



**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. 27/17

Date to Members: 07/07/2017

Member's Deadline: 13/07/2017 (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:

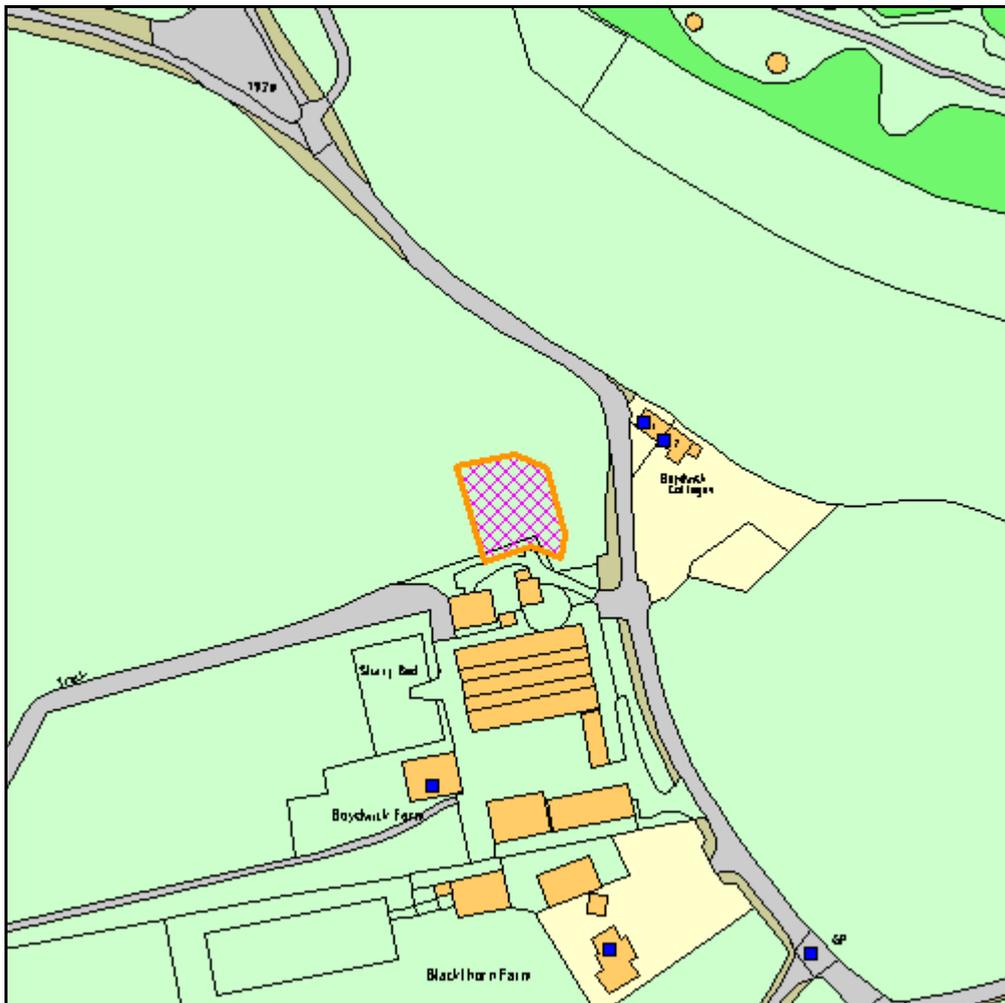
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 - 07 July 2017

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/5656/F	Approve with Conditions	Boydwick Farm Barrow Hill Wick South Gloucestershire BS30 5RH	Boyd Valley	Wick And Abson Parish Council
2	PK16/6297/F	Approve with Conditions	70 Bath Road Longwell Green South Gloucestershire BS30 9DG	Longwell Green	Hanham Abbots Parish Council
3	PK17/1737/F	Approve with Conditions	130 Parkwall Road Cadbury Heath South Gloucestershire BS30 8HA	Parkwall	Oldland Parish Council
4	PK17/2191/F	Split decision See D/N	Dobunni Highfield Lane Horton South Gloucestershire BS37 6QU	Cotswold Edge	Horton Parish Council
5	PK17/2423/CLP	Approve with Conditions	103 Park Road Staple Hill South Gloucestershire BS16 5LQ	Downend	Downend And Bromley Heath Parish Council
6	PT16/4657/F	Approve with Conditions	Land Off New Road Tytherington Wotton Under Edge South Gloucestershire GL12 8UP	Ladden Brook	Tytherington Parish Council
7	PT17/2033/F	Approve with Conditions	78 Bush Avenue Little Stoke South Gloucestershire	Stoke Gifford	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 27/17 – 7 JULY 2017

App No.:	PK16/5656/F	Applicant:	Mr R Hargreaves Bodywick Farm
Site:	Bodywick Farm Barrow Hill Wick South Gloucestershire BS30 5RH	Date Reg:	19th October 2016
Proposal:	Erection of 1no agricultural worker dwelling and garage, with access and associated works.	Parish:	Wick And Abson Parish Council
Map Ref:	370287 172076	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	9th December 2016



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 100023410, 2008. **N.T.S.** **PK16/5656/F**

INTRODUCTION

This application has been referred to the Circulated Schedule as the completion of the legal agreement for tying the land to the proposed development (and holding) would be beyond the original Committee's resolution, i.e. three months after 23 March 2017. The applicant has already agreed to enter into the legal agreement and the agent confirmed that they are waiting for applicant's mortgage company to agree with the final details of the deed and such agreement should be signed within next two months. In order to allow the applicant and other interested parties to deal with any unforeseen issues, officers consider that it would be more appropriate to extend such completion target to the end of September 2017.

Members may recall that this application was firstly referred to the Circulated Schedule and Councillor Stephen Reade subsequently referred this application to the Sites Inspection (East) Sub-Committee and the Development Control (East) Committee for the following reasons:

- This application has raised a significant amount of disquiet in the community
- It appears that the enterprise justifies damaging the green belt by the construction of a large detached property
- The owners have access to other properties in the vicinity. Although they may not form part of the business holding, they should be taken into consideration.
- Concerns regarding the strength of an agricultural tie.
- Consideration should have been given to suggest the following condition:
'The building will be used for residential accommodation for agricultural worker(s) working predominately at Boydwick Farm. No application for removal of that tie due to the future unviable status of Boydwick Farm for 10 years.' The business has been shown to be viable so this condition could not be seen as unreasonable.

Members will recall visiting the site on the 9th March 2017. Following the site visit Members requested that the following be provided for the Development Control Committee;

Cross Section showing the proposed development in relation to Boydwick Cottage

Clarification why the proposed dwelling must be in the location proposed.

Clarification from the Landscape Officer in respect for the potential requirement to relocate the existing electricity poles.

The above will be provided by update ahead of the Development Control Committee.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a permanent agricultural workers' dwelling and a detached double garage at Boydwick Farm, Barrow Hill Wick. During the course of the application, a revised scheme has been submitted to slightly change the location slightly and a public consultation has been carried out on the revised scheme.

The proposed dwelling would have 4 no. bedrooms on the first floor, and kitchen, dining, office and drawing on the ground floor.

- 1.2 Boywick Farm is an established family farming business in operation, covering an area of 152 acres and has a dairy herd of approximately 170 dairy cows plus calves to the age of 6 weeks. The agent also submitted details regarding the farm enterprises to support the proposal.
- 1.3 The site would be located off Barrow Hill, It is situated within open countryside and the Bristol / Bath Green Belt. It is not within any high risk of flooding.
- 1.4 Given the residents' concerns regarding the history of the farming business, further details of the planning history regarding Blackthorn Farm and West Barn are listed in Paragraph 3.5 to 3.16. It should also be noted that the farmhouse currently at Blackthorn Farm was part of Boywick Farm and West Barn was originally part of Coldharbour Farm.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (2012)
National Planning Practice Guidance

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 Environment and Heritage
CS34	Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)

L1	Landscape Protection and Enhancement
L2	Cotswold AONB
L16	Protecting the Best Agricultural Land
T12	Transportation
H3	Residential Development in the Countryside

Emerging Policies, Sites and Places Development Plan Document June 2016

PSP41	Rural Workers Dwellings
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2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Development in Green Belt SPD

3. RELEVANT PLANNING HISTORY

Planning history of the existing Boywick Farm

- 3.1 P86/1921 Land St Boywick Farm, Wick. Erection of dwelling for agricultural worker (outline). Refused 22.10.1986 for the following reasons:
- The site of the proposed development is located within the Bristol Green Belt and it is considered that the limited circumstances advanced in support of the application do not justify the granting of planning permission contrary to Green Belt policy.
 - The proposal conflicts with Policy GB6 in the approved Avon County Structure Plan
- 3.2 P94/1764 Erection of cattle shed. Approved 05.07.1994
- 3.3 P98/4437/PA Erection of machinery store. Prior Approval 12.08.1998
- 3.4 PK15/3839/F Erection of 1 no. slurry tower to provide additional slurry storage. Approved 13.11.2015
- The proposed development would add to the existing sporadic development in the locality to the detriment of the visual amenities of the area.

Planning history of the adjacent farm house (Blackthorn Farm), which is immediately to the south of Boywick Farm

- 3.5 N1425 Erection of farmhouse and access. (Outline). Refused 14.08.1975
- 3.6 N1425/1 Erection of farmhouse, construction of vehicular access and installation of septic tank. Approved 18.08.1977
- 3.7 N1425/1AP Erection of farmhouse; construction of vehicular access and installation of septic tank. Approved 18.08.1977
- 3.8 P98/4244/CL Application for Certificate of Lawfulness for removal of agricultural tie and for existing use of land for breeding and keeping of horses. Approved 03.08.1998

Planning history of West Barn (Coldharbour Farm)

- 3.9 N903 Conversion of existing barn to provide agricultural workers dwelling. Refused 09.01.1975
- 3.10 N903/1 Erection of farm manager's house. Refused 12.02.1976
- 3.11 N903/2 Conversion of existing barn to agricultural worker's dwelling. Refused 05.05.1977

- 3.12 N903/3 Conversion of barn and cattle shelter to dwelling for farmworker. Approved 15.8.83
- 3.13 P87/1050 Erection of 11,000 volt overhead line on wooden poles as described in meb application no. 0410847. Approved 04.03.1987
- 3.14 P872664 Application for permission to retain dwellinghouse without complying with condition (b) attached to planning permission ref. N903/3 dated 25th April 1984. Refused 02.12.1987
- 3.15 PK03/2477/RVC Removal of condition (b) attached to planning permission N903/3 dated 15 April 1987 restricting occupancy of the dwelling to persons employed in agriculture. Refused 30.12.2003
- 3.16 PK12/3829/CLE Application for certificate of lawfulness for the existing occupation of dwelling without compliance with condition b attached to planning consent N903/3 (agricultural occupancy). Approved 11.01.2013

4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council
Objection, inappropriate development within the green belt and out of character development.
- 4.2 Other Consultees
- Highway Drainage Engineer
The Drainage & Flood Risk Management team have no objection to this application.
- Highway Structures
Advised of the requirement for technical approval for any supporting structures above a public highway or supporting the land above a highway, and the owner's responsibility for maintenance if the boundary wall building alongside the public highway or open space.
- Landscape Officer
Objection as the proposed dwelling is situated within the Bristol / Bath Green Belt.
- Ecology Officer
No objection subject to conditions seeking a lighting design strategy for biodiversity, the location of two Schwegeler 2F bat boxes, and to retain the existing access.
- Highway Officer
No objection

Independent Agricultural Consultant

No objection to the proposal. The case has been assessed against paragraph 55 of the NPPF, i.e. whether there is an essential need for a key worker to live at or near to the place of work in the countryside. In this instance, the Consultant considers that the key tests relating to function need and sustainability are satisfied and as a result the agricultural case is justified.

