delivered as part of the development. The basic requirement is that a total of 7 affordable units are provided.

5.27 In this instance, the Housing Enabling Officer has specified a housing mix as follows;

*Social Rent*

2 x 1 bed 2 person flats @ 50m  
1 x 2 bed 4 person house @ 79m<sup>2</sup>  
2 x 3 bed house 5 person house @ 93m<sup>2</sup>

*Shared Ownership*

1 x 2 bed 4 person house @79m<sup>2</sup>  
1 x 3 bed 5 person house @ 93m<sup>2</sup>

5.28 The applicant has agreed to provide the requested Affordable Housing within the development as requested. The Housing Enabling Officer has confirmed that the development would provide the appropriate mix of affordable units and that these would be located appropriately within the development. Officers are therefore satisfied that the proposed development is consistent with the requirements of policy CS18 of the South Gloucestershire Local Plan; Core Strategy. This can be secured by way of appropriate legal agreement.

5.29 Community Infrastructure (Open Space)

Based upon the projected population of the proposed development it would generate the requirement to provide the following in respect of public open space to offset the impact of the development in that regard.

i)	Natural and semi natural open space	909.00 sqm
ii)	Outdoor sports facilities	969.60 sqm
iii)	Provision for children and young people	144.00 sqm

5.30 However, there is not sufficient space within the development to provide the required level of open space as set out above. Whilst the development will provide private open space (as part of the sustainable drainage measures) this would not be publically accessible and cannot be included within the above requirements.

5.31 Accordingly, a financial contribution is requested in order to provide off-site provision of and/or improvements to existing open space in the locality; along with a proportionate amount for the maintenance of that provision. This is as follows;

i)	Off-site POS provision/ enhancement contribution	£85,578.20
ii)	Off-site POS maintenance contribution	£61,271.39
	Total contribution	£146849.59

5.32 The funds would be directed to improvements at the following sites;

- i) Goose Green Fields Nature Reserve and/or management of River Frome (Natural and Semi-natural Open Space)
- ii) Brimsham Green School/YOSC (Outdoor Sports Facilities)
- iii) Millside Play Zone (Provision for Children and Young people)

5.33 The developer has agreed to meet this obligation in full. On this basis, officers are satisfied that sufficient mitigation is provided in order to offset the impact of it in respect of the provision of public open space; and as such the development is consistent with Policy CS24 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013. This can be secured by way of appropriate legal agreement.

5.34 Highway Safety and Amenity

Access to the site is from Broad Lane. In this instance, Broad Lane is closed to through traffic via a short length of pedestrianised area immediately to the North of the site. This is controlled by a Traffic Regulation Order (TRO). Accordingly, vehicular access into the proposed development would be split into two, either side of the pedestrianised area.

- 5.35 As set out earlier in the report, Broad Lane forms part of the Avon Cycle Way and follows the line of an existing Public Right of Way. Whilst the definitive route is shown partially within the site (effectively over the existing ditch) the route actually used follows the line of Broad Lane.
- 5.36 Through negotiation, officers have secured a comprehensive suite of highway improvements. This includes the provision of an extension to the existing pedestrianised area via a revised TRO. The works would also provide a new 3 metre wide footway/cycle way that would connect to the wider pedestrian/cycle network; and into the nearby residential development via a raised table at the Eastern end of Broad Lane. Whilst the West part of Broad Lane at the frontage of the site would not include a new footway, provision is made within the development for a pedestrian route heading westward and in turn this links to the existing footway on Broad Lane via a new crossing to be provided as part of the proposed development. Officers are satisfied that these highway improvements would provide appropriate mitigation in respect of the highway safety impact of the development consistent with its scale. Furthermore, officers are satisfied that the works would act to improve the amenity and safety of this stretch of the Avon Cycle Way and the adjacent Public Rights of Way.
- 5.37 Officers acknowledge that there is concern raised by the Public Rights of Way team about the impact of the proposed development on the use of the Public Right of Way. Officers also acknowledge that this part of Broad Lane is on the pedestrian Route to Brimsham School. The proposed development would result in an increase in the movement of vehicles accessing the site along Broad Lane. However, given the extent of the highway improvements proposed in the context of the surrounding locality and wider vehicle movements, the scale and access arrangements of the proposed development, officers are satisfied that this impact would not be severe. Indeed, officers are satisfied that the highway works would act to positively mitigate this impact. The highway works can be secured by way of appropriate legal agreement.
- 5.38 Officers are satisfied that the layout of the development would facilitate the safe movement of vehicles (including larger vehicles) within the site. There is also adequate off street parking space proposed as part of the development such that the proposal is consistent with Policy PSP11 and PSP16 of the South Gloucestershire Policies Sites and Places Plan (adopted) November 2017.
- 5.39 Construction Phase  
The application is supported by a Construction Management Plan. This sets out methods for the management of the construction phase of the development. It includes the means of delivery to the site and working hours as well as wheel washing/road cleaning measures. Officers are satisfied that this provides the appropriate measures for protecting residential amenity and highway safety and amenity during the construction phase and this can be secured by way of an appropriately worded condition in the event of approval.
- 5.40 Planning Obligations  
The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and 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.

5.41 In this instance, no more than five legal agreements have been secured in respect of projects in the locations that would benefit from the obligations. Officers are therefore satisfied that the planning obligations required to secure affordable housing, public open space and highway improvements are consistent with the CIL Regulations (Regulation 122).

5.42 Other Issues

Yate Town Council has commented that it believes that consultations should include the School and Yate Outdoor Sports Centre (YOSC). For the avoidance of doubt, Brimsham School have been consulted directly and have not responded, in this instance.

5.43 YOSC fall outside the consultation catchment in respect of this development and as such have not been consulted. A site notice has been posted at the site, whilst direct consultations have gone to properties within 100 metres from the development site. Accordingly, officers are satisfied that the appropriate level of consultation has been carried out in accordance with the South Gloucestershire Council Statement of Community Involvement.

5.44 Officers appreciate that Yate Town Council are concerned about potential conflict in the highway resulting from the new residents of the development and existing users of the school and nearby sports facilities. This issue of highway safety has been fully addressed in the main body of this report.

5.45 The Planning Balance

Officers acknowledge that there would be limited harm to the general character of the locality and landscape as a result of this proposal. However, there is adequate mitigation available, in the form of additional onsite landscaping so as to reduce this impact to a negligible level. Similarly, the impact of additional traffic accessing the proposed residential dwellings on the site would not result in a severe highway impact, including the use of the nearby PROW. Furthermore, this impact can be adequately mitigated through the provision of appropriate highway improvements. In contrast, there are considerable benefits resulting from the proposed development and in particular the provision of 26 new dwellings towards the provision of a 5 year supply of housing and this would include the provision of 7 new Affordable Homes. Other benefits include improvements to the access to the nearby schools through highway improvements. Officers consider that the benefits of the development far outweigh the limited harm and is fully in accordance with the principle sustainability objective set out in the National Planning Policy Framework.

#### 5.46 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.

5.47 With regards to the above this planning application is considered to have a beneficial impact on equality. The proposed development would be required to comply with relevant building regulations and Affordable Housing standards and would provide accessible housing within the development.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

i) Affordable Housing

*Social Rent*

2 x 1 bed 2 person flats @ 50m<sup>2</sup>

1 x 2 bed 4 person house @ 79m<sup>2</sup>

2 x 3 bed house 5 person house @ 93m<sup>2</sup>

*Shared Ownership*

1 x 2 bed 4 person house @79m<sup>2</sup>

1 x 3 bed 5 person house @ 93m<sup>2</sup>



Reason

In order to secure the appropriate level of affordable housing and to comply with Policy CS18 of the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2013.

ii) Public Open Space Enhancement

A financial contribution of **£85,578.20** towards the provision and/or enhancement of public open-space; and **£61,271.39** towards the maintenance of that provision. The areas of public open-space that benefit from the contribution are;

Reason

To offset the impact of the development upon public open-space provision in the locality and to comply with saved Policy CS24 of the South Gloucestershire Core Strategy, Local Plan (adopted) January 2013

iii) Highway Improvements

*Broad Lane East*

- a) *Construct a new junction on Broad Lane to serve the new development plus construction of a new 3m wide shared 'cycle/footway' along the site frontage on southern side of Broad Lane as shown on plan (drawing no. 701-100 rev 'D'). For the avoidance of doubt, the new cycle/footway shall be connected to a cycleway to be also constructed along Amberley Lodge before it is connected to the existing cycleway that runs along Laddon Mead development to the east of this site together with all associated works including drainage and lighting, signage etc.*
- b) *Construct a new traffic calming feature in form of a "Raised Table" on Broad Lane as shown in principal on plan (drawing no. 701-100 rev 'D') together with all associated highway works.*
- c) *Extend the existing 'TRO' on Broad Lane in order to provide a longer length of 'non-motorised traffic zone' together with all associated works as shown in principal on plan (drawing no. 701-100 rev 'D'). Furthermore, extend the 20mph speed limit on Broad Lane East through promotion of a new 'TRO'.*

*Broad Lane West*

- d) *Construct a new junction on Broad lane to serve the new development with a new footway and crossing as shown in principal on the plan (i.e. drawing no. 701-100 rev 'D') together with all associated works.*

- 7.2 That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

- 7.3 Should the agreement not be completed within 6 months of the date of the committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

**Contact Officer: Simon Penketh**  
**Tel. No. 01454 863433**

### **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. Highway Improvements

The development hereby approved shall not be occupied until the highway improvements detailed upon drawing number 701-100 Rev D (as received by the Local Planning Authority on 16th August 2017) and 214-103S278 (as received by the Local Planning Authority on 31st October 2017) are fully implemented.

Reason

In the interests of public and 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.

3. Landscaping

The landscaping of the site shall be provided strictly in accordance with the details provided in drawing number 17/446/01 C as received by the Local Planning Authority on 9th November 2017 in the next available planting season following the completion of the development. Thereafter the landscaping shall be maintained strictly in accordance with the 10 Year Maintenance Programme and the Landscape Maintenance Plan Rec C (Drawing) received by the Local Planning Authority on 9th November 2017.

Reason

In the interests of the character and visual amenity of the site and the surrounding location and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted December 2013; and Policy PSP2 and PSP3 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

4. SuDS Drainage Plan/Maintenance

The surface water drainage of the site shall be provided strictly in accordance with the details provided in drawing number 214-154-1 (External Works Details - Domestic Drainage) and in drawing number 214-142-1 (Drainage and Levels Layout) as received by the Local Planning Authority on 24th October 2017. Thereafter the landscaping shall be maintained strictly in accordance with the SuDS Maintenance Manual (ref 214-RP-05-01 Rev A) as received by the Local Planning Authority on 9th November 2017.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP20 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

5. External Lighting

No external lighting shall be installed on the site unless details of which have been provided to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details and retained as such.

Reason

In the interests of the ecological value of the site and the surrounding locality and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and policy PSP19 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

6. Construction Management Plan

The development hereby permitted shall be implemented strictly in accordance with the Construction Management Plan as received by the Local Planning Authority on 14th November 2017.

Reason

To protect the residential amenity of the occupants of nearby dwellings, and to protect the safety and amenity of the local highway network; and to comply with Policy CS1 and CS8 of the South Gloucestershire Local Plan, Core Strategy (adopted December 2013) and Policies PSP1 and PSP21 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

7. Acoustic Fence

The development hereby approved shall not be occupied until the acoustic fence has been fully implemented in accordance with the detailed provided in the Acoustic Report (Matrix Acoustic Design Consultants, Noise Impact Assessment, Acoustics Report M1631/R01a, Dated 4th November 2016).



10 Year Maintenance Programme (revised 9th November 2017)  
Landscape Maintenance Plan Rev C (Drawing)  
214-RP-05-01 Rev A SuDS Maintenance Manual

As received by the Local Planning Authority on 9th November 2017

Reason

For the avoidance of doubt



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

The application received a comment from the Parish Council which is contrary to the Officer recommendation. As such, according to the current scheme of delegation is being placed on the Circulated Schedule.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the demolition of a rear porch, and partial demolition of the boundary wall. Also, the erection of a single storey rear extension, and installation of 2no. dormer windows.
- 1.2 The property site relates to a detached dwelling that is located within the settlement boundary of Hawkesbury Upton. The application site is located within the Cotswolds Area of Natural Beauty and 25m from the Listed Buildings 'Blue Boy House' and the 'Malthouse Cottage'.

### **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

CS9 Managing the Environment and Heritage

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP8 Residential Amenity

PSP16 Parking Standards

PSP17 Heritage Assets and the Historic Environment

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Residential Parking Standards (Adopted) 2013

Chipping Sodbury Conservation Area (Adopted) 20017

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

- 3.1. P96/2437/C  
Conservation Area Consent (24.10.1996)

Re-roof and re-render small section of front elevation. Replace one window with one of similar design and size.

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

##### 4.1 Hawkesbury Parish Council

“The Parish Council objects (sustainable transport) to the planning application for the following reasons; No site plan provided-Insufficient information; Loss of parking places.”

##### Archaeology Officer

None received.

##### Conservation Officer

The Listed Building Officer confirms that the building is not listed or locally listed but is one of a number of historic buildings in the centre of the Hawkesbury Upton Conservation Area. It is a stone building, extended to the south with a rendered addition on a slightly narrower footprint and steeply pitched roofs covered in stone tiles, a traditional and vernacular material for the village.

The Conservation Officer has no objection in principle to the proposal but did suggest some alterations. The Case Officer spoke to the agent and applicant regarding the possible changes. However, these were not forthcoming.

Following a discussion with the Conservation Officer his comments relate to the design of the proposal and not its impact on either the setting of the Listed Buildings; or the impact on the wider Conservation Area.

##### Sustainable Transport

“Further to the earlier transportation comments, confirmation has been received that the development does not propose a loft conversion as part of this development and there will be no increase to the current number of bedrooms currently available. As such, no change to the existing vehicular access and parking as required as part of this development.

In light of the above, there is no transportation objection to the proposed development.”

##### Historic England

“Thank you for your letter of 11 October 2017 regarding the above application for planning permission. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions.”

#### **Other Representations**

##### 4.2 Local Residents

None received.



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy PSP38 of PSP Plan allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.

5.2 Additionally, Policy CS9 of the South Gloucestershire Core Strategy aims to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance. Similarly policy PSP2 will only permit development within a Conservation Area where it would preserve or enhance the character or appearance of the Conservation Area. The proposal accords with the principle of development subject to the consideration below.

### 5.3 Conservation Area and Design

Llanberis is not a Listed Building, or a Locally Listed Building; it is a small cottage with lime washed stonework elevations; a pitched tiled roof, timber windows and door; a small porch; a small side extension and a parking area to the rear.

### 5.4 *Single storey rear extension*

It is acknowledged that the single storey rear extension (3.7m deep) is large in comparison to the host dwelling (5.6m deep), and that the roof pitch is shallow in comparison to the host dwelling. However, following an investigation by the Case Officer; as the host dwelling is detached and has its permitted development rights intact; and the proposal is a rear and side extension that is less than 4m deep, 4m high, and less than half the width of the original house; and it will be constructed from stonework, (not stonework cladding as that is restricted on Article 2(3) land). The proposal would appear to fall within the permitted development criteria afforded to householders. However, by recommending full planning permission the Council is able to add additional conditions to the proposal. As the proposal is located on Article 2(3) land it is preferable to condition both the materials used and the plans submitted in order to ensure a high quality development.

### 5.5 *2no. rear dormer windows*

The dormer windows proposed would be located on the rear of the property, in line with the existing first floor windows. The design would match several properties on 'The Row' 17m to the east. The use of these are proposed to add additional light to the loft storage space and not to increase living accommodation. As noted by the Conservation Officer, while this is an expensive way of increasing light to the loft, as the design, materials and placement respect both the host property, the surrounding properties, and the wider Conservation Area, they are acceptable.

### 5.6 *Partial demolition of boundary wall*

Submitted plans show that the side of the extension proposed would be constructed from the same stonework used in the existing boundary wall.

Although the extension would be lime washed and the wall will remain stonework, the alteration is not considered to be detrimental to the street scene.

- 5.7 It is clear from the application that the applicants have taken care to source materials that would respect the original property, and the Conservation Area. The elevations would be quarried Cotswold limestone which would be lime washed; the lintels would be oak; the windows are to be purpose made and match the existing windows; the roof tiles of the extension would also be quarried Cotswold limestone, and the dormers reclaimed Cotswold stone tiles. The materials therefore are considered to respect the host dwelling and its context.
- 5.8 The proposals would not be detrimental to the character of the property or its context within the Conservation Area. Thus, the proposals are acceptable in terms of the impacts on the Conservation Area, design and visual amenity, and would comply with policies CS1 and CS9 of the Core Strategy; and policy PSP2 of the PSP Plan.
- 5.9 Residential Amenity  
PSP8 and PSP38 of the PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.10 The single storey rear extension windows would look out onto a space used for parking. The new window proposed to the side of the extension which would look out onto the High Street and would serve an entrance hall would result in no more of an impact on residential amenity than the existing windows on the host dwelling. The insertion of 2no. dormer windows would look onto a windowless gable end of the property Fernlea. As such are not considered to be detrimental to residential amenity.
- 5.11 Policy PSP43 of the PSP Plan requires a two bedroom dwelling to have residential property to have 50m<sup>2</sup> of private amenity space. Post development this property will have 70m<sup>2</sup>.
- 5.12 When considering the existing boundary, combined with the siting and scale of the proposal. The proposal would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Therefore, the development is deemed to comply with Policies PSP8 and PSP38 of the PSP Plan.
- 5.13 Highways  
The proposal does not affect current access, parking provision or bedroom numbers. As such, there are no highway objections.
- 5.14 Listed Building  
As noted in point 5.3; the proposal is not considered to impact on the settings of the Listed Buildings 'Blue Boy House' and the 'Malthouse Cottage'. This is due to the proposals location, being single storey and constructed from materials sympathetic to the area.

5.15 Other matters

The Case Officer contacted Hawkesbury Parish Council twice to redact the objection comment. This redaction was requested as a Site Plan was provided with the application; and the South Gloucestershire Transport Officer did not object to the proposal. This comment was not redacted, therefore the application is being placed on the circulated schedule.

