



**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. 40/17

Date to Members: 06/10/2017

Member's Deadline: 12/10/2017 (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 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, 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- 06 October 2017

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/1744/RVC	Approve with Conditions	111 Fairlyn Drive Kingswood South Gloucestershire	Rodway	None
2	PK17/2712/RM	Approve with Conditions	Amberley Lodge 4 Broad Lane Yate South Gloucestershire BS37 7LA	Yate North	Yate Town
3	PK17/3091/F	Approve with Conditions	49 Jubilee Crescent Mangotsfield South Gloucestershire BS16 9BB	Rodway	Emersons Green Town Council
4	PK17/3487/F	Refusal	20 Queensholm Drive Downend South Gloucestershire BS16 6LA	Downend	Downend And Bromley Heath Parish Council
5	PT17/0684/F	Approve with Conditions	Cross Hands Barn Kington Lane Thornbury South Gloucestershire BS35 1NQ	Severn	Oldbury-on-Severn Parish Council
6	PT17/1992/RVC	Approve with Conditions	Agricultural Field Circa 600M South Of Earthcott Green And Circa 297M East Of The B4427. Adjacent To Existing Electricity Pylons And 297M East Of The B4427.	Thornbury South And	Alveston Parish Council
7	PT17/2275/CLP	Approve with Conditions	Sundown 22 Over Lane Almondsbury South Gloucestershire BS32 4BP	Almondsbury	Almondsbury Parish Council
8	PT17/2651/F	Approve with Conditions	Coulstreng Harry Stoke Road Stoke Gifford South Gloucestershire BS34 8QH	Frenchay And Stoke Park	Stoke Gifford Parish Council
9	PT17/3362/F	Approve with Conditions	21 Kingfisher Close Thornbury South Gloucestershire BS35 1TQ	Thornbury North	Thornbury Town Council
10	PT17/3765/F	Approve with Conditions	The Firs The Hollows Coalpit Heath South Gloucestershire BS36 2US	Westerleigh	Westerleigh Parish Council

CIRCULATED SCHEDULE NO. 40/17 – 6 OCTOBER 2017

App No.:	PK17/1744/RVC	Applicant:	Mr Mitchell Ross
Site:	111 Fairlyn Drive Kingswood Bristol South Gloucestershire BS15 4PZ	Date Reg:	23rd May 2017
Proposal:	Variation of Condition 2 of PK16/1566/F (attached to appeal decision APP/P0119/W/16/3158543) to substitute plans 9C, 10B, 11C, 12A, 13A, 15A, and 16A with plans 9D, 10C, 11D, 12B, 13B, 15B and 16B to facilitate the increase in the width of the dwellinghouse by 300mm	Parish:	None
Map Ref:	365988 175435	Ward:	Rodway
Application Category:	Minor	Target Date:	13th July 2017



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule for determination to take into account the comments of objection received; this is contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This planning application is made under Section 73 ("s73") of the Town and Country Planning Act 1990 (as amended) ("the Act"). Applications made under this section of the Act seek to develop land without compliance with conditions previously attached to the relevant planning permission.
- 1.2 For this application the relevant planning permission is PK16/1566/F. This application was refused by the local planning authority on 8 June 2016. This decision was appealed and on 13 December 2016 the appeal was allowed. Condition 2 attached to the appeal decision listed the plans to which the development must follow.
- 1.3 This application has been submitted to vary the approved plans controlled by condition 2. The effect of the variation is that a number of plans would be removed and alternatives inserted, the alternative plans would increase the width of the house.
- 1.4 The application site comprises a corner plot, occupied by part of a pair of semi-detached dwellings. The application site within the existing urban area of the East Fringe of Bristol. The site falls within the coal referral area due to past mining activity. The recent site visit reveals that the approved dwelling has been largely constructed.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS29 Communities of the East Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T7 Cycle Parking

T12 Transportation

H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

Waste Collection SPD (Adopted) January 2015

CIL and S106 SPD (Adopted) March 2015

3. **RELEVANT PLANNING HISTORY**

Appeals

3.1 APP/P0119/W/16/3158543

Appeal against refusal of PK16/1566/F

Appeal Allowed

13 December 2016

Planning Applications

3.2 PK17/0521/NMA Non Material Amendment to planning permission

PK16/1566/F to increase width by 300mm and insert 2 no. rooflights. Objection
– Material Amendment.

3.2 PK16/1566/F Refused 08/06/2016

Erection of attached dwelling with new access and associated works (Re
Submission of PK15/5265/F)

3.3 PK15/5265/F Refused 08/02/2016

Erection of 1no. attached dwelling with associated works

3.4 PK15/2639/F Approve with Conditions 13/08/2015

Erection of two storey side extension to form additional living accommodation

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council

This area is unparished

4.2 Emersons Green Town Council (parish adjacent)

Objection: development would have negative impact on street scene.

4.3 Highway Structures

Advice in relation to highway structures

4.4 Lead Local Flood Authority

No objection

4.5 Sustainable Transport

No objection

4.6 The Coal Authority

The Authority agreed the ground investigation final report dated July 2017, which was submitted under DOC17/0142.

Other Representations

4.7 Local Residents

One letter of objection has been received which raises the following points:

- local residents have been ignored
- development will block access to nearby properties
- development will lead to worse parking problems rather than an improvement

5. ANALYSIS OF PROPOSAL

5.1 This application seeks to vary the approved plans to allow for an increase in the width of the dwelling.

5.2 Principle of Development

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

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

5.4 Proposed Variation to Planning Permission

The proposed variation to the planning permission would swap a number of plans. The revised plans include a wider building. Permission was given at appeal for a building 4 metres wide. The proposed plans are for a building 4.3 metres wide, with the building projecting further to the north.

5.5 A significant material planning consideration is the appeal decision. This found a dwelling in this location to be acceptable. There would be little difference to the overall impact resulting from the development on the visual amenity of the area or the street scene be the proposed house be 4 metres or 4.3 metres wide. It is considered that the proposed increase in the width of the dwelling would not affect other aspects of the development. As such, the proposed

alteration cannot be considered harmful and the revised plans should be accepted.

5.6 Other Conditions

The effect of a decision under s73 of the Act is to grant a new planning permission. Therefore, a review of the other conditions on the planning permission must be undertaken to ensure they comply with guidance on the use of planning conditions and the statutory test.

- 5.7 Condition 1 applies a statutory period in which development shall begin, given that the approved dwelling has been largely constructed on site, therefore this condition would not be relevant. Condition 3 relates to land stability given the location in the coal referral area, the ground investigation final report has been submitted under DOC17/0142. The report has been accepted by the Coal Authority and such condition has been discharged. Condition 4 requires a scheme of landscaping and a landscaping plan has been submitted. It shows the soft and hard landscaping details including the provision of a forecourt and pedestrian access, the boundary treatment and bin store area. Subject to a condition securing the northern boundary to be constructed of a 1.5 metres high closed timber fencing in order to safeguard the character of the area, there is no objection to discharge this condition. Conditions 5 and 6 relate to the provision of cycle and vehicular parking, and the landscaping plan has shown the parking layout and the location of the secured cycle store. The Highway Officer is satisfied with the submitted details, therefore there is no objection to discharge these conditions.

5.8 Other Matters

Comments submitted from local residents and the town council in relation to this application are noted. It was found by a Planning Inspector that the development would not have an adverse impact on traffic, access, and parking and it is considered that the proposed variation would not affect these elements of the proposal.

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 It is recommended that planning permission is GRANTED subject to the conditions listed below.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan 1, existing site layout plan 2, existing ground floor plan 3, existing first floor plan 4, existing roof plan 5, existing east elevation 6, existing north elevation 7, existing west elevation 8, proposed site layout plan 9D, proposed ground floor plan 10C, proposed roof plan 12B, proposed east elevation 13B, proposed west elevation 15B, proposed gross internal area plan 16B, existing site layout plan and utilities 17A, proposed site layout and utilities 18B, proposed ground floor utilities 19A, proposed site layout and wider private amenity space study 20A, proposed first floor plan 11D, proposed north elevation 14B.

Reason

For the avoidance of doubt and in the interests of proper planning.

2. The proposed development hereby approved shall be strictly carried out in accordance with the submitted Ground Investigation No. AE1239 Factual Report - Final dated July 2017 of DOC17/0142.

Reason

In order to ensure that the potential coal mining legacy in the areas does not pose a risk to the development hereby approved, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

3. Notwithstanding the submitted landscaping plan dated 12 September 2017, the northern boundary shall be constructed of closed timber boarding at no more than 1.5 metres high above the existing ground level, unless the Local Planning Authority approved in writing otherwise. Prior to the first occupation of the dwelling approved, the forecourt and pedestrian access shall be fully provided in accordance with the landscaping plan dated 12 September 2017 and the soft and hard landscaping shall be retained as such thereafter.

Reason

In the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

4. The dwelling hereby approved shall not be occupied until the secure cycle parking has been provided in accordance with the approved details shown on the landscaping plan dated 12 September 2017. The cycle parking shall be kept permanently available for that purpose thereafter.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and saved Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

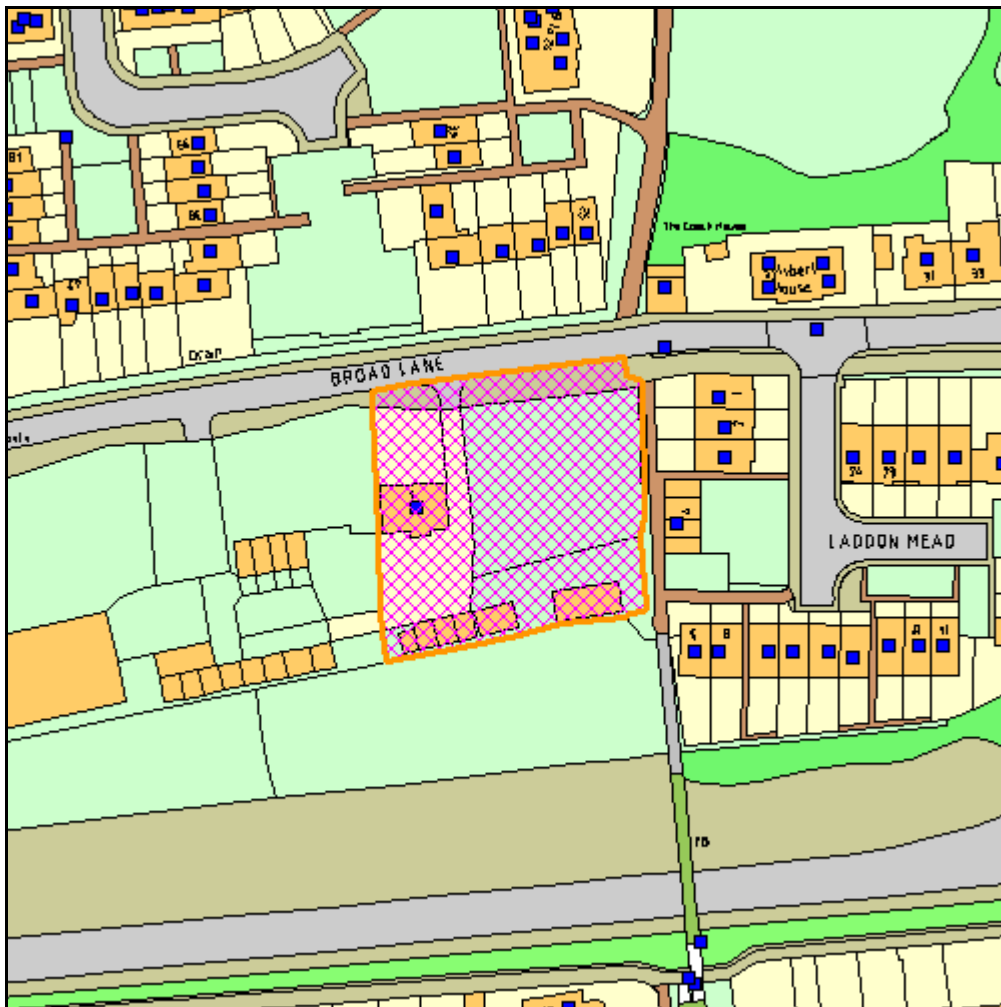
5. The dwelling hereby approved shall not be occupied until the parking spaces are provided in accordance with the approved details shown on the landscaping plan dated 12 September 2017. The parking spaces shall be kept permanently available for the parking of the vehicles of the occupiers of the approved dwelling thereafter.

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.

CIRCULATED SCHEDULE NO. 40/17 – 6 OCTOBER 2017

App No.:	PK17/2712/RM	Applicant:	Newland Homes Ltd
Site:	Amberley Lodge 4 Broad Lane Yate Bristol South Gloucestershire BS37 7LA	Date Reg:	6th July 2017
Proposal:	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).	Parish:	Yate Town Council
Map Ref:	370864 183749	Ward:	Yate North
Application Category:	Minor	Target Date:	24th August 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule list following an objection from a local resident and from the Town Council.

1. THE PROPOSAL

- 1.1 The application seeks permission for 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).
- 1.2 The application site is at 4 Broad Lane, Yate and PK16/5622/O gave permission for the demolition of the existing cottage, Amberley Lodge, in order to facilitate the erection of 5 no. dwellings and garages with access. The site is situated within the settlement boundary of the town of Yate in an established residential area. A Public Right of Way runs across the front of the site and down the footpath to the east.
- 1.3 During the course of the application additional details regarding drainage, parking, width of footpath and landscaping were submitted following initial comments by consultees.

2. POLICY CONTEXT

- 2.1 National Guidance National Planning Policy Framework March 2012
National Planning Practice Guidance
- 2.2 Development Plans
South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design CS5 Location of Development CS8 Improving Accessibility
CS9 Environment and Heritage
CS15 Distribution of Housing CS16 Housing Density
CS17 Housing Diversity

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)
H4 Development within Existing Residential Curtilages
T12 Transportation
T7 Cycle Parking
LC12 Recreational Routes

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016
PSP1 Local Distinctiveness
PSP3 Trees and Woodland
PSP5 Undesignated Open Areas within Urban Areas
PSP8 Residential Amenity
PSP16 Parking Standards
PSP20 Drainage

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

3. RELEVANT PLANNING HISTORY

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

Related planning application

- 3.2 PK17/2020/F Pending
Demolition of existing agricultural buildings. Erection of 26 no new dwellings with garages, parking and associated works.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Objection:
Repeat previous objection: Over development. Important that there are conditions provided for: Enhanced road safety at access as this is main route to school. Enhanced street lighting necessary on footpath that runs adjacent leading from Goose Green. Highlight need for screening at the property nearest to the footbridge as the bridge will be at bedroom height

4.2 Other Consultees

Drainage

No objection in principle

It has been confirmed that no additional SuDS features/measures will be implemented alongside the permeable paving on site to manage surface water runoff. The proposal to deal with surface water is to discharge into the existing mains public system which will be subject to Wessex Water agreement.

Further revised drainage comments:

Following discussions it is confirmed that the discharge rate of 3.7l/s into the existing watercourse is acceptable subject to a condition to that effect.

Landscape Architect

My concern with application PK17/2712/RM is that Condition 10 of the outline approval requires that the mitigations recommended in section 6 of the 'Noise Impact Assessment' are carried out. This recommends that 1.8m high noise barriers are erected on the south and part of the west of the site. The submitted planning layout dwg no 214-100A shows a close board fence to the southern boundary with Goose Green Way, and is annotated that 'existing hedges are trimmed and retained as far as practicable'. The fencing contractors may decide it is not practical to retain the hedge and remove it and the close board

fence will be highly visible, eroding the leafy character of this section of the road. Ideally the fence would be located within the gardens of the dwellings on the inside of the existing hedge/scrub. The planning layout for the application shows the red line at the end of the gardens and I am not sure why they are showing a new acoustic fence outside this boundary. The site to the west is currently being considered as a full application – PK17/2020/F – for 24 houses. The planning layout for this appears to show the close board fence along the boundary with Goosegreen Way, though the site boundary does not extend to the whole length of this boundary, and stepping in to continue along the bottom of the gardens.

Updated comments:

Additional information in the form of revised plans have shown that the fence to the southern boundary will comprise a 1.8 metre close boarded fence to be located inside the existing hedgerow which would be trimmed back.

Tree Officer

No objection provided the development does not impact on the trees covered by tree preservation order.

There are currently 2 holly trees that are subject to TPO which must be retained as part of this development. It is understood in comments from the Highway Officer, a 3m wide footpath/cyclepath adjacent to these trees is preferable. I would object to any excavation within the RPAs of these trees but am confident that a 'no-dig' solution is viable here. The southern edge of the footpath must take into consideration the extremities of the branches. Some side trimming of the trees would be acceptable but this would need to be specifically detailed in an arboricultural method statement. A concern, should the width of the path need to be 3m is the proximity that would be needed to the retained trees in order to achieve this. Would it be possible to reduce the width to 2m at the points of the tree, and the cycle path be temporarily re-directed into the road at these points, given the low volume of traffic?

Sustainable Transport

No objection in principle – for the proposed number of dwellings on site an additional visitor's parking space is needed. At outline the requirement was for a 3 metre wide footway/cycleway. However, there are now TPO'd trees adjacent to this area. It is officer's request for a 3 metre wide shared path created where possible with a 2 metre wide path close to the trees facilitated by a no-dig method to ensure there would be no impact on the trees.

Updated comments:

Revised plans showing a path of between 2 and 3 metres to accommodate the protected trees and also show one visitor's parking space. This is acceptable.

Highway Structures

No objection subject to an informative

Ecology

No objection subject to the introduction of bat boxes

Avon and Somerset Constabulary

No objection

The plans generally meet with the requirement of the CPTED (Crime Prevention Through Design) however there is one area of concern, namely the height of the rear boundary to Plots 1 to 5. The plan shows a post and rail fence of 1.5 metres in height. This is inadequate construction and an inadequate height. The boundary must be of a solid construction and a minimum of 1.8 metres in height. Over 66% of burglaries in South Gloucestershire occur via the rear ground floor and so preventing offender access to the rear reduced the risk of crime considerably. It is noted that a 1.8 metre fence is located to the southern boundary to provide sound attenuation but this is too far away as from the base of the overbridge the gap between the fences can be accessed.

Other Representations

4.3 Local Residents

One letter has been received from a local resident. The points raised are summarised as:

- Limited access for large vehicles and does not permit through access
- No consideration for a vehicle turning area
- Development will attract more large vehicles than currently experience and they will need to park on Broad Lane whilst making their deliveries
- Parking on Broad Lane will obstruct access by other vehicles including emergency ones
- Privacy and management of hedge – concerned that the extent of the lateral reduction of the hedge is not defined
- Hedge provides abundance of wildlife
- No reference to the height of the proposed hedge

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all material considerations. Of particular importance is the recently approved outline scheme for five houses on the site. This means the principle of development has been established for this development. This reserved matters application is to assess the information for reserved matters of scale, appearance, siting and landscape. The matter of access has been determined under the outline application.

5.2 Siting

The proposed detached 5no, dwellings would be positioned along the south boundary of the site roughly following the pattern of development established by the adjacent site at Broad Lane being considered under PK17/2020/F (for the erection of 26 new dwellings with garages), and staggered from the west rising to the east. Two sets of detached garage buildings would be positioned to the north of this block one to the west and one to the east boundary.

In this way the end dwellings would each be opposite the side elevation of the garage blocks. However, the gap between each of these respective structures would be between 5 and 7 metres.

- 5.3 It is acknowledged that some of the dwellings in the older development to the east at Laddon Mead would be at right angles to the site, but the new development would be complementary with the new development off Broad Lane, recently approved in outline. The position the five dwellings and garage blocks on this basis is considered acceptable.
- 5.4 Scale and Appearance
The five dwellings would comprise two different designs. Three of one design, slightly larger than the two of the other style. The overall height of the three larger dwellings would be around 2.5 storeys while the others would be 2 storeys, achieving around 9 metres and 8.3 metres respectively. The heights have been taken from the Laddon Mead development which consists of two and three storey terraces and coach houses. Footprints would be either 48 sq metres for the taller houses or 65 sq metres for the lower ones. Open plan front gardens with individual paths would lead to the courtyard, parking and garages to the front of the site and each would have good sized private gardens to the rear.
- 5.5 In terms of appearance the dwellings would present as a mixture of gables, hipped and apex roofs creating a small individual, grouping of new homes. In terms of materials the development proposes good quality materials to match the surroundings and these would include painted render, reconstituted stone, red roof tiles and grey slate like tiles. The quality of the materials used would be important and on this basis a condition requiring samples would be attached to the decision notice.
- 5.6 Landscape and trees
Revised plans have confirmed that the proposed fencing would be inside the gardens with the hedges remaining outside and therefore viewed from the public realm. It is noted that there are no details confirming the height of the hedge merely that it would be trimmed back. This hedge is an established part of the landscape characteristic of this area and its retention is important. It would be disappointing if the hedge were to be lost due to undue pruning or damage. A condition will be attached to the decision notice to require new planting if the hedge is damaged during construction and for the next 5 years.
- 5.7 With regards to the TPO'd Holly trees adjacent to Broad Lane, these are considered worthy of retention and important to the character of the area of this part of Broad Lane. It is noted that there is the potential for the proposed footway/cycle way shared surface to impact on these trees and therefore to accommodate them a path of between 2 metres and 3 metres in width a no-dig construction method is required to protect the trees. This will be secured by condition within the and full details will also be required in an arboricultural method statement.

5.8 Sustainable Transport

The principle of residential development of the application site has already been established at Outline Planning stage as part of application PK16/5622/O. This Reserved Matter Application seeks approval of Layout including parking, Scale, Landscaping and Appearance. Access has already been approved.