Other Representations

4.3 Local Residents

13 letters of objection have been received by the Council. The points are summarised as (full comments can be viewed from the Council website)

History and Farming business

- This is the third planning application by owners of this farmland. The first was West Barn for a farm workers home, this was approved, the owners subsequently moved into the barn and later sold the land. The new owner applied for a new farm house, Blackthorn Farm, this was approved. This owner subsequently sold the land to the family that now farm it, but kept the farmhouse with a small amount of land. Both the owners of West Barn and Blackthorn farm house later got the agricultural ties lifted. One did so on the basis that there was no market for the home locally.
- Planning permission was given for a farmhouse in the past, now named as Blackthorn Farm.
- Hargreaves family have occupation of a cottage opposite the application site and a further detached dwelling in the village.
- How many more houses this family will require to run this small farm?

Green Belt / Design / Visual Amenity

- The height and size of the new dwelling is not acceptable and diminishes the special character
- restricts the current open views of Boydwick Cottage and Farm, which has a ridge height of 6.5 metres.
- Totally out of character
- Visible from both the lane and my house
- Encroachment onto the green belt
- It is in the Green Belt land, this should remain as it is and not for building on.
- Should be a small house or bungalow, should be built of the local stone
- Allowing this proposal will potentially open the flood gates for other properties being built in this precious land,
- ruining our countryside and wildlife habitats
- The size and facilities would make it liable to also become a target for sale as an expensive private home.
- Large dwelling and overshadows the small cottages
- The site does not have mature trees helping to conceal the proposed dwelling
- restricts the current open views from Boydwick Cottages. The proposal would not be in line with Policy CS1 of the adopted Local Plan.
- The proposed dwelling is unimaginative in this situation.

- Totally insensitive to place this building where it will impact the other properties.

Amenity

- Adversely affect the outlook of Boydwick Cottage and neighbours
- Loss of existing views of Golden Valley, Bitton and Keynsham that has been enjoyed by many inhabitants of the cottages for over 175 years.
- The new dwelling will overlook my mother's home in Barrow Hill and will be clearly visible.
- The dwelling will be an invasion of our privacy
- Affect amenity and privacy of Boydwick Cottage

Other issues

- Not have received a consultation letter.
- A notification has not been posted for public inspection

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework makes a presumption in favour of sustainable development and has placed a strong emphasis in respect of supporting economic growth in rural areas. In particular the document sets out that planning policies should;

- support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development', and*
- promote the development and diversification of agricultural and other land-based rural businesses.*

5.2 Paragraph 55 of the National Planning Policy Framework states that new isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. Policy CS5 of the South Gloucestershire Core Strategy is consistent with this setting out that in the open countryside development will be strictly limited.

5.3 Saved policy H3 of the South Gloucestershire Local Plan remains consistent with the requirements of the National Planning Policy Framework in respect of proposed agricultural workers dwellings and criterion A of the policy allows for the erection of permanent dwellings in the open countryside provided that such dwellings for agricultural or forestry purposes. On this basis, weight can be afforded to this policy.

5.4 The emerging Policies, Sites and Places Development Plan Document June 2016 is currently subject to consultation and as such the policies contained in it carry limited weight at this stage. Policy PSP41 (Rural Workers Dwellings) is relevant to this application. The policy is consistent with the direction of the National Planning Policy Framework and would replace Policy H3(A) in respect of the assessment of development proposals for new dwellings in the open

countryside for agricultural workers. Essentially, the policy is supportive of new rural workers dwellings where there is an established and functional need for the dwelling which cannot be met within the defined settlement boundaries or other existing rural building and other criteria relating to viability and siting. Although this policy currently carries limited weight, it is an indication of the approach that will continue to be taken in planning policy terms.

5.5 The recent site visits revealed the farm business that appears to be well functioning with a good number of cattle and the milking is also taking place in the existing buildings within the farm complex. Officers consider that in general terms, the provision of a dwelling at this site would facilitate a sustainable form of agricultural development for the benefit of the surrounding rural economy. On this basis the proposal to provide an agricultural worker dwelling is acceptable in principle subject to the following considerations.

5.6 Green Belt

Paragraph 89 of the National Planning Policy Framework states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. One of the exceptions to this are new buildings for agricultural and forestry uses. Although the exception supports buildings for agriculture, given that the proposal is to provide an agricultural workers dwelling, not a building for agricultural purposes, the proposal would not meet this policy. In accordance with Paragraph 88 of the National Planning Policy Framework, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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 the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.7 In this instance, the applicant submitted a planning statement and additional details regarding the farming enterprises to demonstrate there is a functional need for an agricultural workers dwelling on this particular farm. These details have been considered by the independent agricultural consultant and it has been concluded that there is a functional need to justify an agricultural workers dwelling on this site. It is considered that such need would constitute a very special circumstance to outweigh the potential harm to the Green Belt, by reason of inappropriateness. Given the nature of the proposed development, this application however needs to be advertised as a departure from development planning policies. However, it would not need to be referred to the Secretary of State given that it falls beneath the required threshold.

5.8 Further assessments regarding the need for the development are discussed as follow.

5.9 The Need for the Development

It is necessary to assess whether or not there is a genuine need to provide a dwelling on the site in order to support the agricultural business enterprise. The applicant has submitted a comprehensive appraisal in respect of the needs of

the business along with financial information. Furthermore, in order to assist the assessment of this planning application, the Local Planning Authority has engaged an independent assessor to scrutinise the applicant's case and provide advice accordingly. The independent assessor has also taken the previous planning history as mentioned in section 3 into consideration in their consideration of the scheme.

5.10 Business Description

The Hargreaves family have been running a farm business from Boydwick for the past 33 years. Trading as S & R Hargreaves, it is operated as a partnership between Stan Hargreaves and his son Robert. A third generation, Andrew, is employed in the business and in due course will join the partnership. The submitted details indicate that 102 hectares (252 acres) of land is available to the business. Of the total, 62 hectares (151 acres) is owner-occupied and 40 hectares (100 acres) of adjoining grass land is rented on a Farm Business Tenancy (FBT) arrangement. All grass, the land is used for grazing and conservation. Two cuts of clamped silage are taken typically in addition to some round bales.

5.11 The business is centred on a 170 cow dairy herd. Milking takes place twice a day under a supermarket's contract. Calving is all year round with all calves reared to 6 weeks of age and then sold. It has also been indicated that further investment is required in livestock building in order to improve the biosecurity of the business.

5.12 Buildings and Services

Existing facilities on the holding are detailed in the application documentation. Extending to a total of more than 2,000sq m of footprint, facilities include the milking parlour, tank room, cubicle housing for the milking cows, loose housing for the dry cows, calf housing, slurry storage (new tank and weeping wall storage) and silage clamp. New slurry storage are also recently provided in order to comply with NVZ regulations.

5.13 Labour

This is a family run business with full time input provided by all three members, although Stan Hargreaves (86) is seeking to downsize his day to day involvement in the running of the business. Contractors are used for muck spreading, silage making, hedge trimming etc, with all other work undertaken in hand. A labour calculation has been provided within the submitted documentation (2.32 FTE labour units) which is comparable with the actual situation.

5.14 Dwellings Available to the Business

It is noted that Mr Stan Hargreaves currently lives in a cottage opposite the site, and both Robert and Andrew Hargreaves live in a property in the nearby village of Wick. However neither of these properties is owned by the business or forms part of the agricultural holding. Aside from these, there are no other properties available to the business. In terms of history, planning permission was granted in 1977 for the construction of a farmhouse forming part of the holding at the time. The dwelling was subsequently sold off by previous owners in the 1980s, prior to the purchase of Boydwick Farm by the Hargreaves family.

It is also noted that a planning application was submitted for an agricultural workers' dwelling in 1986 and refused.

5.15 Evaluation of the Business in terms of Para 55 of the NPPF

The Government introduced the National Planning Policy Framework (NPPF) on 27th March 2012. The NPPF replaces all previous planning statements and is the principle guidance in this case. Paragraph 55 of the NPPF states: *To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside.*

5.16 Therefore the principle issue in relation to this application and the NPPF policy is whether there is an **essential need** for residential accommodation in association with the livestock business at Boydwick Farm. The development must also be considered to be **sustainable**.

5.17 Functional need

A functional test is needed to understand what it is about the running of the business that requires someone to be present most of the time. This need must relate to the business based on the stocking and cropping requirements and not the personal needs of those running the business. This is a well-established business with an existing functional need centred on the housed dairy cows and calves. The accepted need relates to a full time worker.

5.18 Security/Tenure

Given 60% of the total land holding is owner-occupied and all buildings are situated on the main farmstead at Boydwick, the Council's independent consultant is content with the long term security of the business. Also, given that the farm has been operated for more than 30 years and well-established, there is no clear evidence to suggest that the extent of the owner-occupied land will change.

5.19 Officers have also consider if a unilateral undertaking should be drawn up to tie the land to the dwelling (and holding). The planning history of the site has been noted particularly the partial disposal of the farm land and associated agricultural worker dwelling in the past previously. In order to limit the opportunity for part disposal of land, it is considered that a unilateral undertaking is required to secure this in addition to the normal agricultural occupancy condition.

5.20 Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development.

Given the planning history of the site and the sensitive location of the site, although an agricultural occupancy condition is imposed to restrict the occupancy of the proposed dwelling, it would not be tying the land to the proposed dwelling (and holding). As the proposed agricultural worker dwelling is considered to be acceptable in principle based on the functional needs of the farm enterprises (holding), it is considered that the requirement of unilateral undertaking would meet the tests of paragraph 204 of the NPPF. The applicant has also voluntarily agreed to enter such undertaking as a means of protecting the farming business in addition to the agricultural occupancy condition.

5.21 Financial Viability

The Council's independent consultant has also reviewed the trading accounts for 2103, 2014, 2015 and 2016 (draft) and they showed that in each of those years an acceptable level of profit has been generated. The consultant is satisfied that the business is profitable and, despite challenges facing the dairy industry generally, it has every prospect of remaining profitable.

5.22 Other Accommodation

Whilst the present accommodation need is met by the two existing dwellings, these are not owned by the business or on land forming part of the holding. Furthermore, with the impending retirement of Stan Hargreaves, there will be no accommodation *within close proximity* or *within sight and sound* to meet the established functional need.

5.23 Siting of Proposed Dwelling

The access to the development will utilise the existing entrance to the farm. The location of the dwelling is situated on land adjacent to the farm buildings which is considered acceptable and within close proximity to need the established functional need.