5.16 Equalities

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

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

**6. CONCLUSION**

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

**7. RECOMMENDATION**

- 7.1 That the application be **APPROVED** subject to the condition(s) attached to the decision notice.

**Contact Officer: David Ditchett**  
**Tel. No.**

**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 off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those stated on the plans approved by the Council.

Reason

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

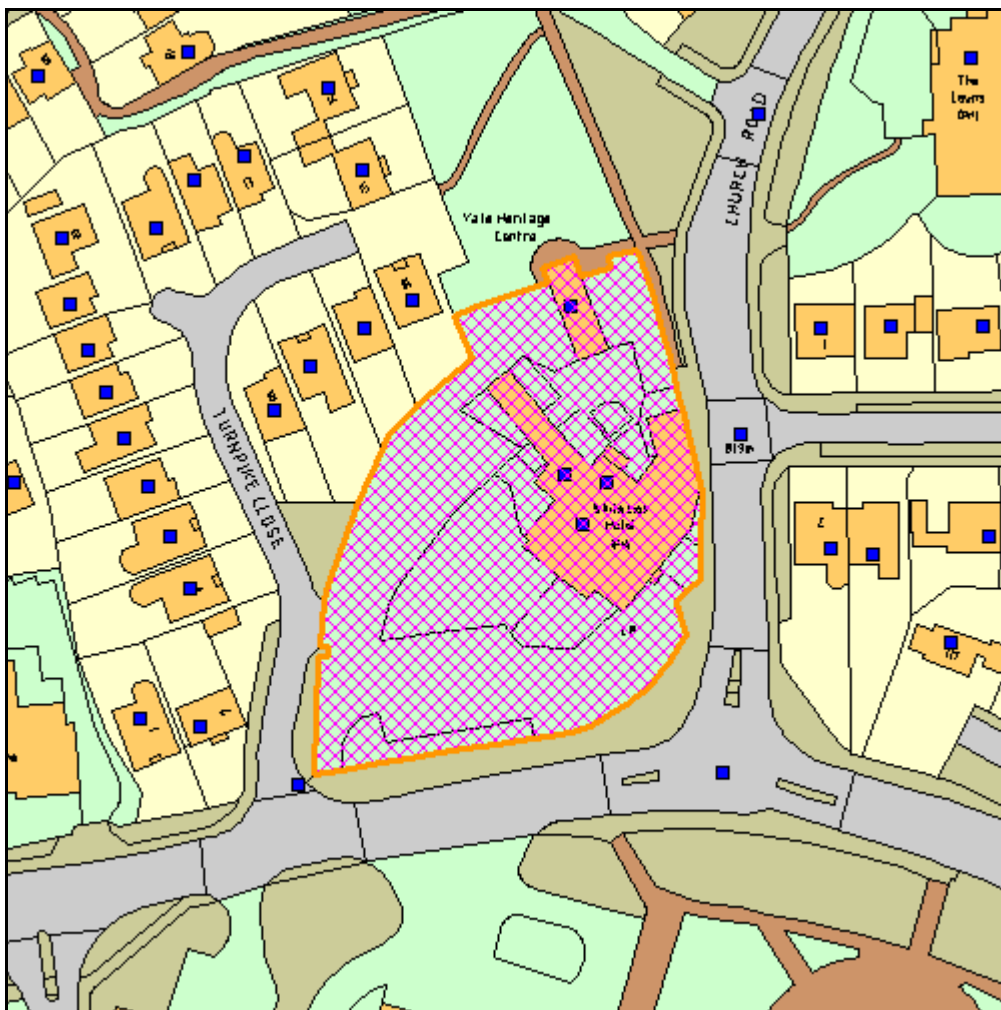
4. The development hereby approved shall be built in accordance with the plans approved by the Council.

Reason

To ensure a satisfactory standard of external appearance in the Cotswold Area of Natural Beauty, and to accord with and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 48/17 – 1 DECEMBER 2017**

<b>App No.:</b>	PK17/4453/ADV	<b>Applicant:</b>	Enterprise Inn
<b>Site:</b>	White Lion Public House Church Road Yate South Gloucestershire BS37 5BG	<b>Date Reg:</b>	5th October 2017
<b>Proposal:</b>	Display of 3no externally illuminated static fascia signs, 1no externally illuminated static hanging sign and 5no non illuminated hoarding signs.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371411 182670	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th November 2017



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## 1. THE PROPOSAL

- 1.1 The application seeks advertisement consent for the display of 3no internally illuminated fascia signs, 1no externally illuminated hanging sign and 5no non illuminated hoarding signs.
- 1.2 The application seeks listed building consent for the proposed installation of new and replacement signage at the White Lion, Church Road, Yate. The host property is a Grade II listed Public house with a vernacular appearance and white painted rendered and rubble elevations.
- 1.2 The proposal would replace existing signage and introduce some additional signage in a number of locations.
- 1.3 The proposal has been subject to a number of amendments following advice from the Listed Building and Conservation Officer.

## 2. POLICY CONTEXT

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Planning (Listed Buildings and Conservation Areas) Act 1990  
National Planning Policy Guidance 2014  
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)  
The Setting of Heritage Assets (GPA 3)
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS8 Transport  
CS9 Managing the Environment and Heritage  
  
South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017  
PSP1 Local Distinctiveness  
PSP17 Heritage Assets
- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007  
Shopfronts and Advertisements SPD (Adopted) 2012

## 3. RELEVANT PLANNING HISTORY

- 3.1 PK17/4478/LB – Currently under Consideration - Installation of exterior signage to include 8no fascia signs, 13no floodlights and 1no lantern.
- 3.2 PK12/3074/F – Approval – 14/01/2013 – Change of use of part ground floor from Public House Skittle Alley (Class A4) to Hair and Beauty Salon (Class A1) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).(Retrospective)
- 3.3 There are significant amount of other applications relating to the proposal site. To peruse these applications please use one of the above addresses and search on the following web address.

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

##### **4.1 Yate Town Council**

Objection – following resubmission they maintain their objection, particularly in relation to the proposed signage to the northern elevation.

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

###### **Transportation Officer**

No Objection

###### **Listed Building and Conservation Officer**

Although the timber fascia sign to the front roadside elevation remains excessive in scale, overall the amendments made to the scheme have addressed previous concerns and in light of the existing levels and quality of signage in situ on the building, the special architectural and historic character that this designated heritage asset can be considered to be preserved. Consequently there are no objections.

###### **Archaeological Officer**

No Comment

#### **Other Representations**

##### **4.3 Local Residents**

None Received

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

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

The NPPF specifically states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment and street scene. They should be subject to control only in the interest of amenity and public safety; whilst taking into account the cumulative impact advertisements may have. Consequently advertisements will be assessed with regard to visual amenity, cumulative impact and public safety. The site is an established public house and the proposals will largely replace existing signage.

##### **5.2 Visual Amenity**

The application relates to the installation of 3no internally illuminated fascia signs, 1no externally illuminated hanging sign and 5no non illuminated hoarding signs. The proposal site is a Grade II listed building; the impact on the heritage asset is primarily considered in the application for listed building consent. This report will consider the wider impact of the proposals. The proposals have been amended following officer advice and no longer include dark bands of colour or

a coloured side elevation. One illuminated fascia sign is still proposed with the original colour scheme but this is not seen as unusual and has a relatively standardised appearance for pub signage; comments from the Listed Building and Conservation Officer note this is quite large, however would not result in an unacceptable impact on the building. Furthermore this is not located on a principal elevation of the building and is not particularly prominent.

5.3 The proposals will largely replace existing signage with signs and writing that are less prominent. Two additional signs are proposed but these are not considered to result in a cluttered appearance and have been considered acceptable with regard to impact on the listed building. The design, size and scale of the signage is not considered inappropriate for the size of the building and the streetscene. Accordingly, the proposed signage is not considered to have a negative impact on the character of the area and would not cumulatively create an unacceptably cluttered appearance. Overall the proposed signage is considered acceptable.

5.4 Public Safety

The proposals will be located adjacent to the highway and pedestrian walkway, however they will replace existing signs in all but two locations. These are not considered to raise any material highway safety issues or have an unacceptable impact on the safety of nearby pedestrian walkways.

5.5 Residential Amenity

The proposals will be located on an established public house and will replace existing signs and floodlights. There are residential neighbours, however these are situated a reasonable distance from the proposal site due to being separated by Church Road. Additionally these are oriented almost perpendicular to the pub building and don't have windows oriented in the direction of the illuminated signage. Given the distance of separation and the fact it will largely replace existing signage the proposal is not considered to result in an unacceptable negative impact on the amenity of these residential properties.

## 6. CONCLUSION

6.1 In accordance with Section 220 of the Town and Country Planning Act 1990 and Regulation 4 of the Advertisement Regulations 1992, Local Planning Authorities are required to determine applications in accordance with the policies of

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



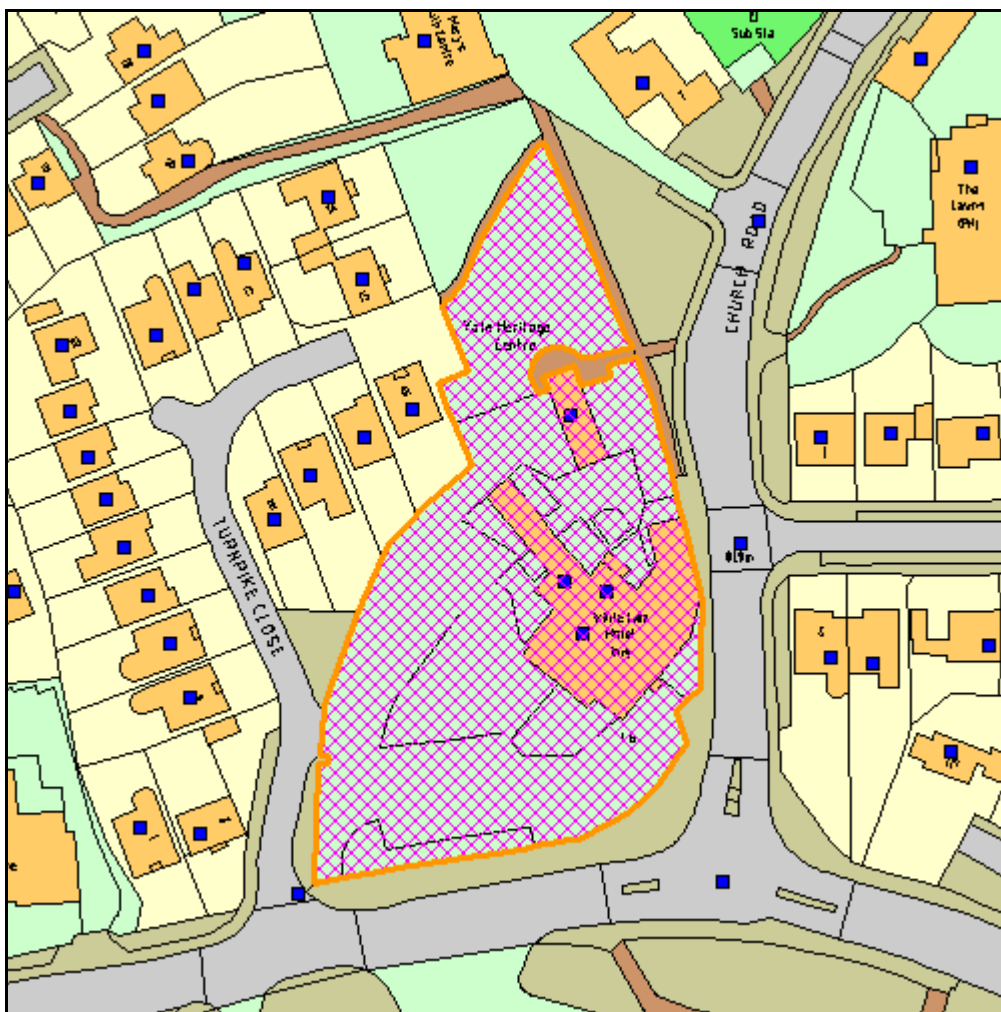
**7. RECOMMENDATION**

7.1 It is recommended that the advertisement consent be **GRANTED**

**Contact Officer: Hanni Osman**  
**Tel. No. 01454 863787**

**CIRCULATED SCHEDULE NO. 48/17 – 1 DECEMBER 2017**

<b>App No.:</b>	PK17/4478/LB	<b>Applicant:</b>	E I Group
<b>Site:</b>	White Lion Public House Church Road Yate South Gloucestershire BS37 5BG	<b>Date Reg:</b>	5th October 2017
<b>Proposal:</b>	Installation of exterior signage to include 8no fascia signs, 13no floodlights and 1no lantern.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371411 182670	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th November 2017



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 100023410, 2008. N.T.S. PK17/4478/LB

## **1. THE PROPOSAL**

- 1.1 The application seeks listed building consent for the proposed installation of new and replacement signage at the White Lion, Church Road, Yate. The host property is a Grade II listed Public house with a vernacular appearance and white painted rendered and rubble elevations.
- 1.2 The proposal would replace existing signage and introduce some additional signage in a number of locations.
- 1.3 The proposal has been subject to a number of amendments following advice from the Listed Building and Conservation Officer.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March 2012  
Planning (Listed Buildings and Conservation Areas) Act 1990  
National Planning Policy Guidance 2014  
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)  
The Setting of Heritage Assets (GPA 3)

### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS9 Managing the Environment and Heritage

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

PSP1 Local Distinctiveness

PSP17 Heritage Assets

### **2.3 Supplementary Planning Guidance**

Design Checklist SPD (Adopted) 2007

Shopfronts and Advertisements SPD (Adopted) 2012

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK17/4478/LB – Currently under Consideration - Installation of exterior signage to include 8no fascia signs, 13no floodlights and 1no lantern.
- 3.2 PK12/3074/F – Approval – 14/01/2013 – Change of use of part ground floor from Public House Skittle Alley (Class A4) to Hair and Beauty Salon (Class A1) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).(Retrospective)
- 3.3 There are significant amount of other applications relating to the proposal site. To peruse these applications please use one of the above addresses and search on the following web address.

## **4. CONSULTATION RESPONSES**

### **4.1 Yate Town Council**

Objection – the objection was sustained after revisions.

#### 4.2 Other Consultees

##### Listed Building and Conservation Officer

Although the timber fascia sign to the front roadside elevation remains excessive in scale, overall the amendments made to the scheme have addressed previous concerns and in light of the existing levels and quality of signage in situ on the building, the special architectural and historic character that this designated heritage asset can be considered to be preserved. Consequently there are no objections.

##### Archaeological Officer

No Comment

#### **Other Representations**

#### 4.3 Local Residents

None Received

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

#### 5.1 Principle of Development

This is an application for listed building consent. As such, the only consideration is what impact the proposed development would have on the special historic or architectural features of the property. According to the Listed Building and Conservation Act (1990) no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character, unless the works are authorised.

- 5.2 Policy PSP17 states that alterations, extensions or changes of use to listed buildings, or development within their setting, will be expected to preserve and, where appropriate, enhance those elements which contribute to their special architectural or historic interest, including their settings. The NPPF supports this statement in paragraph 132 where it is stated that: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

#### 5.3 Analysis

The proposal seeks to introduce and replace a number of signs and lights. The original proposal submitted had included a thick band of colour to the front of the property and a coloured side elevation on the gable end. As the existing property has white elevations this would have been considered to have a significant negative impact on the appearance of the building.

- 5.4 As a pub building it is expected that there will be a requirement for signage and as a result a degree of signage would be acceptable. Additionally, public houses are an important community use and contribute cultural interest to a locality, therefore this use should be supported as the most viable use of the building. Allowing the proposed signage would support the viability of the pub and therefore positive weight should be attached to the advertisement value of the proposals. Nevertheless the works would not result in an overly cluttered appearance or further detract from the appearance of the Grade II listed building and the listed building and conservation officer considers the historic integrity of the building is retained.
- 5.5 Following comments of the Conservation Officer revisions were requested to remove the band of colour and coloured gable end. The majority of signs on the building except one will be signwriting directly onto the elevations and no longer include a band of colour or coloured side elevation. These are dark colours against the white. These are now seen as appropriate and would be of a similar appearance to other signage on listed pub buildings within the South Gloucestershire Area.
- 5.6 The remaining signs will largely replace existing modern signage. These are not unusual in appearance and as they would replace existing signs are not considered to detract from the setting or appearance of the building.
- 5.7 In some of the proposed locations the lettering and signwriting will replace signs with red framing and would be less prominent than these existing signs. Additionally the signage to the gable elevation will be reduced in size from that of the existing and these alterations could be considered to benefit the appearance of the building.
- 5.8 In addition to the proposed signage a number of existing flood lights will be replaced. These would have an almost identical appearance to the existing and no objection is raised to this part of the proposal.
- 5.9 Overall the revised scheme is considered acceptable with regard to the impact on the heritage asset and is therefore seen to accord with the provisions of PSP1 and 17 of the PSP, CS9 of the Core Strategy and the provisions of the Shopfronts and Advertisements SPD.

## 6. CONCLUSION

- 6.1 The recommendation to grant Listed Building Consent has been taken having regard to section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and the provisions of the National Planning Policy Framework (2012).

## 7. RECOMMENDATION

- 7.1 Listed Building Consent is **GRANTED**.