- 5.9 In respect of parking, plans submitted show that each house would have 3no. parking spaces (including a garage) and this is in line with the Council's adopted parking policy. Notwithstanding this, it was noted that no provision for visitors' parking was initially proposed. According to the Council's minimum parking standards SPD, parking requirement for visitors is 0.2 space per house. For the proposed 5no. dwelling on this site therefore, there is requirement for minimum of parking one visitor space. Revised plans show that one parking space is to be provided to the north.
- 5.10 Following the Tree Officer the importance of Holly Trees along the northern boundary is noted. At Outline planning stage, the requirement for the provision of a footway along the site frontage on Broad Lane was noted, but Highway Officers requested that this should be 3m wide (in line with the existing 3m wide shared footway/cycleway that runs along the Laddon Mead development to the east of this site, rather than the originally proposed 2m. Revised plans have indicated the willingness of the applicant to try to accommodate both opinions with the footpath being for the most part 3m wide but narrowing to 2m to avoid damaging the roots of the protected trees. This is considered acceptable in highway terms.
- 5.11 Comments have been received from a concerned neighbour with regards to lack of turning areas and possible inappropriate parking on Broad Lane which could affect access for other users. Although small, there would be on-site turning for users, deliver or emergency vehicles within the application site. It is acknowledged that Broad Lane is narrow and it would be up to the driver to be sensible regarding blocking up this highway. Such situations are not uncommon where narrow roads exist and any inconvenience is usually for a short period of time. However, any extended and inappropriate use of the highway would need to be reported to the proper body such as the Police Authority.
- 5.12 With regards to the footpath alongside the east boundary, this is a well used route, especially by students of the nearby school. It is acknowledged that the introduction of fencing along this boundary would further enclose the footpath but existing lighting columns are noted along this path which assist with security and safety. It is considered that on balance the proposal would not alter the existing situation and in this respect is therefore acceptable.
- 5.13 Residential Amenity
The new dwellings would have a north – south orientation with the main openings being in these elevations. To the north they would face the parking area serving the new houses and to the south a wide grassed area would separate the development from the main road. In addition a 1.8 metre high close boarded fence would help to provide noise attenuation.

It is noted that other houses and their rear gardens in the adjacent estate of Laddon Mead are much closer to the main road, Goose Green Way. To the west the proposed triple garage would be adjacent to the parking area proposed under PK17/2020/F while the house closest to the west, identified as Plot 1 would be next to end of the proposed terrace. The building line of both of these dwellings would be roughly the same and the two would be separated by 1.8 metre high close boarded fencing. In this way the privacy of both properties would be assured. To the east a footpath runs between the site and the estate of Laddon Mead which directs pedestrians to a footbridge over Goose Green Way. It is acknowledged that these existing properties will experience changes given that they have had the advantage of a rear view over a large expanse of garden associated with the former farmhouse, Amberley Lodge. The eastern most garage of the proposed development would be to the rear of the three storey block; these houses have their garages at ground floor level to the front and although there is access into the rear garden at ground floor it is assumed that the main living accommodation is at first and second floor. As such the single storey garage would not have an adverse on their amenity. In addition gardens serving the three storey elements at around 10 metres deep would help to separate the two developments. Of greater concern is the impact on the amenity of the coach houses. These would be opposite the side of the house identified as Plot 5 on submitted plans. These houses have their rear elevations almost up against the footpath. There are no windows at ground floor level only at first floor level. It is assumed that these windows serve the living area for the coach houses. The opposite wall of Plot No. 5 would have a window serving the landing. To avoid any overlooking or inter-visibility a condition will be attached to the decision notice that it be of obscure glazing. In addition its roof would be hipped away from these neighbours to limit negative impact. With regards to the proposed amenity space for the new dwellings this would range between around 65 sq metres to 90 square metres which is an appropriate amount for dwellings of this size.

5.14 On balance the impact on residential amenity is considered acceptable for dwellings in this location of Yate.

5.15 Ecology

An Ecological Appraisal completed by All Ecology (August 2016) was submitted in support of this application. It found that the building to be demolished was judged as having low roost potential for bats, and the other buildings were of negligible value to bats. Two species were detected on site. There is also low potential for dormice, hedgehogs and slow worms.

5.16 Comments from a neighbour have stated that the hedges provide an abundance of wildlife. The retention of the hedges are noted in the landscape maintenance plan. The Council's Ecology officer has no objection to the development provided that conditions ensure that it takes place in accordance with the recommendations within the Ecological Appraisal, and ecological enhancement will also be sought in the form of bat boxes in order to replace the habitat being lost. The development is therefore considered to accord with policy L9 of the Local Plan.

5.17 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.

5.18 Planning Balance

The proposal is for 5no. new homes in Yate. This would contribute positively to the current housing supply shortage. In addition there would be some economic benefit resulting from the build and some social benefit given that the houses are close to the centre of Yate with its businesses, shops and schools. Environmentally the impact would be neutral given the site had ceased operating as a farm/holding and land immediately surrounding it has been used or proposed for residential development. Weight is given in favour of the scheme for this reason. There would be sufficient amenity space for future occupants and impact from the proximity of Goose Green Lane has been mitigated against by the proposed new fencing. Again weight is awarded in favour of the proposal. Sufficient off-street parking is to be provided and betterment in the form of a footpath along Broad Lane is to be created. Weight is therefore given for the development. With regards to impact on the amenity of neighbours, there would be some impact on the amenity of the coach houses at Laddon Mead. Some weight is awarded against the scheme for this reason. In the balancing exercise, the benefits of the scheme are sufficient to recommend approval of the scheme.

6. CONCLUSION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

As received on 9.6.17:

Location plan - 214 Rev A

Street scene - 214-95

Garage plans and elevations - 214-96

Plans and elevations - Plot 1 -214-97

Plans and elevations - Plots 3 and 4 - 214-98

Plans and elevations - Plots 2 and 5 - 214-99

As received on 28.9.17:

Layout plan - 214- 100 Rev C

As received on 2.10.17:

Landscape maintenance proposals - 17/447/01/A

Landscape plan - 17/447/02/A

Reason

For the avoidance of doubt.

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

Monday - Friday.....7:30am - 6:00pm

Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework 2012.

3. Surface water runoff from the site that is to discharge into the existing watercourse that bounds the site should not exceed the rate of 3.7 l/s which has been agreed with the Lead Local Flood Authority (LLFA)

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.

4. Prior to the commencement of development an arboricultural method statement, and a tree protection plan shall be submitted for written approval by the Local Planning Authority. Development shall then proceed in accordance with the agreed details

Reason

This is a prior to commencement condition to avoid harm and any unnecessary future remedial action, to ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and to accord with policy CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

5. Development shall be carried out in accordance with the approved schedule of landscape maintenance plan 17/447/01/A which accompanies Landscape plan - 17/447/02/A both received on 3.10.17. This schedule shall be carried out for a minimum period of 5 years following the first occupation of the development and during this time any parts of the existing hedges damaged or that fail due to the development shall be replaced.

Reason

To protect the long-term health of the existing planting 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 and the National Planning Policy Framework.

6. The dwellings shall not be occupied until the associated vehicle parking areas and manoeuvring areas have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

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.

7. Prior to the commencement of development, details of the number, location and type of bat box to be provided within the site should be submitted to and approved in writing by the Local Planning Authority. In the interests of clarity, boxes designed for crevice-dwelling species should be chosen. Development should then proceed in accordance with the agreed details.

Reason

This is a prior to commencement condition to avoid any future remedial works and to provide ecological enhancement in accordance with policy L9 of the South Gloucestershire Local Plan (adopted) January 2006 and the Biodiversity Action Plan.

8. Development shall proceed in strict accordance with the recommendations made relating to reptiles in Section 4.8 of the submitted Ecological Appraisal (All Ecology - August 2016).

Reason

In order to ensure that reptiles are not harmed by the development in accordance with policy L9 of the South Gloucestershire Local Plan (adopted) January 2006.

9. Development shall proceed in accordance with mitigations recommended within section 6 of the Noise Impact Assessment (Matrix Acoustic Design Consultants - 4th November 2016).

Reason

In order to ensure noise levels do not harm residential amenity, in accordance with policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

10. The first floor glazing on the east elevation of Plot 5 as identified on Planning Layout 214-100 Rev C shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

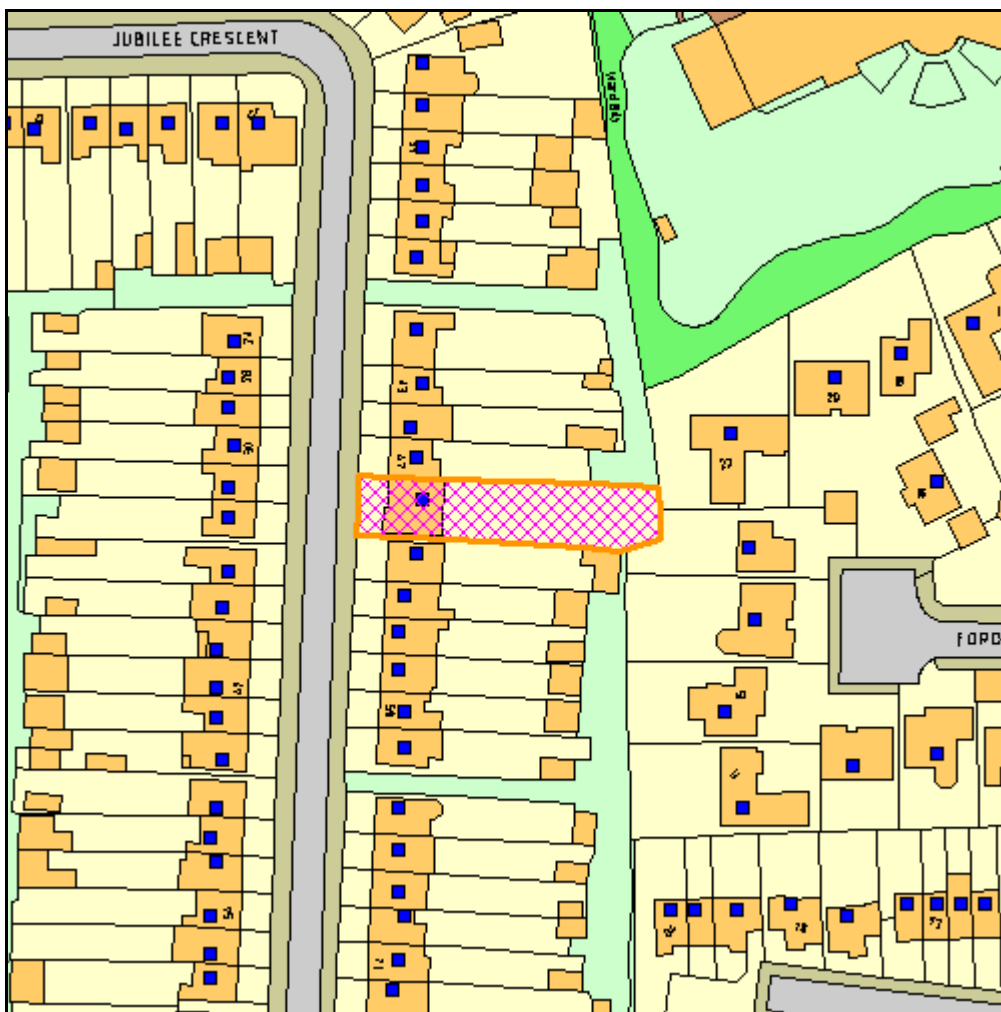
11. Prior to the commencement of development details/samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in the future and 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.

CIRCULATED SCHEDULE NO. 40/17 – 6 OCTOBER 2017

App No.:	PK17/3091/F	Applicant:	Mr Lee Walker
Site:	49 Jubilee Crescent Bristol South Gloucestershire BS16 9BB	Date Reg:	7th August 2017
Proposal:	Erection of detached double garage	Parish:	Emersons Green Town Council
Map Ref:	366495 176987	Ward:	Rodway
Application Category:	Householder	Target Date:	2nd October 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 erection of a detached double garage at no. 49 Jubilee Crescent, Mangotsfield.
- 1.2 The application site consists of a 3-bed end of terrace property set within the urban fringe area of Mangotsfield. The main dwelling is set towards the front (west) of a relatively long, narrow plot. Vehicular access to the rear of the site can be gained via a narrow access lane off Jubilee Crescent. The application site is located at the southern end of the lane, with no properties further to the south accessible via the lane. The proposed garage would be used to store and maintain vehicles.

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 Adopted January 2006 (Saved Policies)

- H4 Development within Existing Residential Curtilages
- T12 Transportation

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

- PSP8 Residential Amenity
- PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this took place in February of 2017, and adoption is expected toward the end of 2017.

Accordingly, with regard to the assessment of this planning application limited weight is attached to the PSP plan as a whole at this time – although weight can be attributed to those policies which are not expected to be subject to modification.

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 The application site has no planning history. However planning permission has previously been granted for the erection of a detached garage at a neighbouring property, which is served by the same rear access lane as the subject property. The details of this are outlined below:

- 3.2 **K5269** *29 Jubilee Crescent*

KITCHEN EXTENSION AND DETACHED GARAGE (Previous ID: K5269)
Approved: 21.11.1986

4. **CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council
No objection

- 4.2 Other Consultees

Sustainable Transport
No comment

Other Representations

- 4.3 Local Residents

A total of 4 comments objecting to the proposed development have been submitted by local residents. The main concerns raised are outlined below:

- A height of 5m is excessive for a domestic garage.
- Proposed roof lights would increase overlooking on to neighbouring gardens.
- Proposed structure will reduce outlook from neighbouring properties.
- Potential for building to be converted for business use at later stage.
- Concerns about future use and increased noise that may arise as a result.
- Would consideration be given to omitting the roof lights from the front elevation and reducing the height of the apex?

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development

The application seeks permission for the erection of a detached double garage. Policy H4 of the Local Plan permits extensions and alterations to existing

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

5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy H4 of the Local 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.

5.3 It is recognised that the proposed garage would be of a significant scale. The proposed garage would incorporate a depth of 9 metres, a width of 8.5 metres, an eaves height of 2.5 metres, and a ridge height of 5 metres. The scale of the garage is necessitated by its proposed use, and the applicant has indicated that any reduction in footprint or height would make the un-useable for the purposes for which it is sought. A height of 5 metres is required to allow for vehicles to be raised, so that the vehicle can be worked on from underneath.

5.4 Whilst the garage is of significant scale, it would be sited to the rear of the property, and would only be visible from the areas offered along the rear access lane. On this basis, it is not considered that its erection would have a significant impact on the streetscene along Jubilee Crescent, or the character and distinctiveness of the immediate locality.

5.5 With regard to the appearance of the garage itself, the pitched roof design with dual-garage doors is considered to be consistent with the appearance of domestic double garages. The height and width of the proposed garage doors is also considered to reflect the appearance of domestic garages. Nevertheless, it is considered that the scale of the structure does result in an overall appearance that could be seen as more commercial rather than domestic. However given the location of the garage away from the wider public domain, this is not considered to constitute a degree of harm that would substantiate a reason for refusing the application.

5.6 With regard to the impact of the garage on the setting of the host dwelling within its plot, it is noted that despite its large footprint, the garage would sit towards the end of what is a fairly long, narrow plot. Given the degree of separation between the garage and the host dwelling, it is not considered that the erection of the garage would result in an overly cramped plot. It is also not considered that its erection would have any significant impacts on the character or appearance of the host dwelling.

5.7 On balance, whilst the proposed double garage is larger than most domestic double garages, it is not considered that its erection would cause any significant harm in terms of design and visual amenity. On this basis, the proposal is considered to satisfy design criteria set out in policy CS1 of the Core Strategy and H4 of the Local Plan.

5.8 Residential Amenity

Policy H4 of the Local 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.

5.9 The concerns raised regarding the reduction of outlook from neighbouring properties, and the potential for overlooking from the proposed rooflights, have been taken in to account. The concerns relating to future use, and the potential implications of a commercial use, have also been given due regard.

5.10 When considering the impacts of the proposal on the residential amenity of neighbours, the main neighbouring properties under consideration are the adjacent properties to the north and south at no's. 47 and 51 Jubilee Crescent respectively, as well as properties to the rear (east) of the site along Ford Lane.

47 & 51 Jubilee Crescent

5.11 The proposed garage would be constructed in close proximity to the boundaries shared with the adjacent properties. Whilst the apex would protrude significantly above existing boundary treatments, any potential overbearing effects are reduced by the pitched roof design and the relatively low eaves level proposed. Furthermore, the garage would be sited towards the end of the rear gardens of the neighbouring properties. These areas of garden are considered to hold lower amenity value than the areas immediately to the rear of the properties. With regard to overlooking, it is noted that rooflights are proposed at both the east and west-facing roof slopes. However as no first floor is proposed, it is not considered that any line of sight could be provided from the rooflights, and as such the potential for overlooking on to neighbouring gardens is significantly reduced.

5.12 It is however recognised that the building is of sufficient size as to physically accommodate a first floor. It is considered that the creation of a first floor could provide a line of sight on to neighbouring gardens through the proposed rooflights, with a resultant loss of privacy enjoyed at neighbouring properties. In order to protect the residential amenity of neighbours, a condition will be attached to any decision, restricting the construction of a first floor within the garage at any point in the future.

Properties at Ford Lane

5.13 The proposed garage would be set away from the boundary shared with properties along Ford Lane by roughly 5.6 metres. It is considered that this degree of separation, as well as the screening effects of boundary treatments, reduces the potential for any significant loss of outlook, or any increased sense of overbearing or overshadowing. Subject to the aforementioned condition, it is also not considered that the proposed erection and use of the garage would result in a loss of privacy at these properties through an increased sense of overlooking.

Private Amenity Space

- 5.14 Despite the significant footprint of the building, it is considered that sufficient outdoor private amenity space would be retained at the site following the implementation of the development.

Future Use

- 5.15 Whilst it is recognised that the maintenance of vehicles within the garage could create some noise disturbance, providing that the work undertaken is only on vehicles associated with the site, it is not considered that this would have an unacceptable impact on residential amenity. However it is considered that the intensification of the use of the garage could aggravate any potential disturbance, to the detriment of the residential amenity of neighbours. As the potential implications of this would require further assessment, a condition will be attached to any decision, requiring the garage to only be used for purposes incidental to the enjoyment of the main dwellinghouse. Restricting the use of the garage to purposes incidental to the enjoyment of the dwellinghouse will also restrict the conversion of the garage in to primary living accommodation, as this would constitute an ancillary use. It is considered that the use of the garage as primary living accommodation could also have greater implications on residential amenity, with particular regard to loss of privacy through increased overlooking.

- 5.16 Subject to the aforementioned conditions, it is not considered that the erection of the proposed double garage would have an unacceptable impact on residential amenity. On this basis, the proposal is considered to comply with policy H4 of the Local Plan.

5.17 Transport

The proposed garage would provide space for the storage and maintenance of vehicles associated with the application site. The proposal would not reduce the number of parking spaces provided at the site, and would not provide any additional living accommodation at the property. Furthermore, the erection of the proposed garage would reduce the need for any vehicles associated with the site to be parked along Jubilee Crescent. On this basis, it is considered that the proposal would have a moderately positive impact in terms of on-site parking provision.

- 5.18 As the proposed garage would be accessed via a rear access lane, it is not considered that the manoeuvring of vehicles in and out of the garage would have any detrimental impacts in terms of highway safety. On balance, there are no significant transportation concerns.

5.19 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 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. A first floor shall not be constructed at any time within the garage hereby approved.

Reason

In the interests of the residential amenity of the neighbouring occupiers and to accord with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

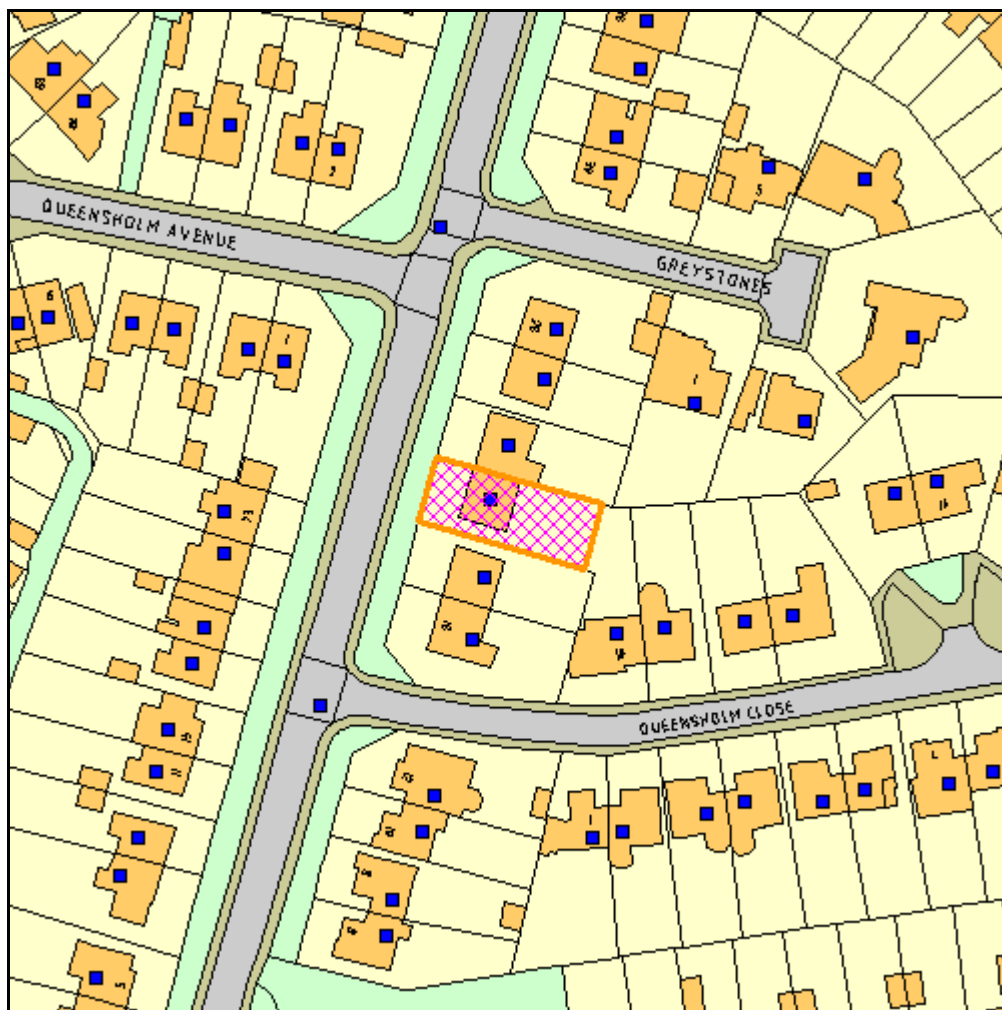
3. The garage hereby approved shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as 49 Jubilee Crescent.