5.24 Size of Dwelling

The size of the dwelling must be commensurate to the functional needs of the business. In terms of the internal layout, there would be 4 reasonable sized bedrooms and bathroom on the first floor and a dining/kitchen, office, drawing room, and boot room, utility room and larder on the ground floor. In this case the proposed dwelling would be approximately 190sq m which is considered acceptable as a principal dwelling. It is considered that the proposed dwelling is proportional in size. However, In order to ensure that the dwelling remains commensurate with the functional needs of the business, a planning condition is imposed to remove permitted development rights. The independent consultant also advised that the build cost and upkeep can be afforded by the existing farming enterprises.

5.25 Conclusion on the functional need and sustainability

Based on the above assessment, officers and the Council's Independent Consultant considered that the key test relating to functional need and sustainability are satisfied and as a result, the agricultural case for the proposed dwelling is justified.

5.26 Temporary Permission

When considering applications for agricultural workers dwellings, it is more 'standard' to grant a temporary permission first, so that the applicant is given the opportunity to prove that the farm unit is viable. In this instance, given the length of time the applicant has been farming the land (over 30 years) and taken into consideration the advice received from the specialist rural property consultant, a temporary consent is not necessary in this instance.

5.27 Design and Visual Amenity

Residents raise concerns regarding the design, scale and height of the proposed dwelling. The proposed 4 bed dwelling would be 2-storey with a single storey to the side, and there would also be a detached double garage. The buildings have traditional architectural features and would be finished with nature stone and clay roof tiles, which are deemed to be acceptable for a rural location. Boundaries will be marked timber post and rail fence and the turning area will be of gravel.

5.28 Paragraph 60 of the National Planning Policy Framework has clearly stated that planning decisions should not attempt to impose architectural styles or particular tastes to conform to certain development form or styles. It is however proper to seek to promote or reinforce local distinctiveness. Although the proposed dwelling and garage would be different from other surrounding properties in terms of its height, scale, design and external materials, it is considered that the proposed dwelling represents a well proportion in terms of its fenestration and detailed design and finish with good quality traditional building materials. It is therefore considered that the dwelling has achieved the highest possible standards of quality as such it would not cause any unreasonable harm to the rural character of the area. Therefore there is no substantial reason to warrant a refusal of this application from the design and visual amenity perspective.

5.29 Landscape Character

The site is situated within the Bristol / Bath Green Belt, the Forest of Avon and on the edge of an Area of Outstanding Natural Beauty. The proposal is to erect 1 no. two storey detached dwelling and a double garage. The site is situated within the Golden Valley landscape character area, which is a steeply sloping broad agricultural valley, containing the meandering River Royd Visually enclosed by the Oldland Ridge and the much higher Ashwicke Ridge. The proposed development is to occupy a corner of a level agricultural field adjacent to Barrow Lane. The proposed entrance is off the farm track / drive which serves the Barrow Lane dips down to the north leaving the site elevated above the lane and separated from it by a high native field hedge.

5.30 No landscaping proposal has been submitted with the proposal and the Council Landscape Officer advises there is an in-principle objection due to its green belt location. As discussed above, there is a very special circumstance in this instance to outweigh the harm caused to the openness of the green belt, therefore the proposal can be supported subject to the restricted agricultural occupation condition. Regarding the potential impact upon the landscape character of the area, the proposed dwellings and garage would be located to the close proximity of the existing farm buildings and surrounding residential

properties, as such the adverse impact would be insignificant. In addition, further trees or shrubs planting would be able to mitigate the potential adverse impact, upon the landscape of the locality, therefore it is considered that the proposal can be supported subject to a planning condition seeking an appropriate landscaping scheme. Therefore, there is no landscaping objection to the proposal.

5.31 Residential Amenity

The site is located in open agricultural land. There are two cottages lying opposite Barrow Hill, and there is a dwelling to the south of Boydwick Farm. The frontage of the opposite cottage would be more than 25 metres from the application site boundary and they would also sit at an angle to the proposed dwelling. Given that there would be a reasonable distance between the proposed and the existing properties, it is considered that the proposed dwelling and detached garage would not cause significant overbearing impact or overlooking impact to be detrimental to the residential amenity of the neighbouring properties to warrant a refusal of this application. In respect of the proposed dwelling itself, there would be sufficient amenity area set aside for the occupants of the dwelling. Local residents raise concerns regarding the loss of extensive view, however, this would not be material planning consideration. On this basis, it is considered that the proposed development is acceptable in residential amenity terms.

5.32 Environmental and Drainage Issues

The application proposes the use of a septic tank as a solution to the disposal of foul water and the surface water will be discharged to soakaway. This is deemed to be acceptable in principle.

5.33 Transportation issues.

This planning application seeks to construct a new dwelling to be used as a farmhouse at Boydwick Farm, Barrow Hill, Wick. It will be accompanied by a new driveway and a double garage.

5.34 The Highway Officer is concerned that the isolated location of this site, outside easy walking distance to any facilities, will result in this development being highly car-dependent. A single new dwelling in a rural area will generally produce around 7 or 8 vehicular movements per 24 hour day. In this instance, it is considered that the proposed dwelling is unlikely to create a particularly large amount of new traffic and so the sites trip generation will not be significant, therefore officers consider that there would not be sustainable objection on this basis.

5.35 The site will continue to use the existing access onto Barrow Hill associated with the adjacent farm buildings and the applicant has indicated that the new driveway will be surfaced with gravel. There also appears to be adequate space for vehicles to turn round and so leave the site in forward gear. Given that the sites vehicular demand is likely to be small and Barrow Hill is otherwise lightly trafficked, Officers consider that the proposal is unlikely to raise any significant affect highway safety concerns either.

5.36 The proposed dwelling would have four bedrooms and the proposal would be able to provide two car parking spaces. As such, the proposal would comply with the Council's adopted domestic car parking requirements, as set out in the Residential Parking Standards SPD adopted in December 2013. Therefore there are no highway or transportation objections to the proposal.

5.37 Ecological Issues

A Preliminary Ecological Appraisal has been submitted in support of the proposal by Ecology by Design (June 2016). The findings are summarised:

- a. Habitats: The field is currently used for grazing cattle, there is species-rich intact hedgerow along the eastern boundary.
- b. Species protected: The site is within range of several confirmed bat roosts, however the application site was judged to offer poor foraging to bats, although grazed pasture could be suitable for greater horseshoe bats. The hedgerow provides some commuting and foraging habitat. There is no record of Hazel dormouse within 2km. The habitat on site is of low suitability to Great crested newt and the nearest pond to the site would be unlikely used by Great crested newt. The survey found that common bird species including Red-Listed and Schedule 1 species such as barn owl and peregrine falcon. Grass snake and slow-worm are also known from the area.
- c. Badger: A mammal track at the north-eastern corner of the site goes through the hedgerow where badger hair was found. Although no other signs, such as setts or latrines were observed, due to the low suitability of habitat for sett construction it is likely that badger just commute across the site on occasion.
- d. European Hedgehog: No signs were observed although the hedgerows provide the most suitable habitat for hedgehogs.

5.38 The Council Ecology Officer has considered the submitted survey including the various mitigation, enhancement and compensation measures to prevent biodiversity loss, and enable biodiversity gain of the locality. It is considered that the submitted details are acceptable and there is no ecological objection to the proposal subject to conditions seeking a lighting design strategy for biodiversity, a protection of the existing hedgerow along the eastern boundary and an installation of bat boxes in an appropriate location.

6. CONCLUSION

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

- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The proposal represents a departure from the Development Plan as the recommendation for approval is made on the basis that very special circumstances have been demonstrated. The application has been advertised as a departure but it is not considered that a referral to the Secretary of State is necessary.

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below, the applicant first voluntarily entering into an unilateral agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to tying the land to the proposed development (and holding), and upon the expiry of the consultation period, i.e. 10th March 2017, the departure advertisement in a local newspaper.

Reason: There is a very special circumstance to justify the proposed agricultural worker dwelling at this particular location taking into consideration of the existing farm enterprises and to accord with Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy Adopted December 2013, saved Policy L1, L2 and H3 of the South Gloucestershire Local Plan (Adopted) January 2006, and the National Planning Policy Framework.

- 7.2 That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
- 7.3 Should the agreement not be completed before 30th September 2017 that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

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 occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in a viable agriculture or forestry business, to accord with Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, the saved Policy L1, L2 and H3 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) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure that the accommodation is limited to that commensurate with the established need, in the interests of the visual amenity of the area and to protect the openness of the Bristol / Bath Green Belt and to accord with Policy CS1, CS5 and CS34 of the South Gloucestershire Core Strategy (Adopted) December 2013 and saved policies L1, L2 and H3 of the South Gloucestershire Local Plan (Adopted) January 2006, the National Planning Policy Framework.

4. Landscaping scheme (Pre-commencement condition)

Prior to the commencement of development, a scheme of soft and hard landscape to be submitted for approval that shall include details of all existing trees and hedgerows on the land showing those to be removed and those to be retained, including measures for their protection during the course of the development. The drawing to show proposed planting including plant density and times of planting, boundary treatments and areas of hard-standing. Also specification notes covering topsoil depths, cultivation, planting, irrigation, and landscape maintenance covering a 5 year establishment period to help ensure the planting thrives. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and saved policy L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006. This is a pre-commencement condition to avoid any unnecessary remedial works in the future.

5. Sample panels of stonework

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

Reason

To ensure a satisfactory standard of external appearance and to protect the character distinctiveness and amenity of the surrounding area and to accord with Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

6. Samples of roof tiles

Prior to the commencement of the relevant part of the development, details and samples of the roofing 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 protect the character distinctiveness and amenity of the surrounding area and to accord with Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

7. Lighting design strategy for biodiversity

Prior to the first occupation of the proposed development hereby approved, a "lighting design strategy for biodiversity" for the proposed dwelling shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy before the approved dwelling is firstly occupied, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

In the interest of wildlife habitat and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Details of bat boxes

Prior to the first occupation of the proposed development hereby approved, details of the location of two Schwegeler 2F bat boxes shall be submitted to and approved in writing by the local planning authority. The approved details shall be carried out before the approved dwelling is firstly occupied.

Reason

In the interest of wildlife habitat and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Plan list

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

Revised site location plan, site plan and block plan, received by the Council on 17 November 2016.