**Contact Officer: Hanni Osman**

**Tel. No.                    01454 863787**

**CONDITIONS**

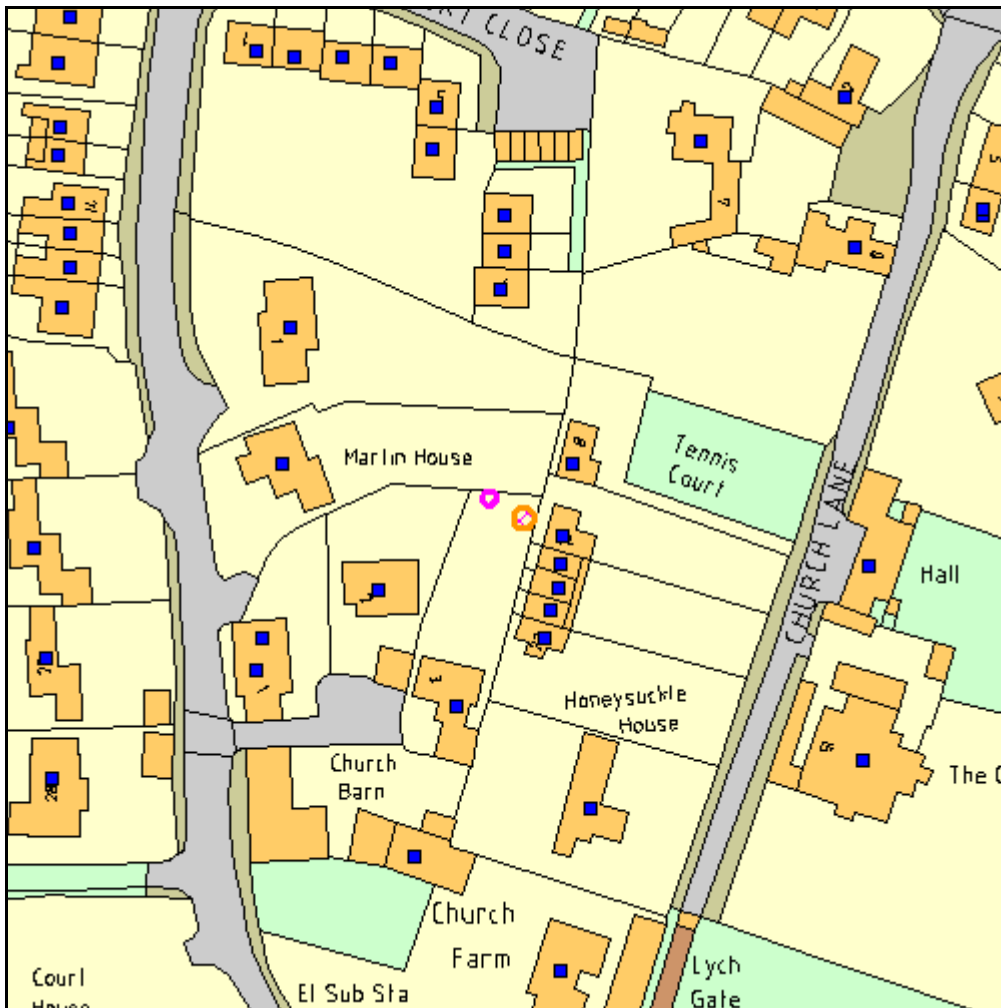
1.    The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

**CIRCULATED SCHEDULE NO. 48/17 – 1 DECEMBER 2017**

<b>App No.:</b>	PK17/4811/TCA	<b>Applicant:</b>	The Trustees of Freres Almshouses
<b>Site:</b>	3 Church Farm Paddock Church Road Bitton South Gloucestershire BS30 6HW	<b>Date Reg:</b>	19th October 2017
<b>Proposal:</b>	Works to fell 1no. Rowan tree and 1no. Maple tree within Bitton Conservation Area.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	368152 169452	<b>Ward:</b>	Bitton
<b>Application Category:</b>		<b>Target Date:</b>	28th November 2017



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 100023410, 2008. N.T.S. PK17/4811/TCA

The application is referred to the Circulated Schedule because comments have been submitted that are contrary to the officers recommendation.

## 1. THE PROPOSAL

- 1.1 Works to fell 1no. Rowan tree and 1no. Maple tree within Bitton Conservation Area.
- 1.2 The trees are within the rear garden of no.3 Church Farm Paddock, Church Road, Bitton, South Gloucestershire, BS30 6HW.

## 2. POLICY CONTEXT

- 2.1 National Guidance
  - i. The Town and Country Planning Act 1990
  - ii. The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
  - iii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012

## 3. RELEVANT PLANNING HISTORY

- 3.1 PK00/2519/TCA, Site Address: 3 Church Farm Paddock, Church Road, Bitton, South Gloucestershire, BS30 6HH, Decision: NOB, Date of Decision: 05-JAN-01, Proposal: Reduce crowns and thin by 20%, shape and balance 3no. Field Maples, Cherry, Silver Birch trees within Bitton Conservation Area., CIL Liable:
- 3.2 PK04/2988/TCA, Site Address: 3 Church Farm Paddock, Church Road, Bitton, South Gloucestershire, BS30 6HH, Decision: NOB, Date of Decision: 13-OCT-04, Proposal: Fell 3no. maple trees, 1no. silver birch tree and 1no. cherry tree within the Bitton Conservation Area., CIL Liable:
- 3.3 PK13/3933/TCA, Site Address: 3 Church Farm Paddock, Church Road, Bitton, South Gloucestershire, BS30 6HW, Decision: NOB, Date of Decision: 04-DEC-13, Proposal: Works to reduce crown of 1no. Rowan tree by 30%, reduce height of 1no. Fir tree by 5m, reduce height of 1no. Rowan tree by 0.5m and reduce height of beech hedge by 1m all situated within the Bitton Conservation Area., CIL Liable:

## 4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council has no objections subject to the views of the South Gloucestershire Council Tree Officer.

### Other Representations

- 4.2 Local Residents

The owner of the trees has objected to the application on the grounds that he doesn't feel the applicants have proven the link between the trees and the damage to the neighbouring property. He is of the view that no crack or level monitoring of the property has been undertaken and that there is, therefore,



insufficient evidence to condemn the trees that are the subjects of this application.

Additionally the owner argues that the trees provide amenity and habitat for wildlife.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 This application provides prior notification of proposed works to trees situated within a conservation area.
- 5.2 Principle of Development  
Under the Planning (Listed Buildings and Conservation Areas) Act 1990, it is recognised that trees can make a special contribution to the character and appearance of a conservation area. Under the above Act, subject to a range of exceptions, prior notification is required for works to a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their general control by making a Tree Preservation Order. When considering whether trees are worthy of protection the visual, historic and amenity contribution of the tree should be taken into account and an assessment made as to whether the tree fulfils the criteria of a Tree Preservation Order.
- 5.3 Consideration of Proposal  
The information supplied in support of the application does not provide evidence of a link between the Rowan and Maple tree and the damage to the neighbouring property.
- 5.4 No roots from these trees have been found beneath the foundations of the neighbouring property and the only root that was analysed was a dead root from the adjacent Beech hedge.
- 5.5 The Rowan is a below average specimen that has been previously reduced as it is in close proximity to utility cables above. The tree provides minimal amenity screened as it is by the Almshouse.
- 5.6 The Maple is visible from Church Lane and Church Road so does provide amenity in that sense. The tree has also been heavily reduced in the past in an unsympathetic manner. There will be an ongoing need to prune the tree to prevent failure of the regrowth.
- 5.7 For the reasons of condition and relatively high maintenance requirements, it is not considered the trees meet the criteria for inclusion on a Tree Preservation Order.
- 5.8 For the avoidance of doubt, the Council's Tree Officer does not consider that the trees have been linked to the damage of the neighbouring property.

## **RECOMMENDATION**

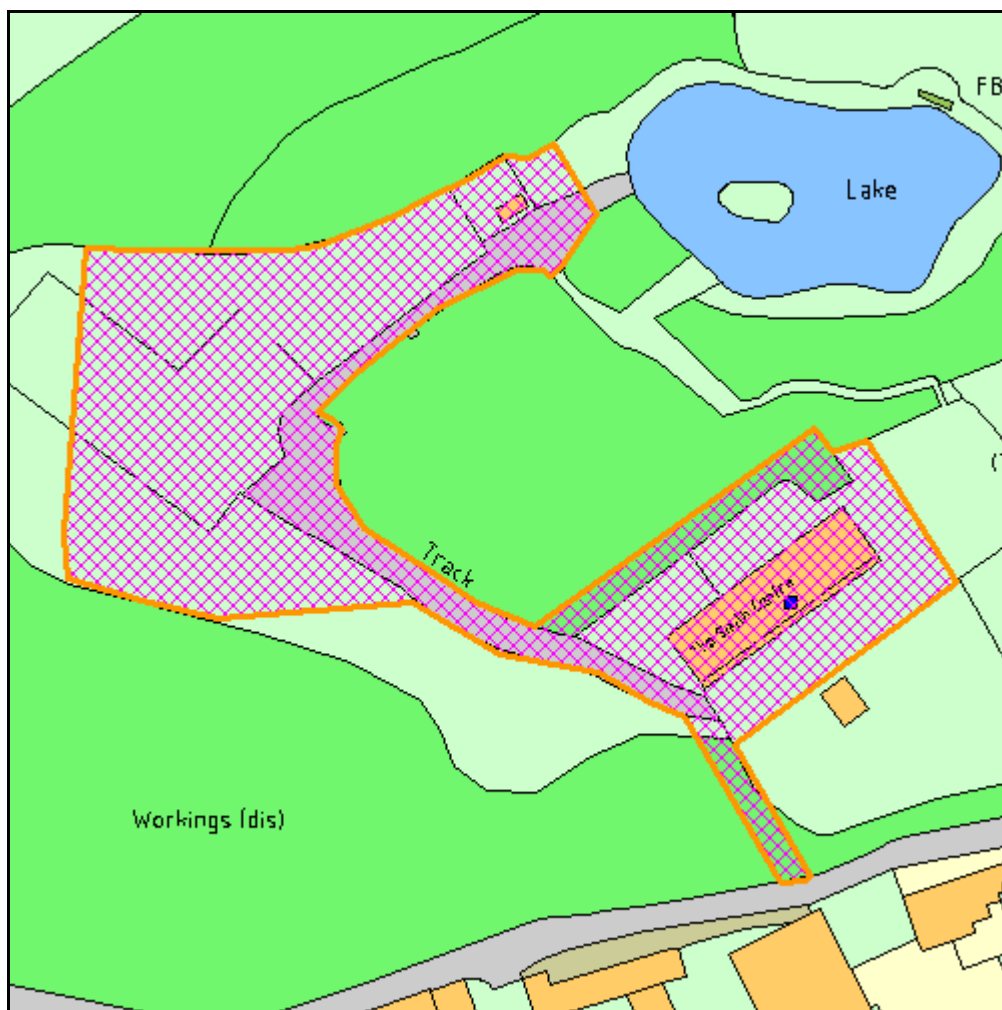
- 6.1 No objections

**Contact Officer: Simon Penfold**

**Tel. No. 01454 868997**

**CIRCULATED SCHEDULE NO. 48/17 – 1 DECEMBER 2017**

<b>App No.:</b>	PT16/6745/O	<b>Applicant:</b>	Mr M Brock
<b>Site:</b>	Castle Quarry West Street Tytherington South Gloucestershire GL12 8UQ	<b>Date Reg:</b>	13th January 2017
<b>Proposal:</b>	Demolition of existing building and erection of 3no dwellings (outline) with access, layout and scale to be determined. All other matters reserved.	<b>Parish:</b>	Tytherington Parish Council
<b>Map Ref:</b>	366612 188250	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	9th March 2017



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## **CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule following comments received from the Parish Council and from local residents. The scheme is subject to a s 106 agreement for a commuted sum in lieu of affordable housing on the site. The agreement has been signed prior to the report being submitted to Circulated Schedule.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks outline planning permission for the demolition of an existing building and the erection of 3no dwellings (outline) with access, layout and scale to be determined. All other matters reserved.
- 1.2 The application site relates to Castle Quarry, Tytherington, situated outside a defined settlement boundary in the open countryside and within the Bristol/Bath Green Belt. The site has a D2 use classification having previously been an activities centre. It is not located within the Tytherington conservation area.
- 1.3 During the course of the application and after extended discussions, a commuted sum of money in lieu of affordable housing provision for the site has been agreed between parties. It was requested by the agent that the s 106 be signed prior to the application being determined and this legal process has been completed.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
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  
CS6 Infrastructure and Developer Contributions  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS18 Affordable Housing  
CS31 North Yate New Neighbourhood  
CS34 Rural Areas

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

##### **Adopted 8<sup>th</sup> November 2017**

PSP1 Local Distinctiveness  
PSP2 Landscape

PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP16	Parking Standards
PSP17	Heritage Assets and the Historical Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP23	Mineral Working and Restoration
PSP24	Mineral Safeguarding Areas
PSP37	Internal Space Standards for Affordable Housing
PSP43	Private Amenity Standards

### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (Adopted)  
The South Gloucestershire Residential Standards SPD (Adopted)  
The South Gloucestershire Development in the Green Belt SPD (Adopted) The  
South Gloucestershire Landscape Character Assessment (Adopted Nov 2014)  
- LCA 17 Rudgeway and Tytherington Ridge  
The South Gloucestershire Affordable Housing and Extracare (Adopted) Mary  
2014  
The South Gloucestershire Waste Collection (Adopted) January 2015  
CIL and S106 SPD (Adopted) March 2015

## 3. RELEVANT PLANNING HISTORY

### **The land:**

- |     |             |  |                     |
|-----|-------------|--|---------------------|
| 3.1 | PT05/3597/F | Use of land as a training and activity area and retention of existing portacabin (Revised resubmission of PT05/0458/F).<br>Approved                    | 30.3.06             |
| 3.2 | PT05/0458/F | Use of land as a training and activity area.<br>Refused  | 24.11.05            |
| 3.3 | PT01/1958/F | Change of use of land to facilitate training and activity areas.<br>Approved   | 9.4.03              |
| 3.4 | N8225/1     | Erection of 10 dwellings and construction of vehicular access on approximately 2 hectares (approx. 5 acres) (Outline).<br>Refused<br>Appeal dismissed: | 28.10.82<br>20.9.83 |

### **The building:**

- |     |             |   |         |
|-----|-------------|---|---------|
| 3.5 | PT02/0146/F | Erection of storage workshop building.<br>Approved  | 23.5.02 |
| 3.6 | P93/1563    | Use of redundant building for the dismantling of agricultural and private vehicles and storage and sale of spare parts<br>Refused | 16.6.93 |

- Other buildings on site:**
- 3.7 PT14/5030/F Change of Use from Activity and Training area (Class D1) to Motor Vehicle Maintenance Workshop with MOT testing (Class B2) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).  
Approved 17.2.15
- 3.8 PT04/2262/F Use of land for storage of caravans. (Renewal of temporary consent).  
Approved 4.1.05
- 3.9 PT03/3842/F Change of use of part of the land from light industrial (Class B1(c)) to residential (Class C3) (as defined in the Town and Country Planning (Use Classes) Order 1987). Erection of detached garage, erection of single storey side extension to form utility room and kitchen diner, and alterations to existing access to facilitate sub-division of property to form separate dwelling.  
Approved 8.3.04
- 3.10 PT01/1706/TMP Erection of temporary single storey building for use as amenity block  
Refused 17.7.01
- 3.11 PT01/1034/F Installation of three windows additional in existing building.  
Approved 9.7.01
- 3.12 PT00/2952/F Use of land for the storage of caravans. Renewal of temporary consent.  
Approved 1.6.01
- 3.13 P98/1979 Continued use of part of premises for the repair of agricultural vehicles and farm machinery without compliance with the requirements of Condition 03 to planning permission P94/1221.  
Approved 4.8.98
- 3.14 P97/2016 Change of use of land for storage of touring caravans.  
Approved 16.10.97
- 3.15 P94/1221 Alterations to existing commercial vehicle maintenance workshop to provide raised eaves and lowered ridge line  
Approved 30.3.94
- 3.16 P89/0503/4 Erection of extension to industrial building for use in connection with vehicle repair business.  
Approved 31.5.89
- 3.17 P87/0503/1 Use of part of former quarry as training area and erection of workshop for unemployed people under msc community

programme.

Approved

21.6.87

#### 4. CONSULTATION RESPONSES

##### 4.1 Tytherington Parish Council

Objection:

The site is situated in the Green Belt and is outside of the Parish Boundary. The site is situated on an unrestricted road which is in terrible condition, has no pavement and is used by lorries entering and leaving the quarry. Housing in the area of the site is at a saturation level.

##### 4.2 Other Consultees

###### Conservation

No objection: the site lies outside the conservation area and is not considered to contribute toward the setting of any above ground designated heritage asset.

###### Environmental Protection

No in-principle objections, subject to a condition regarding potentially contaminated land should the applicant be approved.

###### Housing Enabling

Objection: one unit of affordable housing would be required, secured under a s106 agreement should the application be acceptable.

###### *Updated comments*

*Following discussions a sum of £85,725.00 has been agreed in lieu of affordable housing to be paid on commencement of development.*

###### Ecology

No objection subject to conditions regarding external lighting, to check for badger setts, to install bat boxes and informatives regarding breeding birds and the presence of bats

###### Drainage

No objection in principle. Application form states proposed foul sewer drainage is unknown and proposed surface water drainage is SUDS. Clarification is required on both points, therefore a SUDS condition would be attached to any approval.

###### Landscape Architect

No objection subject to a landscape scheme should the application be approved. Green Belt location noted.

###### Historic England

No objection on heritage grounds

###### Archaeologist

No objection

## Minerals and Waste

No objection

## Tree Officer

Following the submission of a tree report there are no objections to the scheme subject to conditions that the reserved matters provides an Arboriculture Method Statement and a Tree Protection Plan to protect the trees.

## **Other Representations**

### 4.3 Local Residents

Two letters of objection were received by the Council one of which was subsequently withdrawn. The points raised in the remaining objection are as follows:

- In Green Belt and outside Parish Boundary  
Unrestricted road, no pavement, used by lorries  
Housing at saturation level here

One letter of support has been received by the Council. The points raised are as follows:

- Applicant wishing to provide homes for their sons
- Opportunity to use unused piece of land within the boundaries of the village
- Encouraged that young people are able and want to continue to live in our village to help community thrive
- The family live in West Street so no increase in traffic apart from new occupants of their current home.
- We should all be supporting this type of development in our community

## **5. ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

This application stands to be assessed against the above listed policies and all material considerations. It is an outline application with layout, scale and access to be determined and all other matters which includes landscape and design to be considered separately. The proposal is for the erection of 3no. dwellings. The site lies outside a settlement boundary and therefore in the open countryside and in the Bristol/Bath Green Belt.

- 5.2 The National Planning Policy Framework sets out that the purpose of the planning system is to contribute to sustainable development (para 6) and the three dimensions to achieving sustainable development are an economic, environmental and social role (para 7). This application therefore stands to be assessed against whether it contributes towards achieving sustainable development in the light of the policies listed above and all other material planning considerations.