Reason

In the interests of the residential amenity of the neighbouring occupiers and to accord with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 40/17 – 6 OCTOBER 2017

App No.:	PK17/3487/F	Applicant:	Mr Mark James
Site:	20 Queensholm Drive Downend Bristol South Gloucestershire BS16 6LA	Date Reg:	8th August 2017
Proposal:	Erection of first floor side extension and alterations to roof to form additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365176 178059	Ward:	Downend
Application Category:	Householder	Target Date:	27th September 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has received support comments which are contrary to the Officer decision. As such this application must be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a first floor side extension and alterations to the roof to form additional living accommodation at 20 Queensholm Drive Downend.
- 1.2 The property is a semi-detached three bed two storey dwelling that is located within the settlement boundary and built up residential area of Downend.
- 1.3 The Case Officer contacted the agent on 9th August 2017 to explain what was considered problematic with the current scheme, and sought a second opinion on that within the Development Management team. It is clear that the applicant does not wish to amend the application in line with that advice.
- 1.4 The applicant sent the Case Officer a document that he had prepared in support of his application giving examples of similar schemes that had gained approval in the area. This document will be assessed as part of this report.
- 1.5 20 Queensholm drive was subject to enforcement action in 2014, case COM/14/0849/OD.

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 Adopted January 2006 (Saved Policies)

- H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

- PSP1 Local Distinctiveness
- PSP8 Residential Amenity
- PSP38 Development within Existing Residential Curtilages

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

3. **RELEVANT PLANNING HISTORY**

- 3.1. None.

4. **CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Town Council
“No objection.”

Sustainable Transport

“The development will result in a five bed dwelling with four bedrooms to the first floor and one bedroom within the proposed loft conversion.

It is unclear from the plans submitted the location of the vehicular access or the existing or proposed parking. For information a dwelling with five or more bedrooms requires a minimum of three parking spaces to be provided within the site boundary.

A revised block plan which clearly shows the existing vehicular access and the proposed parking needs to be submitted.”

Other Representations

- 4.2 Local Residents

Six letters from local residents were received-

- Two stated they had no objection to the proposal;
- Two provided simple support statements; and
- Two supported with explanations
 - o “...at present this is the only house in the rank that has not made these alterations. Also, as I was given permission to extend my house in a similar manner, I would be somewhat hypocritical to oppose it”; and
 - o “As the only neighbour in the street that will be able to fully see the proposed application, I can confirm that we think it will be a great addition to the street & are totally in favour.”

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development

Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and the emerging Policy PSP38 of PSP Plan (June 2016) allow the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, 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 proposed development is a first floor side extension and alterations to the roof to form additional living accommodation.

First floor side extension

- 5.3 As stated to the agent and applicant, the first floor side extension is of a standard design and would match many properties on the street, including the adjoining property in the semi-detached pair. Thus, would be supported by the Council if the roof remained hipped.

Roof alterations

- 5.4 The roof alterations would include a hip to gable alteration; and the addition of a large rear dormer.

- 5.5 The Case Officer was concerned with the hip to gable element as the addition would unbalance the semi-detached pair to the detriment of the street scene. The dormer is also considered to be excessive when considering the host dwelling. However, if the roof were to remain hipped the dormer would be reduced in line with this reduction and would be considered acceptable.

- 5.6 It is acknowledged that the adjacent property No. 18 was granted permission for a hip to gable roof conversion in 2013 under application PK12/4277/F. However, the following is taken directly from the report associated with that permission; "Ideally it would have been preferable to have kept the hipped roof **as it is such a strong feature of the area** but given that the adjoining property already has these changes it is felt that on balance, a symmetrical frontage for the pair of semis is acceptable."

- 5.7 Paragraph 17 of the NPPF states that the planning system should "always seek to secure high quality design". It is the opinion of Officers that an unbalanced pair of semi-detached properties, in this street, where hipped roofs and indeed hipped roof side extensions are such a prominent feature would result in a poor standard of design to the detriment of the host, and surrounding properties.

- 5.8 Policy PSP38 of the emerging South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016 states that residential extensions will be acceptable where they "respect the buildingform, scale, proportions...and architectural style/detailing...of the street and surrounding area." The adjoining property No.22; as well as No.s 8, 18 and 24 benefit from first floor side extensions with hipped roofs, as such any extensions to No.20 should be informed by these properties.

- 5.9 Moreover, policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 states that "development proposals will be required to demonstrate that the...siting, form, scale, height, and massing...are informed by, respect and enhance the character, distinctiveness and amenity of both the

- site and its context". If this hip to gable alteration were to be approved; aside from No's. 16 and 18 which are a balanced pair; No.20 would be the only property on Queensholm drive with this alteration. Thus, No.20 would be not respect the form, scale or massing of the site or its context.
- 5.10 It is considered that the proposed first floor extension and roof alteration would be detrimental to the character of the property and its context. Additionally, the proposals are not considered to be of an appropriate standard in design. Thus, the proposals are not acceptable in terms of design and visual amenity, and would not comply with Policy CS1 of the Core Strategy; PSP38 of the emerging PSP; or the NPPF.
- 5.11 Residential Amenity
Policy H4 of the adopted Local Plan (2006) 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.
- 5.12 The proposal includes the addition of windows looking directly to the front, rear and side. These windows would result in no more of an impact on residential amenity than the existing windows on the host dwelling. As such, the existing level of overlooking for neighbouring dwellings will not be exacerbated, and privacy would not be impacted by the proposals.
- 5.13 When considering the existing boundary, combined with the siting and scale of the proposals. The proposals would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with saved Policy H4 of the Local Plan (2006).
- 5.14 Transport
Following comments from the Transport Officer a plan showing 4 off street parking spaces was submitted on 29th August 2017. As such there are no transport objections to the proposal.
- 5.14 Other matters
The applicant submitted a supporting document showing schemes that he believed were similar to his which were granted permission. This document titled 'David Ditchett'; received by the Council on 5th September will be addressed in the following paragraphs.
- 5.15 PK17/0747/F- 24 Central Avenue Hanham
Demolition of existing rear extension. Erection of single storey rear, two storey side and conversion of existing garage to form additional living accommodation. Installation of rear dormers to form loft conversion. Alteration of access to form additional parking area.

The following is taken directly from the report associated with that application; "there are examples of other double storey side additions similar to the one proposed within the immediate street scene. The proposed two storey extension has no subservience to the original dwelling, matching it in height

and depth. Ordinarily the Council would seek to secure subservience on a dwelling of this type to ensure that it does not unbalance the semi-detached pair. However, given that there is an existing similar extension on a neighbour opposite, the current proposal would not prejudice the visual amenity of the pair here.” The Case Officer considered the existence of an existing unbalanced semi-detached pair to inform the decision. Additionally, it should be noted that this property is some 3.8 miles away from 20 Queensholm drive so has no bearing on the street scene assessed in this application.

- 5.16 PK17/0409/F- 178 Badminton Road Downend
Erection of single storey rear extension and alteration to roofline to form loft conversion and additional living accommodation.

The following is taken directly from the report associated with this application; “it is part of a residential area of area of mixed style and design which includes single storey and double storey detached and semi-detached houses..... the increase in footprint, change in style and the introduction of rooms in the roof would not be out of keeping with the mixed character of the area.” The application relates to a single storey dwelling in an area with a mixed character. Queensholm Drive contains uniform two storey semi-detached properties with, as noted by previous Case Officers, a strong feature of hipped roofs. As such this example is not comparable.

- 5.17 PK17/0932/F- 105 Salisbury Road Downend
Erection of single storey rear extension and erection of 1no rear dormer to facilitate loft conversion. Alterations from hipped to gable roof.

The proposed rear dormer and hip to gable conversion meet criteria set out in Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. As the proposed hip to gable conversion and rear dormer window could be lawfully implemented under permitted development rights, they were not assessed within the remit of that full planning application. The proposal at 20 Queensholm Drive requires planning permission because it falls outside of what is permitted by the General Permitted Development (England) Order 2015. As such these applications are assessed differently, and the alteration at 20 Queensholm Drive is considered to not accord with the policy it has been assessed against.

- 5.18 PK16/0340/F- 83 Bromley Heath Road Downend
Installation of side and rear dormer to facilitate loft conversion.

The additions proposed under this application are to the existing roof, not to an extension. As such, because the proposed dormer windows do not change the existing roof shape of the property, the proposal is considered to be subordinate to the existing property. Thus, the character of the dwelling is maintained and respected. As noted in the design and amenity section of this report, the alterations proposed to 20 Queensholm Drive are not subordinate to the host dwelling so are not considered acceptable.

- 5.19 PK12/4277/F- 18 Queensholm Drive

Erection of two storey side and single storey rear extension to form additional living accommodation with integral garage.

This application was dealt with in section 5.6. But to reiterate “it would have been preferable to have kept the hipped roof **as it is such a strong feature of the area.**” As such a strong feature it was the intension of this case Officer to maintain this for 20 Queensholm drive. However, the applicant was more concerned with the space he would lose as a result of the advice, rather than achieving good design.

- 5.20 In regards to the support comments with elaborations. The only one not addressed in this report is the comment “as I was given permission to extended my house in a similar manner, I would be somewhat hypocritical to oppose it”. The case officer noted the extension present at No.24 and requested that No.20 emulate this. However the applicant refused.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **refuse** permission has been taken having regard to the policies and proposals in the 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 **REFUSED** subject to the reason(s) on the decision notice.

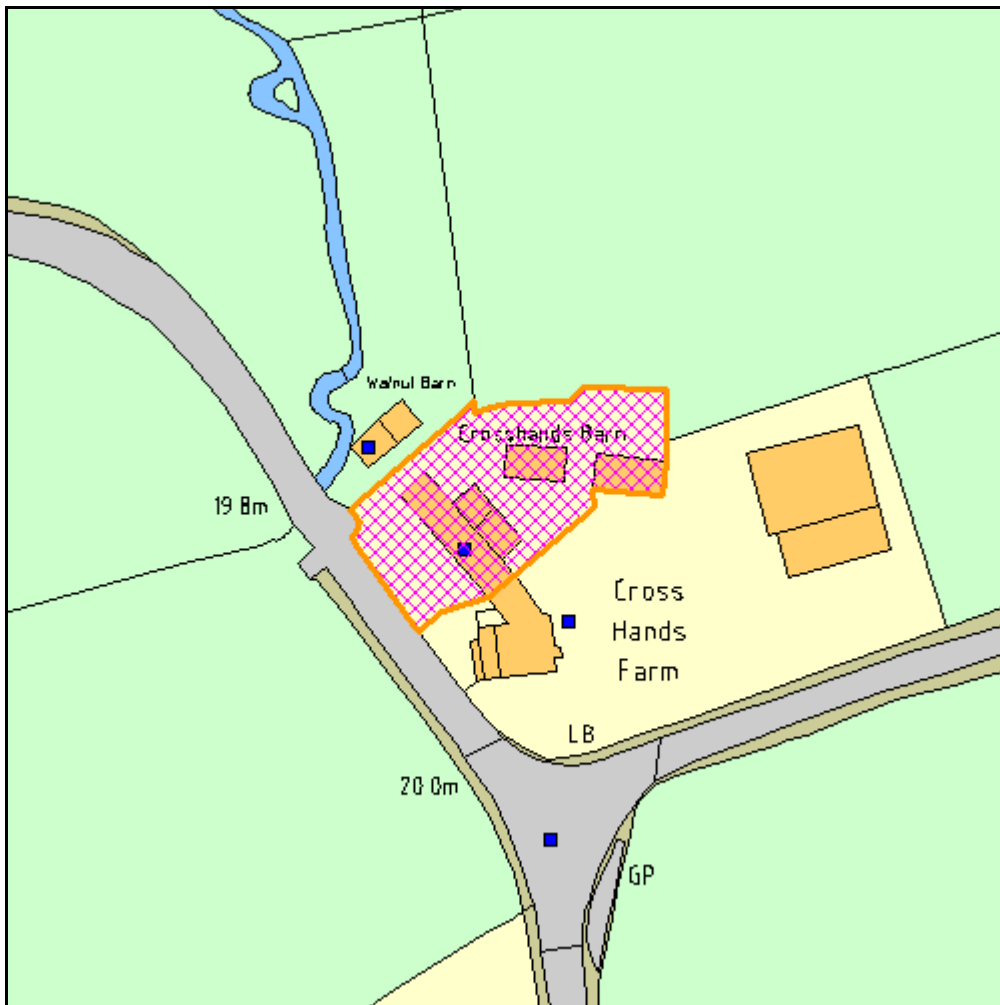
Contact Officer: David Ditchett
Tel. No. 01454 863131

REFUSAL REASON

1. The erection of the first floor extension and alterations to the roof as proposed, would unbalance the pair of semi-detached houses to the detriment of the street scene and the visual amenities of the locality. The proposal is therefore considered contrary to Policy CS1 of the Local Plan Core Strategy (Adopted) 2013; Policy PSP38 of the emerging Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 40/17 – 6 OCTOBER 2017

App No.:	PT17/0684/F	Applicant:	Mr A Banks
Site:	Cross Hands Barn Kington Lane Thornbury South Gloucestershire BS35 1NQ	Date Reg:	27th February 2017
Proposal:	Conversion of existing garage/store to form 1no. holiday let.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	362018 190499	Ward:	Severn
Application Category:	Minor	Target Date:	19th April 2017



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 100023410, 2008. N.T.S. PT17/0684/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Consultation responses have been received contrary to officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the conversion of an existing garage/store to form 1no. holiday let.
- 1.2 The application property consists of an existing garage/store located in the rear curtilage of Cross Hands Barn. The site is located within the open countryside, outside of the settlement boundary of Thornbury.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development
L1 Landscape
T12 Transportation Development Control Policy for New Development
E7 Conversion and Re-use of Rural Buildings
E11 Tourism

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
CS17 - Housing Diversity
CS34 - Rural Areas

South Gloucestershire Local Plan: Policies Sites and Places (as intended to be adopted)

PSP1 - Local Distinctiveness
PSP2 - Landscape
PPS8 - Residential Amenity
PSP10 - Active Travel Routes: Identification and Safeguarding of Existing and Proposed Routes.
PSP11 - Development Related Transport Impact Management
PPS16 - Parking Standards
PSP21 - Environmental Pollution and Impacts
PSP43 - Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.

South Gloucestershire Council – Residential Parking Standards (Approved for development management purposes) 27th March 2013.

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/1136/F, Site Address: Cross Hands Farm Kington Lane Thornbury South Gloucestershire BS35 1NQ, Decision: COND, Date of Decision: 05-JUN-03. Proposal: Conversion of existing art/craft shop, store and detached agricultural building to form a four bedroomed dwelling, including erection of a two storey rear extension. Conversion of stable building to form residential annex (ancillary accommodation to the new dwelling). Creation of new vehicular access.
- 3.2 PT04/0798/F, Site Address: Cross Hands Barn Kington Lane Thornbury South Gloucestershire, Decision: COND, Date of Decision: 05-APR-04. Proposal: Conversion of art/craft shop, store and detached agricultural building to form four bed dwelling, including erection of two storey rear extension. Conversion of stable building to form residential annexe (ancillary accommodation to the new dwelling). (Amendments to previously approved scheme under planning permission PT03/1136/F).
- 3.3 PT07/1060/F, Site Address: Crosshands Farm Kington Thornbury BRISTOL South Gloucestershire BS35 1NQ, Decision: REFU, Date of Decision: 23-MAY-07. Proposal: Removal of Condition 8 attached to Planning permission PT04/0798/F to allow existing residential annex to be used as a separate dwelling. Erection of single storey side extension to provide additional living accommodation.
- 3.4 PT07/2645/F, Site Address: Crosshands Barn Kington Lane Thornbury BRISTOL South Gloucestershire BS35 1NQ, Decision: COND, Date of Decision: 24-SEP-07. Proposal: Removal of Condition 8 attached to Planning permission PT04/0798/F to allow existing residential annex to be used as a separate dwelling. Erection of single storey side extension to provide additional living accommodation and alterations to existing access (Resubmission of PT07/1060/F).
- 3.5 PT11/3303/F, Site Address: Cross Hands Barn Kington Lane Thornbury Bristol South Gloucestershire BS35 1NQ, Decision: COND, Date of Decision: 04-JAN-12. Proposal: Erection of first floor side extension over previously approved single storey side extension to provide additional living accommodation.
- 3.6 PT12/3831/F, Site Address: Cross Hands Barn Kington Lane Thornbury Bristol South Gloucestershire BS35 1NQ, Decision: REFU, Date of Decision: 31-JAN-13. Proposal: Erection of single storey rear extension to provide additional living accommodation.
- 3.7 PT15/1435/F – First floor side extension. Approved 5th June 2015

- 3.8 PT13/2726/F – Demolition of existing garage, erection of 1no detached garage with store area. Approved 20th September 2013.
- 3.9 PT14/1599/F – Erection of detached double garage and store (amendment to previously approved scheme PT13/2726/F) (Retrospective) Approved 4th June 2014.

4. **CONSULTATION RESPONSES**

4.1 Local Member

Comments were received from Cllr Clare Fardell, as follows:

I am not commenting on the merits or otherwise of the application but I note several inaccuracies in the supporting document sent with the application and I list them below:

- a) There is a bus stop but NO regular bus. I believe the community bus will operate I think on Wednesdays IF requested, but otherwise there is no service at all.
- b) It may be in flood zone 1 but the road at the gateway frequently floods so that cars cannot get through, despite work having been done to try, unsuccessfully, stop this. This happened twice this winter.
- c) Two houses, Walnut Cottage and St Arild's Cottage, have both been obliterated by the arrows on page 6 denoting Willow Farm and Application site having been placed on top of the photos of our homes!! So neither can be seen on the map! (Neither cottage is mentioned in the application description)
- d) No idea what the arrow saying Kington actually means, because Kington extends over quite a wide area.

Oldbury-on-Severn Parish Council

No comments received

Sustainable Transportation

Whilst I note the concerns made by locals in relation to this proposal from a transportation perspective there is an appropriate level of parking available, the intensified use of the access onto Kington Lane is acceptable. As such there is no transportation objection to this proposal.

Lead Local Flood Authority

The current Full application submission documents do not indicate what form of foul drainage is to be utilised. Full details are required before drainage comments can be made.

Additional drainage plans and proposals were subsequently requested and submitted. Further comments for the Drainage Team were received, as follows:

Confirmation has been provided by the applicant in relation to the proposed method for dealing with foul sewage. It is proposed to dispose of foul sewage via a package treatment plant which will discharge the treated effluent into an existing watercourse (Pool Brook) at a restricted rate. Consent to discharge has been sought and obtained from the Environment Agency (EA) and details of this consent have been provided for our review. As such I can confirm that the detailed approach to manage foul sewage is acceptable to us subject to it being

implemented as per the submitted plan and Consent to Discharge from the EA.

Highway Structures

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected.

Or

If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner

4.2 Local Residents

Objections from two neighbouring properties have been received, as follows:

'A. Due to the raised elevated position of the garage/store building the proposed 3 large floor to ceiling windows in the north and west elevations and the gable window in the west elevation look directly at the adjacent Walnut Barn building and garden. This will greatly compromise the privacy of us living in Walnut Barn and will have a detrimental impact on our amenity. The 3 new roof lights in the south elevation will also compromise the privacy of people living in Cross Hands Farm as they will look directly at the Farm house and garden of that dwelling.

B. Cross Hands Barn is currently being rented out as a 'Holiday Let' (sleeping 13 people) under the umbrella of Residential C3 Planning Permission. In theory the renters should be from interrelated family groups. However, the reality is that the Barn has been rented out to large groups of people that could not be conceived as family groups. The majority of the renters have been on a party basis attending either Birthday celebrations, Stag do's, Hen Do's and wedding attendees. The barn is typically booked for short 2 night stays (usually Fri/Sat nights) and the people that come want to party resulting in high levels of noise and music through to the early hours of the morning, heavy consumption of alcohol, loud unacceptable language particularly a problem in the summer when the parties use the garden, a large number of vehicle movements. It is not unusual to see 8 - 10 cars parked on the driveway at the front of the Barn during these weekend party events. We have on several occasions had to ask the occupants to reduce noise levels at 2am in the morning and have been met with abusive language. Our concern is that this new application will result in the Garage/Store being used as an extension to the Barn activities resulting in even more people, more noise, more vehicle movements and a general reduction in our quality of life. The use of the Barn and if permitted the Garage for this type of activity does not add any value or benefit to the small hamlet community of Kington which is made up of predominantly residential families living in a quiet agricultural setting. Use of the Barn as a party house should really be classified as Commercial Leisure Accommodation and not as previously

assessed within the C3 Family Holiday Let classification. With the exception of the specific wedding guest parties, the Stag Do's, Hen Do's and Birthday parties have no connection to any events being held at Old Down Country park as suggested in the Planning Statement.

C. Entrance off Kington Lane - The entrance as shown in the Planning Statement ref Image 3 is not an accurate portrayal of the current entrance which is hard divided equally between Walnut Barn and Cross Hands Barn. The access driveway to the garage is therefore much narrower than shown. When the Barn is let out it is not uncommon to have 8-10 vehicles parked at the front of the barn. These vehicles often block the driveway to the garage which would make it difficult for traffic turning in off Kington Lane to enter the property potentially causing a hazard for other lane road users. The road outside Cross Hands Barn floods on a regular basis this also provides a hazard for anyone trying to access or exit the driveway.