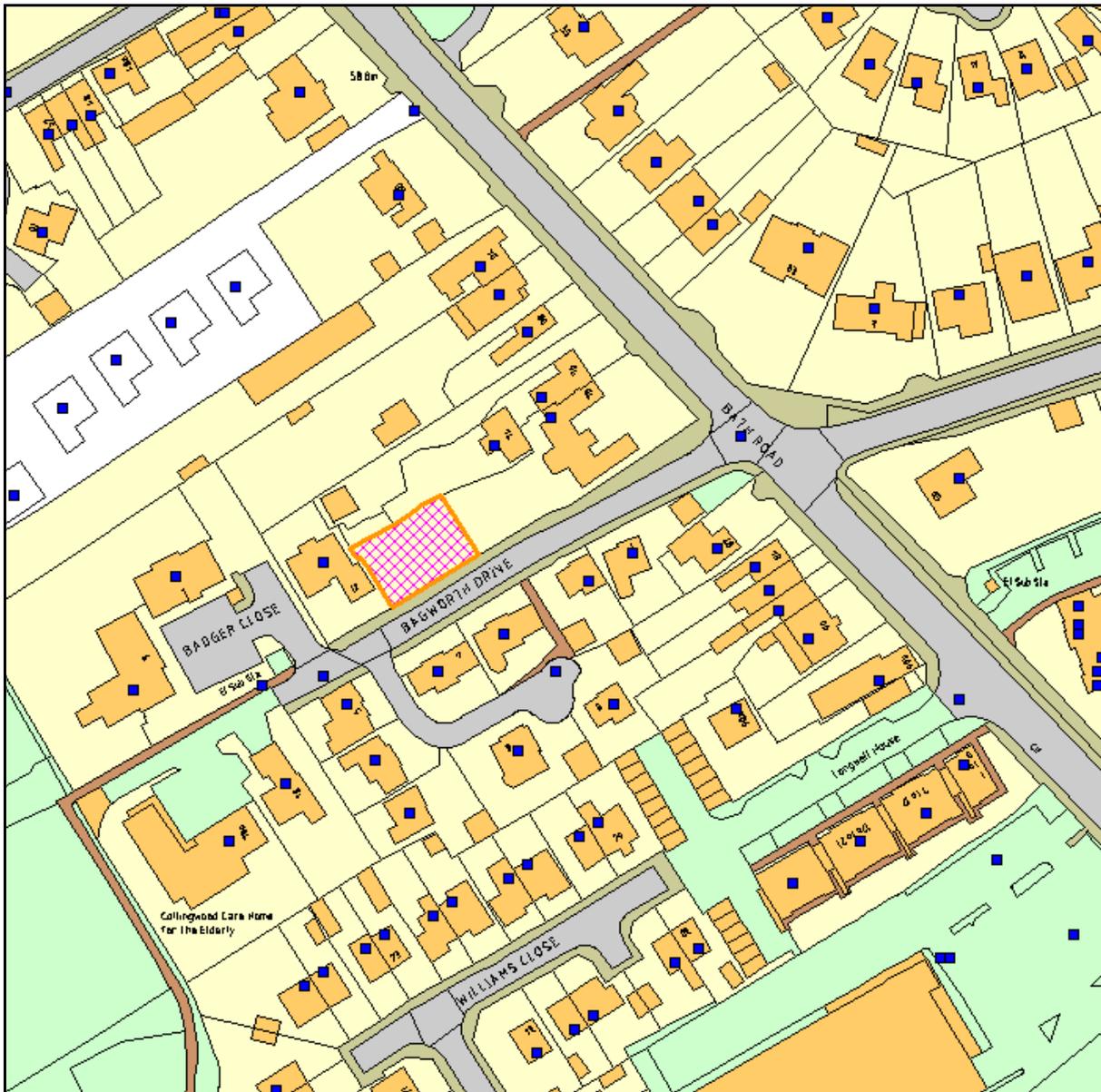
Proposed elevations and floor plan, received by the Council on 13th October 2016.

Reason

The application has been assessed on the basis of the submitted plans and to safeguard the ecological and landscaping interests of the site, the amenity of the locality and the openness of the Bristol / Bath Green Belt, and to accord with Policy CS1, CS5 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013, saved Policy L1, L2, L9 and H3 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 27/17 – 7 JULY 2017

App No.:	PK16/6297/F	Applicant:	Mr Bob Oram
Site:	70 Bath Road Longwell Green Bristol South Gloucestershire BS30 9DG	Date Reg:	30th November 2016
Proposal:	Erection of 1no. detached dwelling and detached garage with access and associated works.	Parish:	Hanham Abbots Parish Council
Map Ref:	365605 171256	Ward:	Longwell Green
Application Category:	Minor	Target Date:	20th January 2017



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 100023410, 2008. N.T.S. PK16/6297/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is to appear on the Circulated Schedule, due to the receipt of objections from local residents contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 1no. detached dwelling and detached garage with access and associated works.
- 1.2 The application site relates to part of a garden serving no. 70 Bath Road. No. 70 Bath Road is a semi-detached house situated fronting Bath Road. The curtilage extends to the rear along Bagworth Drive. The site is adjacent to no. 12 Bagworth Drive, and has mature mixed hedgerows along the eastern boundaries with fencing to the rear and a stone wall facing the highway. To the immediate south is Bagworth Drive, a small residential cul-de-sac of detached houses. At the end of Bagworth Drive, are two residential care homes.
- 1.3 The proposal seeks to erect a detached, 3no. bedroom, two-storey dwelling in the rear portion of no. 70 Bath Road's garden. Vehicular access would be from Bagworth Drive.
- 1.4 The application site is located within an established settlement boundary and there are no statutory or non-statutory designations.
- 1.5 Due to a number of objections concerning the proposed dwelling and the Planning Officer and Transportation Officer's feedback, revised plans have been submitted amending the proposed design and parking arrangements. The following suggestions were made to the agent and revised plans were submitted in order to address Officers concerns:
 - Size of garage increased;
 - Garage roof changed to a dual-pitched roof;
 - Parking provision revised (2no. off-street spaces);
 - Size and scale of dwelling reduced (size of lounge reduced);
 - Rear extension reduced (bedroom 3 removed).
- 1.6 The Officer did request a street scene elevation plan to show the proposed dwelling in the context of neighbouring dwelling no. 12, given a number of concerns from local residents about the proposed scale of the dwelling. However, the applicant did not want to provide this additional information. The Officer's assessment will be based on the submitted revised plans.

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
- CS9 Managing the Environment and Heritage
- CS16 Housing Density
- CS17 Housing Diversity

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- EP2 Flood Risk and Development
- EP4 Noise Sensitive Development
- H4 Development within Existing Residential Curtilages including Extensions and New Dwellings
- T7 Cycle Parking
- T12 Transportation Development Control

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

- PSP1 Local Distinctiveness
- PSP2 Landscape
- PSP8 Residential Amenity
- PSP11 Development Related Transport Impact Management
- PSP16 Parking Standards
- PSP20 Flood Risk, Surface Water and Watercourses
- PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

- The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
- South Gloucestershire Council Residential Parking Standards (SPD) Adopted.
- Waste Collection: guidance for new developments (SPD) Adopted Jan. 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/3238/F Erection of side conservatory
Approved 24.10.13

- 3.2 Relates to no. 76 Bath Road, now known as 12 Bagworth Drive:
PK01/1583/F Erection of 1no. detached dwelling
Approved 13.11.01

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
Objection. Although we note the revised dimensions of the residential dwelling and detached garage, our objections to the original application still stand, i.e. overdevelopment with concerns over access and egress onto a narrow road.

- 4.2 Highway Structures
No objection.
- 4.3 Lead Local Flood Authority
No objection.
- 4.4 Open Spaces Society
No comment received.
- 4.5 Oldland Parish Council
No comment received.
- 4.6 Public Rights of Way
No objection. The proposed development is unlikely to affect the nearest public right of way reference PHA/15/60 which runs along the southern border of the development area.
- 4.7 Sustainable Transport
No objection.

Other Representations

- 4.8 Local Residents
A total of 12no. local residents have objected to the proposal for the following reasons:
- Proposal will directly and detrimentally impact our property;
 - Close proximity of proposed house will mean significant loss of both sunlight and daylight;
 - Loss of privacy and overbearing impact;
 - Loss of outlook;
 - Overshadowing;
 - Bagworth Drive already has a significant parking issue caused in part by recently installed parking restrictions on Watsons Road. This means residents on Bath Road park in Bagworth Drive;
 - Access to two residential care homes at the end of Bagworth Drive is essential 24/7;
 - Infrastructure at Bagworth Drive originally designed for 9no. houses;
 - Residential care homes have generated additional traffic and vehicular access issues;
 - Vehicle access for delivery and emergency vehicles is difficult due to parked vehicles on the road;
 - On-street parking problem in the vicinity of the application site;
 - The proposed house should provide more off-street parking spaces, like the rest of Bagworth Drive (i.e. 4no. spaces);
 - Design layout and orientation of the proposed dwelling will cause overlooking or overbearing effects will occur on adjoining properties;
 - Proposed dwelling is too big for the plot of land;
 - Will be imposing and give a hemmed-in appearance;
 - Access road is too narrow;
 - Not in-keeping with the rest of the development;

- Result in loss of parking spaces on the road;
- Will destroy the current view;
- Disproportionate size;
- Large pitched roof will impact on the streetscene and amenity of occupiers of surrounding dwellings notably no. 74 Bath Road, and nos 3 and 4 Bagworth Drive;
- Site offers the potential for a new dwelling, provided it is of acceptable siting, height, mass and scale;
- A comparison streetscene drawing would be useful to assess proposed height compared to existing neighbouring dwellings;
- Excessive height of the proposed dwelling is dominating on no's 3 and 4 Bagworth Drive;
- Siting and position of windows will harm amenity;
- Number of vehicles parked on Bagworth Drive is a highway safety issue already.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application site is located within the settlement boundary of Longwell green on the east fringe of Bristol. Under policy CS5 which establishes the locational strategy for development, the site is considered to be a suitable site for development subject to site specific considerations and would therefore be supported in principle. In addition, policy CS17 would also allow for development within existing residential gardens and curtilages subject to an assessment on the impact of the development on the character of the area, transportation, and residential amenity.

- 5.2 Currently, the Council is unable to demonstrate a 5-year housing supply of deliverable housing land. Proposals for new residential development should in any event have regard to the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF. The presumption in favour of sustainable development states that proposals that accord with the development plan should be approved without delay. However where the development plan is out of date, planning permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits or when specific guidance in the NPPF or non-housing policies in the development plan indicate that planning permission should be refused. Paragraph 49 advises that where there is a failure to demonstrate a 5-year supply of housing, then policies that relate to the supply of housing should be considered out of date. Nevertheless the starting point remains the adopted development position, with the advice in the NPPF constituting an important material consideration. In this instance whilst policy CS5 does relate to the supply of housing and so would be out of date for NPPF purposes, it would in any event support the principle of residential development at this location.

Additional weight is given in favour of increasing housing supply in light of the current shortfall, however this is limited as the contribution proposed of 1 dwelling would make a negligible difference to the overall housing supply.