### **Housing Land Supply**

- 5.3 CS5 is the key locational policy in relation to development and states that development on land such as the application site which is located in the open countryside outside a settlement boundary (but outside the Green Belt) should



be strictly limited. Policy S34 focuses on Rural Areas and states that settlement boundaries around rural settlements should be maintained and that development outside those boundaries should be strictly controlled. The starting point is that the development policy would seek to resist residential development in this location and therefore there would be an “in principle” objection to the development.

5.4 However, Para 47 of the National Planning Policy Framework (NPPF) states:

*Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements...*

Para 49 of the NPPF states:

*Housing applications should be considered in the context of the presumption in favour of sustainable development. **Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites***

5.5 Given that South Gloucestershire Council cannot demonstrate a five year land supply, the Council acknowledges that Paragraph 49 as set out above is engaged and accordingly the policies that relate to the supply of housing do not necessarily attract full weight in the determination of this application. A recent Court of Appeal judgement has also provided clarity to the interpretation of paragraph 49 of the NPPF (Richborough Estates Partnerships LLP v Cheshire East Borough Council and Secretary of State for Communities and Local Government).

5.6 Para 33 of the judgement states:

*Our interpretation of the policy does not confine the concept of “policies for the supply of housing” merely to policies in the development plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites. It recognizes that the concept extends to plan policies whose effect is to influence the supply of housing land by restricting the locations where new housing may be developed – including, for example, policies for the Green Belt, policies for the general protection of the countryside, policies for conserving the landscape of Areas of Outstanding Natural Beauty and National Parks, policies for the conservation of wildlife or cultural heritage, and various policies whose purpose is to protect the local environment in one way or another by preventing or limiting development. It reflects the reality that policies may serve to form the supply of housing land either by creating it or by constraining it – that policies of both kinds make the supply what it is.*

5.7 Policies CS5 and CS34 both rely on the Development Plan’s identification of settlement boundaries as a mechanism in rural areas to ensure that development is “strictly controlled”. The locational policy seeks to direct residential development to areas which are considered and defined as more

sustainable locations. This approach forms part of the Development Plan's strategy for indicating the distribution and delivery of sufficient housing for the plan period. In circumstances however where the current evidence on housing land supply is less than 5 years, that approach to maintaining strict settlement boundaries must hold less weight as evidence than the need to boost significantly the supply of housing remains. The NPPF does not advocate a "settlement boundary" definition approach rather it is paragraph 55 that outlines the approach to sustainable development in rural areas. This states merely that Local Planning Authorities should avoid new isolated homes in the countryside subject to certain circumstances.

- 5.8 The shortfall in housing supply is sufficiently notable such that the constraints CS5 and CS34 place upon providing additional housing outside such settlements should be closely examined. This is so the site being put forward can be tested on its own merits in terms of sustainability (as defined in the NPPF) rather than simply rejecting it because it does not fall within the defined settlement boundary.
- 5.9 It is further noted that there is no immediate prospect of adopting other housing supply policies so as to increase housing allocations or to revise the settlement boundary approach. Whilst work is taking place on the Joint Spatial Plan it is not intended that this document will make such allocations. Indeed the supporting text to Policy CS5 and Policy CS15 (Distribution of housing) note that to ensure that sufficient land is made available to meet housing needs to the end of the plan period the council will undertake a review of a new Local Plan to be completed before the end of 2018. On this basis maintaining a strict adherence to this settlement boundary policy approach in CS5 and CS34 is considered to be out of date in the light of the Richborough decision.
- 5.10 With this in mind, for the purposes of this application with specific regard to permitting housing development, the amount of weight the development plan policy attracts must be considered in the light of the lack of housing supply. Where Policies CS5 and CS34 of the Core Strategy are considered to be not up-to-date for the purposes of the NPPF, it is necessary for decision makers to follow the requirement set out in Para 14 (NPPF) which states:

*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision taking. **For decision taking where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework.*** Considerable weight is given to this test when assessing this proposal.

- 5.11 The proposal is for three new dwellings and the question remains whether this proposal would constitute sustainable development in terms of the NPPF advice. Regard has been given to paragraph 55 of the NPPF. This tells us that isolated homes in the countryside should be avoided. Settlement boundaries are guiding tools with the main function perhaps of restricting unacceptable development in rural locations. It is acknowledged that there are limited

services in Tytherington but the site is close to bus stops, a public house and small shop. On this basis the site is not so remote that it could be called isolated development in the countryside.

- 5.12 To summarise the policy position, those policies related to housing provision; the retention of settlement boundaries; generally not supporting residential development outside of settlement boundaries or urban areas (CS5 and CS34) are considered out-of-date and, save for those aspects within Policy CS34 that relate to the protection of the Green Belt, more weight should be given to the NPPF policy test that the adopted local plan due to the current housing land supply position.

### **Green Belt location**

- 5.13 The location of the site within the Green Belt is of primary relevance. Paragraph 89 of the NPPF states that, other than the types of development listed as exceptions in that paragraph, the construction of new buildings in the Green Belt is inappropriate. The applicant claims the proposal represents one of the exceptions; *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*
- 5.14 The existing use of the site is therefore relevant. Use of land as a training and activity area was granted in 2006 and the retention of an existing porta cabin was granted in 2006 under an appeal. The land is therefore not a quarry. Trading as a training and activity centre has ceased and the site has been cleared of its associated equipment, for example, underground pipes used in tunnelling activity and archery targets. It is therefore accepted that the proposal would be the redevelopment of brownfield land and meet the first part of this test.
- 5.15 *Openness of the Green Belt*  
Moving on to the second element of this criteria. The applicant has stated that a large building is to be removed from the site. This building is positioned to the front, close to the access point. It was used as a meeting place for the activities and a training area. The building would be removed to compensate for the introduction of three houses on this site and in this way the impact on the openness of the Green Belt by the introduction of new built form would be lessened. It is felt this is an important element and a condition will be attached to the decision notice that the building must be removed prior to commencement of development on the site. To reiterate the building is empty and it was explained to officers during the site visit that this building was to be removed and sold on.
- 5.16 It is considered that given the above the proposal would meet the criteria and could be regarded as not being inappropriate development in the Green Belt.

### **Access to Services and Local Facilities**

- 5.17 Key to the social role in achieving sustainable development is the creation of built environments with accessible local services that reflect the community's

needs and support its health, social and cultural well-being. Access to facilities that can be accessed by walking, cycling and public transport is considered a vital component in determining the overall sustainability of a development (paragraphs 17, 28, 29, 34, 37, 55 and 70 of the NPPF). Policy CS8 of the Core Strategy also states that:

*New development proposals which generate significant demand for travel will be more favourably considered the nearer they are located to existing and proposed public transport infrastructure and existing facilities and services. Developments which are car dependent or promote unsustainable travel behaviour will not be supported.*

- 5.18 Within context, Tytherington is located about 7 miles from the centre of Yate and 3 miles from Thornbury, and about 5.5 miles to an M5 Motorway junction.
- 5.19 In November 2015 South Gloucestershire Council published the “Rural Settlements and Villages 2015 Topic Paper; Sustainable Access to Key Services and Facilities & Demographic Information (November 2015)”, a technical evidence document for the PSP, produced to provide an understanding of the relative sustainable access to services and facilities in rural villages and settlements of South Gloucestershire.
- 5.20 From the settlement of Tytherington there is walking and cycling access to a public house, a post office, two primary schools and one secondary school. There is also a small convenience store within the village, which can assist meeting basic day to day needs for food items, but not the need for a wider range of food and household items. There is not however, considered to be suitable walking and cycling access to some essential services and facilities namely; a dedicated community centre, all health facilities, retail and large scale food shopping and employment opportunities. A balanced judgement would need to be made with regard to whether the proposal would result in a significant increase in the demand for travel. It is considered that the addition of three new dwellings would not have a severe impact as to warrant the refusal of the application.
- 5.21 **Assessment**  
This proposal is in outline only with access, layout and scale to be determined. Even so, it is worth covering the other elements of landscape and design where relevant and other issues such as impact on residential amenity, the historic environment and ecology will also be discussed below.
- 5.22 **Access / Transportation**  
When a comparison is made between the potential traffic generation from the extant use of the building that is to be demolished (Smith Centre) and traffic generation from the three proposed dwellings, it is concluded that the proposal as submitted would represent a neutral impact. This is because 3 dwellings would generate a lower traffic generation during the morning peak hour and their traffic generation would be spread throughout the day whereas a training centre usually had people arriving en-masse in the morning and leaving again in the evening. A total of 8 no car parking spaces would be provided

throughout the development site and this exceeds the current required adopted levels. The existing access onto West Street would be used.

- 5.23 Concern expressed by local residents and similarly by the Parish with regard to the lack of footpath and use of the lane by lorries. This is an existing situation for users of West Street and also other nearby lanes in Tytherington such as Itchington Road. The proposed development for 3 no. houses would not have a significantly greater impact over and above the existing situation sufficient to warrant a refusal. As such there is no transportation objection to this proposal.

### **Scale and layout**

- 5.24 Three detached properties are proposed within the former quarry. The whole of the quarry is within a blue edge indicating it is within the same ownership but not forming part of the development which is enclosed within a smaller, but still substantial, red edge. . The density of development would therefore be low, but there are currently no local or national targets to meet and low density housing with large gardens is not unusual in countryside settings.
- 5.25 The dwellings would comprise three detached houses, one being a two-storey 4 bed house and the other 2 being single storey 3 bed houses. The two storey house would have a footprint of around 23 metres by 7 metres, eaves to 5.4 metres and overall ridge height of 7.2 metres and be located furthest into the site, close to the existing large lake. The two bungalows would have 'L' shaped footprints, achieving around 16.4 metres by a maximum of 11 metres. Eaves would be around 2.8 metres with a ridge of 5.2 metres and these would be located closer to the entrance. Layout of the three dwellings within the site are considered acceptable given the existing terrain, location of existing hardstanding and position of trees.
- 5.26 It is acknowledged that the two storey dwelling would be a large house and together the three new dwellings would represent a built form footprint of around 343 square metres. Throughout the submitted application details, including the Planning Statement, the separate Design Statement and submitted plans (ref Proposed site plan AP(0)10, the removal of the existing building on site, named the Smith Centre, has been emphasised.
- 5.27 A rough calculation shows this building would have a footprint of around 396 square metres. These footprint figures are indicative, and it would be reasonable to assume that the volume of the new builds and that of the Smith Centre would be roughly equal. The removal of the Smith Centre has been a material consideration in the assessment of this application and would therefore be conditioned.
- 5.28 In these terms the scale of the development which includes the number of houses, and means of access is considered acceptable.

### **Residential Amenity**

- 5.29 The proposed new dwellings would be within the quarry. The two smaller properties may be visible from the public highway but views would be limited and at some distance. In this respect there would be no impact on the amenity of

existing neighbours. With regards to the impact of each property on the other, the larger property would be set away from the other two further into the quarry and close to the large pond. It would neither affect nor impact on the residential impact of each other given the space between them and the proposed boundary treatment. Appropriate boundary treatment would ensure the privacy of future occupants of the single storey houses.

### **Design**

- 5.30 Details of the design would be covered in reserved matters, but the submitted plans show the larger two-storey dwelling would be of a contemporary, even industrial type design comprising a long thin building of three connecting gables with balconies and extensive viewing windows to take advantage of the location close to the lake. The other two single storey dwellings would be positioned opposite each other, facing into a courtyard. These would be more representative of simple barn-like structures. Materials are indicated as a mix of stone, tile and aluminium powder coated windows. It is not necessary for new dwellings to be a pastiche of existing houses, and given their separation from traditional buildings on West Street, a modern touch could be acceptable, however, these specifics will be covered in the reserved matters application.

### **Landscape**

- 5.31 Landscape is an important part of this application, given its rural location and will be discussed below. Policy CS9 states that new development will be expected to “*conserve and enhance the character, quality, distinctiveness and amenity of the landscape*” and that character is identified in the South Gloucestershire Landscape Character Assessment Rudgey and Tytherington Ridge that was adopted as a supplementary planning document in November 2014.

- 5.32 “*The Rudgey and Tytherington Ridge character area is a broad open ridge comprising a pastoral landscape, punctuated by woodland and copses and dissected and defined by roads*”.

- 5.33 The proposed dwellings are well set back at a lower level and largely screened by trees. If sensitively handled, respecting the existing landscape, there is no reason why it should not be successful. A condition attached to the decision notice will secure appropriate planting.

### **Trees**

- 5.34 The submitted tree report has assessed the quality of the trees and highlighted any conflicts that the current layout has with the root protection areas (RPAs). It is noted that the middle unit is very close to G1, T2 and T3 and could potentially be re-sited slightly to the east. The access will be running through the RPAs of T10, T12 and G3 and so it is expected that a cellular confinement system will be utilised in these areas.

- 5.35 It is considered that these issues can be addressed at reserved matters and on this basis there are no objections at this stage. At reserved matters any conflicts regarding the root protection areas must be fully dealt with within an Arboricultural Method Statement and a Tree Protection Plan.

### **Historic England**

- 5.36 The proposed development lies adjacent to the scheduled monument of *Slight Univallate hillfort 260m north west of Brook Farm* (National List Entry Number 1007022). Univallate hillforts are settlements protected by a single bank and ditch which date to the early Iron Age. This type of monument is rare in England and will contain evidence of how these monuments developed and were used. They were located in prominent locations to control the surrounding landscape and to be seen.
- 5.37 Over half of this monument has been removed by quarrying in the 19th and early 20th Century. This makes the remainder of the monument more significant as so much information about the site has already been lost. The proposed development lies within the former quarry to the south of the surviving part of the hillfort. The quarry has removed all traces of the hillfort and although there may be some evidence surviving at the top of the quarry face there will not be anything surviving at the base of it. The scheduled area has been mapped to include the quarry face and at the western end part of the former quarry. Therefore on plan part of the new development will be within the scheduled area. This technically requires scheduled monument consent, which is granted by the Secretary of State for Department of Culture Media and Sport. Historic England act as advisors to the Secretary of State on these matters. Scheduling looks to preserve the remains of the hillfort, which form the main significance of the Asset. However, as no remains survive in the development area it is not necessary for a Scheduled Monument Consent application to be made.
- 5.38 The setting of the hillfort comprises its commanding position and the views out and to it. This development will be below the level of the hillfort and will not intrude on any views to or from the monument. Within the quarry it is not possible to experience the monument and it is only when walking up to the western entrance via a farm trackway to the west of the quarry that one becomes aware of the monument and its landscape setting.
- 5.39 When assessing the impact of a development on a Heritage Asset Paragraph 132 of the National Planning Policy Framework states that development should not cause harm to the significance of a Highly Designated Heritage Asset, this includes scheduled monuments. The development will not impact on the significance of the monument and is therefore not contrary to NPPF 132.

### **Ecology**

- 5.40 An Ecological Appraisal has been submitted in support of the proposed application by the Environmental Dimension Partnership (January, 2017). The survey encompassed the entire landholding, although the application site is a smaller compartment within this.
- 5.41 The entire landholding is dominated by semi-natural broad-leaved woodland with smaller patches of scrub, hardstanding, unimproved calcareous grassland, amenity grassland, poor semi-improved grassland, a pond, hedgerows, an orchard and bare ground. The application site itself is mostly comprised bare

ground, and hardstanding with spoil piles and some of the semi-natural broad-leaved woodland.

- 5.42 Even though the amount of woodland within the application site is minor, the lack of boundaries for the private gardens associated with the proposed houses makes it unclear how many trees could be included. Any trees included within the gardens could mean that they are at risk of removal in the long-term.
- 5.43 With regards to protected species, the existing on-site pre-fab building was considered to offer negligible roosting habitat for bats but the habitat surrounding the application site is suitable for foraging and commuting. The application site itself contains far less woodland, so bats are not thought to use the site for foraging. Although no records of dormice were found, the wider woodland has some potential habitat for dormouse, although this is limited. Terrestrial habitat within the application site is suitable for the great crested newt (GKN), but the existing large pond is considered unsuitable breeding habitat for GCN.
- 5.44 With regards to nesting birds there is no suitable nesting habitat within the footprint of the proposed buildings, but they may use the trees included in the red line boundary. An historical record for grass snakes exists within the study area, however, the habitat to be developed is open and unsuitable for reptiles, so a precautionary approach should be adopted. The site is suitable for foraging by badgers and it is likely that badger use the site as part of a wider territory, however, sett construction is unlikely due to the rocky substrate. Similarly there is potential for hedgehog to be present on site.
- 5.45 The ecological report recommend various mitigation, enhancement and compensation measures to prevent biodiversity loss, and enable biodiversity gain, through the proposed development and these will be secured by condition. There are therefore no ecological objections to this application.

#### **Planning Obligations**

- 5.46 The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and 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.

In this instance, it is considered that the planning obligations (set out in detail below) relating to affordable housing are required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122) and the S106/Cil SPD. The development would otherwise be liable for CIL.

#### **Affordable Housing**



- 5.47 Affordable Housing is sought in line with the policy CS18 of the Council's adopted Core Strategy Development Plan Document. The Enabling team consider that there continues to be a significant need for Affordable Housing in rural areas. This is based on the cumulative information contained in:
- a) The Wider Bristol Strategic Housing Market Assessment 2015
  - b) Rural Housing Need Surveys carried out at Olveston and Hawkesbury Upton in 2016. These are examples of the need in similar rural communities across South Gloucestershire
  - c) Evidence on the Housing Register illustrating demand from households in need for affordable housing in rural areas
- 5.48 Following negotiations and discussions a S106 agreement has been agreed and signed. This legal agreement stipulates that a sum of £85,725.00 will be required to be paid to the Council on the commencement of development as a contribution towards the provision of affordable housing.