D. The Planning Statement Document refers to a bus stop and 913 service, ref p6. There is no bus stop outside Cross Hands Barn and the service 913 is a school bus which is not available for general public use and will only pickup children travelling to The Castle School in Thornbury.

E. Foul Water - the application does not detail how foul water will be dealt with. The existing sewage treatment system servicing Cross Hands Barn has the capacity to deal with domestic usage up to 6 people so there is no further capacity in this system for another dwelling. There have been issues with the existing sewage system over the past year possibly due to over usage from the Party events held at the barn.

F. National and Local Policy - the application should be rejected on the basis that it does not meet the national sustainable policy because the only realistic way of getting to the property is by private vehicle. Public transport is not an option as suggested in the Planning Statement document. In terms of the Local South Gloucestershire Planning Policy E11 the garage/store conversion would significantly prejudice the amenities of both neighbouring residential occupiers and with the increase in vehicle movements could have an impact on highway safety. Policy E11 also states that rural holiday accommodation should not be approved if a business use cannot be achieved. The garage/store already has a business use as it is used to store machinery that is used to maintain the large field and hedgerows to the north of the property owned by the applicant and referenced in the original planning application justifying the garage construction, ref PT13/2726/F.'

'The Barn is being used now mainly for parties (Hen/Stag/Birthdays) which I still believe to be in contravention of the existing residential planning permission that exists for the property. However the purpose of this email/photos is to show that if vehicles are parked in such a way anyone trying to turn in to the driveway to access the garage/store at the rear of the property will have difficulty presenting a danger to other road users. I also believe that if permission is granted for the garage to be converted in to a further holiday let that a further increase in vehicle numbers and subsequent movements in and out of the driveway will also cause a danger to other road users not to mention the

additional noise and disruption to the neighbouring Walnut Barn.'

'The existing sewage system for Cross Hands Barn is a 6 person system and is only just adequate to service the needs of Cross Hands Barn which is a 5 bedroom house, so any proposal for this garage conversion to utilise the same system would be inappropriate based on volume alone. A sizing upgrade to the existing system would not be possible due to part of the tank and its pipework residing and crossing my land for which there is no wayleave agreement in place and no likely agreement in the future.

Any proposal to install a new sewage treatment system which would discharge in to Pool Brook (the nearest stream to Cross Hands Barn) would also be inappropriate as the pipework would have to cross my land and there is no permission for that to happen either and an agreement would be unlikely in the future. Any proposal which involves a soakaway system would encounter problems due to the rocky ground conditions in the surrounding land. Basically there is solid rock about 30cm below the surface of the ground over much of the surrounding land area plus the slope of the surrounding land would make it almost impossible to stop sewage drainage from infiltrating my land/garden.'

'Firstly, the garage in question abuts our garden and was an agricultural building only a few years ago. The last planning application to convert this agricultural building to a garage was only granted on the understanding that it would not lead to it becoming a dwelling. In our opinion, this is therefore planning creep and if granted would set a dangerous precedent for the area.

Secondly, the submitted plans mean that a new property/house would be situated right on top of our garden. We object to this on the grounds of noise and light pollution. In addition, the planned sky lights (3 of them on our side of the property) would directly overlook our garden and house. We would therefore lose all our privacy. In addition these sky lights would look directly over to our children bedrooms. The fact that the existing building is built on ground several metres higher than our own property makes this situation worse. We find this application totally unacceptable. In addition the new window at the cable end of the property would also directly overlook our garden. Our neighbours the other side of Cross Hands Barn will have similar problems lots of the proposed windows looking directly into their property.

Thirdly, Cross hands barn is currently being rented out for Hen weekends, parties and weekend celebrations. This has often meant that there is excessive noise in the early hours or Friday and Saturday nights. Extending the accommodation of this property will lead to larger parties and more unacceptable behaviour in a quiet residential area.

Fourthly, we have concerns about the increased car traffic that would use the entrance to the property, which is on a windy country road. We have safety concerns for the Kington residents and other road users in this regard. There is no existing bus transport links (despite the plans including a bus stop sign - this is for a school bus and not a public bus service)'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that residential development within existing residential curtilages is acceptable in principle. Proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Saved Local Plan Policy E11 permits proposals for new tourist facilities, including tourist accommodation provided that:-

- A. Development would not have unacceptable environmental effects; and
- B. The proposals would not prejudice the amenities of neighbouring residential occupiers; and
- C. The proposal would not give rise to unacceptable levels of traffic on unsuitable local roads and access and parking arrangements would not prejudice highway safety.

5.3 The NPPF carries a general presumption in favour of sustainable economic development. Paragraph 28 specifically refers to the need to support the rural economy and refers to sustainable rural tourism development. The proposed use of the building as a Holiday Let would make a positive contribution to the economy. The proposal could provide a source of additional employment for the applicant. Officers consider that this would accord with the Government's clear objectives in promoting sustainable economic growth as outlined in the NPPF.

5.4 The property as a whole is already in established residential use (C3) as being within the curtilage of the existing dwelling. The proposed holiday accommodation would be a three-bedroom, self-contained unit within the curtilage of Cross Hands Barn. It would effectively be a separate planning unit, but would still be use class C3.

The main issue therefore is whether the conversion and use of this building for residential holiday lets would have any material or significant impacts upon the local area. By virtue of being a separate planning unit and no longer an ancillary class C3 building there would be additional impact arising in terms of transport movements and general activity.

These are assessed below.

The assessment is whether this is would be a reasonable proposition in planning policy terms. Other environmental, civil and legal controls and legislation exist to control issues beyond planning control and this should not be duplicated in planning considerations and controls.

However in principle there is national policy and local policy to support such tourism proposals. As weight is given in favour based on the benefits to the rural economy, conditions are proposed that would ensure this unit is used as a holiday let as opposed to a further separate main dwelling.

5.5 Residential Amenity

The comments concerning residential amenity, referred to above are noted. In terms of overlooking, to the south east elevation, the only windows proposed are relatively small rooflights/velux type windows in the roof. One of these is above the stairs, approximately 2.5m above the stairs at this location. The other two are high level windows, one is above the ground floor level part of the building only and the other is a high level, serving the only proposed first floor bedroom. Given the size, location and angle of the proposed rooflights, it is not considered that they would give rise to material levels of overlooking. To the north and west elevations, the main changes are the replacement of the existing garage doors with full length windows at ground floor level. There is also a first floor window facing in a westerly direction, towards the existing dwelling. The existing building is set well within the curtilage of the dwelling in these directions, the ground floor west facing windows, are sufficiently far away from the shared boundary. This would facing over and across existing residential curtilage/garden and driveway area associated with the application property, at ground floor level. The first floor west facing window is angled back across the application curtilage and towards the existing house. The addition of these windows on the application property at this location, angle and distance, across the properties own curtilage, would not be considered to give rise to material or significant issues of overlooking.

- 5.6 The issue the use of the existing dwelling, not in compliance with planning permission or without the benefit of planning permission would be a matter for investigation by the Planning Enforcement Team. However, it is normally lawful to use a class C3 dwelling as a holiday let without needing planning permission (as it falls within this use class and so does not constitute development). If a restriction exists it would normally be the other way round, that is to say a proposal specifically granted consent as a holiday let may be prevented from being used as a main dwelling. Indeed, this is the nature of the planning conditions recommended here.

Any issues of excessive noise associated with its use would be subject to Environmental Protection legislation, whilst antisocial behaviour could potentially be a matter to be referred to the Police.

- 5.7 Given therefore the overall nature of the proposals and their relationship with the existing dwelling and surrounding properties it is not considered that it would give rise to a significant or material overbearing or overlooking or amenity impacts upon neighbouring properties in planning terms, such as to warrant and sustain objection and refusal of the proposals. It is considered therefore that the proposal would be acceptable in terms of residential amenity. Sufficient private amenity space would remain to serve the application property. Issues raised over the maps/annotations and reference to properties from the applicants is noted, however it is considered that this prevents satisfactory consideration of the application and the relevant issues in this instance.

5.8 Design / Visual Amenity

The external design changes necessary for the proposed conversion are essentially the replacement of garage doors with windows and the addition of a window are considered to be minimal in terms of the aesthetic appearance of the building, and are not considered to have a significant impact in their own right in this respect the proposals are of an appropriate standard in design and is not out of keeping with the character of the main dwelling and surrounding properties.

5.9 Sustainable Transportation

Whilst the concerns in relation to this proposal from a transportation perspective are noted there is considered to be an appropriate level of parking available within the site for the existing dwelling and holiday let. The site is an existing residential curtilage with existing access that currently is accessed by car and generates vehicle movements, along with the other dwellings in the immediate vicinity. The levels of likely intensified use of the access onto Kington Lane is acceptable. Any issues of unlawful use of the highway or blocking of access would be a legal highways issue. The location of the unit is reasonably sustainable for the purposes of holiday accommodation and is in close proximity to the facilities available in Thornbury. On this basis there is no transportation objection to this proposal.

5.10 Drainage

There was initially considered to be a lack of drainage information upon which to assess the proposals. Further details were received. It is proposed to dispose of foul sewage via a package treatment plant. Consent to discharge has been sought and obtained from the Environment Agency (EA). The detailed approach to manage foul sewage is considered to be acceptable, subject to it being implemented as per the submitted plan and Consent to Discharge from the Environment Agency. It is not considered that the conversion works would exacerbate any surface or road drainage/flood issues. There are no drainage objections to the proposals on this basis

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 proposed garage is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Adequate off-street parking provision will remain. As such the proposals accord with Policies D1, T12 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

7. RECOMMENDATION

7.1 That planning permission is granted.

Contact Officer: Simon Ford
Tel. No. 01454 863714

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 unit hereby permitted shall be used (notwithstanding the Town and Country Planning (Use Classes) Order (England) (as amended) for holiday accommodation only and shall not be used as the main residential dwelling for any occupants.

Reason

To ensure that the unit remains as tourist accommodation only in the interests of highway safety and the rural economy and to accord with Policy E11 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS17 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the requirements of the NPPF.

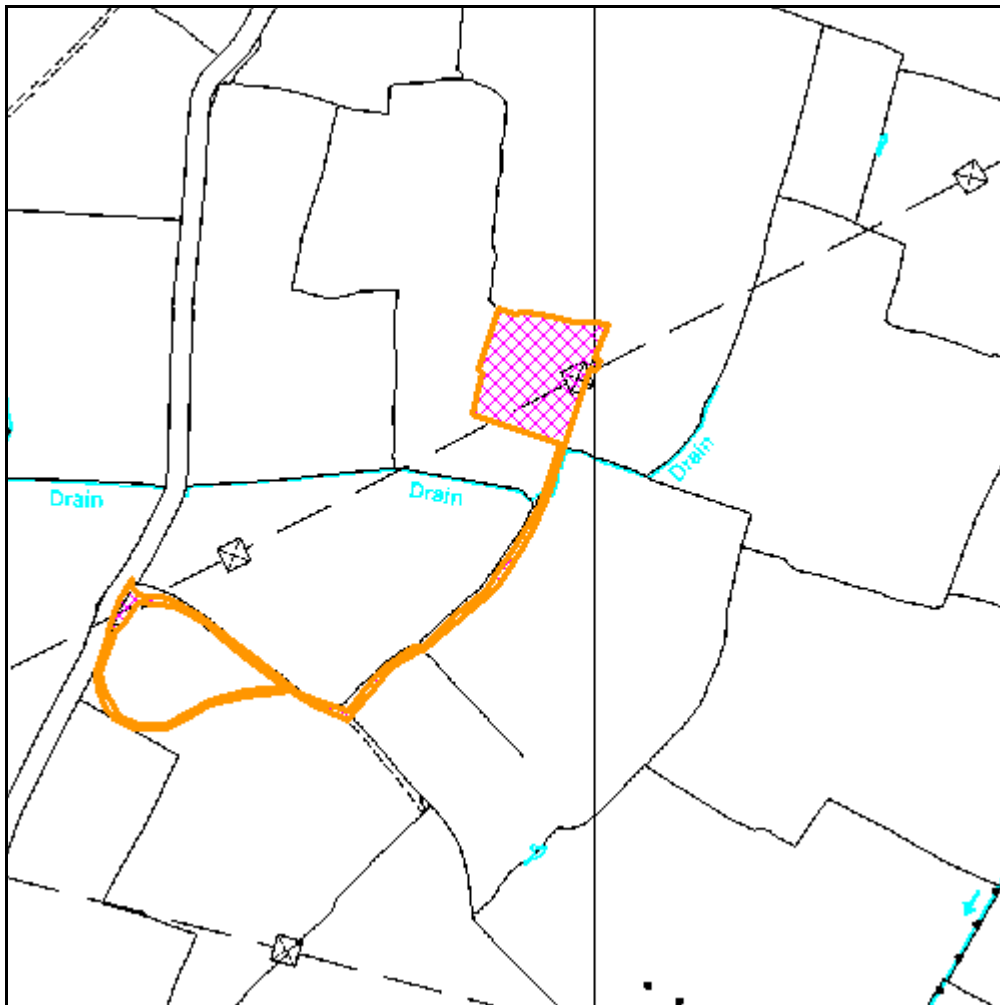
3. The owners/occupiers shall maintain an up-to-date register of the names of all occupiers of the holiday let, and of their main home addresses, and shall make this information available upon request to the Local Planning Authority.

Reason

To ensure that the unit remains as tourist accommodation only in the interests of highway safety and the rural economy and to accord with Policy E11 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS17 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the requirements of the NPPF.

CIRCULATED SCHEDULE NO. 40/17 – 6 OCTOBER 2017

App No.:	PT17/1992/RVC	Applicant:	Mr Jamie Baldwin Ecotricity (Next Generation) Ltd
Site:	Agricultural Field Circa 600M South Of Earthcott Green And Circa 297M East Of The B4427. Adjacent To Existing Electricity Pylons And 297M East Of The B4427.	Date Reg:	22nd May 2017
Proposal:	Variation of Conditions 3 and 9 attached to PT15/4685/F to substitute plans with those received by the Council on 27th April 2017	Parish:	Alveston Parish Council
Map Ref:	364730 185024	Ward:	Thornbury South And Alveston
Application Category:	Major	Target Date:	27th July 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as objections have been received whilst the officer recommendation is to approve the proposed development.

1. THE PROPOSAL

1.1 Planning Permission PT15/4685/F (as detailed in section 3 of this report) was granted in April 2016 for the construction of an electricity substation for the distribution of electricity generated by 'Alveston Wind Park' (3 x 100 metre wind turbines) to the National Grid. 'Alveston Wind Park' was approved under planning permission PT08/1658/F and PT12/0537/RVC (as set out in section 3 of this report). For the avoidance of doubt, this application does not provide the opportunity to re-assess the extant permissions, being the wind turbines and electricity sub-station currently under construction.

1.2 This application details the variation of the existing planning permission granted under planning application PT15/4685/F; and specifically vary conditions 3 and 9 of that decision. The conditions read as follows;

Condition 3

Prior to the exportation of electricity to the National Grid, a scheme of landscaping, which shall include details of all proposed planting (and times of planting); shall be submitted to the Local Planning Authority for approval. For the avoidance of doubt, the landscaping shall be consistent with that indicated in Chapter 4 (Proposed Development and Alternatives) (Drawing Numbered E.0218_12). Thereafter the development shall be carried out in accordance with the agreed details and shall be retained as such for the lifetime of the development hereby approved.

Condition 9

The development shall be implemented strictly in accordance with the following plans;

Drawings Numbered

E.0218_01-Rev B

E.0218_02 Rev C

3748_T0226_09 (1 of 3), (2 of 3) and (3 of 3)

as received by the Local Planning Authority on 22nd March 2016.

1.3 The proposed variation would facilitate the introduction of electricity battery storage into the approved electricity substation. The site is located approximately 250 metres to the east of Old Gloucester Road and approximately 300 metres North of the wind turbines. The site is located in open countryside but is not subject to specific landscape designation. However, the site is within the designated Bristol and Bath Green Belt. The site is located within Flood Zone 1 (low risk of flooding).

- 1.4 There are no recreational routes passing through the site. However, public rights of way cross the wider area. The nearest public footpath (OAN/77/10) passes approximately 200 metres to the north.
- 1.5 The approved substation has been implemented and works are well underway at the time of writing this report. Also, the construction of the wind turbines is also underway at the time of writing this report. The substation facilitates the connection of 'Alveston Wind Park' directly onto the 132kV power line which passes due northwest of the wind turbines. The substation includes a compound measuring 72 metres by 45 metres which would be separated into two parts containing separate electricity distribution equipment for the wind turbine operator (Ecotricity) and the electricity distributor (Western Power Distribution). It has a perimeter fence associated with the compound made up of a 2.4 metre high palisade fence and gates. The transformer and switchgear equipment is generally not more than 6 metres in height although a pole carrying the connection to the National Electricity Grid is approximately 10 metres in height.
- 1.6 The extant planning permission (PT15/4685/F) includes conditions that control the landscaping of the approved development as well as the requirement to construct the substation in accordance with approved plans. This application seeks to vary those conditions with the objective of altering the extant planning consent to include the provision of a 10 megawatt Battery Storage Facility within the substation compound. The batteries would be contained within 9 steel containers measuring up to 12.2 metres long, by 3.2 metres wide and 4 metres in height.
- 1.7 Access to the development would remain as consented. Indeed, the general scale of the approved substation compound would remain unchanged as would the position of it in relation to the wider windfarm development.
- 1.8 *Applicants Case for Very Special Circumstances (Green Belt)*
An assessment of the impact of the proposed development in Green Belt terms is contained in the main body of this report. The applicant acknowledges that the site is within the Green Belt and does not fall within the limited categories of development appropriate within the Green Belt; and that Paragraph 88 of the National Planning Policy Framework attributes 'substantial weight' to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 1.9 In providing a case for 'very special circumstances' the applicant notes that the Local Planning Authority considered that such circumstances existed in favour of approving the Electricity Substation and compound. Accordingly, the arguments now submitted consider the impact and benefits of the proposed battery installation in the context of the previously approved development. Officers concur with this approach and the applicants case for 'very special circumstances' is summarised below.

Benefits of the proposal

- i) The development would enhance the benefits of deploying low carbon energy generation by levelling energy supply through intermittent renewable energy generation;
- ii) The development would facilitate the development of renewable energy technologies by enabling storage of 'excess' energy and securing the wider long term climate objectives;
- iii) The development would provide a 'greener' alternative to back-up energy sources such as gas and diesel generations and fossil fuel installations which give rise to a range of environmental effects, helping to facilitate the transition to lower impacting alternatives.
- iv) The development would help to provide security and long term resilience into the energy infrastructure network that meets the needs of, and provides a reliable source of energy for, communities.

Site Selection

- i) The site is within close proximity to the National Electricity Grid Network and capacity
- ii) The scale and size of the proposed development can be assimilated into the approved Electricity Substation.
- iii) Western Power Distribution has indicated that the only other viable location in the South West to connect a battery installation to the National Electricity Grid without major reinforcement works. This is also located within the Green Belt.
- iv) The applicant argues that site selection is severely constrained and as such should be afforded significant weight.

Impact on Openness

- i) The applicant argues that the development would take place within the consented electricity substation compound. The battery housings would be smaller than or comparable in height to the approved equipment contained within the compound.
- ii) The development would be screened by new landscaping and would be subject to the same condition requiring its removal associated with the electricity substation when no longer operational.
- iii) The applicant argues that the proposed battery installation would not materially alter the impact of the development over the impact of the electricity substation; and that this level of impact should be afforded the same weight as that applied to the approval of the electricity substation

Other harms

- i) The applicant notes that in respect of other identified harms, neutral impact was afforded to Landscape and Visual Effects, Heritage Assets, Residential Amenity, Agricultural Land, Ecology, Drainage/Flood Risk and Highways.
- ii) The applicant argues that given the limited nature of impacts on these factors does not materially change.
- v) *Applicants Conclusion*
The proposed amendment to the extant planning permission does not cause any materially greater harm in Green Belt terms whilst the benefits of the proposal remain the same. The applicant goes on to argue that the balance of impacts does not materially change and the proposal remains acceptable in terms of Green Belt Policy set out in the National Planning Policy Framework.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Practice Guidance
National Policy Statement for Energy (EN-1)
National Policy Statement for Renewable Energy Infrastructure (EN-3)

Written Ministerial Statement on the revocation of the North West, West Midlands, South West Regional Strategies (27th March 2013)

2.2 Development Plans

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

CS3	Renewable and Low Carbon Energy Generation
CS1	High Quality Design
CS5	Location of Development
CS9	Environmental Resources and Built Heritage
CS34	Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies

L1	Landscape Protection and Enhancement
L10	Historic Parks and Gardens
L12	Conservation Areas
L13	Listed Buildings
L16	Protecting the Best Agricultural Land
EP2	Flood Risk and Development
LC12	Recreational Routes
T12	Transportation Development Control Policy for New Development

- 2.4 South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016
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| PSP7 | Development in the Green Belt |
| PSP17 | Heritage Assets and the Historic Environment |
| PSP19 | Wider Biodiversity |
| PSP20 | Flood Risk, Surface Water and Watercourse Management |
| PSP21 | Environmental Pollution and Impacts |
- 2.5 Supplementary Planning Guidance
- South Gloucestershire Renewables SPD (Adopted) 2014
 - South Gloucestershire Revised Landscape Character Assessment SPD (Adopted) - (Character Area 10 – Earthcott Vale) 2014
 - Development in the Green Belt SPD (Adopted) 2007
 - South Gloucestershire Design Checklist (Adopted) 2007
- 2.6 Other Material Considerations
- South Gloucestershire Climate Change Strategy – Low Carbon South Gloucestershire Plan 2012 to 2015 (adopted).
 - EU Renewable Energy Directive 2009/28/EC
 - Report on the Potential for Renewable and Low Carbon Energy Supply in South Gloucestershire June 2010 (AECOM Report)

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/1658/F - Erection of 3 No. 100 metre high wind turbines together with access tracks, hard standing areas, information board, electricity sub-station and associated works. Erection of temporary construction compound and construction of new vehicular access.
- Approved** with Conditions 11th December 2008
- 3.2 PT11/3972/NMA Non material amendment to PT08/1658/F to make all plans accompanying this application, a condition of the permission.
- No Objection
- 3.3 PT12/011/SCR Screening Opinion Request for PT12/0537/F as detailed in paragraph 3.4 below.
- Environmental Statement Not Required 21st February 2012
- 3.4 PT12/0537/RVC Variation of condition attached to planning permission PT08/1658/F (as added under PT11/3972/NMA) to substitute Proposed Site Plan 3748_T0215_03 as received by the Council 21 February 2012 for Proposed Site Plan (Figure 4.2) (as amended) as received by the Council on 15th October 2008 to amend the location of the crane pad for hard standing for Turbine 2.
- Approved** with Conditions 21st May 2012

3.5 COM/12/0849/BOC Investigation of alleged breach of planning consent.

In this instance the investigation concluded that no breach of condition has occurred and that the planning permission (PT08/1658/F) has been implemented. The enforcement investigation was closed on 19th July 2012.