- 5.3 Having established the principle is acceptable, the impact of the proposed development should also be carefully assessed and this is set out in the remainder of this report. The overall design and impact on the character of the area is an important element of the assessment (Policy CS1); the impact on the existing residential amenity of the area (Saved Policy H4); and the transport implications (Saved Policy T12; policy CS8 and Residential Parking Standards SPD). Full weight is given to policy CS1 which does not relate to the supply of housing, but controls the quality of new development within South Gloucestershire. Policy CS8 and the residential parking standard SPD supporting it are considered to be up to date. These are therefore considered up to date in terms of paragraphs 14 and 49 of the NPPF.
- 5.4 Saved Policy H4 is supportive in principle of new dwellings, however, each application is considered on its own merits. In this instance, the introduction of an additional detached dwelling in part of the garden of the host dwelling no. 70 Bath Road shall be discussed fully in the report below.
- 5.5 The proposal, being the erection of 1no. detached dwelling within the established settlement boundary and the garden of No. 70 Bath Road, is considered to accord with the principle of development. This counts in its favour. Whilst the provision is limited to only one additional dwelling it would still make a contribution and weight is accordingly awarded. The proposal and its impact is discussed in further detail below:
- 5.6 Design and Visual Amenity
Policy CS1 of the adopted Core Strategy demands the 'highest possible standards of design and site planning'. The application site relates to a square plot of land located at the end of no. 70 Bath Road. The proposed site would remove part of their garden which is currently L-shaped. The site fronts Bagworth Drive, adjacent to no. 3. Part of the rear garden of no. 76 Bath Road was granted planning permission in 2001 (ref. PK01/1583/F0 for a large detached dwelling. The character of the area is decidedly mixed, with large, modern detached properties on Bagworth Drive and older semi-detached properties on Bath Road. The proposal will be the nearest neighbouring property to the east. Large detached dwellings on Bagworth Drive are to the immediate south. Elevational plans for the proposed dwelling show a modest-sized, detached 3no. bedroom L-shaped house. The proposed block plan sites the dwelling slightly forward of No. 12, with a detached garage in the northern corner of the plot. The site is constricted to a certain degree, which concerns a number of local residents. Given the depth of the plot, neighbouring property no. 12 to the west and east, and residential gardens on the north and west sides, the proposed development needs to be appropriate and in-keeping.
- 5.7 Following feedback from the Officer on the initial proposal, the proposed dwelling has been amended to increase the size of the garage and to change its roof to a pitched roof, additional off-street parking provision, and the reduction of the size and scale of the dwelling, particularly the rear extension element. The host dwelling is located on Bath Road, approximately 26 metres to the north-east. And no. 74 approximately 13 metres to the north-east.

The proposed dwelling would have a maximum ridge height of 7.7 metres, eaves height of 4.7, the front elevation would have a width of 10.7 metres and the maximum depth would be 10.6 metres (west) reducing to 5.1 metres (east). The proposed dwelling would be simple and modern in design, with a pitched tiled roof, quoin detailing and a central front door. The proposed layout would provide a modest-sized 3no. bedroom family home, detached single garage, off-street parking and rear garden space. Given the proposed scale and massing of the dwelling has been reduced slightly removing 1no. bedroom and the size of the rear lounge, the proposed dwelling now appears more appropriate within the size of the plot and in-keeping with neighbouring dwellings, which are considered to be larger.

- 5.8 The area utilises a mix of materials, no. 12 is constructed in red brick with a paler quoin detailing and bay windows. The proposed materials will be external walls in red brickwork, flat arched lintels to window and door heads with contrasting brickwork features and dark roof tiles. A condition will be attached requiring samples of the proposed external facing materials to be agreed. Houses along Bagworth Drive generally have open front gardens. There is an existing stone boundary wall along the south elevation, which appears to be entirely removed as part of the proposed scheme, to allow access to the dwelling and driveway. It would appear more in-keeping if a continuous low stone wall is constructed as per no. 12. It appears that a fence will be erected between the side elevation and garage to enclose the garden, but as this is set significantly back from the road it is unlikely to negatively affect the streetscene.
- 5.9 Concern has been raised about the proposed scale of the dwelling, given the site is significantly shallower than no. 12. The proposed dwelling is smaller than neighbouring properties, and following negotiation with the agent the proposed development has been reduced in size and massing. The Officer requested a streetscene elevation drawing to compare the proposed dwelling and existing dwelling no. 12, however the applicant did not want to provide this additional information and there is no requirement that this has to be provided to the Local planning Authority as such. Therefore, an assessment of the proposed development is based on the information submitted to date. Nevertheless, given the footprint of the proposed dwelling is smaller than no.12, and does not include accommodation in the roof space, it is considered that the proposed dwelling will appear appropriate within the context of the site and within the streetscene. The dwelling has been set back from the road by 3.2 metres, similar to the adjacent dwellings on Bagworth Drive.
- 5.10 It is considered that the proposed dwelling is an appropriate house-type, given the neighbouring properties and size of the plot. Overall, the proposed dwelling is similar in design, scale, positioning, site layout, and size is considered appropriate given the size of the proposed site and its context. The proposal is considered acceptable and in-keeping with the local character, providing a modern and appropriate in-fill dwelling in a residential area, in accordance with policy CS1 of the adopted Local Plan.

5.11 Residential Amenity

- Saved policy H4 of the SGLP seeks to protect the amenity of nearby occupiers and future residents of the host dwelling. The emerging PSP development plan document which is currently going through consultation provides guidance within policy PSP43 on the level of private amenity space dwellings should provide commensurate to the numbers of bedrooms within the proposed dwelling. As the Council's PSP has recently been through public examination, this policy can be afforded some weight at this stage. PSP43 set out the private residential amenity standard, from 1 bedroom flats to 4+bedroom houses. The private amenity space remaining for the host dwelling would be in excess of 275 sqm and over 145 sqm for the proposed dwelling; these figures exceed the minimum standards set out in emerging policy PSP43. As both dwellings have three bedrooms, the amount of private amenity space provided at the rear is more than adequate for the existing and future occupiers.
- 5.12 The proposal relates to a two storey detached dwelling fronting Bagworth Drive. The proposed dwelling's rear elevation would face north, towards the rear garden of the host dwelling no. 70. There are currently two existing garages/outbuildings at the rear of no. 70 and mature planting and trees along the boundary. Properties on the south side of Bagworth Drive, across the road, are not considered to be impacted in terms of overlooking, privacy or overbearing effects given the distance. The main concern is if there is any impact on no. 12, the closest neighbouring property.
- 5.13 During the course of the application, the proposed development has been revised given the concerns of the Officer that it was too close to the boundary of no. 12 and their side elevation windows. No. 12 is a large 5-bedroom house, with an attached garage along the eastern boundary. There are a number of windows on the east elevation facing north that serve the ground floor utility room and kitchen and first floor en suite bathrooms that could be impacted by the proposal. However, it is important to note these windows do not serve primary living space, such as bedroom. The proposed dwelling has been reduced in size and moved away from the shared boundary, in order to reduce any reduction in light, overbearing or overshadowing harm and privacy impacts. Windows in the west elevation are limited with only one bedroom and a rooflight. There would be a distance of approximately 3.6 metres towards the front of the proposed dwelling with the garage of no. 12 and 5.6 metres towards the rear of the proposed and existing dwellings. The sites would be separated by a boundary treatment. It is considered that the degree of impact has been mitigated by the increased distance between no.12 and the proposed new dwelling and there would not be a significant amount of overlooking, privacy impact or severe loss of daylight. Nevertheless, a condition removing the permitted development rights for the dwelling to insert new windows in the north, east and west will be attached to the decision notice.
- 5.14 Further to the above, there is an infill bungalow no. 74 at the rear of no. 70 Bath Road, as well as the semi-detached properties facing Bath Road (no's 70 and 76) to the east. There are two existing outbuildings at the rear of no. 70, one of which will bound the northern boundary with the new dwelling and garage. The rear part of no. 70 does not appear to be used as residential garden, given the two outbuildings and surrounding hardstanding.

Whilst there will be two windows in the north elevation on the first floor (serving the landing and bedroom), they are in the main part of the new dwelling and set away from the shared northern boundary. These windows are not considered to result in any severe overlooking or privacy impacts. There is an existing mature hedgerow and fencing along the shared eastern boundary with no. 76, which offers a degree of screening from the proposed new dwelling. The two bedroom windows in the east elevation, in the 'extension' part of the new dwelling would be over 13 metres from the eastern boundary. The proposed pitched roof garage would also provide some privacy along the eastern boundary for the garden of no. 76.

5.15 Although the proposed dwelling would have windows at first floor level, this is not an unusual situation in such a built-up and residential area. There can be no objection to the scheme on this basis given the revisions made to the proposal. The matters of overlooking, inter-visibility and loss of privacy have been taken into account and given the distance between the properties in a relatively built-up, residential area, and the proposed boundary treatments the amenity of both existing and future occupants is protected. The above assessment has indicated that the new dwelling would not have a negative impact on the amenity of the neighbours and weight is given in favour of the proposal for this reason.

5.16 Transportation and Parking

The proposed dwelling would result in one 3no. bedroom dwelling plus the erection of a single garage with parking in front. Vehicular access to the site would be off Bagworth Drive. During the course of the application, the size of the single garage has been increased; two off-street parking spaces would be provided. The revised scheme provides adequate off-street parking that conforms to the adopted policy and the Transportation Officer has therefore removed their initial objection. The proposed dwelling would not impact the existing off-street parking provision for No. 70 Bath Road. In this instance, the proposed development would provide sufficient parking spaces for both the proposed and existing dwelling and as such, would satisfy the requirements of the South Gloucestershire Residential Parking Standards. However, it is noted that local residents have raised a number of objections concerning the impact of the proposed development on the existing access road and current on-street parking provision.

5.17 Various concerns have been raised by local residents concerning the existing and future parking situation in the area. That there is already on-street parking issues in the cul-de-sac due to parking restrictions on neighbouring roads and other recent developments such as the new Aldi superstore. The proposed development would remove existing on-street parking spaces for local residents. The road is used heavily for parking and as such, residents are concerned that this is a highway safety issue and will impact on emergency vehicles accessing existing dwellings and the residential care homes. There are no parking restrictions along Bagworth Drive and it is noted that at the time of the Officer's site visit there were a number of cars parked along the street. The proposal for 1no. additional dwelling is not considered to significantly exacerbate the current situation in the vicinity, particularly given it can accommodate the required off-street parking need within the site.

Whilst similar properties in Bagworth Drive appear to have more off-street parking provision, the proposal meets the requirements of adopted policy and there is no reason to refuse the proposal on this basis.

5.18 Overall, the proposed development provides sufficient off-street parking facilities for 1no. additional dwelling. Whilst local residents remain concerned about the current on-street parking situation and the potential impact of the proposed development, the proposal complies with adopted policies and as such, does not warrant refusal. The site is regarded as being suitable for one dwelling and an appropriate site layout has been proposed that remains in keeping within the vicinity.

5.19 Other Matters

A local resident has objected to the proposal destroying the current view by developing the land. This is not a planning issue as such and the right to a view across someone's existing garden is not considered to have a negative impact on residential amenity.

5.20 Conclusion

The proposal would be for the erection of one dwelling in the existing built up area of Longwell Green; this is given weight in its favour. Concerns from local residents have been noted and addressed in the above report and have been awarded limited weight. Parking details have been revised and improved, confirming that the proposal meets adopted standards. On balance and giving appropriate weight to the positive versus the negatives of the proposed scheme, the benefits of this new dwelling within the settlement boundary are considered to outweigh any perceived harm and the proposal is therefore considered acceptable and recommended for approval.

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 **APPROVE** 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 **APPROVED**, subject to the attached conditions.