### **Equalities**

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

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

### **Planning Balance**

- 5.50 Whilst the starting point for the decision maker is the adopted development plan the Council is not able to demonstrate a five-year supply of deliverable housing sites, so (as per paragraph 14 of the National Planning Policy Framework), the relevant policies for the supply and location of housing cannot be considered up to date, but are not irrelevant. Thus an "in principle" objection to the development on the grounds that the application site lies outside of a settlement boundary is given less weight. Where relevant policies are out of date the presumption in favour of sustainable development means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole or where specific policies indicate that development should be restricted. However, the site falls under one of the restrictive policies listed in footnote 9 to the NPPF in so far as the site is situated within the Green Belt. Green Belt policy is a restrictive policy where only certain forms of development are considered appropriate. The limited infilling or partial or complete redevelopment of previously developed sites (brownfield land) is one of the

listed categories and as such the proposal is considered acceptable in these terms.

- 5.51 Having determined that the Council is unable to demonstrate a 5 year housing supply, it is therefore necessary to assess the sustainability of the site when assessed against the NPPF as a whole. There are three dimensions to sustainability.
- 5.52 Economic – the proposal would be for three new homes in the countryside. It is acknowledged that this could provide some economic benefit in terms firstly from the construction itself and secondly from the occupants. However, the scale of the development must be acknowledged and a scheme of three houses would only provide a small benefit in these regards. A modest amount of weight in its favour is therefore awarded.
- 5.53 Social – similarly the benefit for the community that three new homes would bring to the area can only be given a small amount of weight in its favour. Negotiations have secured an off-site sum in lieu of affordable housing which will be delivered through a s.106 agreement. In combination, modest weight is awarded for this reason.
- 5.54 Environmental – it has been identified that the site does not raise concerns with regards to archaeology and ecological matters can be addressed by appropriate conditions. Although not being considered in any great detail within this outline application it has been identified that appropriate conditions could again help to mitigate against any adverse impact on the landscape. Given the extant use of the site as an actively centre, it is considered that three new dwellings would not have a greater impact, particularly as a condition would ensure an existing building must be removed before development can begin. When viewed in environmental terms the proposal would have a neutral impact on the environment.
- 5.55 Given the above the case has been made that the site would meet one of the exception tests being the redevelopment of brownfield land which would not have a greater impact on the openness of the Green Belt and on this basis is appropriate development in the Green Belt. Weight is therefore awarded in its favour.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That the application be **APPROVED** subject to the conditions written on the decision notice.

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

### **CONDITIONS**

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

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

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

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

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

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

5. Prior to the commencement of development the building identified as the Smith Centre on Site Location Plan 1630 AP(0)01 shall be removed from the site. Confirmation

shall be sent to the LPA for written approval. Development shall not commence until this is approved.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in the future and to protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policies PSP1 and PSP7 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017, Green Belt SPD (Adopted) 2007 and the National Planning Policy Framework.

6. As part of the reserved matters required in Condition 2 and in relation to the landscape details, an Arboricultural Method Statement and a Tree Protection plan to protect the existing trees shall be submitted to the LPA.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

7. Prior to the commencement of development, a walkover survey and precautionary hand search is to be completed to ensure that no active badger setts or reptiles are present within the application site, including a 30m buffer. Results will be provided to the local planning authority for approval in writing.

Reason

This is a pre commencement condition to avoid any unnecessary remedial action in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP19 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

8. Prior to commencement of development, the location of two Schwegler 2F bat boxes and one Schwegler 1B bird box should be submitted to the local planning authority for approval in writing.

Reason

This is a pre commencement condition to avoid any unnecessary remedial action in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP19 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

9. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority

## Reason

This is a pre commencement condition to avoid any unnecessary remedial action in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP20 and PSP21 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

10. The historic use of the site as a quarry may have caused contamination which could give rise to unacceptable risks to the proposed development. The following conditions should therefore be included in any approval.

A) Desk Study - Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably competent person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

B) Intrusive Investigation - Where potential contaminants are identified under (A), prior to the commencement of development an investigation shall be carried out by a suitably competent person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures. (Note (A) and (B) may be combined if appropriate).

C) Verification Strategy - Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.

- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

This is a pre commencement condition to avoid any unnecessary remedial action in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP21 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

11. 1. Prior to commencement of development, a "lighting design strategy for biodiversity" for the proposed dwelling shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

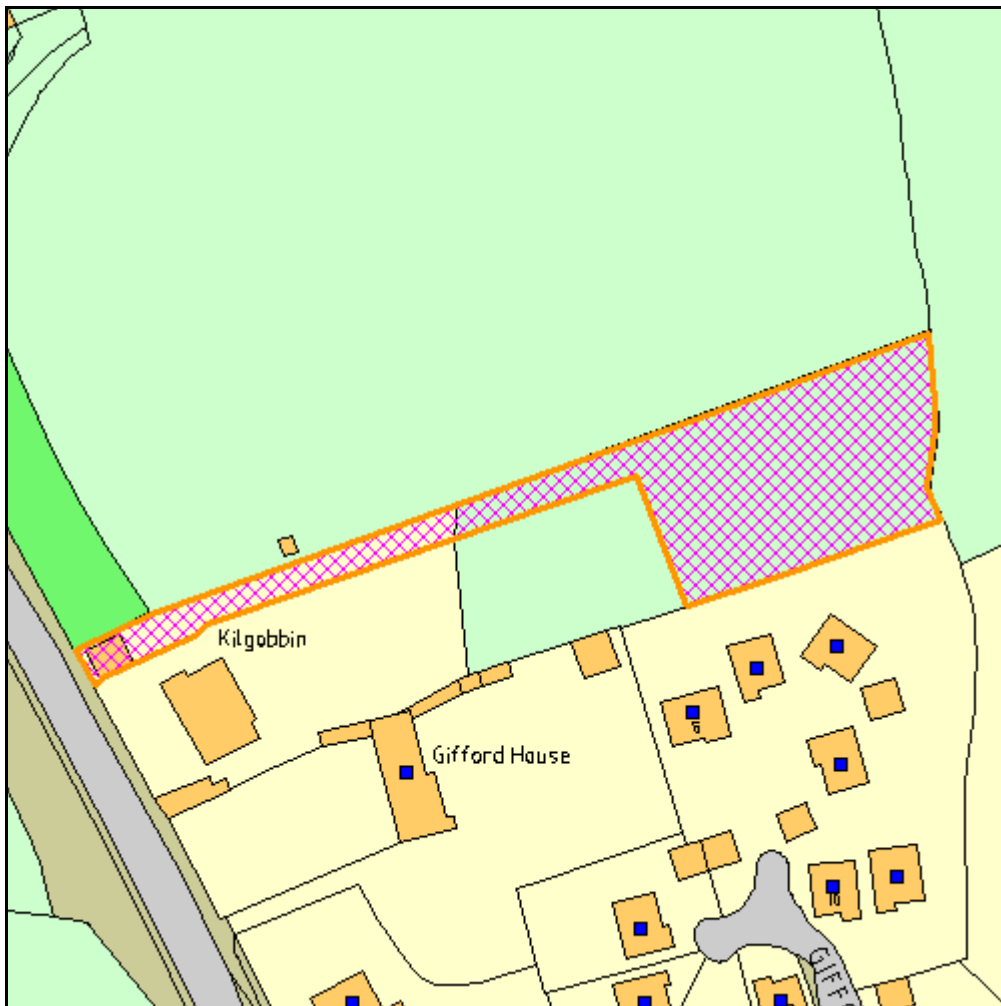
Reason

This is a pre commencement condition to avoid any unnecessary remedial action in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP19 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.



**CIRCULATED SCHEDULE NO. 48/17 – 1 DECEMBER 2017**

<b>App No.:</b>	PT17/1330/F	<b>Applicant:</b>	Mr Edward NunnGreenfield Gospel Hall Trust
<b>Site:</b>	Land Rear Of Kilgobbin House Wotton Road Rangeworthy Bristol South Gloucestershire BS37 7NB	<b>Date Reg:</b>	4th April 2017
<b>Proposal:</b>	Erection of Gospel Hall to include access, parking, creation of access driveway and associated works.	<b>Parish:</b>	Rangeworthy Parish Council
<b>Map Ref:</b>	369152 185903	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th May 2017



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 100023410, 2008. N.T.S. PT17/1330/F



## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the receipt of objection letters from the Parish Council and local residents.

## **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a gospel hall including access, parking, the creation of an access driveway and associated works.
- 1.2 The application relates to the rear garden of Kilgobbin House which is situated within, but on the edge, of the settlement of Rangeworthy. There are a number of trees on site with preservation orders on them.
- 1.3 During the course of the application, the applicant submitted a revised proposal to address the concerns raised by the Council's Landscape, Tree and Ecology Officers. The revised proposal shows the hall has been turned around and re-sited centrally at the back of the plot. As a result, the car park has been moved to the front of the building.

In addition, the following documentation has been submitted to support the proposal:

- Covering Letter
- Extended Phase One Habitat Survey
- Updated Arboricultural Impact Assessment
- Tree Protection and Arboricultural Method Statement

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework 2012  
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  
CS23 Community Buildings and Cultural Activity  
CS34 Rural Areas

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees and Woodland

PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP38	Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007

**3. RELEVANT PLANNING HISTORY**

- 3.1 P84/1347  
Erection of front entrance porch.  
Approved  
18.04.1984

**4. CONSULTATION RESPONSES**

4.1 Rangeworthy Parish Council

Objection:

- effect of Sunday morning service in early hours (05:30am) on residential amenity likely to generate unacceptable noise and disturbance.
- inadequate on-site parking provision
- accessibility of site
- pressure on drainage system

4.2 Other Consultees

Highway Structures

No objection

Lead Local Flood Authority

No objection

Sustainable Transport

Condition access details submission and dropped kerb informative recommended

Tree Officer

Condition submission of supervision reports relating to fencing, hand dug drainage run and 'no-dig' before hall construction

Archaeology Officer

Programme of archaeological work condition recommended

Environmental Protection

Construction sites informative recommended

Ecology Officer

Compliance with habitat survey condition recommended

Landscape Officer

Objection:

- harm to rural landscape character from out of keeping appearance and prominence of building.

Environmental Protection

Condition nighttime use and noise insulation measures and construction hours informative recommended

**Other Representations**

4.3 Local Residents

Six letters have been received from local residents (2no. objections; 1no. revised consultation changed from support to object; 2no. returned due to content). The points raised include:

- gospel hall is not a community facility
- poor quality design in an area of rural character and development overall harming area character and appearance
- no planting proposed on east site boundary
- prejudice health of existing trees
- harm to present ecology
- loss of outlook
- loss of light
- overbearing
- services have potential to result in noise, disruption and pollution to closest neighbours
- noise disturbance harm if air-conditioning units positioned on south elevation
- validity of applicant evidence questioned
- sustainable drainage with soakaway to the ground could not be achieved due to clay ground conditions
- no dimensions on submitted plans

**5. ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The proposal is to erect a gospel hall including access, parking, the creation of an access driveway and associated works.

- 5.2 Policy CS23 of the South Gloucestershire Core Strategy (Adopted) December 2013 broadly supports the provision of new community infrastructure such as places of worship. It has been contended that the proposal is not a *community facility* as the proposal would be only for members of the Brethren. This view is not accepted for the following reasons. Places of worship are specifically referred to in the examples of community facilities included in the reasoned justification of Policy CS23. However, the policy does not distinguish between the uses for any types of faith nor does it say that places of worship should be a 'public' facility. It is accepted that the hall would not be available to the general public other than worship purposes, but it would be a facility for those

in the local community as well as those from further afield who respect the relevant faith. That is the case for many buildings used for religious purposes. Moreover, the gospel hall would be a class D1 use. This class of use relates mainly to what are widely known as community facilities and it is considered that it would be unreasonable to treat this proposed place as worship as an exception to this categorisation.

5.3 Full support is only given to such proposals provided all relevant policy criteria are satisfied. Of particular relevance is the resulting appearance and the impacts on the character of the area, residential amenity, highway safety and parking, the landscape, ecology, archaeology and the environment. These are all discussed in more detail below.

5.4 **Design and Visual Amenity**

Concern has been raised that the development has an inappropriate design given its rural location. It was observed on site that the area accommodates a variety of building styles, but the proposed hall has been designed to be reflective of the design characteristics of the residential buildings immediately adjacent. It would be of double storey height, incorporate a distinctive off-centre front gable and a 1.2m high brick base with self colour render above and concrete double roman tiles. It is therefore considered that the proposed hall, by virtue of its design, scale and materials, not cause harm to the character and appearance of the area.

5.5 **Landscape/Tree Issues**

Kilgobbin Housing is a large, detached property with a mature garden which helps to screen and integrate it with the surrounding rural landscape to the north and east. The proposed hall is to be sited in this back garden. New housing along Wickwar Road lies to the southeast but this does not have good boundary planting, resulting in a harsh and poorly integrated settlement edge. A well-used permissive footpath crosses the fields to the north linking this housing and the village facilities such as the school, church and pub in the northern part of Rangeworthy.

5.6 Prior to submission, tall coniferous trees marked the north boundary of the garden but regrettably these were all removed to make way for the proposal and have opened up views into the garden from the north. Consequently, any remaining trees that were worthy have been protected by tree preservation orders and it has been demonstrated through the application that measures would be put in place to ensure their protection during development. A condition will therefore be imposed to ensure the implementation of these measures.

5.7 The Landscape Officer and local residents are concerned that the proposed hall would now be visible across open fields when approaching by foot from the north and east, but given it would be seen against the backdrop of the existing settlement, the proposal is unlikely to be visually intrusive or appear as a significant outward extension of Rangeworthy. Proposed enhancement of the northern boundary and further tree planting and landscaping around the building would further mitigate such effects; the latter of which will be dealt with by way of condition.

## 5.8 **Ecological Issues**

The site itself is not covered by or near any statutory or non-statutory nature conservation designations. An Extended Phase One Habitat Survey by Abricon Ltd (June 2017) has been submitted with the application. Its findings are summarised below:

**Designated sites** – no statutory or non-statutory sites will be affected by the development

### ***Habitats***

**Semi-rural improved grassland**

**Tall Ruderal**

**Hedgerow** – fragmented and to be retained

**Trees** – Priority Habitat and to be retained

### ***Species protected under the Conservation Regulations 2012 (European Protected Species) as well as the Wildlife and Countryside Act 1981 (as amended):***

- **Bats** – none of the trees on site were identified as having features suitable for roosting bats. Therefore they are considered to be of negligible potential for roosting bats. Kilgobbin House is considered to have high Ecological Value for roosting bats but is not within the proposed site boundaries of the development, so has not been surveyed.  
The site has potential for foraging and commuting bats.
- **Great crested newt (GCN)** – the site has suitable terrestrial habitat for GCN's, however, the pond closest to the site without any barriers to dispersal was found to be dry. Natural England's Rapid Risk Assessment Tool was used for the pond on the far side of Wotton Road approximately 177m from the site. The result revealed that it is highly unlikely that an offence would be committed should the development proceed.
- **Dormouse** – the northern hedgerow and treeline were considered to have negligible to low value for dormice. No further survey work is required.

### ***Species protected under the Wildlife and Countryside Act 1981 (as amended):***

- **Nesting birds** – the site provides nesting and foraging habitat for birds. Due to the availability of suitable nesting habitat surrounding the site it is considered that the site has low value to birds.
- **Reptiles** – the site provides potential reptile habitat (grassland and rubble piles etc.) however due to the small size of the development and the better quality habitat surrounding the area, the site is considered to have low local value for reptiles and no further survey work is required.

### ***Badger Act 1992:***

The site does offer some foraging habitat for badgers but there are no setts on site.

***European Hedgehog (not currently protected but a UK and South Gloucestershire Priority Species):***

The site provides potential hedgehog habitat (grassland and brash piles etc.), however, due to the small size of the development and the better quality habitat surrounding the area, the site is considered to have low local value for hedgehogs and no further survey work is required.

- 5.9 Taking into account the above, Abricon Ltd recommend various mitigation, enhancement and compensation measures to prevent biodiversity loss and enable biodiversity gain through the proposed development. In summary, the Ecology Officer is happy the development would not harm ecological interests subject to the imposition of a condition requiring the measures above to be implemented.
- 5.10 **Residential Amenity and Impact upon the Natural Environment**  
Due to the separation distance to neighbouring properties and the location of the gospel hall, it is considered that there would not be an overbearing effect, loss of outlook and loss of daylight or sunlight to neighbouring properties and their occupants. Concern has been raised that the air conditioning units of the hall could be moved to the south elevation, thereby closer to neighbouring properties. However, as the submitted plans show the air conditioning units adjacent the north elevation, there would be no harm in this regard.
- 5.11 The concerns with regard to the potential for noise and disturbance from comings and goings from the proposed hall and its use are acknowledged. It is accepted that there is likely to be some disturbance on Sunday, particularly for the weekly early service, however the service itself is short and the site would not be in use a lot of the time and as such this harm is not considered sufficient to result in refusal of the application. However, to ensure that living conditions of neighbours are protected at other insensitive hours and during times of more intensive use, conditions are imposed that: restrict nighttime use of the site and construction activity timing; and, require details of the sound insulation proposed in the hall.
- 5.12 **Highway Safety**  
The proposal is supported by a Transport Statement that identifies the travel patterns and typical car occupancy rates associated with the brethren. Whilst concern has been expressed at the validity of the submitted data in relation to the age and the occupancy levels, the Highway Officer is happy following experience with similar sized gospel halls that what has been submitted is realistic.
- 5.13 It is noted that on the submitted plans the proposed access is 5.5m wide for approximately 29m with a security gate located approximately 14m from the edge of the highway. This arrangement coupled with visibility splays of 2.4 x 43m is considered suitable to serve the proposed development. It is, however, necessary to impose a condition requiring details of the access and that the development is carried out in accordance with the approved details.

5.14 Officers have noted the comments made by Rangeworthy Parish Council regarding parking provision and site accessibility. However, the Highway Officer raises no object to the development on those bases.

5.15 **Drainage Issues**

Officers can appreciate that the Parish Council and residents are worried that the clay ground will make matters worse, especially given what is perceived to be inadequate drainage capacity. However, the Drainage Officer has given careful consideration to these issues and raises no objection to the development, therefore Officers have no reason to doubt the adequacy and technical competence of the drainage scheme to be provided for the site.

5.16 **Archaeology Issues**

Although there has been no previous work on the development site itself, there are a number of known features within the proximity of the site that indicate potential for archaeological remains to be uncovered during the development. These include: a prehistoric enclosure; and, early medieval field systems (associated settlement as yet unlocated).