3.6 PT15/4685/F Construction of a new 132kV electricity Substation, static compensator, harmonic suppression, access track, switchgear building, transformer, cable trench, CCTV, palisade fencing, landscaping and other associated ancillary infrastructure.

Approved with Conditions 4th April 2016

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council
No objection

4.2 Frampton Cotterell Parish Council
No objection subject to the necessary risk assessments required.

4.3 Iron Acton Parish Council
No response has been received

4.4 Landscape Architect
No objection

4.5 Listed building Officer
No objection

4.6 Environmental Health Officer
No objection

4.7 Arboricultural Officer
No objection

4.8 Archaeology Officer
No objection

4.9 Ecology Officer
No objection

4.10 Lead Local Flood Authority
No objection

4.11 Highway Authority (Sustainable Transport)
No objection

4.12 Arts Co-Ordinator
No objection

4.13 National Grid (Gas Pipeline)

No objection

4.14 Highways England

No objection

4.15 Avon Fire Brigade

No objection.

In relation to fire risk, the agency has made the following comments;

The Regulatory Reform (Fire Safety) Order 2005 (FSO) places a duty on the "Responsible Person" (see Article 3 of the FSO) to ensure that a suitable and sufficient fire risk assessment (Article 9) is carried out for the premises. This assessment should identify the general fire precautions that would need to be taken to mitigate and control any risks highlighted.

We would therefore expect that this legislation has been complied with, and that all the necessary steps have been taken to control any risks, including those associated with the storage of lithium batteries.

Currently we do not consider sites such as these to pose a high level of risk due to the expected control measures taken and the usual remote locations. We would therefore not normally give a high priority to this site within our planned inspection programs.

Other Representations

4.16 Local Residents

8 Comments have been received from local residents. All comments are made in objection. The comments are summarised as follows;

The development is located on Green Belt Land where there is already harm to openness as a result of the existing wind farm.

The development would lead to the industrialisation of the Green Belt.

The development would be visible from Acton Court during the winter months.

Whilst there is support for renewable energy, Wind and Solar electricity generation should not be site on Green Belt Land or close to small hamlets such as Earthcott Green

98% of the surrounding population voted against the Wind Farm.

It is argued that the Wind Turbines do not require a battery storage facility in order to connect to the electricity supply grid (National Grid). The batteries can be charged directly by the wind turbines or directly from the electricity supply grid and as such can operate independently to the wind farm so adding 10Mw of additional independent generating source. It is argued that this would amount to 145% increase over what is consented at the windfarm.

It is argued that (making reference to the Section 36 of the Electricity Act 1989 and the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013) cannot be considered as a variation to the existing consent.

It is argued that the proposed development is more than a variation of the existing planning permission and should be subject of a full planning application. It is argued that a full planning application would allow a proper assessment of the risk of fire to be made.

There is broad concern raised that the Lithium Batteries proposed are a fire risk. Specific concerns is raised about the layout of the batteries in terms of ensuring that the risk of fire is minimised.

Concern is raised that in the event of a fire at the proposed battery installation, this would result in harmful toxic fumes to the detriment of health and safety of the surrounding population.

There is concern raised in respect of the risk of explosion at the site, to the detriment of health and safety of the surrounding population.

Acton Court would be adversely affected by an accident at the development site.

The installation and replacement of batteries would result in an increase in HGV movements.

The application refers to the replacement of an historic hedgerow. This would not be possible.

The development would result in unacceptable levels of noise from the proposed air conditioning units, particularly when combined with the noise from the wind turbines.

The proposed development will have a detrimental impact on property values and prospect of sale.

5. ANALYSIS OF PROPOSAL

5.1 The planning application proposes the variation of conditions 3 and 9 of planning permission PT15/4685/F in order to facilitate the provision of electricity battery storage within the approved substation compound.

5.2 Procedural Matters

As set out above, the planning application is submitted under s73 of the Town and Country Planning Act which allows for the variation of extant planning permissions. In this instance, the extant planning permission is subject to conditions which include the requirement to develop the approved electricity sub-station compound strictly in accordance with the agreed drawings and to submit landscape mitigation ahead of the exportation of electricity to the National Electricity Grid).

- 5.3 Officers note that comment received from local residents have questioned the use of a s73 application (an application to vary an existing planning consent) rather than the use of a s78 application (a full/new planning application) to provide the basis for the assessment of this proposal. In particular, local residents suggest that the nature of the provision of battery storage would effectively raise the electricity capacity of the wind farm such that the scope of the extant planning permission is significantly altered; requiring a full/new planning application.
- 5.4 It is also noted that those comments have been made referring to an application to vary an approval under s36 of the Electricity Act 1989. For clarity this application is not submitted under the Electricity Act. It is submitted under s73 of the Town and Country Planning Act.
- 5.5 A s73 planning application is a stand-alone planning application. However, this type of planning application allows for the consideration of the variation of an extant planning consent and as such does not reassess the principle of the proposed development; in this case the proposed Electricity Sub-station and compound. In order for this type of application to be appropriate, the 'variation' should not result in the basic scope of the extant planning consent being altered. It is clear that the provision of the battery storage units do require planning consent, however whether or not the s73 planning application is appropriate lies in the nature and scale of the proposed battery facilities.
- 5.6 It is noted that comments have suggested that the capacity of the wind farm would be increased from 6.9MgW to 16.9MgW as a result of the provision of the batteries. However, the sub-station (although associated with the wind farm) is a stand-alone planning permission for the provision of an electricity substation. It does not generate electricity in its own right, and simply acts to transfer power generated by the wind farm onto the National Electricity Grid. Similarly, the proposed batteries are a means of storage of surplus electricity; and its subsequent transferral to the National Electricity Grid. They do not provide the facility to generate electricity. Furthermore, the nature and scale of the battery installation is such that it can be wholly provided within the confines of the approved substation compound and as such would complement the use of the site as an electricity substation. Accordingly, officers are satisfied that a s73 application is appropriate in this instance.
- 5.7 Notwithstanding the above, the application is a stand-alone planning application. Whilst it does not allow the reassessment of the principle of consented electricity compound, it does allow for the impacts of the proposed battery installation to be fully assessed. As such, the assessment of this application will address all concerns raised by local residents and this is set out below.
- 5.8 *Environmental Impact Regulations*
The adjacent windfarm development was considered to fall within Schedule 2 of the Environmental Impact Assessment (England and Wales) Regulations 2011 (the regulations in force at the time that the Windfarm development was considered by the Local Planning Authority).

That planning application (PT08/1658/F and PT12/0537/RVC) was supported by an Environmental Impact Assessment.

- 5.9 When considered in isolation, officers are of the view that approved electricity sub-station development would not trigger a requirement for the application to be accompanied by an Environmental Statement. Similarly, the introduction of battery storage facilities within the approved development would not trigger a requirement for the submission of a supporting Environmental Statement. Nonetheless, the applicant has provided an addendum to the original Environmental Statement given that it is associated with the Windfarm.
- 5.10 The Scope of the submitted addendum is narrow, addressing specifically the impacts of the development of the additional battery installation over and above the impacts of the electricity sub-station; and in the context of the approved wind turbine development. Officers consider that the Environmental Statement addendum submitted in support of this planning application soundly addresses impacts of the proposed battery installation and is sufficient to enable a full and proper assessment of this planning application.
- 5.11 Departure Regulations
The proposed development would represent a Departure from the Development Plan. Accordingly, notice has been served under Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as a Departure from the Development Plan (Departure Notice). This notice expired on 22nd September 2017. All comments received during the relevant consultation periods are summarised in this report and addressed in the main body of the report.
- 5.12 Principle of Development
The principle of providing an electricity substation on this site has been established through the approval of planning permission PT15/4685/F. That planning permission has been implemented and all relevant planning conditions discharged prior to the commencement of the development. The assessment of this application will focus upon the impacts of the proposed amendments; this being the variation of plans and the landscape condition to allow for the provision of battery storage facilities within the existing electricity substation compound.
- 5.13 Renewable Energy Considerations
The applicant has set out that the proposed battery storage installation would be used to store electricity generated by the adjacent wind turbines (Alveston Wind Farm). The batteries would also be capable of storing other surplus electricity generated elsewhere, however the applicant has confirmed that the wind turbines would provide 96.5% of the electricity stored in the proposed batteries.
- 5.14 On this basis, officers are satisfied that the primary function of the proposed battery is to store electricity generated by the wind turbines (a renewable energy resource).

5.15 Policy CS3 of South Gloucestershire Local Plan; Core Strategy (adopted) December 2013

Policy CS3 sets that proposals for the generation of energy from renewable sources that would not cause significant demonstrable harm to residential amenity, individually or cumulatively will be supported. Policy CS3 sets out that in assessing proposals for renewable energy significant weight will be given to the following 4 criteria. In applying this criteria, officers are mindful that the Wind Turbine development is approved and implemented. On this basis, it is appropriate to apply the criteria only in relation to the additional impacts of the amendments to the approved electricity sub-station.

5.16 *Criterion 1 - The wider environmental benefits associated with increased production of energy from renewable sources.*

The South Gloucestershire Climate Change Strategy (CCS) document sets local targets on carbon reduction and renewable energy which have been derived from the legally binding UK targets and from an assessment of local renewable energy resources.

5.17 The Climate Change Strategy was formally approved by the Policy and Resources Committee on 8 April 2013. This document establishes a target to deliver 7.5% of South Gloucestershire's total projected 2020 energy demand from renewable sources. The document recognises that a varying mix of technologies could meet the 7.5% target across the district. Currently, the installed capacity of renewable energy development falls well below the target level. In the event that renewable energy developments with planning consent are installed, the short fall will be reduced, however it would remain well below target.

5.18 Whilst it is acknowledged that this document was approved after the associated wind turbine development was approved, it is a document that carries weight in the determination of this planning application given that it the proposed batteries would store a substantial amount of the electricity generated by the wind turbines.

5.19 The proposed batteries would store energy generated by the wind turbines during periods of low consumer demand. Historically, surplus energy has been lost or in the case of wind turbines (for example) no power has been generated during low period of demand irrespective of the conditions being appropriate for generating wind based renewable energy. Essentially, wind turbines would be shut down in favour of using traditional power stations as a priority. Battery technology and associated market costs have now made the introduction of battery storage a feasible option for storing electricity and are considered by the industry to be viable means of supporting the renewable energy sector.

5.20 Accordingly, the provision of batteries as part of the approved electricity substation would facilitate the distribution of renewable energy generated by the windfarms in a more predictable manner. Essentially, during periods of low wind speeds the battery storage would enable the distribution of renewable energy to continue according to demand.

- 5.21 On this basis, officers consider that the fact that the proposed battery storage would facilitate considerable improvements to the distribution and predictability of renewable energy generating at the adjacent facility would make a positive contribution towards renewable energy targets set out in the South Gloucestershire Climate Change Strategy as well as moving towards the National commitment. This benefit carries significant weight in considering this planning application (in compliance with Policy CS3 of the Core Strategy).

However, it is necessary to weigh this benefits in the balance with other adopted policies and material issues critically the impact upon the local environment. The issues for consideration are set in the relevant sections of this report.

- 5.22 *Criterion 2 – Proposals that enjoy significant community support and generate an income for community infrastructure purposes by selling heat or electricity to the National Grid.*

It is noted that the consented wind turbine development did not make provision for a financial (or otherwise) contribution towards community infrastructure at the time that was approved. However, officers note that the operator (Ecotricity) has made contact with the local community with a view to establishing a community benefit. Nonetheless, this application does not itself propose new wind turbine development. Rather, it proposes the amendment of the substation consent to provide a means of storing and distributing renewable energy generated by the wind farm development to the National Grid. As set out earlier in this report, this application does not provide the agenda for re-consideration of the wind turbines which have an extant and implemented planning permission and as such cannot form the basis for securing a 'community fund'. Such a measure would ultimately be at the discretion of the development in discussion with the local community. In essence, it is possible for the development to proceed on the basis of that which is approved, irrespective of the nature of the ultimate method of connection and distribution to the National Grid.

- 5.23 Having regards to the above, officers consider that the proposed electricity sub-station would have a neutral impact in relation to this criterion.

- 5.24 *Criterion 3 – The time limited, non-permanent nature of some types of installations.*

In this instance the proposed electricity sub-station would be directly related to the approved wind turbine development. The wind turbine development is temporary in nature in that it is subject of a planning condition to limit the lifetime of the development (and require its removal) after 25 years from the connection of it to the National Grid. It stands to reason, that the proposed electricity sub-station and associated battery storage would not be required after the wind turbine development has expired, and on this basis, would also be decommissioned and removed.

5.25 *Criterion 4 – The need for secure and reliable energy generation capacity, job creation opportunities and local economic benefits.*

It is acknowledged that wind turbine development would provide limited opportunity for creating permanent employment. Local employment is likely to be for a temporary period during the construction phase. Given the nature and extent of the electricity sub-station and the provision of battery storage it is unlikely that this would alter this characteristic of the consented wind turbine development.

5.26 Similarly, it is acknowledged that the provision of renewable energy generation would generally make a positive contribution to the overall 'energy security' for the United Kingdom. The proposed amendments to the approved electricity sub-station would facilitate the storage as well as connection of the electricity generated by the turbines to the National Grid and as such would act to positively contribute to this criterion.

5.27 Having regards to the above, it is considered that the proposed development is consistent the objectives of Policy CS3 of the South Gloucestershire Core Strategy in that it would support the implementation of the consented wind farm development. This is a factor that can be given significant weight in the determination of this planning application. Policy CS3 acknowledges that the close proximity of the Green Belt to the main urban areas will make it an attractive location for renewable or low carbon energy generation. The policy indicates that greater weight will therefore be given to the 'wider' environmental benefits in considering proposals for renewable energy development in the Green Belt area and particularly where criteria ii, iii, and/or iv, (as set out above) are also met. The impact of the development in respect of the openness of the Green Belt is considered below.

5.28 Green Belt

The site is located within the Green Belt. The National Planning Policy Framework sets out that the fundamental purpose of the Green Belt is to preserve its openness; and sets out that the development of many renewable energy projects will comprise inappropriate development. For the avoidance of doubt, the development of the three wind turbines within the Green Belt is already established through the extant planning permission. Similarly, the development of the associated substation is already established. For the purpose of this planning application it is not appropriate to re-consider the impact of the wind turbines and the substation compound in respect of Green Belt policy. However, it is necessary to consider the impact of the proposed amendments to the substation and compound in its own right and in the context of the wind turbine development (the cumulative impact).

5.29 Policy CS34 of the adopted South Gloucestershire Local Plan; Core Strategy (criteria 4) protects the designated Green Belt from inappropriate development. Paragraph 17 of the National Planning Policy Framework (NPPF) provides a set of core planning principles, which include protecting the Green Belt and encouraging the use of renewable resources that should underpin both plan-making and decision-taking.

5.30 Paragraph 87 of the NPPF states that;

'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

5.31 Paragraph 88 of the NPPF states that,

'When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

5.32 Recent case law has clarified the position in respect of the purpose of the phrase 'and any other harm'. Essentially, the findings of the Court of Appeal are such that the test for finding very special circumstances (for allowing inappropriate development in the Green Belt) is that harm to the openness of the Green Belt must be considered in conjunction with any other harm found; such as harm to landscape character, adverse visual impact and residential amenity.

5.33 Furthermore, it must be shown that the benefit of development (such as the wider public benefit in terms of renewable energy production) will clearly outweigh the harm to the openness of the Green Belt and any other harm.

5.34 Paragraph 91 of the NPPF sets out that wider environmental benefits can be considered as a factor that would go towards the case for very special circumstances and states that,

'When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.'

5.35 In this instance, the very special circumstances have been found to justify the development of the electricity substation and compound. However, it stands to reason that it is not appropriate (albeit justified) development within the Green Belt; and is by definition harmful to the openness of the green belt and the purpose of including the land within it. The key issue at the time that the substation development was considered is that factors that outweighed that harm were found. The issue for consideration under this application relates to the impact of the proposed battery installation and to establish whether or not the additional impacts caused would tip the balance such that the overall impacts would no longer be *clearly* outweighed by the benefits.

5.36 *Harm to the Green Belt.*

The applicant has placed most emphasis upon the fact that very special circumstances were found to justify the development of the electricity substation in the first place. The applicant argues that the proposed battery

storage would take place within the established electricity substation compound and would not introduce elements that are materially greater in scale than the consented development.

5.37 As a starting point, the NPPF (paragraph 88) makes it very clear that ‘substantial weight’ is attributed to harm to the Green Belt. It does not provide a scenario where the weight attributed to this impact can be reduced. On this basis, ‘substantial weight’ should be applied. However, in considering this application the weight of this impact should be considered in the context of the consented electricity substation and compound and in balance with other impacts positive and negative impacts.

5.38 *Renewable Energy Production and Environmental Benefit*

The applicant emphasises that the proposed battery installation would facilitate improvements to the delivery of renewable energy generated by the adjacent wind turbines. The applicant implies that the environmental benefits associated with renewable generation should be given significant weight in the consideration of this application.

5.39 Paragraph 91 of the National Planning Policy Framework acknowledges that ‘very special circumstances may include the wider environmental benefits associated with increased production from renewable energy sources’. The National Planning Policy Framework sets out that that weight can and should be attributed to this factor. Policy CS3 of the South Gloucestershire Core Strategy complies with this approach.

5.40 This application details the provision of batteries that would store renewable electricity generated by the adjacent wind turbines. This would sit within and complement the function of the approved electricity substation; which is to deliver the renewable electricity to the National Grid. The function of the batteries would allow a more predictable distribution of the electricity and effectively improve the efficiency of the wind turbines. Officers consider that this would bring about further environmental benefit (over and above that already established by the windfarm development) in terms of renewable energy generation. Officers are therefore satisfied that the proposed development would make a more positive contribution to the Councils Objectives and wider national and international objectives as set out in the South Gloucestershire Climate Change Strategy. These factors are specifically acknowledged in Policy CS3 of the South Gloucestershire Local Plan; Core Strategy which attributes significant weight to this factor.

5.41 *Site Selection*

Clearly the siting of the approved wind turbine development is fixed by virtue of the associated planning consent. The consented electricity substation has been implemented and as such the planning consent remains extant. One of the factors considered to carry weight in favour of approval was the location of the electricity substation is the location of it in relation to the wind turbines and the National Grid.

- 5.42 Officers acknowledge that the location of batteries that would store electrical energy generated by the adjacent wind turbines would be restricted. The applicant has indicated that locating the proposed batteries within the existing electricity substation would make the best use of the existing use of the land. The applicant also indicates that an alternative location at the Iron Acton Substation is constrained by structural issues and has been ruled out by Western Power Distribution (the operator of the National Grid in this area). The applicant notes that the Iron Acton Substation is also located in the Green Belt.
- 5.43 In considering the applicants position, officers would concur that it would make practical sense to utilise the existing infrastructure to accommodate the battery storage. Siting the equipment elsewhere would isolate the equipment from its primary generating source.
- 5.44 Officers are satisfied that the proposed siting of the electricity substation is reasonably identified as the only reasonably viable option by the applicant; and on this basis attracts significant weight in the assessment of this planning application.
- 5.45 *Openness of the Green Belt*
Paragraph 79 of the NPPF sets out that the fundamental aim of Green Belt land is to keep land permanently open. Paragraph 80 provides the five purposes of Green Belt Land as follows;
- i) to check the unrestricted sprawl of large built up areas;
 - ii) to prevent neighbouring towns from merging into one and other;
 - iii) to assist in safeguarding the countryside from encroachment
 - iv) to preserve the setting and special character of historic towns; and
 - v) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.46 In Green Belt terms the applicant acknowledges that the proposed battery installation would effectively increase the amount of structures on the site; and would therefore have some impact in terms of openness. Officers would concur with this argument. It is established that the development is inappropriate in the Green Belt and therefore, by definition harmful to the openness of the Green Belt. However, in the case of the electricity substation and compound 'very special circumstances' were found to justify the development. Whilst it is acknowledged that the development would increase the amount of equipment at the substation, it would be contained within the existing compound. Furthermore, the equipment is of a similar scale to that already provided within the compound and is also consistent with the functional character of the existing equipment.