Contact Officer: Katie Warrington
Tel. No. 01454 864712

CONDITIONS

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

Reason

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

2. The development shall be implemented strictly in accordance with the following plans: Detached single garage (PSW102PL); Front and rear elevations (PSW102PL); Site location and proposed elevations (PSW102PL); Proposed block plan (PSW102PL); received by the Council on 9th March 2017.

Reason

For the avoidance of doubt.

3. Prior to the commencement of development samples of the external facing and roofing 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 the satisfactory external appearance of the development in the interests of visual amenity 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 commencement of development details of the proposed boundary treatments and relevant trees/vegetation to be retained 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 the satisfactory external appearance of the development in the interests of visual amenity, to protect the residential amenity of the neighbouring occupiers and in the interest of highway safety. To accord with Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies); and the National Planning Policy Framework.

5. Prior to the first occupation of the new dwelling, the off-street parking facilities shown on the plans (Block Plan PSW302PL and single garage PSW102PL) hereby approved shall be provided before the building is first occupied, and thereafter permanently retained for that purpose.

Reason

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

6. The proposed driveway shall be constructed in a permeable bound surface.

Reason

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Residential Parking Standards SPD (Adopted) December 2013 and the National Planning Policy Framework (2012).

7. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north, east and west elevations of the property.

Reason

To protect the character and appearance of the area and to protect the residential amenity of neighbouring residents. To accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies); Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the National Planning Policy Framework (2012).

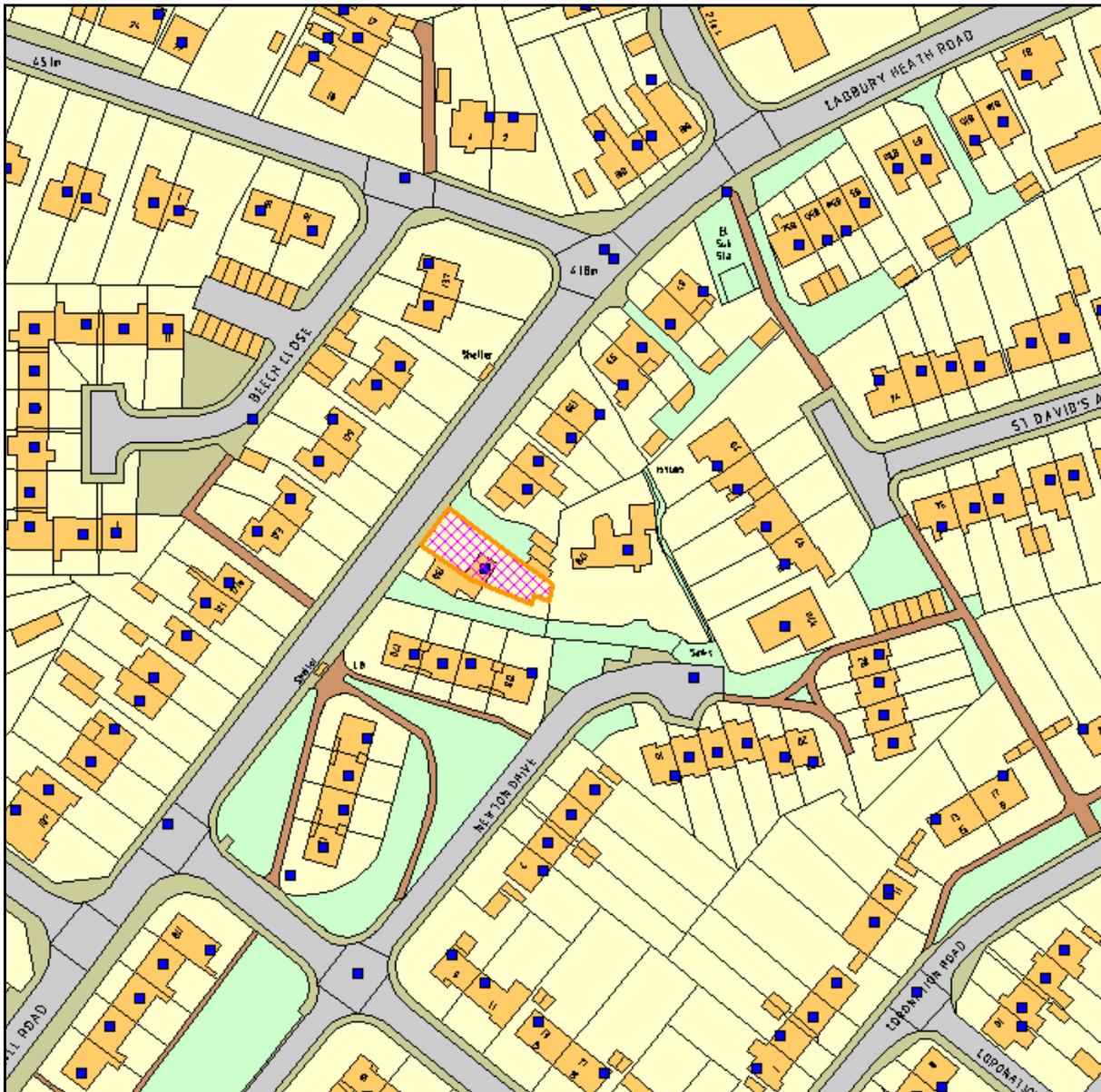
8. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies); Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework (2012).

CIRCULATED SCHEDULE NO. 27/17 – 7 JULY 2017

App No.:	PK17/1737/F	Applicant:	Mr Prosser
Site:	130 Parkwall Road Cadbury Heath South Gloucestershire BS30 8HA	Date Reg:	16th May 2017
Proposal:	Erection of 1no new dwelling with access and associated works.	Parish:	Oldland Parish Council
Map Ref:	366336 172285	Ward:	Parkwall
Application Category:	Minor	Target Date:	3rd July 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 1no detached dwelling with access and associated works within an area previously forming part of the residential curtilage of no. 130 Parkwall Road.
- 1.2 No. 130 Parkwall Road consists of a detached property. The property sits towards the south-western corner of a relatively large plot. The existing property is of an unusual design, with a narrow front elevation and a lack of any notable architectural features. The existing property is finished in a pebble-dash render, with a pitched roof. The immediate streetscene is made up of a variety of semi-detached and terrace properties. The proposed dwelling would be situated on land to the north-east of the existing dwelling, with the front elevation facing on to Parkwall Road.

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
CS9 Managing the 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

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
PSP43 Private Amenity Space Standards

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
Residential Parking Standards SPD (Adopted) 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 There is no planning history associated with the application site.

4. **CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council
No objection

- 4.2 Other Consultees

Sustainable Transport

No objection – Access and parking for proposed dwelling is acceptable. Whilst we are not very satisfied that there is no parking provision for the existing property and as the situation has changed with respect to the new property, we could of course object. However, this is objection unlikely to be sustainable at appeal, so we must reluctantly conclude that we will have to live with this situation, so make no objection to this application on highways and transportation grounds.

Lead Local Flood Authority

No objection

Highway Structures

No objection

The Coal Authority

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- The submission of a scheme of intrusive site investigations for approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works.

The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Other Representations

4.3 Local Residents

2 objections to the proposal, as well as one comment neither explicitly objecting to nor supporting the proposal, were submitted by local residents. The main concerns raised are outlined below:

- The proposed building is too large for the plot.
- The proposed building would encroach on to the privacy of neighbours.
- Concerns about working hours, with the possibility of disturbance caused by builders.
- Site traffic could block access to neighbouring garages and could cause traffic flow issues.
- Due to small size of plot, condition should be attached to any decision restricting delivery times.
- Condition should be attached requiring site traffic management plan to be submitted and approved prior to construction.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning permission is sought for the erection of 1no. detached four-bedroom dwelling within an existing residential curtilage. Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of north and east fringes of the Bristol urban area. The application site is located within the area defined as the east fringe of the Bristol urban area. As such, based solely on the location of the site, the principle of the development is acceptable.

- 5.2 Notwithstanding this, it is recognised that, at present, the local planning authority is unable to demonstrate a five-year supply of deliverable housing land. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. However as the application site falls within the east fringe of the Bristol urban area, the principle of development is acceptable under the provisions of policy CS5. As policy CS5 is not seeking to restrict the supply of housing, it can be afforded full weight in this case.
- 5.3 Whilst the principle of the proposed development is acceptable under the provisions of policy CS5, the impacts of the development require further assessment to identify any potential harm. The harm identified will then be balanced against the benefits of the proposal. The further areas of assessment are; design and visual amenity, transportation, and residential amenity. An assessment of the design of the proposal and its impact on the visual amenity of the area will be made against policy CS5 of the Core Strategy and H4 of the Local Plan. An assessment of any impacts on residential amenity will be made against policy H4 of the Local Plan. An assessment of any transportation impacts will be made against policy T12 of the Local Plan and the South Gloucestershire Residential Parking Standards SPD.
- 5.4 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. Furthermore, policies CS16 and CS17 of the Core Strategy relate to housing density and diversity. Policy CS16 outlines that the density of new development should be informed by the character of the local area and contribute to: the high quality design objectives set out in policy CS1. Policy CS17 outlines that building on gardens will be allowed where this would not adversely affect the character of an area. As such, design forms a key consideration for this type of development.
- 5.5 The proposed dwelling would incorporate a pitched roof, with a rear-facing gable. At its front elevation, two dormer windows would be inset in to the eaves line of the roof. The property would hold a relatively prominent position along Parkwall Road, with the front elevation of the property visible from the public areas offered along the road. The rear of the property would also be visible from the public areas offered along Newton Drive, which runs to the rear of the site. Due to the location of the property, it is recognised that its erection would have some impact on the immediate streetscene and the character, distinctiveness or amenity of the locality.
- 5.6 The immediate streetscene as made up of a variety of property types. Properties to the north-east of the site consist of semi-detached properties, with pitched roofs and shingle tile cladding to the front elevation. Properties to the south-west consist of terrace rows of bungalows.

The properties immediately opposite the site, on the western side of Parkwall Road, consist of larger semi-detached properties with hipped roofs and front facing gables/inset dormers. On this basis, the immediate streetscene can be considered to consist of a mix of properties, with no distinctive or uniformed character exhibited. Furthermore, the existing property at the site displays its own distinctive appearance, and does not share any similarities with any surrounding properties.