5.17 Given the level of significance of these remains and the scale of the development, it is considered necessary to impose a condition requiring a programme of archaeological work to be submitted and agreed.

5.18 **Other Matters**

The plans submitted by the applicant do not have dimensions, but include scales and as such are comprehensible.

5.19 **Consideration of likely impact on Equalities**

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

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

## **6. CONCLUSION**

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## 7. **RECOMMENDATION**

7.1 That the application be **APPROVED** subject to the conditions written below:

**Contact Officer: Helen Braine**  
**Tel. No. 01454 863133**

### **CONDITIONS**

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

Reason

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

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

Reason

In order to ensure the adequate protection of archaeological remains, and to accord with Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework. This programme is required prior to commencement in view of the area being of known archaeological interest.

3. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework. A scheme is needed prior to the start of work to ensure that appropriate protection during the construction phase for those plants to be retained is possible.



4. No development shall take place until a detailed scheme of noise insulation measures for the gospel hall has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of the relevant British Standard on sound insulation and noise reduction for buildings. The approved scheme shall be implemented prior to first occupation of the development and be permanently retained thereafter.

Reason

To protect the residential amenity of neighbouring occupiers and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework. The details are needed prior to the start of work so that measures can be incorporated into the build.

5. The building hereby permitted shall not be occupied until the recommendations made in Section 5 of the Extended Phase One Habitat Survey by Abricon Ltd (June 2017) have been implemented in full and thereafter permanently maintained. This includes: avoiding disturbance and harm to nesting birds, hedgehogs and reptiles, bat friendly lighting and enhancement measures including creation of a wildlife corridor, gapping up of the hedgerow, installation of bird and bat boxes, creation of a hibernaculum and hedgehog friendly fencing.

Reason

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

6. No construction of the gospel hall shall take place until supervision reports demonstrating completion of the fencing, the hand dug drainage run and the 'no-dig' have been submitted to and approved in writing by the Local Planning Authority. All works shall take place in accordance with the approved details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the retained trees, and to accord with Policies PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

7. No development shall take place until detail of the access, in accordance with the details as identified on plan Site Plan Proposed (1051-16/09 Rev C), has been submitted to and been approved in writing by the Local Planning Authority. The building hereby permitted shall not be commenced until the access is constructed in accordance with the approved plans.

Reason

In the interests of highway safety, and to accord with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework. This detail is needed prior to the start of work so that the access is planned and approved in good time, to a satisfactory standard for use by the public and completed prior to occupation.

8. The premises shall not be open for use, nor shall persons be present on the site, other than between the hours of:  
Monday to Saturday 07:00 to 23:00; and,  
Sunday 05:30 to 23:00.

Reason

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

9. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

10. The development shall be implemented strictly in accordance with the following documents:

Received 23.03.2017:

Design and Access Statement  
Planning Supporting Statement  
Transport Statement  
Site Plan - Existing (1051-16/01 Rev A)  
Site Location Plan (1051-16/LPA)  
Neighbour Consultation

Received 30.06.2017:

Covering Letter  
Arboricultural Impact Assessment  
Extended Phase 1 Habitat Survey  
Site Plan Proposed (1051-16/09 Rev C)  
Colour Site Plan - Proposed (1051-16/10 Rev C)  
Black & White Site Plan - Proposed (1051-16/10 Rev C)  
Proposed Floor Plan (1051-16/11 Rev C)  
Front & Rear Proposed Elevations (1051-16/12 Rev C)  
Proposed Side Elevations (1051-16/13 Rev C)

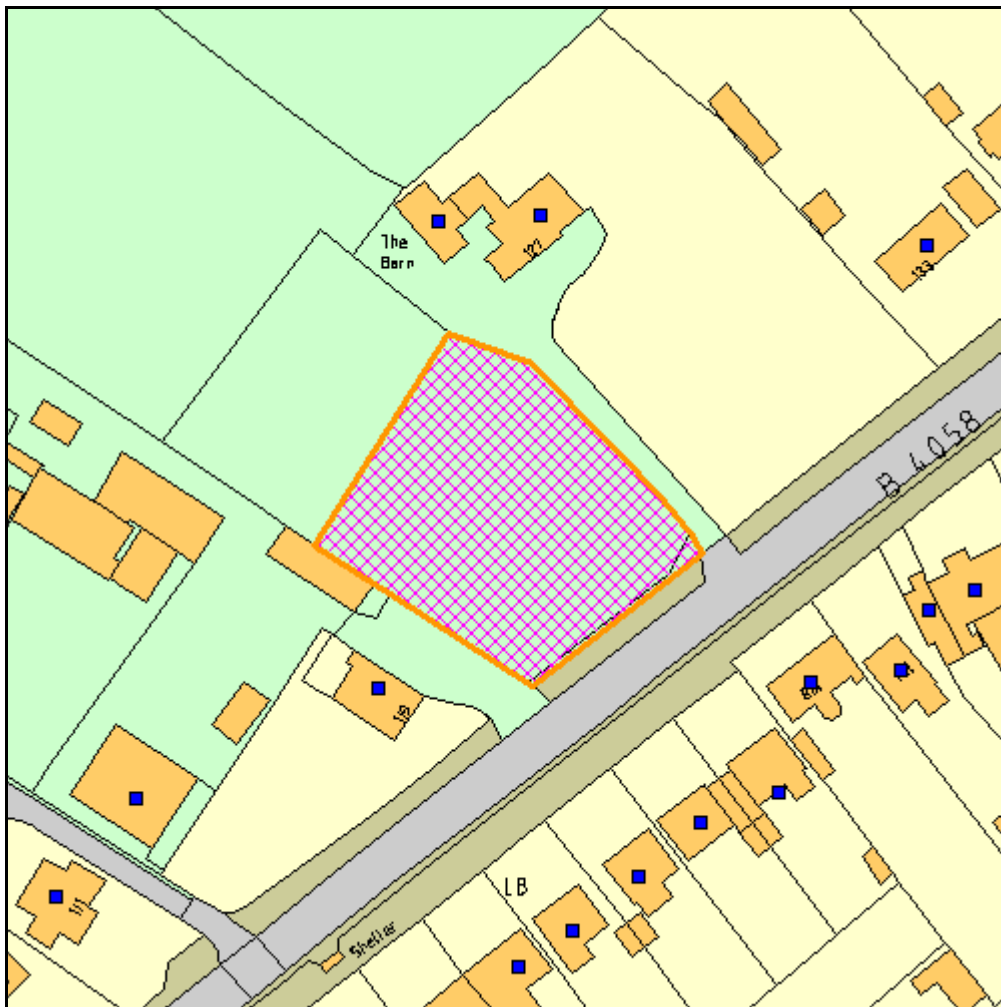
Received 19.10.2017:  
Tree Protection & Arboricultural Method Statement

Reason  
For the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 48/17 – 1 DECEMBER 2017**

<b>App No.:</b>	PT17/2904/O	<b>Applicant:</b>	Prestige Development Ltd
<b>Site:</b>	Paddock To Northeast Of 119 Bristol Road Frampton Cotterell South Gloucestershire BS36 2AU	<b>Date Reg:</b>	23rd June 2017
<b>Proposal:</b>	Erection of 3no. dwellings (Outline) with access, siting and scale to be determined. (All other matters reserved)	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	365630 182021	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th August 2017

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100023410, 2008. N.T.S. PT17/2904/O

## **REASON FOR SUBMISSION TO CIRCULATED SCHEDULE**

The application is circulated as a result of four local objections and objection from the Parish Council

### **1. THE PROPOSAL**

- 1.1 This application seeks outline planning permission to erect up to three dwellinghouses on this 0.194Ha site. The application initially intended that only access was to be determined but during the course of the application it became clear that matters of siting and scale could be determined as a result of the additional information submitted.
- 1.2 Matters of landscaping and appearance are to be determined under a later reserved matters application.
- 1.3 Supplied for consideration are:
- a Site Location Plan which outlines the red site area abutting Bristol Road with the rest of the field in the same ownership to the north-west outlined in blue.
  - a proposed site plan demonstrating access and layout.
  - a floor plan and elevations demonstrating scale
  - A phase one ecological report
- 1.4 The whole site is located in the Bristol/Bath Green Belt and is outside but adjoining the nearest settlement boundary of Frampton Cotterell which is not a washed over village. The site is in Flood Zone 1. The site is not considered to be a previously developed site.
- 1.5 The agent submits that the site would be drained by SUDS and an as yet unknown foul drainage means.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
Section 6 Delivering a wide choice of high Quality homes  
Section 7 Requiring good design  
Section 9 Protecting Green Belt Land

#### **2.2 Development Plans**

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

CS1 High Quality Design  
CS4a Presumption in favour of sustainable development  
CS5 Location of Development  
CS8 Improving accessibility  
CS9 Managing the Environment and heritage  
CS15 Housing distribution

CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable housing
CS34	Rural Areas.

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

PSP1	Local distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential amenity
PSP11	Transport impact management
PSP16	Parking standards
PSP19	Wider Biodiversity
PSP20	Drainage
PSP37	Internal space and accessibility standards for dwellings
PSP40	Residential development in the countryside
PSP43	Private amenity space standards

2.3 Supplementary Planning Guidance

South Gloucestershire Development in the Green Belt (Supplementary Planning Document) Adopted May 2007

South Gloucestershire Design Checklist (Supplementary Planning Document) Adopted 2007

South Gloucestershire Council Affordable Housing Supplementary Planning Document (Adopted) September 2008

Residential Parking Standards Supplementary Planning adopted December 2014

South Gloucestershire Landscape Character Assessment as amended and adopted Nov 2014:-

**3. RELEVANT PLANNING HISTORY**

3.1 None

**4. CONSULTATION RESPONSES**

4.1 Frampton Cotterell Parish Council

Object the proposal is in the Green belt and is green field and not in the settlement boundary.

4.2 Other Consultees

Landscape officer

Objection – outside settlement boundary and in green belt

Lead Local Flood Authority

No objection subject to SUDS condition

Sustainable transport

The site is isolated from Frampton Cotterell by virtue of Bristol Road, with no controlled crossing in the vicinity of the site or footways linking to wider services such as bus stops. This would lead to pedestrians having to potentially cross the B4058 Bristol Road twice to gain access to the northbound bus services.

The lack of a safe crossing over the Bristol Road coupled with a lack of pedestrian infrastructure would therefore introduce a risk to pedestrians crossing the highway and provision of linkages to the wider services to the detriment of highway safety. Without prejudice in the event due to lack of the 5 year land supply this site is recommended for approval the following considerations would need addressing.

During the process of the application revised details have been submitted by the applicant to show appropriate visibility splays together, on-site turning facilities and provision of a new footway that provides a safe route for residents to public transport and hence improving the sustainability credentials of the proposal to an acceptable level. This improvement overcomes the previous concerns to such an extent that a refusal based upon a severe impact upon highway safety cannot be sustained, and as such the application is acceptable from a transportation perspective.

## **Other Representations**

### **4.3 Local Residents**

Four letters of objection were received in relation to the following concerns:

- Green field site and green belt land not designated for houses
- Does not accord with the Local plan
- Concern about precedent.
- Concern about history of neighbouring site being allowed as a barn conversion.
- Bristol road is very busy all day long and another access will add to traffic problems and potential for accidents. Near misses occur with traffic entering or exiting the businesses next door and the writer has difficulty accessing or leaving their own house
- There is little detail on the type of houses to be built (ie one or two storey). Prestige developments appear to build park homes which does not blend well with other properties on Bristol Road.
- Will contribute to urban sprawl and is detrimental to the general environment.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

This application proposes 3 dwellings within the application site. The Local Planning Authority consider the site to be an agricultural field. Policies CS5 and CS34 of the South Gloucestershire Core Strategy state that new build housing should be limited to urban areas and established settlement boundaries as such this specifically restricts housing outside of these areas. In that regard, this proposal is contrary to the adopted development plan as it proposes new dwellings outside of any established settlement boundaries

shown on the Proposals Map and is located within the open countryside and Green belt.

5.2 *Five Year Housing Land Supply*

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes on to suggest that if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date.

5.3 The Authority's Monitoring Report 2016 shows that the Council cannot demonstrate a five year housing land supply.

The latest five housing year supply is set out in the 2016 Authority's Monitoring Report (AMR). Table 2.3, on page 29 of the AMR sets out the 5 year supply position:-

The five year supply deficit:	<b>960</b>
Five year supply figure	<b>4.54</b>

5.4 As such paragraph 49 of the NPPF is engaged. With reference to the NPPF, policies CS5 and CS34 of the adopted Core Strategy are therefore not considered to be up-to-date, as they act to restrict the supply of housing outside the urban area and settlement boundaries. Paragraph 14 of the NPPF states that at the heart of the NPPF is a 'presumption in favour of sustainable development', and states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (known as the tilted balance), or where specific policies in the NPPF indicate that development should be restricted. In this case it is important to point out that green belt policy is one such specific policy which can still restrict development and this is considered further below in its own section. So unless the site is considered to constitute appropriate development in the Green Belt the tilted balance will not apply.

5.5 The starting point remains the development plan policy which would resist housing in principle. The question is what weight to attribute to the NPPF, as an important material consideration in light of the current housing supply shortfall. The thrust of paragraph 14 is that sustainable development should only be resisted if specific and demonstrable harm can be shown as a result of the development when weighted against the benefit of providing the dwellings.

5.6 Sustainability

The site immediately adjoins the designated settlement boundary of Frampton Cotterell and is therefore in a reasonably sustainable location. There are also houses and businesses on either side of the site. The highways officer however raised concern about sustainable use of the site as there is no safe route to the nearby public bus stop. Concern is not specifically about crossing the road at this point as the road is straight with good visibility but walking in the road between the bus stop and the site or traversing the grass verge which is



not suitable or safe for pedestrians, prams, wheelchairs. The site is 150m from the nearest bus stop and a footway has been negotiated outside of the site to mitigate this concern. **As such the risk to pedestrians is overcome and the sustainability of the site is increased to an acceptable level.**

These three houses would not materially increase the number of journeys into properties on the west of the Bristol Road. As such given the close proximity to the settlement boundary and the immediate sandwiching between other houses and business premises on that side of Bristol Road, the site is not found to be unsustainable nor to pose a severe traffic hazard.

It would be more convenient, and safer for pedestrians by being closer to the pedestrian crossing but it is nevertheless concluded that the site remains a reasonably sustainable location. The distance to a safe crossing point weighs against the proposal but it is not considered that this makes the site unsustainable (highway safety is considered as a separate matter later in the report). This is a qualitative measure in terms of the nature of the route as opposed to the quantitative measure of proximity alone. Further the benefit of the provision of the footway is considered to give modest benefit to the application.

#### 5.7 Green Belt

Frampton Cottrell as defined by the settlement boundary is excluded from the Green belt, as such this site lies within the Green Belt. Notwithstanding this paragraph 14 makes it clear that inappropriate development in the green belt should be resisted, and effectively the development would not be considered to be sustainable if found to be inappropriate.

- 5.8 The NPPF states that development in the green belt should be considered as inappropriate with the exception of certain types of development. “Limited infilling within a village” is one such exception to this restrictive policy. Policy CS5 states that ‘small scale infill development may be permitted within the settlement boundaries of villages’; but the NPPF makes no such reference to this exception only applying to villages with defined settlement boundaries. The Green Belt SPD identifies infill development as ‘development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in-between existing buildings, in linear formation’ (page 5). The question therefore is whether this site could be accurately be described to be within Frampton Cotterell notwithstanding the settlement boundary as defined in the development plan. The three dwellings proposed are located in a line between other dwellings immediately next to the site and fronting onto Bristol Road. It is further considered that most people would consider themselves to be “within” Frampton Cotterell at this location. It is therefore concluded that the proposal is considered to be limited infill within a village within the NPPF definition and therefore is appropriate development.

- 5.9 Further whilst the designated settlement boundary is tightly drawn around the settlement and excludes the existing houses and commercial properties on either side of the site, it is also reasonable to view the development on the west side of Bristol road as being part of the village. As such it is considered that the

limited infilling by three dwellings, in the manner shown on the submitted plan, between two houses is, further, compliant with the NPPF.

5.10 As to openness of the greenbelt the scale of the proposed dwellings are shown and they rise no higher than the house next door, space is maintained around the bungalows such that views are maintained through to the open fields behind the site. As such this appropriate development is not considered to be harmful to the openness of the greenbelt.

5.11 Design and impact on countryside

The detailed design of the bungalows need not be established at this stage nor the landscaping proposals. However the scale of the development is now fixed and the site would provide three houses as bungalows with ridges no higher than 5.6m on part of a small field which is closely associated in location with the settlement of Frampton Cottrell. Both sides of the site are already developed and the infilling of the site in the manner shown would be a natural progression of the development on a continued road frontage given that there is no settlement boundary in force.

5.12 In terms of landscaping this part of the field has no soft edges and is enclosed by walling to three sides. An indication of a proposed landscape scheme shows that trees and hedged can be used to form the rear boundary to the site and that hedge and trees will be used to soften the southern and eastern (front) boundaries. The installation of landscaping is given limited weight as this is not as yet one of the matters being determined.

5.13 Highway safety

The sustainability of the site is already considered above at paragraph 5.6. The site is shown to have two parking spaces per dwelling and adequate turning facilities within the site. The layout would also provide further informal parking space off the road. The access has been amended during the application and now shows 120m by 2.4m visibility splays for the 40mph road outside of the site. Whilst it is acknowledged that the road is busy at certain times of day it is only two lanes of traffic (one in each direction) and there is good visibility on this straight stretch of road. A safe crossing point is available at the junction 300m to the north should the road prove impassable on occasions. The agent has agreed to provide, as shown a tarmacked route to the nearby bus stop on highway land to an adoptable standard. This is outside of the site and will be secured by a Grampian condition. This is necessary and related to the site as it will increase the likelihood of residents taking a sustainable form of transport. It will also encourage other visitors to the west side of the road to consider using the bus. Overall subject to conditions relating to provision of the path and retention of the access and parking as shown no highway objection is sustained and the benefit of a footway being provided weighs modestly in favour of the development.