- 5.47 Officers also note that the substation development includes substantial landscape screening; and as part of this application is proposed to be improved. The provision of landscaping was a factor given weight in the determination of the extant planning consent and was considered to provide appropriate mitigation in respect of the appearance of the landscape as well as the openness of the Green Belt.
- 5.48 The impact of the development in landscape terms is considered later in this report. However, in Green Belt terms, officers consider that the provision of landscape mitigation can be weighed in favour of the development, alongside the positive environmental benefits and restricted siting options identified earlier in this report.
- 5.49 Given the scale and position of the proposed battery installation within the existing substation compound, together with the provision of improved landscape mitigation, officers consider that the impact of the battery installation would not be materially greater than the impact of the consented development. This factor is attributed significant weight in the assessment of this planning application.
- 5.50 Landscape and Visual Impact
Officers are satisfied that views of the substation would be adequately screened from the general area by existing topography and existing vegetation. Some open views in close proximity of the substation would be available from the public footpath due north of the site.
- 5.51 Officers note that in assessing the original application for the electricity substation, the provision of landscaping as part of the development was considered to officer adequate mitigation within a relatively short period of time. Such that close views of the substation compound would be assimilated into the landscape relatively quickly. Officers note that the landscaping would be improved to further mitigate the visual impact of the additional battery storage equipment. The South Gloucestershire Council Landscape Architect has raised no objection on those grounds.
- 5.52 The applicant has provided a comprehensive landscape plan (which includes planting programme and maintenance regimes). This includes native plant species and the re-instatement of a hedge along a historical hedge line. Officers consider that this would provide a modest benefit to the locality and is attributed moderate weight. In the event that this application is approved, an appropriately worded condition will act to secure that the planting is provided as part of the development in accordance with the planting programme and maintenance regimes.
- 5.53 In terms of the access track associated with the substation development, previous conditions relating to the implementation of the track have been agreed and discharged consistent with the requirements of the extant planning permission. The applicant does not propose to alter the access track and as such a compliance condition securing the agreed works is relevant in the event of the approval of this planning application.

- 5.54 Subject to the use of the above conditions, officers consider that the proposed development is acceptable in landscape terms and ultimately would result in some improvement. This factor is given significant weight in the consideration of this planning application.
- 5.55 Impact upon Heritage Assets
There are a number of heritage assets within 3km of the application site. Most notably Acton Court (Grade I) approximately 2 ½ due West of the site. A total of 17 Grade II and 1 Grade II* Listed Buildings are located within 2Km of the development site.
- 5.56 As set out above, officers consider that adequate mitigation in landscape and visual terms can be provided by way of the provision of landscaping. The South Gloucestershire Council Listed Building officer does not raise objection to the proposed battery installation, and officers consider that the landscaping would adequately address the impact of the additional equipment in respect of heritage assets.
- 5.57 Officers are satisfied that there is no material impact in this regard as a result of the proposed amendments to the planning consent; and this factor is considered to have a neutral impact
- 5.58 Impact upon Residential Amenity
The surrounding location is characterised by open countryside with a very low density of dwelling within 2km of the application site. The nearest dwellings are associated with Earthcott Green Old Farm, Oldfield Farm and Frogland Cross; the closest of which being approximately 600 metres from the site. Officers note that local residents have raised concern about the level of noise that may be generated by the proposed equipment.
- 5.59 The applicant has provided additional acoustic information to address the additional equipment proposed, which would include cooling equipment design to keep the battery housing at an appropriate temperature. The Environmental Health Officer has confirmed that the information demonstrates that activity from the development would result in noise levels below existing background levels and as such Officers are satisfied that adverse noise impact upon the surrounding community is unlikely. The Environmental Health Officer has suggested that a condition of any approval of this application should ensure that noise levels at The Elms and The Laurels does not exceed background noise levels. This would be consistent with the mitigation identified in the applicants submission and would aid future enforcement of noise issues.
- 5.60 As set out earlier in this report, the key visual receptor would be users of the public right of way due North of the development site. Given the topography and existing layers of vegetation, officers are satisfied that the development would not be easily visible from surrounding dwellings and over time, any limited impact would be negligible as the proposed landscaping matures.
- 5.61 On this basis, officers are satisfied that the proposed development is acceptable in residential amenity terms and this factor is given neutral weight in the consideration of this planning application.

- 5.62 Officers note that specific matters have been raised in relation to the risk of fire and explosion at the site as a result of the proposed batteries. This matter is addressed in more detail later in this report. However, officers are satisfied that reasonable measures are in place to address this issue and as such the risk to residential amenity as a result of fire or explosion is mitigated.
- 5.63 Impact upon Agricultural Land
The site is located on Grade 3 agricultural land which is medium to low quality. Given the relatively small area of land to be used within the substation compound, officers consider that the development would not result in a material impact in this regard. This factor is given neutral weight in the consideration of this planning application.
- 5.64 Ecology Considerations
The site is located on agricultural land (arable) with species-poor hedgerows. On this basis, officers consider that the application site has very limited ecological value; and as such officers are satisfied that the proposed development would not have a detrimental impact in ecological terms.
- 5.65 The extant planning consent included measures for the ecological enhancements as part of the development. This would provide the opportunity to improve the ecological value of the site. This is proposed to take the form of hedgerow improvement and new planting to improve species and habitat to encourage more ecological diversity. Officers consider that this is apposite benefit of the development of the substation generally. The proposed battery installation would not alter this position. The ecological work was secured by condition which has been agreed and discharged in accordance with the extant planning permission. As such a compliance condition securing the agreed works is relevant in the event of the approval of this planning application.
- 5.66 This benefit is given moderate weight in the consideration of this planning application.
- 5.67 Drainage and Flood Risk
The site is located in Flood Zone One where there is minimal risk of flooding. The Lead Local Flood Authority (SGC Drainage Engineer) does not raise any objection to the proposed development. Again, previous conditions relating to water management applied to the extant planning consent have been discharged. As such a compliance condition securing the agreed works is relevant in the event of the approval of this planning application.
- 5.68 Subject to the above condition, the proposed development is acceptable in drainage and flood risk terms and this is given neutral weight in the consideration of this application.
- 5.69 Highway Impact
The applicant has confirmed that once operational, the substation would require limited maintenance resulting in negligible vehicular movements (made up of light commercial vehicles) to and from the site. The provision of the proposed batteries would not materially alter this position.

- 5.70 The applicant indicates that the installation of the proposed batteries would coincide with the construction phase associated with the approved wind turbine development and electricity substation generally.
- 5.71 Again, the applicant has provided a Construction Management Plan in accordance with the condition attached to the extant planning consent. This has been agreed and discharged. Officers are satisfied that the agreed Construction Management Plan provides adequately for the delivery of the proposed battery equipment and as such a compliance condition securing the agreed Construction Management Plan is relevant in the event of the approval of this planning application.
- 5.72 Public Safety
Objections have been received that raise concern regarding the safety of the proposed battery installation. Specifically, the concern is directed at the nature of the proposed batteries and the potential for them to overheat, catch fire or explode and in so doing cause dangerous toxins to escape into the surrounding area.
- 5.73 The safety of the proposed equipment is the responsibility of the developer/operator. The Town and Country Planning Act does not provide the basis by which this specific responsibility can be assessed. Nonetheless, in considering this application, the Local Planning Authority should be satisfied that there is a reasonable prospect that the development is safe. In this instance, the appropriate legislation covering fire safety is The Regulatory Reform (Fire Safety) Order 2005 (FSO). Avon Fire Authority has confirmed that the legislation places a duty on the "Responsible Person" (the operator of the development) to ensure that a suitable and sufficient fire risk assessment is carried out for the premises. The Fire Authority advises that such an assessment should identify the general fire precautions that would need to be taken to mitigate and control any risks highlighted.
- 5.74 The Fire Authority has also advised that it would expect this legislation to be fully complied by the operator with and that all necessary steps taken to control risks including those associated with the storage of lithium batteries. The Fire Authority has confirmed that battery storage sites to pose a high level of risk given the expected control measures and usual remote locations.
- 5.75 The applicant has confirmed that the battery equipment will conform to specific fire safety requirements; and have provided information showing that the proposed battery containers would include a comprehensive array of fire protection measures including temperature monitors and fire extinguishing equipment. The containers themselves are active in terms of fire suppression.
- 5.76 Furthermore, officers are conscious that the proposed equipment represents a considerable financial investment by Ecotricity and it is anticipated that the protection of this investment from the potential loss as a result of fire is a high priority.

- 5.77 On the basis that there is specific and relevant legislation in respect of fire risk, and given that the developer has confirmed that it would comply with such legislation, officers are satisfied that the risk of fire is appropriately covered by other legislative control. On this basis, officers consider that the reasonable precaution is in place to protect and mitigate this risk.
- 5.78 The Planning Balance
The proposed development would provide the opportunity to store renewable energy generated by the adjacent wind turbines and distribute this onto the National Grid. Accordingly, the proposed battery installation has a direct impact upon the delivery of renewable energy and officers conclude that this is a benefit attracting significant weight.
- 5.79 The site is located within the Green Belt. The proposed development is not appropriate development within the Green Belt and is, by definition, harmful to the openness of the Green Belt. Paragraph 88 of the NPPF attributes substantial weight to that harm; and very special circumstances must be found in order to justify the development in the face of the harm to openness.
- 5.80 As set out in the main body of this report, the test for finding very special circumstances must consider the harm to the openness in conjunction with any other harm found; such as harm to landscape character, residential visual amenity and heritage assets. It must also be shown that the benefit of development (such as the wider public benefit in terms of renewable energy production) will clearly outweigh the harm to the openness of the Green Belt and any other harm.
- 5.81 The test for finding very special circumstances for allowing inappropriate development in the Green Belt has a high threshold. In this instance, the Local Planning Authority has previously concluded that there are very special circumstances by which to justify that development of the electricity substation. Officers consider that when considered in the context of the approved electricity substation and the associated wind turbine development the overall impact upon the openness of the Green Belt as a result of the proposed battery installation is not materially greater; and as such the impact is limited. Officers attribute significant weight to this factor. When weighed against the identified benefit, the balance of consideration is such that officer consider that it can be demonstrated that the benefits of the proposal clearly outweigh the harm to the openness of the Green Belt. As such the test succeeds and the proposed development is considered to be acceptable. Approval is therefore recommended.

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 proposed development would represent a Departure from the Development Plan. Accordingly, notice has been served under Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as a Departure from the Development Plan (Departure Notice). This notice expired on 22nd September 2017.
- 6.3 For the avoidance of doubt, this development proposal is not subject to the requirements of Circular and Planning Direction 02/09 and as such any resolution to grant planning consent is not required to be referred to the Secretary of State for Communities and Local Government.
- 6.4 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; and having full regard to the findings and recommendations set out in the accompanying Environmental Statement; which has been found to be sound.

7. RECOMMENDATION

- 7.1 That the proposed variation of planning permission PT15/4685/F is granted subject to the following conditions;

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

1. Remove Development

The development hereby approved shall be removed not later than 25 years from the date that electricity from the development is first exported to the National Grid and the land shall be returned to its former condition within 12 months of the expiration of this permission. Such renovation of the landscape shall be carried out in consultation with the Local Planning Authority and shall be agreed in writing. The renovation shall continue in accordance with the agreed details and shall be retained as such.

Reason

In order to ensure that the approved development does not remain in situ beyond the projective lifetime of the equipment so installed in the interests of the visual amenity and character of the surrounding landscape and the openness of the Green Belt; and to accord with Policy CS1, CS3, CS5, CS9 and CS34 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and Saved Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006.

2. Export to Grid

The developer shall notify the Local Planning Authority within 21 days of such time that electricity from the development is first exported to the National Grid.

Reason

In order to allow the Local Planning Authority to adequately monitor the time scale of the development; and conditions contained in this decision notice.

3. Landscaping

The development hereby approved shall proceed strictly in accordance with the Revised Planting Plan (number 3748_T0252_03) as received by the Local Planning Authority on 27th April 2017.

Reason

To protect the character and appearance of the area and the openness of the Green Belt and to accord with Policies CS1, CS5, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. Ecological Management Plan

Development shall commence strictly in accordance with the agreed Ecological Management Plan (Revised) as received by the Local Planning Authority on 25th July 2016.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of ecology, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. The information is required prior to the commencement of the development in order to avoid unnecessary remediation works.

5. Tree Protection

Development shall commence strictly in accordance with the agreed Ecological Management Plan (Revised) as received by the Local Planning Authority on 25th July 2016.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of trees to be retained, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. The information is required prior to the commencement of the development in order to avoid unnecessary remediation works.

6. Drainage (SuDS)

Development shall commence strictly in accordance with the agreed Construction Management Plan (Revised) as received by the Local Planning Authority on 25th July 2016.

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. The information is required prior to the commencement of the development in order to avoid unnecessary remediation works.

7. Construction Management Plan

Development shall commence strictly in accordance with the agreed Construction Management Plan (Revised) as received by the Local Planning Authority on 25th July 2016.

Reason

In the interest of highway safety and amenity and to accord with saved Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006. The information is required prior to the commencement of the development in order to avoid unnecessary remediation works.

8. Access Track

Development shall commence strictly in accordance with the agreed Construction Management Plan (Revised) as received by the Local Planning Authority on 25th July 2016.

Reason

To protect the character and appearance of the area and the openness of the Green Belt and to accord with Policies CS1, CS5, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. The information is required prior to the commencement of the development in order to avoid unnecessary remediation works.

9. Noise Mitigation

The development hereby approved shall be implemented strictly in accordance with the noise mitigation measures as set out in the Noise Assessment Report by Hoare LEA as received by the Local Planning Authority on 27th April 2017.

For the avoidance of doubt, the Rating Noise Level shall not exceed the pre-existing LA90 Background Noise Level at the nearest noise sensitive receptor(s) (noted as The Elms and The Laurels) , as set out in the above Noise Assessment Report. This shall be measured in accordance with BS4142:2014.

Thereafter the development shall be retained as such.

Reason

In the interests of the residential amenity of the existing dwellings in the surrounding locality and to accord with saved policy EP4 of the South Gloucestershire Local Plan (adopted) January 2006, Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and Policy PSP21 of the Policies, Sites and Places Plan (proposed submission main modifications) June 2016.

10. Plans

The development shall be implemented strictly in accordance with the following plans;

Drawings Numbered

E.0218_01-Rev B (Site Location Plan)

E.0218_02 Rev C (Development Boundary Plan)

3748_T0226_13 (1 of 4), (2 of 4), (3 of 3) and (4 of 4)

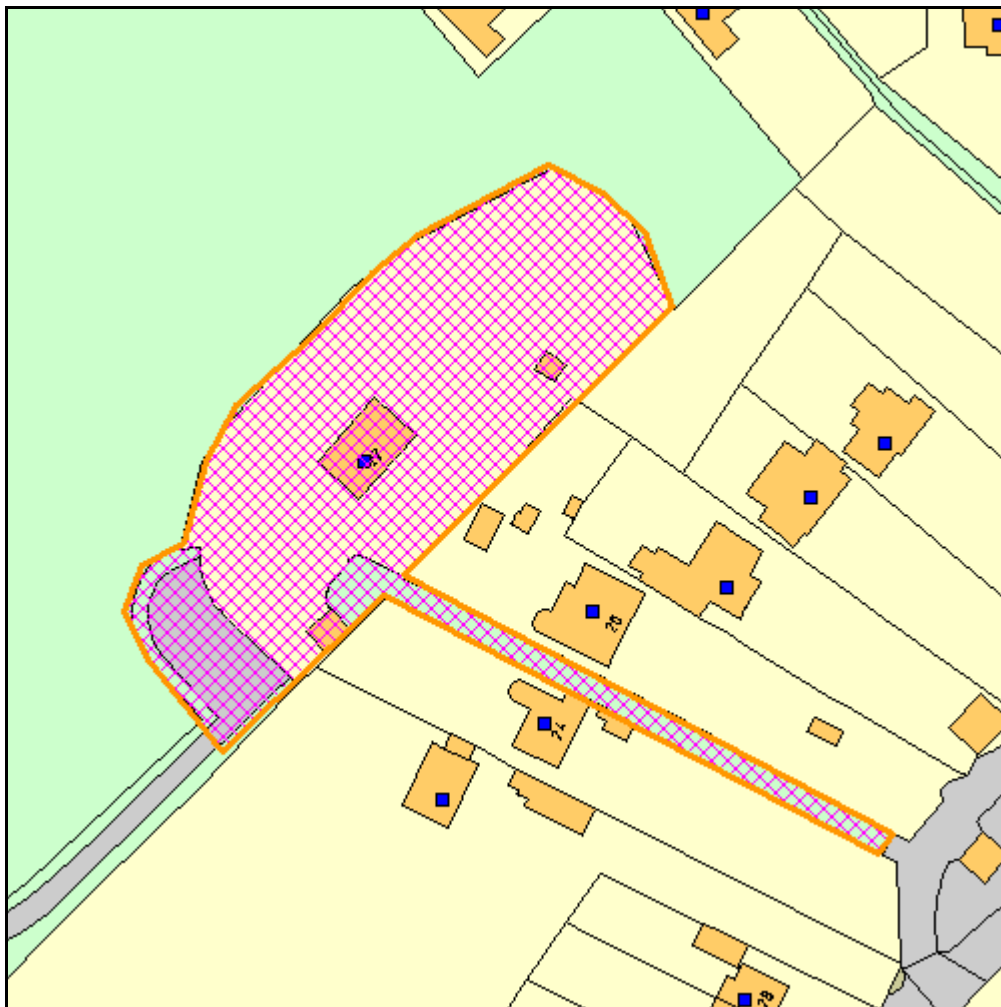
as received by the Local Planning Authority on 27th April 2017

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 40/17 – 6 OCTOBER 2017

App No.:	PT17/2275/CLP	Applicant:	Mr David Davies
Site:	Sundown 22 Over Lane Almondsbury Bristol South Gloucestershire BS32 4BP	Date Reg:	25th July 2017
Proposal:	Application for a certificate of lawfulness for the proposed erection of detached outbuilding to facilitate swimming pool and erection of single storey side extensions to provide additional living accommodation. Erection of 2m boundary wall.	Parish:	Almondsbury Parish Council
Map Ref:	359828 183669	Ward:	Almondsbury
Application Category:		Target Date:	11th September 2017



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4. **CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council
No comments received.

Other Representations

- 4.3 Local Residents
Four Objections Received
Objection One (JS 1&2)

- Asked for trees to not be removed
- Objects to the extension of an access path
- Asks for clarification on plans
- Concerned about location plan

Objection Two

- Noted discrepancies in application documents
- Concerned about location plan

Objection Three

- Concerned about inclusion of access track in relation to the greenbelt
- Noted size of office and questioned use

Objection Four

- Concerned about inclusion of access track
- Questions why a 2m wall needs to be included around the garden
- Concerned about location plan re: residential curtilage

The comments have been noted. As a result of the neighbor comments, an investigation into the extent of the residential curtilage was undertaken. Additionally, a new location plan was obtained to more closely match the residential curtilage.

5. **SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 5.1 The following evidence was submitted to the Local Planning Authority

Received 11 May 2017

- PROPOSED GF POOL PLAN
- COMBINED ELEVATIONS

15 June 2017

- BLOCK PLAN

Received 24 July 2017

- PROPOSED GF PLAN 1
- PROPOSED GF PLAN 2
- PROPOSED POOL PLAN
- COMBINED SOUTHEAST
- COMBINED SE ELEVATIONS
- COMBINED NORTHWEST

Received 23 August 2017

- COMBINED NORTHWEST POOL ELEVATIONS
- COMBINED NORTHWEST

6. **ANALYSIS OF PROPOSAL**

- 6.1 This application seeks a certificate of lawfulness for a detached outbuilding to facilitate swimming pool, erection of 2no. single storey side extensions to provide additional living accommodation and the erection of 2m boundary wall would be lawful
- 6.2 **Principle of Development**
An application for a Certificate of Lawfulness is purely an evidential test and is a formal way to establish whether or not the proposed development can be implemented lawfully without the need for planning permission. Thus there is no consideration of planning merit, the application is based on facts presented. The submission is not a planning application and therefore the Development Plan is not of relevance to the determination of this application.
- 6.3 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Classes A and E, and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. In order for that to be the case the Local Planning Authority need to be convinced on the balance of probability that the development will take place within the existing residential curtilage for the dwelling.
- 6.4 Numerous comments were received stating that the development was partially located on agricultural land, and that the works would therefore not represent permitted development. The area in question is located to the south-west of the site. Accordingly the applicant was asked to provide further evidence on this point. Aerial photography of the site shows that the area of hardstanding to the south-west of the site was laid and fenced off in 2007. This has been corroborated by those who owned the property at the time, who have provided a statutory declaration stating that the area has been used as residential curtilage since before 1st September 2007. In this instance, the case officer is satisfied that on the balance of evidence submitted more weight should be given to the sworn declaration, which indicates that the area in question has been used as residential curtilage for at least the last 10 years and as such would be immune from enforcement action. The balance of probability is therefore that the permitted development rights afforded to householders do apply to this land as part of the residential curtilage of the dwelling.

6.5 The 2no. side extensions would fall within Schedule 2, Part 1, Class A this allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below.

6.6 Assessment of Evidence: Single Storey Side Extensions

Schedule 2 Part 1 Class A allows for the enlargement, improvement or other alteration of a dwellinghouse, subject to meeting the following criteria:

A.1 Development is not permitted by Class A if –

(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)

The dwellinghouse was not granted under classes M, N, P or Q of Part 3 of this Schedule.

(b) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

50% of the residential curtilage would not be covered by buildings as a result of the proposed works.

(c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The height of the single storey side extensions would not exceed the height of the roof of the existing dwellinghouse.

(d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The height of the eaves of the single storey side extensions would not exceed the height of the eaves of the existing dwellinghouse.

(e) The enlarged part of the dwellinghouse would extend beyond a wall which –

(i) forms the principal elevation of the original dwellinghouse;
or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

The proposed extensions do not extend beyond a wall which forms a principle elevation of the original dwellinghouse. The proposals will extend beyond walls which form a side elevation of the original dwellinghouse however they will not front a highway.