- 5.7 Overall, it is not considered that the erection of the proposed detached dwelling would significantly harm the immediate streetscene, or the character, distinctiveness or amenity of the area. Given the mixed nature of the immediate streetscene, it is not considered that a new detached dwelling would appear as an out-of-character addition. The proposed dwelling would infill an existing gap between no. 130 Parkwall Road and no. 132 to the north-east, and would follow largely the same building line as properties along the street. In terms of built form, it is considered that the proposed dwelling would successfully integrate in to the existing row of buildings. In terms of scale and massing, whilst the proposed dwelling would be larger than the existing dwelling at the site, it would be of a similar size to properties on the opposite side of the road. Whilst it is noted that concerns have been raised regarding the size of the property within the plot, it is considered that the plot is of a sufficient as to avoid a cramped overall appearance. On balance, the scale and massing of the proposed dwelling is considered appropriate within the context of the site.
- 5.8 In terms of the design of the property, it is considered that the use of inset dormers reflects the design of other nearby properties. Whilst the proposed rear gable would appear as a more contemporary feature due to the implementation of large windows, any impacts on the streetscene are reduced due to its location to the rear. Submitted plans indicate that the proposed dwelling would be finished in a light render with red interlocking roof tiles. It is considered that this finish sufficiently respects the external finish of other properties within the locality.
- 5.9 It is noted that the design of the proposed dwelling does not reflect the design of the existing property at the site. However given the unusual design of the existing property, it is considered that instead taking design cues from other nearby properties is the most appropriate approach to take. Furthermore, due to gaps in the building line on either side, the existing dwelling appears as a prominent feature along the street. The creation of a new dwelling as proposed would, to some degree, reduce the prominence of the existing dwelling. In this respect, the erection of the proposed dwelling would represent an improvement to the immediate streetscene.
- 5.10 In light of the above, the proposed development is considered to comply with design criteria outlined in policies CS1 of the Core Strategy and H4 of the Local Plan, as well as the provisions of policies CS16 and CS17 of the Core Strategy.

5.11 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.

- 5.12 When considering the impacts of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties, the main properties under consideration are the existing property on the site at no.130 Parkwall Road, the neighbouring property to the rear of the site at no. 128, and the neighbouring property to the north-east at no. 132. Due to levels of separation, it is not considered that the erection of the proposed dwelling would significantly impact residential amenity at properties opposite the application site, on the western side of Parkwall Road.

No. 130 (existing dwelling)

- 5.13 It is acknowledged that the proposed dwelling would be built in close proximity to no. 130. However as the properties would follow largely the same building line, it is not considered that the proposed dwelling would significantly overbear on to the external areas of no.130 offering the highest amenity value. It is acknowledged that the erection of the proposed dwelling and associated boundary treatments would significantly reduce outlook from a ground floor side-facing window at no.130. Whilst this is regrettable, it is considered to be a fairly common situation in residential areas, with the harm to residential amenity not considered to be of such severity as to substantiate a reason for refusing the application.

- 5.14 Due to the location of proposed dwelling and the orientation of the rear garden of no. 130, the presence of a new two-storey structure would not significantly reduce the amount of sunlight afforded to the neighbouring garden. Furthermore, whilst the proposed first floor rear-facing windows would provide a line of sight on to the garden of no.130, it is not considered that the resultant increase in overlooking would cause a significant loss of privacy.

No. 128 (rear)

- 5.15 It is acknowledged that the row of properties along the eastern side of Parkwall Road hold an elevated position compared to no.128; located to the rear of the application site. However given the levels of separation, it is not considered that the proposed new dwelling would significantly overbear on to no. 128, or create a significantly increased sense of enclosure. Furthermore, due to the position of the proposed dwelling in relation to no. 128, it is not considered that the erection of the dwelling would result in a significantly increased sense of overshadowing on to the neighbouring property.

- 5.16 With regard to overlooking, the proposed first floor rear-facing windows would provide a line of sight on to the garden of no. 128. However the windows would only directly face a very small portion of garden, with the windows also being separated from the garden of no.128 by the rear garden of the proposed dwelling. As such it is not considered that the proposed development would result in a significant loss of privacy at this neighbouring property.

No. 132 (north-east)

- 5.17 It is noted that concerns have been raised regarding the encroachment of development towards the neighbouring property to the north-east. The proposed dwelling is separated from no. 132 by an existing garage forecourt. Due to the separation, it is not considered that the proposed dwelling would significantly overbear or overshadow on to this neighbouring property. With regard to overlooking, it is noted that a ground floor and first floor window are proposed at the north-east facing side elevation. However as these would serve a cupboard and a landing area, it is not considered that their use would result in a significant loss of privacy.

Working hours

- 5.18 Notwithstanding the above, it is noted that the erection of a new dwelling will create some disturbance to neighbours. In light of this, a condition will be attached to any decision restricting the hours of work during the construction period, in order to protect the residential amenity of neighbouring residents.

Private amenity space

- 5.19 In terms of private amenity space, emerging policy PSP43 of the Policies, Sites and Places Plan June 2016 relates to private amenity space standards. Whilst this policy is not yet adopted, it is unlikely to be subject to further modification. As such it can be afforded moderate weight in the assessment of this proposal. PSP43 supports the provision of sufficient space at new dwellings to meet the needs of the likely number of occupants. The policy outlines that a 4+ bedroom house should provide a minimum of 70m².

- 5.20 The submitted plans indicate that the rear garden of the proposed dwelling would have an area of 69m². Whilst this is slightly substandard, it is considered that the space to be provided is sufficient. The policy also outlines that a 2 bedroom house should provide 50m² and a 3 bedroom house 60m². Submitted plans indicate that 56m² would be retained at the existing dwelling. Whilst this may be substandard (dependant on the number of bedrooms), any impacts are not considered to be so significant as to substantiate a reason for refusing the application.

- 5.21 On balance, the proposed development is considered to satisfy criteria relating to impacts on residential amenity, as set out in policy H4 of the Local Plan.

5.22 Transport

Policy T12 of the Local Plan advises that development will be permitted provided that, in terms of transportation, new development provides; adequate, safe, convenient and attractive access, and; would not create, or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety.

- 5.23 The proposed vehicular access would be directly on to Parkwall Road, which forms a class 3 highway, with two parking spaces to be provided to the front of the proposed dwelling. It is noted that other properties in the vicinity also have direct vehicular access on to the highway. Whilst most other properties are able to provide an on-site turning area (not possible at the application site), it is considered that the 30mph speed limit imposed and good visibility splays

reduce the risk to highway safety. In light of this, an on-site turning area is not considered absolutely necessary in this case. Overall, the proposed access and location of parking spaces is considered acceptable.

5.24 With regard to parking provision, South Gloucestershire Residential Parking Standards SPD outlines that both 3 and 4 bed properties must make provision for the parking of a minimum of 2 vehicles, with each space measuring a minimum of 2.4m x 4.8m. A submitted block plan indicates that the required level of parking provision can be achieved to the front of the property. The proposed parking arrangement is considered acceptable. However in order to secure this provision, a condition will be attached to any decision requiring two spaces to be provided and thereafter retained for that purpose. Whilst no parking is proposed for the existing dwelling, it is acknowledged that the property does not currently benefit from any on-site parking spaces. As such, it is difficult to sustain an objection on this basis.

5.25 Concerns raised regarding impacts on traffic flow have been taken in to consideration. However given the scale of development and the temporary nature of the construction period, it is not considered that the impact on traffic flow would be so significant to sustain a reason for refusal, or require the submission of a traffic management plan.

5.26 Coal Mining Risk

Subject to the conditions recommended by the Coal Authority, the proposed development is considered acceptable in terms of coal mining risk.

5.27 Waste

Whilst the proposed waste storage and collection facilities have not been indicated, it is considered that sufficient space can be provided to the front or side of the main dwelling for the location of waste storage facilities. Furthermore, the collection of waste could be easily achieved at this location.

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. The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan (Drawing no. 03) hereby approved shall make provision for the parking of a minimum of 2 vehicles (measuring at least 2.4m by 4.8m), and 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.

4. Prior to the commencement of any other development, the following shall be submitted to and approved by the Local Planning Authority, and then implemented in accordance with the approved details:

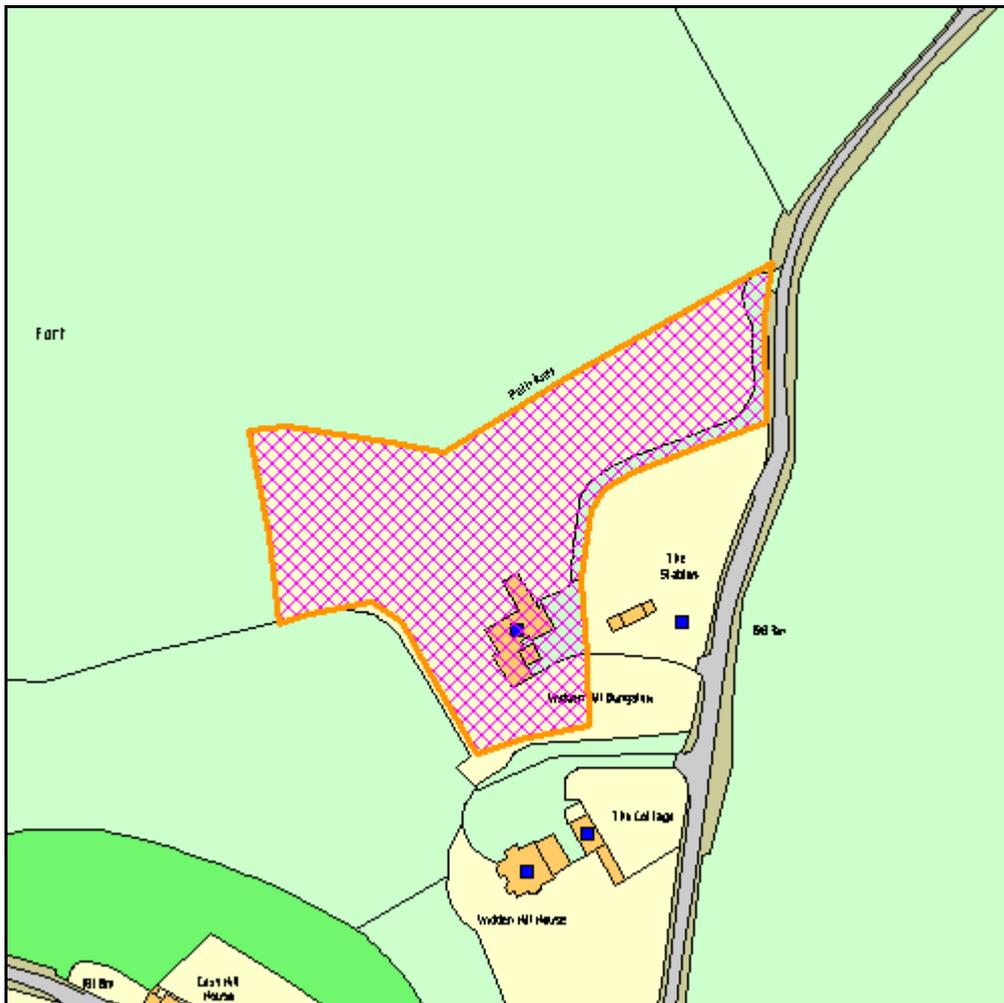
- (a) The submission of a scheme of intrusive site investigations for approval;
- (b) The undertaking of that scheme of intrusive site investigations;
- (c) The submission of a report of findings arising from the intrusive site investigations;
- (d) The submission of a scheme of remedial works for approval; and
- (e) The implementation of those remedial works.

Reason

To accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013 and the National Planning Policy Framework. Information is required prior to commencement to prevent remedial works later on.