5.14 Mix and level of housing of housing

The bungalows shown are all the same but the site size is not sufficiently large as to require a variation of the type of houses within the site. Similarly affordable housing is not required. The properties are ground level and spacious and offer a choice of market housing different to other bungalows and

houses in the wider area. As such the proposal complies with policy CS17 and CS16. This has a neutral impact on the application.

5.15 Residential Amenity

The proposal would not affect the residential amenity of the neighbouring properties as no overlooking or overbearing impact is caused. Sufficient space is given to each property to allow for their private residential amenity. This is attributed neutral weight.

5.16 Environmental Issues

The site is in flood zone 1 where flooding is not likely to occur.

A phase one habitat survey was carried out which found that the majority of the habitats on site were botanically poor which limited their ecological value, these however are to be lost and the introduction of the new hedgerows as part the scheme would enhance the site's ecological value.

There was found to be negligible potential for the majority of protected species and low potential for nesting birds but this could be improved as part of the scheme.

Recommendations put forward in section 10 of the Habitat survey would protect what little wildlife exists and enhance the ecology of the site. Aside from clearing the site at appropriate times of the year this would include planting native species, grassing the site with a particular slow growing grass (Emorsgate EL1) seed to enhance wild flower species which in turn has value for pollinators, and that house sparrow terraces nesting boxes are provided. It is proposed that this is secured by conditions requiring such details to be submitted as part of the reserved matters.

5.17 Foul drainage

The Lead Local Flood Authority would like to know what drainage is proposed but in this case that level of detail can be left to the reserved matters stage. This is attributed neutral weight.

5.18 Consideration of likely impact on Equalities

No evidence has been put forward that this proposal would have any material impact on any particular sector of the community however the provision of a footway which gives safe access to less able users on that side of the Bristol Road is a modest benefit.

5.19 Planning Balance

Paragraph 14 NPPF sets a presumption in favour of sustainable development. For the purposes of this planning application policy CS5 and CS34 are out of date for the provision of housing on sites outside the urban area or settlement boundaries. Para 14 of the NPPF sets out that in these circumstances planning permission must be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.20 The above report finds that the site is sustainable and that the development is appropriate development in the green belt without detriment to openness in the form presented. Substantial weight must be given to the sustainable location of the site. Modest weight was given in favour of the site to provide three new dwellings and further modest positive weight is attributed because of the provision of a footpath to the nearby bus stop. Further limited weight can be attributed because the site is likely to provide a reasonable scheme of landscaping to the site.

Weighing against the proposal is the limited harm to the development as a result of lack of direct access to a crossing point across the road for pedestrians at busy times of day.

5.21 Overall the benefits of the scheme are not significantly and demonstrably outweighed by any adverse impact of the development and as such planning permission is recommended to be granted.

## **6. CONCLUSION**

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That planning permission is granted subject to the conditions set out below.

**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

### **CONDITIONS**

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

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

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

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

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

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

Reason

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

5. The reserved matters application shall include the submission the off-street parking facilities shown on the plan hereby approved as well as cycle and bin storage facilities. These shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013 and the South Gloucestershire Waste SPD (Adopted) February 2015

6. Submitted as part of the reserved matters submission shall be the drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts)within the development. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

7. The development shall proceed in accordance with the recommendations made in the Phase 1 Survey by Ethos Environmental Planning (April, 2017) and these details shall be incorporated into the landscape scheme to be agreed as a reserved matter. This includes avoiding disturbance and harm to nesting birds, sowing Emorsgate seed EL1 on amenity grassland areas, planting locally native species and installing bird nesting boxes.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

8. Prior to first occupation of a dwelling the location of at least three house sparrow terrace boxes shall be submitted to, approved in writing by the local planning authority and installed as agreed. They shall thereafter be maintained as such.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the local wildlife and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

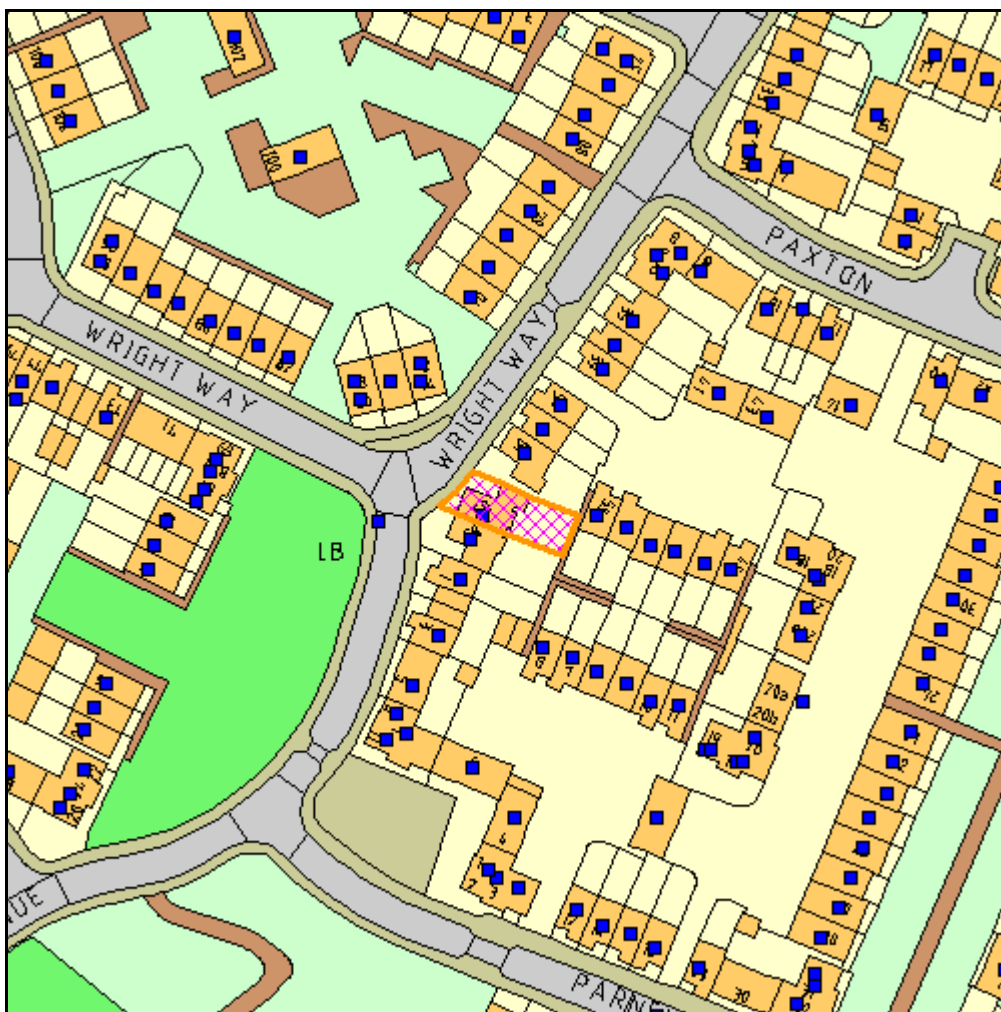
9. The development shall not be occupied until such time as a footway, within the highway verge, as shown on submitted plan 2904/10 revision B is provided between the site and the nearby bus stop.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, PSP11 of the South Gloucestershire Local Plan- Policies Sites and Place Plan Adopted November 2017 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 17 – 1 DECEMBER 2017**

<b>App No.:</b>	PT17/3884/PDR	<b>Applicant:</b>	Mrs Sophie Butcher
<b>Site:</b>	63 Wright Way Stoke Gifford Bristol South Gloucestershire BS16 1WE	<b>Date Reg:</b>	14th September 2017
<b>Proposal:</b>	Conversion of existing garage to additional living accommodation.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362247 177531	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>		<b>Target Date:</b>	8th November 2017



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## **REASONS FOR REPORTING TO CIRCULATED SCHEDULE**

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the conversion of an existing garage to additional living accommodation at no. 63 Wright Way, Stoke Gifford.
- 1.2 The application site consists of a modern, semi-detached property set within a moderately sized plot. The site is situated within the built-up residential area of Stoke Park. The main dwelling is finished in buff brick, and incorporates a pitched roof dormer window at its front elevation. A single, pitched roof garage is attached to the north-facing side elevation of the property. The proposal seeks to increase the total number of bedrooms within the property from 5 to 6, through the conversion of the existing garage.
- 1.3 An amended floor plan was submitted on 23<sup>rd</sup> November 2017. The amendment involves the addition of 2no. rooflights to the rear-facing roof slope of the garage.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance (2014)

#### 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

PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

#### 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013



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

#### **3.1 PT16/6735/CLP**

Application for a Certificate of Lawfulness for the conversion of existing garage to a bedroom (no external alterations).

Refused: 25.01.2017

#### **3.2 P99/1510**

Erection of 201 dwellings (approval of reserved matters)

Approved: 30.09.1999

Condition 2 attached to this decision restricted the use of the garages permitted.

- (2) The garages hereby permitted shall be used for the garaging of private motor vehicles and for other uses incidental to the enjoyment of the dwellinghouses only and shall not be used for any business or commercial purposes.

The reason given for this condition on the decision notice was to safeguard the residential character of the area and to protect the amenities of the nearby dwellings. It is further noted that condition 3 on P99/1510 required the garages to be provided prior to occupation in order to ensure there was adequate off street parking provided.

#### **3.3 P97/2145**

Demolition of hospital buildings and redevelopment of the site for housing (outline).

Approved: 03.03.1999

#### **3.4 PT17/0703/PDR – 4 Hawksmoor Lane, Stoke Gifford**

Conversion of garage to form 1no. new bedroom within a 5-bed HMO (Use Class C4 as defined in the Town and Country Planning (Use Classes) Order 1987).

Approved at Committee: 29.06.2017

### **4. CONSULTATION RESPONSES**

#### **4.1 Stoke Gifford Parish Council**

Objection - Council previously considered this application under PT16/6735/CLP. Its view continues to be that this property is situated right on one of the busiest junctions on the Stoke Park development and at a very short distance from vehicle fumes and noise. In addition one parking space is totally insufficient for a 6 bed HMO, especially when that property is dependent on cars for transport there being no garage space for cycle or bin storage. Council

does not believe that the additional room would be safe or habitable should the door not be replaced with masonry.

#### 4.2 Other Consultees

##### Sustainable Transport

Insufficient information has been submitted to enable me to fully assess the transportation impact of this development. The development proposes to provide one additional bedroom in the existing garage making a total of two to the ground floor. No detail on the layout of the first floor has been submitted. Vehicular parking requirements for a dwelling are assessed on the number of bedrooms available. A dwelling with up to four bedrooms requires a minimum of two parking spaces and a dwelling with five or more bedrooms three parking spaces. No detail on the proposed vehicular parking has been provided. Before further comment can be made a revised plan addressing the above needs to be submitted.

#### Other Representations

##### 4.3 Local Residents

No comments received

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

The application seeks permission for the conversion of an existing garage in to a bedroom. Policy PSP38 of the Policies, Sites and Places Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity, transport and loss of trees and vegetation. The development is acceptable in principle but will be determined against the analysis set out below.

#### 5.2 Transport

The comments of the transport officer and the parish council have been taken in to account. It is noted that the conversion of the garage would increase the number of bedrooms within the property from 5 to 6. Policy PSP16 of the Policies, Sites and Places plan outlines that properties with 5+ bedrooms should provide a minimum of 3 parking spaces. At present, one external parking space is provided. This would be retained as part of the development. Whilst the garage would be lost as part of the development, it does not meet the minimum size standards set out in PSP16, and does therefore not count as a space towards total parking provision. As such, the development would not result in the loss of any parking spaces.

5.3 Due to the limitations of the site, it is not possible to provide an additional external parking space to offset the increase in bedroom number.

5.4 As such, the current provision of parking at the site is substandard by a total of 2 spaces, and following the creation of a 6<sup>th</sup> bedroom at the property, the provision would still be substandard by a total of 2 spaces. As such it is acknowledged that both the existing and proposed parking arrangements at the

site do not meet the parking standards outlined above. Whilst the failure of the proposal to meet the parking standards set out in PSP16 is given significant weight, this factor alone is not considered to substantiate a reason for refusal. The actual impacts of the increased competition for on-street parking caused by the additional living accommodation at the property will therefore be assessed. It should be noted that paragraph 32 of the National Planning Policy Framework 2012 (NPPF) outlines that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 5.5 In this case, whilst the host dwelling is located at a junction between Wright Way and Jellicoe Avenue, the areas of the highway immediately adjacent to the site are subject to double yellow line restrictions. Furthermore, a resident's parking zone is in operation in the area, with the number of parking permits issued to each property restricted. Furthermore, 2 bicycle storage units, each with the capacity to accommodate 3 bicycles, are to be provided in the rear garden of the property, as such promoting more sustainable travel options. For the reasons outlined above, it is not considered that the proposal would lead to a significant increase in on-street parking, to the detriment of highway safety. The provision of the cycle units shall be secured by condition.
- 5.6 Reference should also be made to a similar application at 4 Hawksmoor Lane; another property within the Stoke Park development. This application also sought to convert a garage to create a 6<sup>th</sup> bedroom, with only one parking space provided. In this case, whilst a degree of harm was identified, it was not considered sufficient as to substantiate a reason for refusing the application, and the application was approved at committee.
- 5.7 Similarly in this case, whilst it is accepted that the creation of an additional bedroom at the property would aggravate the existing undersupply of on-site parking, it is not deemed that the cumulative residual impacts of this would be so severe as to substantiate a reason for refusal.
- 5.8 Design and Visual Amenity  
Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.9 The only external alteration proposed is the insertion of 2no. 60cm x 100cm rooflights at the rear-facing roof slope of the garage. It is not considered that the insertion of the roof lights would have a material impact on the appearance of the dwelling as a whole. Furthermore, the roof lights would not be visible from public areas. On this basis, it is not considered that the proposal would have any significant impact on the appearance of the dwelling or the character of the immediate locality. As such, the proposal is considered to comply with the design criteria set out in policy CS1 of the Core Strategy and PSP38 of the Policies, Sites and Places Plan.

#### 5.10 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

5.11 The proposal does not seek to increase the size of the dwelling. As such, it is not considered that the proposal would have any overbearing or overshadowing impacts. Furthermore, due to their setting in to the roof slope of the garage, it is not considered that the proposed rooflights would create any increased sense of overlooking. It is also not considered that the proposal would have any impact on residential amenity through increased disturbance.

5.12 The conversion of the garage would also not result in the loss of any outdoor private amenity space at the site. The insertion of the rooflights in to the garage roof slope also improves the living conditions within the bedroom. The comments of the parish council with regard to the retention of the garage door have been taken in to account. However it is likely that a wall would be constructed behind the door to create greater insulation, and that the retention of the door reduces any impact on the streetscene. On balance, it is not considered that the proposal would prejudice residential amenity, and as such the proposal is considered to accord with policies PSP8 and PSP38 of the Policies, Sites and Places Plan.

#### 5.13 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.

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

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

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

**Contact Officer: Patrick Jackson**  
**Tel. No. 01454 863034**

### **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 proposed cycle parking shall be carried out in accordance with plan 3666.02 (PROPOSED BLOCK PLAN) and the submitted bike storage specification (BIKE STORAGE DETAIL). The cycle parking shall be implemented in full prior to the first use of the converted garage and thereafter retained.

To encourage means of transportation other than the private car, to accord with Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 48/17 – 1 DECEMBER 2017**

<b>App No.:</b>	PT17/4577/F	<b>Applicant:</b>	Mr George Curry
<b>Site:</b>	8 Falcon Walk Patchway Bristol South Gloucestershire BS34 5RZ	<b>Date Reg:</b>	23rd October 2017
<b>Proposal:</b>	Erection of single storey front/side extension and conversion of existing garage to form additional living accommodation.	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	359222 182050	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Householder	<b>Target Date:</b>	14th December 2017



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## **CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule following comments received from the local town council contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of single storey front/side extension and conversion of existing garage to form additional living accommodation at 8 Falcon Walk, Patchway.
- 1.2 The host dwelling is a two-storey, semi-detached property finished in brick. The case officer noted whilst undertaking a site visit that neighbouring properties have benefitted from similar extensions to that of the proposal.
- 1.3 During the course of the application, revised plans were requested and received to address the parking arrangement.

### **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

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017  
PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP11 Transport  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages  
PSP43 Private Amenity Standards

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

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

- 3.1 N569/6 – Approved - 21.05.1979  
Erection of 44 semi-detached dwellinghouses with garages, associated parking spaces, footpaths and new estate roads.
- 3.2 N569/3 – Approved - 09.10.1975

Erection of 40 dwellinghouses with associated garages, parking spaces and footpaths. Construction of new estate roads. In accordance with the revised plan received by the Council on the 7th October, 1975. to be read in conjunction with planning permission Ref. No. SG.2138/R.

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

##### 4.1 Patchway Town Council

Patchway Town Council objects to this application on the grounds of over-development of the site.

##### Sustainable Transport

Insufficient information has been submitted to enable me to fully assess the transportation impact of this development. The development proposed the conversion of the existing garage to provide one additional bedroom to the ground floor.

No detail of the layout of the first floor has been provided so I am unable to ascertain how many bedrooms are within the whole of the dwelling. Vehicular parking for a dwelling is assessed on the number of bedrooms available.

No detail on existing vehicular access or proposed parking has been submitted with this development. A revised plan needs to be provided which clearly shows the existing vehicular access and the proposed parking for this dwelling after development.

Vehicular parking must be provided which complies with the Council's residential parking standards.

##### *Comments following revised plans*

No comments were forthcoming.

##### Archaeology

No Objections

##### Public Rights of Way

PROW have no objection as it is unlikely to affect the right of way (footpath OPA 13) running to the rear or south east of the property.

##### Open Spaces Society

No comments received

#### **Other Representations**

##### 4.2 Local Residents

No Comments Received



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

### 5.2 Design and Visual Amenity

The proposal consists of the erection of a single storey front/side extension and conversion of existing garage to form additional living accommodation. The proposal would be visible from the public areas offered along Falcon Walk. As such it is acknowledged that the proposed extension would have some impact upon the street scene and the character and distinctiveness of the immediate surrounding area. As such the extent to which the proposal respects the character of the area, as well as the character and proportions of the host dwelling, will be assessed.