(f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

The proposal is for two single storey side extensions, they do not extend beyond the rear wall of the original dwellinghouse, nor do they exceed 4 metres in height.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**
- Not applicable.
- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
 - (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse**
- The proposed extensions would be single storey.
- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**
- The proposed extensions would not be within 2 metres of the boundary curtilage of the dwellinghouse.
- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –**
- (i) exceed 4 metres in height,**
 - (ii) have more than a single storey, or**
 - (iii) have a width greater than half the width of the original dwellinghouse; or**
- The proposed extensions would extend beyond a wall forming side elevations of the original dwellinghouse however they will not exceed 4 metres in height, have more than a single storey, nor will the individual proposals have a width greater than half the width of the original dwellinghouse.
- (k) It would consist of or include –**
- (i) the construction or provision of a veranda, balcony or raised platform,**
 - (ii) the installation, alteration or replacement of a microwave antenna,**
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - (iv) an alteration to any part of the roof of the dwellinghouse.**
- The proposed extension does not include any of the above.

- A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –**
- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
 - (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
 - (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**
The application site is not situated within article 2(3) land.
- A.3 Development is permitted by Class A subject to the following conditions –**
- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior dwellinghouse;**
The materials which will be utilised will be of a similar appearance to those used in the original dwelling.
 - (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be –**
 - (i) obscure-glazed, and**
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**
This is not applicable for the proposed development.
 - (c) where the enlarged part of the dwellinghouse had more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**
This is not applicable for the proposed development.
- 6.7 The 2no. side extensions would fall within Schedule 2, Part 1, Class A this allows for the erection of buildings incidental to the enjoyment of a dwellinghouse.
- 6.8 Assessment of Evidence: Outbuilding
Class E allows the erection of “any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;”...
- 6.9 ‘Incidental’ in planning terms is loosely defined and is a consideration of whether a use is incidental or not is largely based on case law and court decisions. Whether a specific building is incidental to the enjoyment of a dwellinghouse is a matter of degree, consequently there is no absolute definition. By conforming to the other criteria identified in Class E, it does not guarantee that the building is indeed incidental. It is therefore necessary to assess the nature and scale of the subordinate use and whether as a matter of fact and degree this use is incidental to the enjoyment of the dwellinghouse.

Analysis to determine whether the proposed outbuilding can be described as incidental to the enjoyment of the dwellinghouse

- 6.10 The proposed outbuilding is approximately 23.3 metres by 9.9 metres and the proposed use is identified as a swimming pool. The building would also house a hot tub, changing room and WC and a plant room. It is considered that the intended use of the building could reasonably be defined as falling within a use incidental to the enjoyment of the dwellinghouse. The dwelling is a large dwelling set in a large curtilage.
- 6.11 In conclusion, given the reasoning above, it is considered that due to the proposed use of the structure, were the swimming pool not implemented, the structure would not be considered incidental as the size of the space would be seen as excessive for storage purposes alone. On the balance of probabilities and the evidence submitted it is accepted that the current proposal would fall within the remit of Part 1 Class E of the GPDO.
- 6.12 The remainder of this section will establish whether the physical structure proposal would accord with the criteria identified under Class E.

E. The provision within the curtilage of the dwellinghouse of—

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;

E.1 Development is not permitted by Class E if –

(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)

The dwellinghouse was not granted under classes M, N, P or Q of Part 3.

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

50% of the residential curtilage would not be covered by buildings as a result of the proposed works.

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

The building will be situated to the side of the dwelling and would not be forward of the principal elevation of the original dwellinghouse.

(d) the building would have more than a single storey;

The proposal would not have more than a single storey.

- (e) **the height of the building, enclosure or container would exceed—**
(i) 4 metres in the case of a building with a dual-pitched roof,
(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
(iii) 3 metres in any other case;

The proposal would not be within 2m of the boundary of the curtilage and would have a flat roof. The proposed outbuilding would measure 3 metres in height.

- (f) **the height of the eaves of the building would exceed 2.5 metres;**

The proposal would have an eaves height of 2.4 metres.

- (g) **the building, enclosure, pool or container would be situated within the curtilage of a listed building;**

The proposal would not be within the curtilage of a listed building.

- (h) **it would include the construction or provision of a verandah, balcony or raised platform;**

It would not include a verandah, balcony or raised platform.

- (i) **it relates to a dwelling or a microwave antenna; or**

The proposal does not relate to a dwelling or microwave antenna.

- (j) **the capacity of the container would exceed 3,500 litres.**

Not applicable

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) an area of outstanding natural beauty;
(b) the Broads;
(c) a National Park; or
(d) a World Heritage Site,

Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

Not Applicable

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Not Applicable

6.11 Assessment of Evidence: Boundary Wall

The proposed garden wall would fall within Schedule 2, Part 2, Class A of the 2015 GPDO, which allows for the erection, construction, maintenance improvement or alteration of a gate, fence, wall or other means of enclosure, provided it meets the criteria as detailed below:

A.1 Development is not permitted by Class A if –

- (a) the height of any gate, fence, wall or other means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of development, exceed –**
- (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;**
 - (ii) in any other case, 1 metre above ground level;**

The proposed wall would not be adjacent to the highway.

- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;**

The proposed wall would measure 2.0 metres above ground level, and therefore meets this criterion.

- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or**

The height does not exceed the height referred to in paragraph (b).

- (d) it would involve development within the curtilage of, or to a gate, fence wall or other means of enclosure surrounding, a listed building.**

The erection of the garden fence would not involve development within the curtilage of, or surrounding a listed building.

6.13 As such, the proposed erection of a 1.9m garden wall is lawful as it meets the criteria set out in Schedule 2, Part 2, Class A, of the 2015 GPDO.

7. RECOMMENDATION

7.1 That a Certificate of Lawfulness for Proposed Development is **GRANTED** for the following reason:

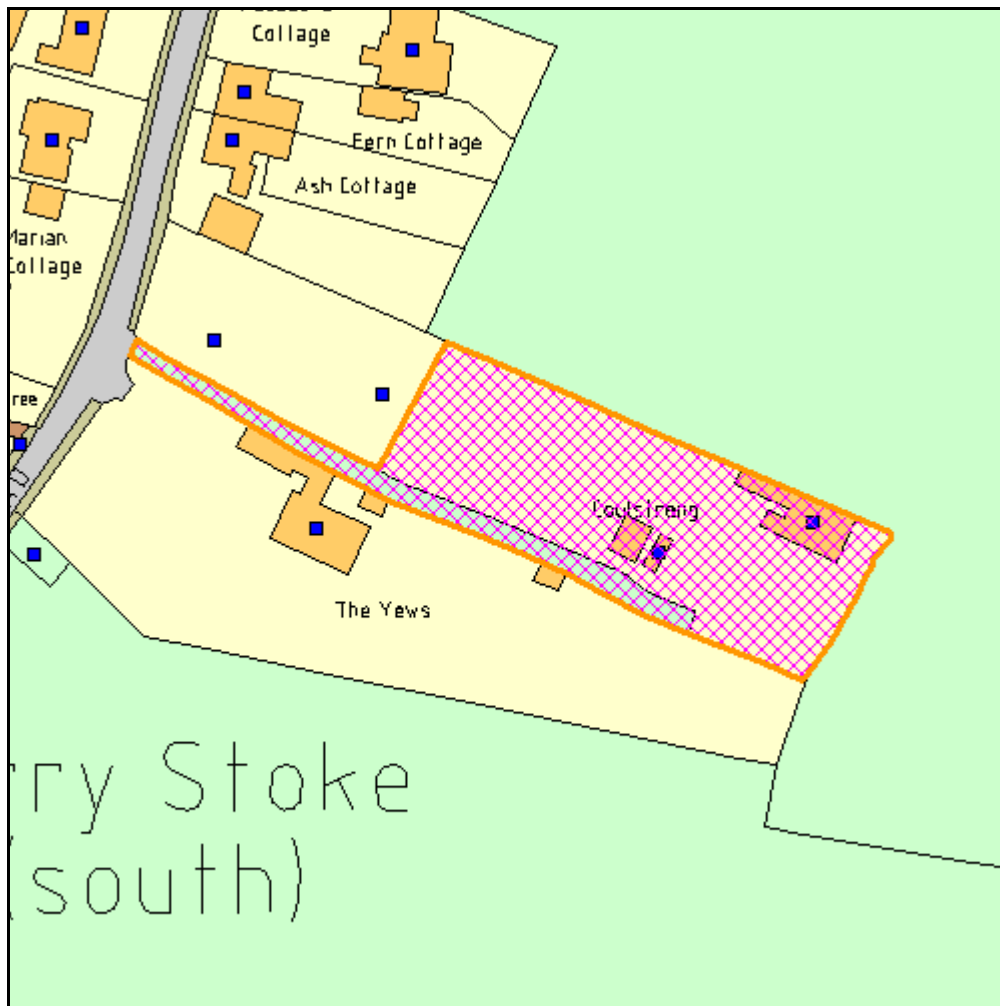
Evidence has been provided to demonstrate that on the balance of probabilities the works proposed proposal fall within the permitted development rights afforded to householders under Schedule 2, Part 1, Classes A and E, and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CONDITIONS

CIRCULATED SCHEDULE NO. 40/17 – 6 OCTOBER 2017

App No.:	PT17/2651/F	Applicant:	Mr J Hole BRS.6013
Site:	Coulstreng Harry Stoke Road Stoke Gifford Bristol South Gloucestershire BS34 8QH	Date Reg:	10th July 2017
Proposal:	Demolition of existing dwelling and garages. Erection of 4no dwellings and associated works.	Parish:	Stoke Gifford Parish Council
Map Ref:	362212 178859	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	30th August 2017



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 100023410, 2008. **N.T.S.** **PT17/2651/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule as comments of objection have been received from local residents and the parish council. These are contrary to the recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of the existing building and the erection of 4 dwellings on the site. This would result in the net gain of 3 dwellings. The application site is a long but relatively narrow site. The existing dwelling is located to the east of the site and is accessed along a driveway. Due to the surrounding topography, the building is prominent in the landscape and makes an important contribution to local distinctiveness. From the site visit, it would appear that the site has started to be cleared
- 1.2 In terms of constraints, the site is located within the existing urban area of the north fringe of Bristol. Coulstreng is a locally listed building. To the north of the site and running into the site is an area of archaeological interest from a medieval sunken village. Land to the north, east, and south forms part of a strategic housing allocation although the land immediately to the north and northeast of the site is set aside as buffer zone to be developed as open space.
- 1.3 To address the previous reasons for refusal, the proposed development has been amended. It now forms a linear row of 4 detached dwellings fronting onto the access drive. A character study of the local area has been undertaken as part of the design process.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol
CS27	East of Harry Stoke New Neighbourhood

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1	Landscape
L11	Archaeology

L15	Locally Listed Buildings
T12	Transportation
H1	New Residential Development (Harry Stoke Allocation)
H4	Development within Existing Residential Curtilages

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) August 2007
 Local List SPD (Adopted) March 2008
 Residential Parking Standard SPD (Adopted) December 2013
 Landscape Character Assessment SPD (Adopted) November 2014
 Waste Collection SPD (Adopted) January 2015
 CIL and S106 SPD (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

3.1 PT16/5439/F Refusal 21/03/2017
 Demolition of existing dwelling and garages, and erection of 5no dwellings with associated works. (re-submission of PT15/4389/F).

Refusal Reasons

1. The proposed development fails to reach the highest possible standards of design site planning, as required by policy CS1, due to the siting, form, massing, detailing, and overall appearance of the proposal. The proposed development fails to be informed by, respect and enhance the distinctiveness and amenity of the site and its context. As a result, the proposed development is concluded to be harmful and that the level of harm significantly and demonstrably outweighs the moderate benefit of the proposal. The proposed development does not therefore comply with the presumption in favour of sustainable development or the provisions of the National Planning Policy Framework. The proposed development is also contrary to policies CS1, CS4A CS9, and CS25 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.
2. The application site is located in an area of high archaeological potential and the submitted desk based archaeological assessment and design and access statement do not provide sufficient clarity to ensure the local planning authority that further field investigation (in accordance with paragraph 128 of the National Planning Policy Framework) is not required. The local planning authority cannot therefore be fully satisfied (in accordance with paragraph 129) that the development has been designed to minimise any potential conflict with surviving in-situ archaeology. In the absence of this information, the local planning authority

cannot be certain that an archaeological watching brief would sufficiently protect below ground heritage assets and must conclude that the development is harmful. The level of harm is considered to significantly and demonstrably outweigh the moderate benefit of the proposal. The proposed development does not comply with the presumption in favour of sustainable development or the provisions of the National Planning Policy Framework. The development is also contrary to policy CS1, CS4A and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The access to the site is substandard to safely accommodate the traffic associated with the proposed development. The junction of the access and Harry Stoke Road does not benefit from adequate visibility and is not sufficiently wide enough to enable vehicles travelling in opposite directions to pass one another; this would lead to undesirable vehicular movements on to the public highway at a location which suffers from restricted visibility. Furthermore, Harry Stoke Road at this location is well used by more vulnerable highway users (namely pedestrians and cyclists). The impact on highway safety caused by undesirable movements on to the highway is considered to be severe in the context of paragraph 32 of the National Planning Policy Framework. The proposed development is not sustainable development and conflicts with the provisions of the National Planning Policy Framework. The development is also contrary to policy CS1, CS4A, and CS25 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3.2 PT16/3653/PND No Objection 05/08/2016
Prior notification of the intention to demolish a dwelling and associated outbuildings.

3.3 PT15/4389/F Refusal 29/01/2016
Demolition of existing dwelling and garages, and erection of 3no. detached dwellings and 1no. detached garage with associated works.

Refusal Reason

1. The proposed development would result in the loss of a building which is on the South Gloucestershire Local List for its historical significance and the contribution it makes to the character and distinctiveness of the locality. The loss of this building would be harmful to the open character of the landscape and the setting of the historic settlement of Harry Stoke and the loss would have a detrimental impact on the distinctiveness of the locality. The applicant's case to support the demolition of the building has failed to satisfactorily demonstrate that the demolition is required or present circumstances to justify the harm caused by demolition would be overcome. The proposal is therefore contrary to Policy CS1, CS9 and CS25 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy L1 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), the South Gloucestershire Design Checklist SPD (Adopted) August 2007 and the provisions of the National Planning Policy Framework.
2. The application site is in an area of archaeological interest. The application is not supported by an archaeological assessment which considers the potential for archaeology to be present. In the absence of such information

the Local Planning Authority is not satisfied that the development would not result in harm to any surviving archaeology. Therefore, the proposed development is considered contrary to Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), and the provisions of the National Planning Policy Framework.

3. The application is supported by an ecological survey which has identified that the existing building offers medium potential to support bats and further surveys are required. The ecological survey has recommended that a full assessment for Great Crested Newts is undertaken. The application is not supported by the further bat surveys or a full ecological assessment for newts. In the absence of sufficient supporting ecological information, the Local Planning Authority is not satisfied that the development would not result in harm to protected species. Therefore the proposal is contrary to Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the provisions of the National Planning Policy Framework.
4. The design of the proposed dwellings is not considered to respect the character, appearance, or distinctiveness of the locality or reflect the landscape setting of the site, and the development would not successfully integrate into the existing built form. The proposed development is therefore considered to be contrary to Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy L1 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the provisions of the National Planning Policy Framework.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Objection: design standard; highway safety; number of dwellings should be limited to 3; case should be considered by Committee.
- 4.2 Archaeology Officer
No objection: archaeological evaluation has concluded that there are no remains of significance on the site as it has been subject to extensive levelling.
- 4.3 Conservation Officer
Objection: design standard of proposal does not comply with L15, CS1 or the Local List SPD.
- 4.4 Ecology Officer
No objection: great crested newt mitigation strategy required updating, updated version received and is acceptable.
- 4.5 Highway Structures
Request for technical informative notes.

4.6 Lead Local Flood Authority

No objection: recommend a SUDS condition.

4.7 Transport Officer

No objection: from a transport perspective, a maximum of 3 dwellings is preferable. However, the proposed development would not result in a severe impact to highway safety. Conditions regarding surfacing material should be applied.

Other Representations

4.8 Local Residents

8 comments of objection have been received which raise the following matters:

- Access should be gained through housing allocation
- Access track is too narrow and bounded on either side by development
- Additional passing areas should be provided
- Application site is excluded from the pre-modern character area
- Blind bend on Harry Stoke Road creates pinch-point
- Building is locally listed
- Building is prominent in the landscape
- Design and Access Statement does not include expected detailed discussion; it adds little to the debate
- Design and Access Statement not initially available
- Dwelling to replace existing building should be finished in natural stone
- Ecological survey only considers demolition
- Heritage matters not considered/ overcome
- Heritage of Harry Stoke would be damaged
- Historic character of area heavily influenced by materials; these materials do not follow through into the proposal. Too much consideration is given to the modern developments nearby.
- Impact on amenity from passing traffic along access track
- Impact on mitigation measures for great crested newts
- Impact on safety of Harry Stoke Road, particularly on pedestrians and cyclists
- Increase in traffic
- Insufficient parking
- Little attempt to address refusals
- Nearest modern, dense, development is some distance to the north
- No improvements to visibility are made
- No passing places along access
- Number of houses too great
- Proposal does not respond to previous advice
- Proposals should be discussed with local residents
- Proposed design is bland and suburban; does not reflect rural character or make positive contribution to locality
- Proposed dwellings are of standards design
- Reliance on principle of demolition being acceptable
- Replacement of this characterful building needs careful design

- Risk of dwellings being occupied as HMOs
- Site is highly visible from the north, east and south where it is surrounded by farmland – this is not adequately addressed in the planning statement
- Waste collection points need consideration
- While development is supported in principle, the current application is not acceptable

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the demolition of the existing buildings and erection of 4 dwellings at a site in Harry Stoke.
- 5.2 **Principle of Development**
The site lies within the existing urban area of the north fringe of Bristol where, under policy CS5, new development is directed. As such the principle of development in this location is acceptable. However, the heritage designations on the site act as a constraint to development. All development must also demonstrate it reaches a high standard of design and would not have a severe impact on highway safety.
- 5.3 Whilst the principle of development in this location is acceptable, at present the council cannot demonstrate a 5-year supply of deliverable housing land. As a result, paragraph 49 of the NPPF is engaged and the policies in the development plan which act to restrict the supply of housing are out of date. When policies are out of date, applications should be assessed against the presumption in favour of sustainable development. This states that planning permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits of the proposal or specific guidance in the NPPF indicates development should be resisted.
- 5.4 In reality, the current housing under supply has limited impact on the determination of this application; the principle of residential development on this site is not disputed. However, weight must be attributed to the positive impact of additional housing and any adverse impact must be balanced against this.
- 5.5 **Design and Heritage**
On entering the site along the southern boundary, the development is located to the north in a linear form along the access road. The four dwellings would be in two clusters around a shared garage building with vehicular parking in front. A turning area is provided at the southeast end of the site. The proposal consists of four detached dwellings, each with 4-bedrooms, and each of a different appearance.
- 5.6 Objection has previously been raised to development on this site as the design of the development failed to respond positively to the character of the area or that of the locally listed building.
- 5.7 Harry Stoke was once a hamlet. The growth of Bristol has seen significant development in and around the area. Indeed the land to the east of the site is

subject to a strategic housing allocation. However, the historic and semi-rural nature of the area has generally been retained along Harry Stoke Road. The housing allocation provides an area of open space to act as a buffer. Coulstreng itself is on the local list of buildings which make a significant contribution to the character and appearance of the locality. The building is in a prominent location and reinforces the rural and historic nature of the past hamlet of Harry Stoke although it is noted that the prominence of the site will deteriorate as the strategic housing allocation is built out.

- 5.8 Under the provisions of policy L15 development that results in the loss of locally listed buildings is firstly resisted and then, where the loss is accepted, expected to mitigate the harm to the character and distinctiveness of the locality through high quality design; design aspirations of development are set out in policy CS1. An appeal decision in the district (APP/P0119/W/15/3014305) concluded that L15 was not wholly consistent with the NPPF. Paragraph 135 of the NPPF discusses the effect of development on the significance of a non-designated heritage asset (such as a locally listed building). Under this paragraph, a balance must be made by the decision taker between the impact on the significance of the heritage asset and the benefits of development.
- 5.9 If development it permitted it would result in the total loss of the heritage asset. In terms of the asset's significance it can only be concluded that the development result in substantial harm. In order to make a decision, the decision taker must therefore balance this impact against the provisions of planning policy. Policy CS9 requires new development to ensure that heritage assets are conserved, respected and enhanced in a matter appropriate to their significance.
- 5.10 The demolition of the building could be undertaken as permitted development. A previous prior approval for the demolition of the building has been granted by the local planning authority. Under the prior approval process, the local planning authority is limited to considering the means of demolition, the restoration of the site, and whether the building is a designated community asset. It does not allow for a judgement on whether or not the principle of demolition is acceptable, as this is established by the permitted development Order. The previous prior approval, in the context of this planning application, is used to give weight to arguments in favour of the loss of the building – the assertion being that the building could be removed with no further permission required from the planning authority. Some weight must be given to this as a fall-back position. However, regardless of this officers are doubtful that the building would be demolished prior to planning permission being in place for the redevelopment of the site. This is because it would be an economically untenable position to devalue the site by removing the existing building without the reasonable prospect of an economic gain through redevelopment. To date this position has been sustained as the building has yet to be demolished.
- 5.11 The development would result in the loss of the locally listed building and for the reasons set out above, whilst undesirable, cannot form a reason for refusal in its own right. Determination of this application – in terms of both the heritage impact and acceptability of redevelopment – relies on an assessment of the design quality of the proposal and its reaction to the local environment.