5.3 The proposed single storey front/side extension will extend approximately 4.1 metres from the existing principal elevation, have a total width of 3.6 metres and a maximum height of 3.7 metres. The proposal will feature 1no rooflight on a flat roof and use materials that match the existing dwelling.

5.4 The proposed single storey front/side extension will be in line with the existing garage, the proposal seeks permission to alter the existing garage door to facilitate 1no window.  
Overall the proposal is considered to be acceptable and reasonable in keeping with the surroundings in terms of design.

### 5.5 Residential Amenity

Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

5.6 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the extensions, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties. Due to levels of separation, it is not deemed that the proposed extensions would impact upon the residential amenity enjoyed at properties

5.7 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development.

5.8 An objection was raised regarding overdevelopment of the application site, the case officer noted whilst undertaking a site visit, number 5 Falcon Walk benefits

from alterations to the garage and that several properties nearby in Bevington Walk benefit from similar development to this proposal, particularly numbers 2, 3, 5, 6 and 10 Bevington Walk.

- 5.9 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).

5.10 Sustainable Transport and Parking Provision

The proposal will include an additional bedroom, however would not require the provision of any further parking spaces. The existing hardstanding provides space for 2 vehicles and is therefore in accordance with the provisions of the Residential Parking Standards SPD. The proposal would not be considered have a negative impact on highway safety or the provision of off-street parking facilities.

The case officer notes the concerns raised by a transport officer, during the course of this application revised plans were requested and received to address these concerns.

A revised plan was received that shows 2 parking spaces to the frontage of the property, a floor plan was also received to show the property is a 4bed dwelling.

5.11 Equalities

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

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 the conditions included on the decision notice.

**Contact Officer: Westley Little**  
**Tel. No. 01454 867866**

## **CONDITIONS**

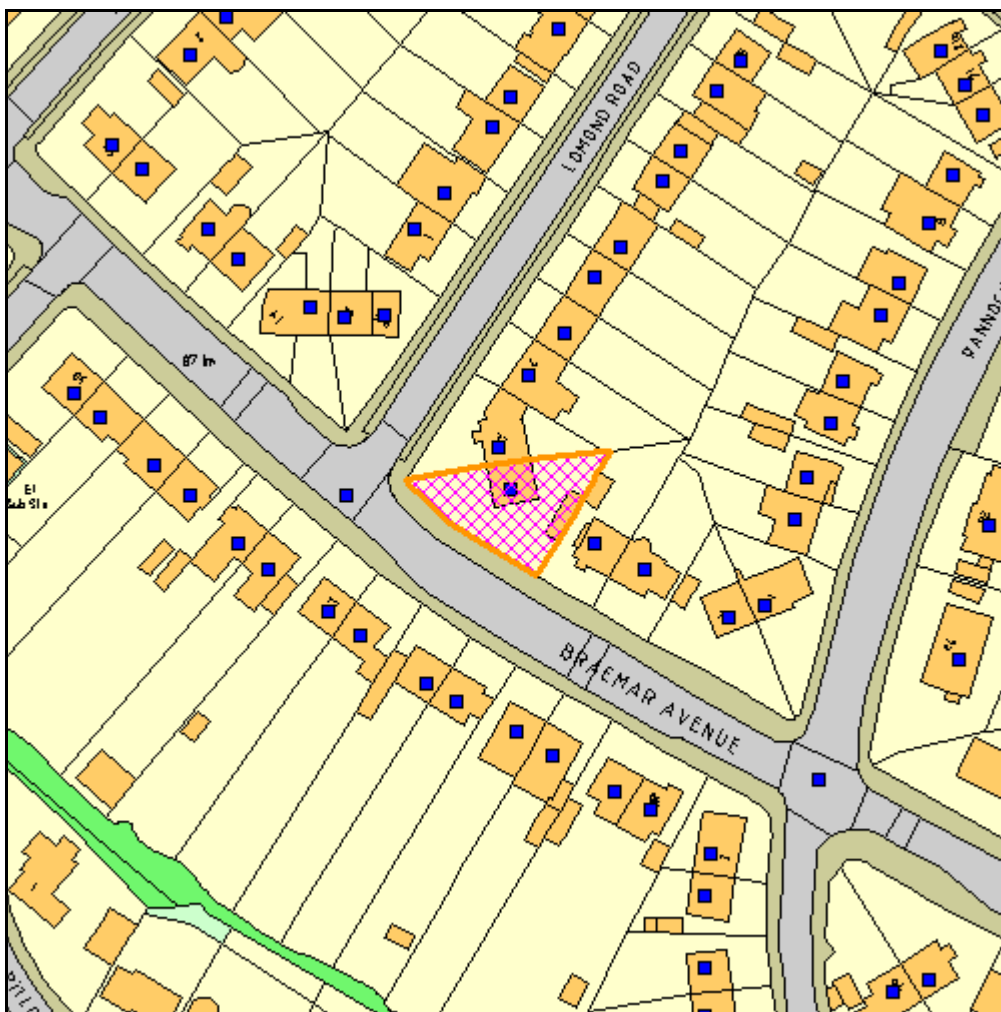
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 48/17 – 1 DECEMBER 2017**

<b>App No.:</b>	PT17/4846/F	<b>Applicant:</b>	Mr P Whiteway
<b>Site:</b>	35 Braemar Avenue Filton Bristol South Gloucestershire BS7 0TF	<b>Date Reg:</b>	25th October 2017
<b>Proposal:</b>	Sub-division of existing dwelling into 2 no. dwellings with new access and associated works	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	359641 178365	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th December 2017



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## INTRODUCTION

This application appears on the Circulated Schedule given that objections have been raised that are contrary to the officer recommendation

### 1. THE PROPOSAL

- 1.1 The application seeks permission for the subdivision of an existing property into two (3 bed) dwellings. The proposal will create an additional access. Two parking spaces are proposed for both property.
- 1.2 The works proposed to the building in order to facilitate the development are quite minor and largely internal. Externally a door replaces a window on the front elevation of the existing extension element.
- 1.3 The application relates to an existing end of terrace dwelling located on Bader Close, a large semi-detached property situated at the junction of Lomond Road and Braemar Avenue. The property benefits from a large two storey side extension (see previous history below).

### 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

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

PSP 1 Responding to Climate Change and High Quality Design  
PSP 8 Residential Amenity  
PSP11 Transport Impact Assessment  
PSP16 Parking Standards  
PSP38 Development within existing residential curtilages  
PSP39 Residential Conversions, sub divisions and houses in multiple occupation  
PSP43 Private Amenity Space standards

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Council Residential Parking Standards SPD Adopted December 2013  
South Gloucestershire Council Design Checklist SPD Adopted August 2007

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

- 3.1 PT14/2561/F Erection of two storey side extension to provide additional living accommodation (Approved 28<sup>th</sup> August 2014)

### **4. CONSULTATION RESPONSES**

#### **4.1 Filton Town Council**

Object on parking, over intensive, not in keeping and highway access

#### **Sustainable Transportation**

Initial Comments

We have no objection in principle to this change, nevertheless, we have some concerns about these proposals. This is because, although we note that the application form suggests that four car parking spaces will be provided on this site, insufficient information has been submitted to enable us to determine where they are located, whether they are of the correct dimensions and if they are sufficiently accessible to allow us to include them within the properties on-site parking allocation.

Therefore, we cannot ascertain whether this development conforms to the required off-street car parking standards as set out in the Councils Residential Parking Standards SPD. Hence, we would wish to see this matter clarified before we can come to a conclusion about this development.

Following the submission of revised/further information to confirm the size of the parking spaces there is no objection to the proposal on highways grounds

#### **Archaeologist**

No objection

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

No objection in principle to the application. An informative is advised to remind the applicant that any building work should not affect a public foul water sewer which is in proximity to the site

### **Other Representations**

#### **4.3 Local Residents**

Objection on the grounds that work has already begun

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

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

The proposed development will involve the creation of an additional residential unit within the urban boundary and is acceptable in principle

Policy CS1 of the Core Strategy seeks High Quality design in all new development.

PSP 39 of the Policies Sites and Places Plan Nov 2017 considers in detail residential conversions and subdivisions provided that they do not harm the character and amenity of the area, prejudice the amenity of neighbours, provide adequate amenity space and provide parking in accordance with the Council's parking standards. PSP 8 considers development in terms of the impact upon the amenity of neighbouring occupiers and future occupiers of the development. PSP11 considers in particular the impact of development upon the highway network. PSP16 specifically sets out the residential parking standards.

Subject to consideration of the above issues the proposed development is considered acceptable in principle.

## 5.2 Design

The only external change to the building is the provision of a new door. This is considered acceptable in design and visual terms.

## 5.3 Residential Amenity

Residential Amenity is assessed both in terms of the impact of a development upon the amenity of neighbouring occupiers and in terms of the amenity of future occupiers.

In terms of the impact upon neighbouring occupiers, it is considered that any impact would be neutral. No significant physical changes are required to facilitate the development, the large extension having been previously approved.

In terms of the amenity of future occupiers it is considered that the proposal will create acceptable living conditions for occupiers of the development, with an acceptable outlook. The location of the bin storage directly outside the front door is not however considered preferable and so a condition to agree those is proposed.

In terms of external amenity space PSP43 indicates that new residential units should provide adequate private external amenity space. As a guide for a three bed property would require 60 sq.m of space. In this case one property is able to provide approximately 61sq.m while the other provides 51sq.m. There is therefore a small shortfall of 9 sq.m although it should be noted that there is some space to the front of the property not used for parking however this space is not private. This shortfall is weighed against the benefit of providing an additional residential unit (where the Council has a 5 year land supply deficit) and on balance is considered acceptable.

#### 5.4 Transportation

The proposal will create a new access however this could be created without the need for planning permission. An informative will be attached to the decision notice advising the applicant to contact the Council to ensure the cross over meets the required standards.

Initially it was unclear whether the proposed parking spaces meet the required standards however following the submission of further information the two parking spaces being provided for each property are considered acceptable. A condition will be attached to the decision notice to ensure that the parking spaces are in place prior to the first occupation of the development.

#### 5.5 Drainage

There are not considered to be any adverse impact upon the drainage system.

#### 5.6 Other Issues

Concern has been raised that works to facilitate the development have commenced. This is not a material planning consideration albeit the works are undertaken at the applicant's own risk pending the outcome of a planning application.

The concern that the proposal represents overdevelopment is noted. However it is considered that the concept of overdevelopment has to be viewed in terms of whether there are adverse impacts from a development, for example because of the size of the site in relation to the built form inadequate parking can be provided to the detriment of highway safety or a development because of its scale on a cramped site results in an oppressive or overbearing structure in close proximity to neighbouring occupiers. This report assesses all the material planning considerations and notwithstanding a marginal shortfall in private amenity space it is not considered that there are any significant adverse impacts from the development and thus it is not considered to represent overdevelopment.

#### 5.7 Impact on Equalities

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

Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. With regards to the Duty, the development contained within this planning application is considered to have a neutral impact as equality has been considered through planning policy.



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

## 7. **RECOMMENDATION**

- 7.1 That planning permission is granted subject to the conditions set out below.

**Contact Officer: David Stockdale**  
**Tel. No. 01454 866622**

### **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 off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before either dwelling is first occupied, and thereafter retained for that purpose.

Reason

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

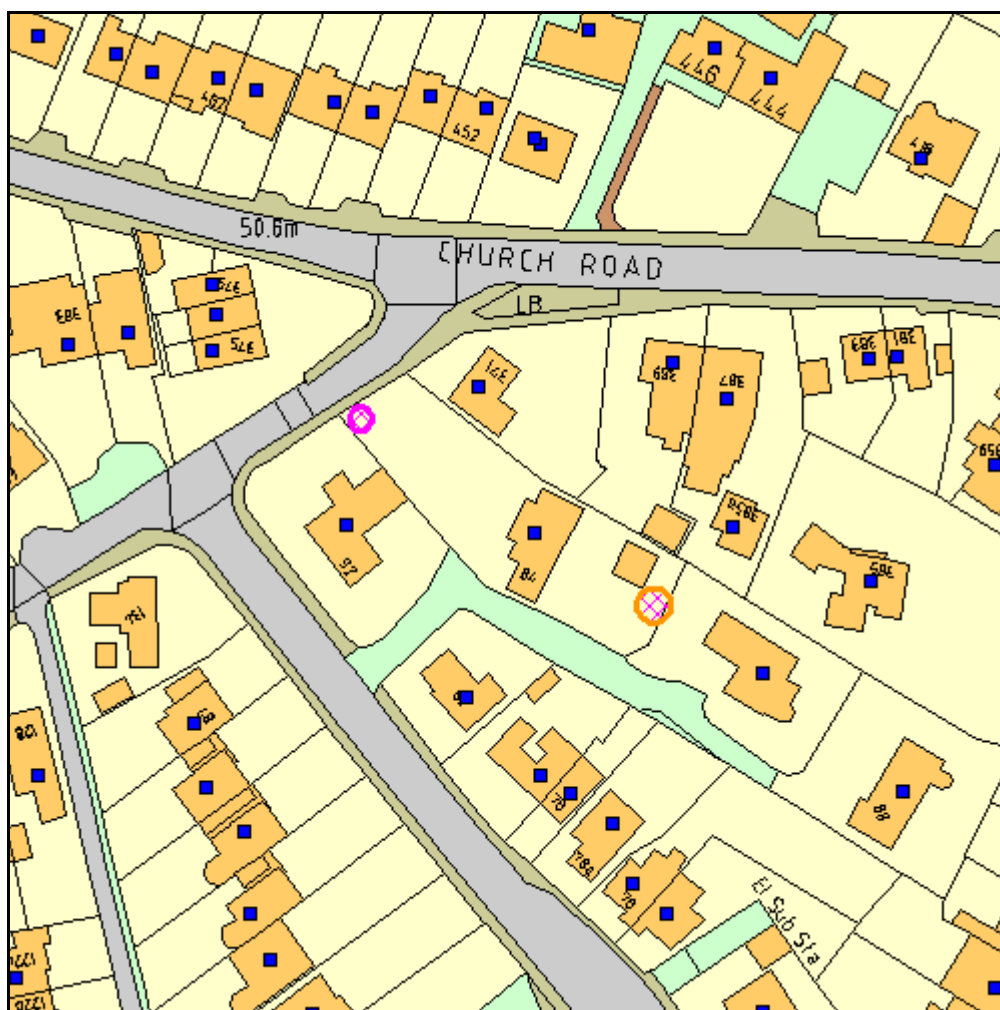
3. Prior to the first occupation of either dwelling, and notwithstanding the annotated block plan, the location of the bin storage areas for each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed with the details so agreed and be retained as such.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted)

CIRCULATED SCHEDULE NO. 4817 – 1 DECEMBER 2017

<b>App No.:</b>	PT17/4890/TRE	<b>Applicant:</b>	Mr John Kelly
<b>Site:</b>	84 Rectory Road Frampton Cotterell Bristol South Gloucestershire BS36 2BT	<b>Date Reg:</b>	27th October 2017
<b>Proposal:</b>	Works to crown reduce 1no Robinia tree by 2-3 metres and crown lift 1no Cedar tree 5 metres and remove the two lowest limbs. Covered by Tree Preservation Order 364 dated 23 January 1985.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366338 182002	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>		<b>Target Date:</b>	15th December 2017



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**This application is referred to the Circulated schedule as comments have been received that are contrary to the officer's recommendation**

**1. THE PROPOSAL**

- 1.1 Works to crown reduce 1no Robinia tree by 2-3 metres and crown lift 1no Cedar tree 5metres and remove the two lowest limbs. Covered by Tree Preservation Order 364 dated 23 January 1985.
- 1.2 The trees are in the gardens of no.84 Rectory Road, Frampton Cotterell, Bristol, South Gloucestershire, BS36 2BT.

**2. POLICY CONTEXT**

- 2.1 National Guidance
- i. The Town and Country Planning Act 1990
  - ii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT06/3524/TRE, Site Address: 84 Rectory Road Frampton Cotterell BRISTOL South Gloucestershire BS36 2BT, Decision: COND, Date of Decision: 02-JAN-07, Proposal: Works to 1no. Cedar of Lebanon tree covered by 138 School Road, Frampton Cotterell Tree Preservation Order 209., CIL Liable:
- 3.2 PT13/0441/TRE, Site Address: The Shrubbery, 84 Rectory Road, Frampton Cotterell, Bristol, South Gloucestershire, BS36 2BT, Decision: REFU, Date of Decision: 08-APR-13, Proposal: Works to fell 1no. Norwegian Spruce/Cedar tree covered by Tree Preservation Order TPO364 dated 23 January 1985., CIL Liable:
- 3.3 PT11/3692/TRE, Site Address: The Shrubbery, 84 Rectory Road, Frampton Cotterell, Bristol, South Gloucestershire, BS36 2BT, Decision: COND, Date of Decision: 27-JAN-12, Proposal: Works to clean crown, remove dead wood and fallen branches and prune by 15% the lateral branches of 1no. Cedar tree covered by South Gloucestershire Council Tree Preservation Order 364 (138 School Road, Frampton Cotterell) dated 23rd January 1985, CIL Liable:

**4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council has no objection to this application.

**Other Representations**

- 4.2 Local Residents  
A neighbour has submitted comments stating that the proposed works will leave the bottom of the tree visually unbalanced.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Proposed Work

Works to crown reduce 1no Robinia tree by 2-3 metres and crown lift 1no Cedar tree 5metres and remove the two lowest limbs.

### 5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

### 5.3 Consideration of Proposal

The proposed works to the Cedar is to remove the two lowest branches and the parts of the remaining crown that drop to below 5metres above ground level. The remaining lower crown would be pruned so that there is, as far as is possible, a natural final shape.

5.4 This work will have no significant impact on the amenity provided by the tree, the upper crown of which is visible from several local vantage points.

5.5 The Robinia is in a fairly advanced state of decline, dying back considerably from the top and periphery of the crown. The majority of the proposed work is removal of deadwood. It is the intention in addition to prune to retain a reasonable form. This will be difficult in the circumstances given the limited material to work with.

## 6. RECOMMENDATION

6.1 That consent is GRANTED subject to the conditions on the decision notice.

**Contact Officer: Simon Penfold**  
**Tel. No. 01454 868997**

### CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

#### Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012