- 5.12 Numerous plans for the redevelopment of this site have been put before officers for consideration, and a short summary of these interactions may be useful.
- 5.13 Pre-application advice was first sought in 2014 regarding the general principles of residential redevelopment. Officer's advice at the time was that the principle of residential redevelopment is acceptable, however, any application would need to address access and heritage and therefore redevelopment was inadvisable.
- 5.14 A planning application (PT15/4389/F) then followed for the demolition of the existing building and the erection of a total of 3 dwellings. The reasons for refusal on this application are listed above in paragraph 3.3. Officer advice at the time was that the existing building should be retained and, if in order to secure its retention, the viability of the scheme could be improved through the erection of a fourth dwelling in the garden, the case should be made within a new application.
- 5.15 Following this, an application for the demolition of the building was submitted (PT16/3653/PND) and subsequently approved.
- 5.16 Using the approval for demolition as a fall-back position, application PT16/5439/F was submitted. This application included the demolition of the building and the erection of 5 dwellings. This application did not follow officer advice as the increase in the number of dwellings had been suggested as a means by which to economically enable the retention and renovation of the original building which was not included within the proposal. Nevertheless, the application was refused for the reasons listed in paragraph 3.1 above.
- 5.17 A number of alternative schemes were put forward by the applicant for informal comment. All of the alternative schemes reduced the number of dwellings to 4 (in line with the advice provided following PT15/4389/F) in various linear layouts similar to that subject to this application. The response from officers was that development proposals remain uninspiring and should better reflect the historic character of Harry Stoke.
- 5.18 The crucial issue is whether the design of the proposal is of sufficient quality to meet the expectations of policy CS1. If it does, then the development would also have responded to the character of the area and would align with the aims of policy CS9 and the aspects of L15 which still attract weight.
- 5.19 To the north and west of the application site, and with the build-out of the Harry Stoke housing allocation, to the south and east is modern development. The character appraisal identifies a number of historic buildings at the core of Harry Stoke village to the north of the site but also notes significant modern intervention. This does result in a suburban character and appearance which has had an impact on the historic environment. This is only set to continue due to the proximity of the strategic housing allocations.

- 5.20 Officers remain of the opinion that the redevelopment of the site should more strongly reflect the historic character and prominence of the existing dwelling and Harry Stoke village. However, given the proximity of development which can only be described as suburban in character, the impact of the proposed development on the wider character of the area is unlikely to be severe. If, therefore, the proposal would not look out-of-place it must be concluded that it would not have a significant adverse impact on visual amenity. Policy CS1 sets a high threshold of securing the 'highest possible' standards of site planning and design. While officers still consider that design improvements could be made, a refusal on this basis is considered – when taking into account the comments above on the suburbanisation of the locality – unlikely to be sustained on appeal. The balance therefore falls towards granting planning permission.
- 5.21 Turning to archaeology, which had previously been included in the reasons for refusal, site investigation has been undertaken. This has identified that there are no archaeological remains on the site and the previous objection now falls away.
- 5.22 Highways and Transport
With highway considerations there are two main aspects: access to the site and the provision of appropriate parking. Previously, development has been refused due to the impact on highway safety.
- 5.23 The main difference between this application and PT16/5439/F is the reduction in the number of residential units. In highway terms, the most desirable number of units would be 3 however it has previously been accepted that 4 units would not necessarily cause a highway safety issue when balanced against the benefits of retaining the heritage asset. The heritage aspects of this proposal have been considered above and do not directly relate to transport considerations.
- 5.24 The access to the site is constrained by its length and the lack of available passing places along a relatively long and single track route. When the application for 5 dwellings was considered it was concluded that the level of traffic generated would lead to conflict along the access track to the detriment of highway safety. No transport objection was raised to 3 dwellings on this site. By reducing the number of units to 4, the level of traffic generation is also reduced and therefore so is the potential for conflict. The development at 'The Cottage' to the front of the site has led to improvements in visibility. The increase in visibility is sufficient for an access which serves 4 dwellings and therefore this aspect of the objection is overcome. As the potential for conflict has also been reduced, the requirement for vehicles to be able to pass one another along the length of the drive is also reduced.
- 5.25 To resist development on highway safety grounds, it must be demonstrated that the proposal would have a severe impact. On assessment it has been concluded by the highways officer that the transport impact of the development would not be severe and therefore no highways objection is raised.

- 5.26 Development should provide sufficient off-street vehicular parking and secure cycle parking to meet the needs arising from the development. The proposal indicates that sufficient parking can be provided and therefore this element of the proposal is considered a neutral factor. The provision of parking for vehicles and bicycles (which can be accommodated within a garage where the garage accords with the minimum size standard) in accordance with the council's standards can be secured through condition.
- 5.27 Residential Amenity
Development should not be permitted that has a prejudicial impact on residential amenity or which fails to provide adequate living conditions for the future occupiers of the proposed dwellings.
- 5.28 It is not considered that the proposed dwellings would have a prejudicial impact on the residential amenities of nearby occupiers or that the occupiers of the future properties would have inadequate access to private amenity space. The concerns raised that passing traffic would have an amenity impact is noted, but the overall level of traffic is likely to be low and such situations are not unusual where there is tandem development. No objection is raised to the proposal on the basis of residential amenity.
- 5.29 Landscape and Trees
No landscaping scheme has been submitted to assessment. The existing farmhouse has an important role in the historic continuity of the landscape and it would be preferable from a landscape perspective for it to be retained. The access track is tight to the southern boundary and this leaves little to no room for any landscaping along the access road. Landscaping along access roads is important to avoid a harsh physical environment created when a hard surface immediately abuts a hard vertical such as a boundary fence.
- 5.30 The orchard that used to be on the site seems from the officer's site visit to have been removed. Orchards are an important part of the landscape character. There are few trees now on the site which act as a constraint to development.
- 5.31 Whilst it is acknowledged that the development does not allow for significant landscaping the harm to the landscape is not considered to be so adverse that it would significantly and demonstrably outweigh the benefit of the proposal. A condition is suggested to seek clarification on what landscaping can be provided.
- 5.32 Ecology
The site is ecologically sensitive. There is a high population of great crested newts in a pond circa 70 metres from the application site. A single common pipistrelle bat was recorded emerging from the existing building on the site during the survey and therefore a low impact class licence from Natural England must be applied for prior to the demolition of the building. The site was surveyed for reptiles but none were found.

- 5.33 A significant ecological constraint is the presence of great crested newts. There is optimal, sub-optimal and negligible terrestrial habitat for great crested newts on the site but scope for great crested newts to travel to the site. Therefore mitigation measures are required to protect the newts from harm and disturbance.
- 5.34 The scheme would result in the loss of 1,134 square metres (410 square metres of which is optimal habitat) great crested newt terrestrial habitat being lost within a 100 metre radius of the core habitat. However, the development will not provide any obstacle to great crested newt movement. Additionally, compensation is proposed to restore the current optimal habitat to compensate for any loss during construction. Enhancement of the site has been recommended by including a new pond and landscaping with native plants. This is not however shown on the submitted plans. It is considered that these matters can be considered through condition, as set out in the suggested conditions.
- 5.35 During the course of the application the newt strategy was amended to reflect the dates when works can be undertaken.
- 5.36 Drainage
The site is in an area where there is no public surface water sewer available. It is also considered important that drainage for the site as a whole is provided. Whilst provisions under the Building Regulations are noted, given the nature of the site and the long access it is considered that the site is suitable for a SUDS scheme. This will be secured through a planning condition.
- 5.37 CIL
The proposed development would be CIL liable. The financial gain through CIL from the development is noted. The CIL receipt is a material planning consideration; in determining this application it is given little weight.
- 5.38 Planning Balance
As the authority cannot at this time demonstrate a 5-year supply in deliverable housing land, the application must be determined against the presumption in favour of sustainable development. In this instance the presumption does not affect the principle of development as the site is within the urban area of the North Fringe of Bristol.
- 5.39 A moderate benefit towards overall housing supply in the district has been identified as a benefit of the proposal. This benefit is both economic and social in terms of job creation and the provision of additional housing.
- 5.40 In terms of harm, revisions to the proposal has reduced the previously identified harms. It has been concluded that the design of the proposal would have a neutral impact on visual amenity. Issues over heritage and archaeology have been resolved (partly through design). Concern over the transport impact has been reduced so that it is no longer severe.
- 5.41 It is therefore concluded that the level of harm does not outweigh the benefit. Planning permission should therefore be granted.

5.42 Impact on Equalities

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

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

5.44 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have a neutral impact as equality matters have duly been considered in planning policy.

5.45 Other Matters

A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.

5.46 The Design and Access Statement was not initially available for public inspection. However, it has been available for a considerable period of time and comments received on its contents. It is not therefore considered that any interested party was prejudiced by this. The contents of a Design and Access Statement, although subject to guidance, is a matter for the author of the document.

5.47 For major development, officers encourage developers to engage with the local community. However, for development of this scale it would be a matter for the developer to pursue. The lack of consultation by the applicant with local residents is not given weight in the determination of this application.

5.48 It is noted that there is concern that the dwellings may be occupied as HMOs given the proximity to the university campus. Occupation as a larger HMO would require further approval by the local planning authority.

5.49 Waste collection issues are noted. Recent changes have been made to the council's recycling services. On the balance of harms, the provision of waste collection on Harry Stoke Road would not be overly unreasonable and therefore no objection is raised.

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 It is recommended that planning permission is GRANTED subject to the conditions listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

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 drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. 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.

Reason

This is required prior to the commencement of development to prevent remedial works.

3. Prior to the application of any external finish, details of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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. Prior to the relevant part of development commencing, 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 (including a schedule for the repair of the existing stone site boundary walls); and, areas of hardsurfacing, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details. The planting subject to this landscaping scheme shall be completed within the first planting following the first occupation of any dwelling hereby permitted.

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.

5. The development hereby permitted shall be carried out in strict accordance with the Great Crested Newt Mitigation Strategy, prepared by Clarkson & Woods Ecological Consultants, dated October 2016, received by the local planning authority 30 August 2017.

Reason

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

6. As part of the landscaping scheme required by condition 4, the location and design of the wildlife pond (required as part of the ecological enhancement measures for great crested newts) shall be submitted to and approved in writing by the local planning authority. The wildlife pond shall be installed in accordance with the approved details and therefore be retained.

Reason

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

7. Notwithstanding the details submitted, the first 5 metres of the site access measured from the edge of the adopted highway shall be laid to a bound permeable surface and thereafter retained as such.

Reason

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

8. The off-street parking facilities (including garages) shown on Proposed Site Plan, numbered 16/018/06, 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.

9. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the garages hereby approved shall be used solely for the garaging of private motor vehicles and ancillary domestic storage and for no other purpose whatsoever.

Reason

The garages are required to meet the provisions of Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, the Residential Parking Standard SPD (Adopted) December 2013, and cycle parking, as required by Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

CIRCULATED SCHEDULE NO. 40/17 – 6 OCTOBER 2017

App No.:	PT17/3362/F	Applicant:	Lisa Woods
Site:	21 Kingfisher Close Thornbury Bristol South Gloucestershire BS35 1TQ	Date Reg:	2nd August 2017
Proposal:	Change of use from amenity land to residential curtilage	Parish:	Thornbury Town Council
Map Ref:	364549 190693	Ward:	Thornbury North
Application Category:	Minor	Target Date:	11th September 2017



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INTRODUCTION

This application has been referred to the Circulate Schedule due to the receipt of objection from the Thornbury Town Council.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the change of use of amenity land to a residential curtilage of No. 21 Kingfisher Close, Thornbury.
- 1.2 The application site comprises a trapezium shape of land approximately 5.1 metres in width and 7.4 metres long (maximum) to the south of 21 Kingsfisher Close, a two-storey end-terraced dwelling. The land is adjacent to a footpath to the east that provides access to other properties in Falcon Way and Kingsfisher Close.
- 1.3 During the course of the application, a landscaping scheme was submitted, which shows that there will be no fence or any form of structures along the boundary. The drawing shows that two rows of mature hedges to be planted to the proximity of the site boundary.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L5 Open areas within Existing Urban Areas and Defined Settlements
T12 Transportation Development Control
LC12 Recreational Routes

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP5 Undesignated Open Spaces within Urban Areas and Settlements

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PT15/3629/PDR Erection of single storey rear extension to provide additional living accommodation. Approved 24 Sept 2015.
- 3.2 P88/1639 Erection of inter woven fence to side boundary of rear garden. Approved 11 May 1988

4. **CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council: Objection, due to the loss of site lines, visible change in the layout of the fence line, which is out of keeping with the character of the area. Regarding the landscaping scheme, the Town Council reiterates the previous concerns, and suggests a condition restricting no solid wall or fencing be erected.
- 4.2 Highway Officer: No objection
- 4.3 Archaeology Officer: No comment.

Other Representations

- 4.4 Local Residents: No comment received

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 The assessment regarding a small parcel of land subject to change of use from amenity land to residential curtilage must look at the loss of this area in terms of impact upon visual amenity of the area and any impact upon the recreational route. Policy CS1 is relevant to assess the overall design of development which is required to be of a high standard and be in accordance with the character and appearance of the surrounding area. Saved Policy L5 is also relevant as it seeks to protect open areas which contribute to the quality, character, amenity and distinctiveness of that locality. Saved Policy LC12 seeks to ensure that existing recreational routes are safeguarded.

Visual Amenity

- 5.2 The application site is immediately adjacent to the rear of an existing private garden of No. 21 Kingsfisher Close, and it is highly visible from Falcon Way. The proposal is to change this parcel of land to the residential curtilage of No. 21 Kingsfisher Close. Instead of erecting any means of enclosure, the applicant only proposes to plant 2 rows of mature hedges, setting back from the adjacent footpath by approximately one metre. The applicant has highlighted that there would not be any solid fence, walls or structures to enclose the site. Officers consider that the proposed planting forming a residential curtilage would be acceptable given it would provide soft landscaping features to reflect the general character of the locality. It is noted that there is a tree growing on the adjacent land, given that this tree is not protected and the hedges would be planted further away from the existing tree, it is considered that the proposed

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change of use and the hedge planting would not cause an adverse impact upon the landscape character of the surrounding area.

- 5.3 Whilst the proposed landscaping scheme is considered acceptable, it is considered that it would be necessary to impose a condition restricting other means of enclosure to be erected along the boundary due to the open character of the locality. Subject to such condition, the proposal is considered to accord with Policy CS1 of the Core Strategy and save Policy L5 of the Local Plan.

Impact upon highway safety and a footpath

- 5.4 The application site does not form part of, or impact upon the public highway but is adjacent to an existing footpath. The proposal does not encroach upon the footpath and the proposed hedge planting would also set back from the edge of footpath by approximately one metre.
- 5.5 No objection has been raised by the Highway Officer, therefore no concern is raised regarding highways safety and the proposal would accord with Saved Policy T12 and LC12 of the Local Plan and Policy CS8 of the Core Strategy.

Residential Amenity

- 5.6 The properties closest to the application site would be No. 9 Falcon Way, 22 Kingsfisher Close and 36 Kestrel Close. Given the reasonable distance from these properties, it is considered that the change of use and the proposed hedges planting would have no adverse impact upon the residential amenity of nearby properties.

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 be granted subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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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 first use of the land hereby approved, the proposed landscaping scheme, Drawing No. G010, received by the Council on 13 September 2017, shall be carried out in accordance with the approved schedule and shall be maintained as such thereafter.

Reason

In the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

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

Reason

In the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 40/17 – 6 OCTOBER 2017

App No.:	PT17/3765/F	Applicant:	Mr J Withall
Site:	The Firs The Hollows Coalpit Heath Bristol South Gloucestershire BS36 2US	Date Reg:	22nd August 2017
Proposal:	Erection of a detached garage.	Parish:	Westerleigh Parish Council
Map Ref:	367665 179255	Ward:	Westerleigh
Application Category:	Householder	Target Date:	4th October 2017



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Installation of front dormer window and erection of single storey side and rear extension with balcony above to form additional living accommodation.

- 3.2 PT15/4815/F Approved 06.01.2016
Erection of two storey side extension to form garage, cycle store and workshop.
- 3.3 PT16/0184/F Approved 10.03.2016
Erection of two storey side extension to form garage, cycle store and workshop.
(amendment to previously approved scheme PT15/4815/F).

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No objection.

Other Representations

- 4.2 Local Residents
One objection comment received due to:
- Previous departure from planning permission; application stated that extension was for garage, cycle store and workshop, but extension was used for living accommodation.
 - Application uses OS plan which does not show additions to properties.
 - Not clear whether trees, shrubs and hedges are to be kept
 - Foresee loss of light and overbearing impact due to height of proposed development

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a detached garage to The Firs, The Hollows, Coalpit Heath.
- 5.2 Principle of Development
Development within existing residential curtilages is supported by saved policy H4 subject to an assessment of design, amenity, and transport. However, the location in the green belt also means that the proposal should accord with relevant green belt guidance.
- 5.3 Green Belt
The government attaches great importance to green belts with the fundamental aim of keeping land permanently open in nature. To achieve this, development in the green belt is restricted and deemed inappropriate unless it falls into predefined exception categories.
- 5.4 There is no exception category that relates directly to the erection of domestic outbuildings. One of the exception categories is the extension or alteration of an existing building provided that it does not result in a disproportionate addition over and above the size of the original building.

- 5.5 This planning application is required because the proposed building exceeds the maximum height allowed as permitted development, and the garage is located to the front of the existing property. The principle of domestic outbuildings is indeed established by Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015. There is no restriction within the Order on outbuildings within the green belt. Weight has been given to this in the assessment of this proposal as a material consideration.
- 5.6 The green belt serves 5 purposes: restrict the sprawl of large built-up areas; prevent towns from merging; safeguarding the countryside; preserve the setting and character of historic towns; assist in urban land regeneration. The proposed development would not contravene the purposes of the green belt.
- 5.7 The works, when considered with the existing extensions to the dwelling would represent around a 77% increase in volume over the original dwelling. However as is indicated above it is not clear from the SPD that this is how the principle should apply to outbuildings. South Gloucestershire Council's Green Belt SPD generally advises that volume increases of the original house over 50% would represent a disproportionate addition to a dwelling. Two sheds would also be removed during the development, which would slightly reduce the volume increase; their removal was not included within the volume calculations.
- 5.8 Although the works do not represent permitted development, a materially larger outbuilding in volume terms could be built within the site's boundary under permitted development, in a different position within the plot. Particular reference must be made to *Burge v SOS & Chelmsford BC* [1987], which states that the council must satisfy itself that the proposed development would be significantly more harmful than the fallback position (of Permitted Development).
- 5.9 Although a dual-pitched roof double garage built under Permitted Development would be slightly lower in height than the proposed double garage, it would sit away from the site's boundary, within the existing garden. In this instance, it is considered that the position of the garage next to the southern boundary of the site is preferable in greenbelt terms, when compared to a similarly sized double garage sitting within the dwelling's garden. The placement of the garage in the proposed space puts it within much closer proximity to existing buildings, which would reduce the overall impact on the greenbelt. The site is a large individual property in its own grounds located to the end of a private road and well screened from general view. Overall, it is not considered that the proposal would have a significant impact on the openness and purposes of the green belt. In this case, the council is satisfied that the proposed development would be less harmful than what would otherwise be possible under Permitted Development; it would therefore not be considered appropriate to refuse the application on greenbelt grounds.
- 5.10 Due to the increase in size that the dwelling has undergone; the weight that has been given to the alternatives that could be carried out under permitted development rights; and the removal of the existing outbuildings which form part of the proposal it is considered necessary and justified to restrict the permitted development rights for the erection of outbuildings in regards The

Firs, in order to protect the openness of the greenbelt. This will be conditioned within the decision notice.

5.9 Design

The proposed building would have the appearance of a garage, with a pitched roof and rendered elevations to match the existing dwelling. It would have a grey roller shutter door to the front, and a grey uPVC door to the side.

5.10 The garage would measure 6.2m in width, 7.4m in depth, 2.4m to the eaves and 4.2m to the ridge. Overall, the design would be considered acceptable.

5.11 Residential Amenity

Development should not be permitted which would have a prejudicial impact on the residential amenity of existing nearby occupiers or which offers poor living conditions to future occupiers of the development.

5.12 A neighbour commented on the application, objecting due to:

- Previous departure from planning permission; application stated that extension was for garage, cycle store and workshop, but extension as used for living accommodation.
- Application uses OS plan which does not show additions to properties.
- Not clear whether trees, shrubs and hedges are to be kept
- Foresee loss of light and overbearing impact due to height of proposed development

5.13 In regards to the previous departure from the stated use of the extensions, this is not a material consideration. There was no change of use as the uses would be considered residential in nature. In regards to the application using an Ordinance Survey plan which does not show the full extent of the extension of the dwellings, a site visit was undertaken and the planning history was looked into.

5.14 The comment also stated that it was unclear whether the trees, shrubs and hedges would be kept along the boundary of the site. The submitted plans state that the existing hedge is to be maintained; a conversation with the agent made it clear that the trees were to also to be maintained.

5.15 The objection comment also stated that the size and position of the proposed outbuilding would cause a loss of light, and have an overbearing impact on The Cottage, The Hollows. Having looked at the path of the sun, the existing boundary treatments and the height and position of the proposed building, it is not considered that there would be any loss of light to The Cottage; the outbuilding is to the north of The Cottage, and the eaves would measure only 2.4m. Although the tallest point of the outbuilding would measure 4.2m in height, this is over 3m from the site's boundary.

5.16 In regards to the overbearing impact, boundary treatments which would partially screen the development would remain. Additionally, the eaves measure only 2.5m, while the ridge of the development, at 4.2m in height, sits

around 3m from the boundary of the site. The development would be located to the side/ rear of The Cottage, which itself sits within extensive grounds.

5.17 The proposal is not considered to have a significant impact on residential amenity and is therefore acceptable.

5.18 Transport and Parking

The proposal would have no material impact on transportation. It is considered that the scale of the building is appropriate and would not significantly change how the planning unit is used. No objection is raised in this regard.

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

Contact Officer: Owen Hoare
Tel. No. 01454 864245

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. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Class E) shall be carried out without the prior written consent of the Local Planning Authority.

REASON:

To protect the openness of the green belt.

3. The outbuildings to be demolished as part of the proposal (as indicated on the submitted plans) shall be demolished within 3 months of the first usage of the garage hereby approved.

To safeguard the openness of the Green Belt, in accordance with policies CS4A, CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, national policy outlined in the NPPF (2012), and the South Gloucestershire Development in the Green Belt SPD (Adopted) 2007.