CIRCULATED SCHEDULE NO. 27/17 – 7 JULY 2017

App No.:	PK17/2191/F	Applicant:	Mrs Joanna Brown
Site:	Dobunni Highfield Lane Horton Bristol South Gloucestershire BS37 6QU	Date Reg:	31st May 2017
Proposal:	Conversion of existing garage to form additional living accommodation. Erection of detached triple garage and associated works.	Parish:	Horton Parish Council
Map Ref:	376721 184566	Ward:	Cotswold Edge
Application Category:	Householder	Target Date:	4th July 2017



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1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the conversion of an existing garage to form additional living accommodation; and the erection of a detached triple garage and associated works at Dobunni Highfield Lane Horton Bristol South Gloucestershire BS37 6QU.
- 1.2 The property site relates to a detached bungalow which is located in the open countryside and within the Cotswold Area of Outstanding Natural Beauty. The Grade II listed Widden House is located to the south of the site.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS9 Managing the Environment and Heritage
- CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- L2 Cotswold Area of Outstanding Natural Beauty (AONB)
- L13 Listed Buildings
- 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
- PSP17 Heritage Assets and the Historic Environment
- PSP38 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1. PK11/1709/F
Approve with Conditions (15.07.2011)
Erection of single storey front extension to form integral garage and erection of first floor side extension to form additional living accommodation.

- 3.2. PK10/0342/F
Permitted Development (26.03.2010)
Change of use of land from agricultural to access track. (Retrospective).
- 3.3. PK09/5313/RVC
Approve (26.10.2009)
Variation of condition 1 attached to previously approved planning permission SG.9191 dated 18 August 1967 to remove condition restricting occupation of dwelling to those in or retired from agricultural employment.

4. CONSULTATION RESPONSES

- 4.1 Horton Parish Council
No objection.

- 4.2 Other Consultees

Historic England

Historic England submitted a detailed comment which can be summarised as follows: The application site lies adjacent to Promontory Fort (National Heritage List for England No. 1002485). This asset has several entrances, it is presumed the entrance to the south east which is also the entrance to Dobunni was the original. The approaches to this site would have been open to allow clear views to prevent attack and monitor movement of people. Its significance lies in its buried archaeological evidence and its landscape setting in open countryside. This open view contributes to the significance of the monument, especially as this is thought to have been the main approach to the hill fort. The proposed detached garage has the potential to impact on the significance of the monument by blocking views to the asset. The potential harm caused is considered less than substantial, but it is still harm.

Historic England has concerns on heritage grounds; and recommends that the proposed garage be moved to a new location, ideally no further north than the existing building.

Public Rights of Way

“PROW do not have any objection as this is unlikely to affect the right of way (footpath LHO 55) which runs on the other side of the northern and western field boundary”.

Open Spaces Society

None received.

The Listed Building and Conservation Officer

“The existing dwelling isn’t seen from the bulk of the scheduled monument which is mostly screened by the hedge and trees forming the northern boundary of the site. Looking back from the bank which is accessible via the public right of way, you can get an impression of buildings beyond the boundary but nothing that particularly stands out. From the road looking into the site, there is a nice landscaped gap between the boundary and the buildings which coincides with the view and potential access into the hillfort as

described by Historic England. It is an open view that is not interrupted by buildings and it would be extremely regrettable to allow a 3-bay garage to encroach into this space and for the buildings to begin to sprawl out. The dwelling has already been heavily extended, and the existing attached double garage is now being converted to part of the domestic accommodation. If further development is considered acceptable in principle, the location of the block needs to be reconsidered to respond to the concerns over encroachment of the building into views to/from the scheduled monument and to keep the buildings together as a tighter group. The obvious solution is a smaller 2-bay garage extension off the existing E-W wing of the building where the garage is proposed for conversion to bedroom 4. There is no objection in respect of the setting of the grade II listed Widden Hill House”.

Sustainable Transport – Transportation DC

“There is no transportation objection to the proposed development as submitted”.

Other Representations

- 4.3 Local Residents
None received.

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 detached garage is large (9.7 metres wide). However, when considering the height, depth, width and roof pitch it is considered that the addition is not out of keeping with the character of the main dwelling house.
- 5.3 The elevations would be rendered blockwork; the windows and doors would be grey aluminium; the roof tiles would be dark grey concrete; and the garage doors would be timber. These materials would match those present on the original dwellinghouse. The proposed detached garage is therefore considered to be of an appropriate standard in design.
- 5.4 The proposed conversion of the existing garage into living accommodation would involve the addition of two new roof lights; these would match the existing roof lights. It would also involve the removal of a garage door and the installation of a window.

This new window would be grey aluminium and the elevation below would be rendered blockwork, these would also match that on the existing property.

5.5 It is considered that the proposed detached garage and the conversion of the existing garage would not be detrimental to the character of the property or its context. Thus, the proposal is acceptable in terms of design and visual amenity, and would comply with policy CS1 of the Core Strategy.

5.6 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.

5.7 The nearest dwelling is The Stables; this is located 8 metres away from Dobunni at its nearest point. However, the proposed detached garage would be 25 metres away; and the current garage to be converted is 20 metres away from this neighbouring dwelling.

5.8 When considering the existing boundary, combined with the siting and scale of the proposed detached garage and current garage to be converted. They are not considered to be 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).

5.9 Highways

There are no objections on highways grounds.

5.10 Public Rights of Way

The PROW officer has assessed the proposals and it is considered that it is unlikely that the development would have any impact on the nearest recorded public right of way, footpath reference LHO/55 which runs along the other side of the northern and western field boundary.

5.11 Listed Buildings

The proposed detached garage and the conversion of the existing garage into living accommodation do not impact on the Grade II listed Widden House which is located to the south of the site.

5.12 Heritage and Historic Environment.

The case officer has explored the detailed objections left by Historic England and the Conservation Officer and considers these to be significant. The Promontory fort (National Heritage List for England No. 1002485) is a scheduled monument and the National Planning Policy Framework paragraph 132 identifies scheduled monuments to be of the highest significance. When considered the siting and scale of the proposed garage it will harm the setting of the heritage asset; namely the uninterrupted views to the presumed entrance; and that harm is not considered to be outweighed by public benefits (National Planning Policy Framework Paragraph 134). Therefore the proposed detached garage is contrary to Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted December 2013) and Paragraph 132 of the

NPPF. There are no objections to the conversion of the existing garage to living accommodation.

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 As reflected throughout this report, the proposed conversion of the existing garage to form additional living accommodation is considered to be acceptable, whereas the proposed erection of a detached triple garage and associated works has been established to be harmful to the setting of the heritage asset Promontory fort (National Heritage List for England No. 1002485).
- 6.3 Accordingly, the recommendation to refuse permission for the proposed detached garage; and to approve the conversion of the existing garage; 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 SPLIT DECISION

PART REFUSAL - DETACHED TRIPLE GARAGE

1. The proposed detached garage would be harmful to the setting of Promontory Fort (a scheduled monument) by encroaching into the uninterrupted view of the presumed entrance. This is contrary to Policy CS9 of the South Gloucestershire Local Plan Core Strategy and Paragraph 132 of the NPPF.

PART APPROVAL - THE CONVERSION OF EXISTING GARAGE TO FORM ADDITIONAL LIVING ACCOMMODATION

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

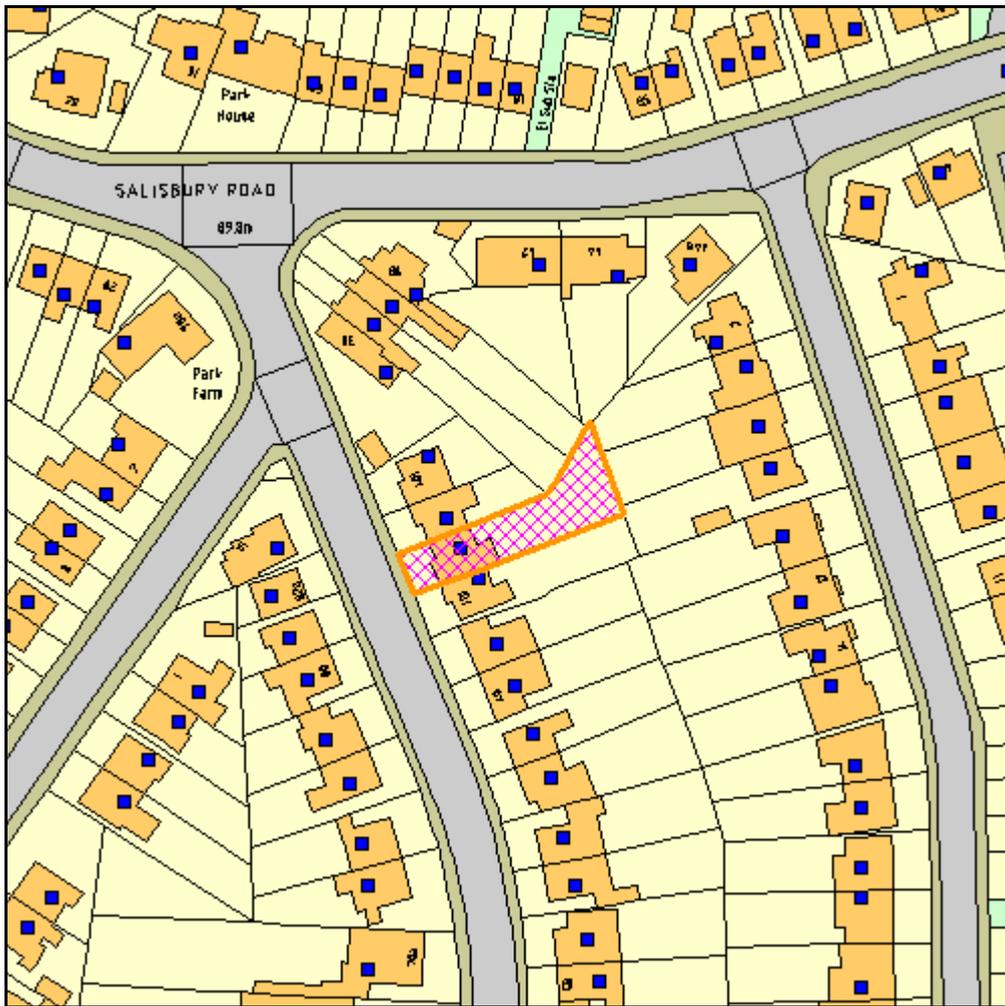
Reason

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

Contact Officer: David Ditchett
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 27/17 – 7 JULY 2017

App No.:	PK17/2423/CLP	Applicant:	Mrs P Ettery
Site:	103 Park Road Staple Hill Bristol South Gloucestershire BS16 5LQ	Date Reg:	8th June 2017
Proposal:	Application for a certificate of lawfulness for a proposed garage conversion. (Class C3)	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365331 176512	Ward:	Downend
Application Category:		Target Date:	18th July 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed conversion of an existing integral garage to provide living accommodation to 103 Park Road, Staple Hill would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 The existing dwellinghouse has one garage internal to the dwelling. The internal garage is proposed to be converted to form additional living accommodation. To achieve this, the original garage door will be infilled with a new matching brick wall, 2 metres high and 2 metres wide, and a casement window, 1.1 metres in height and 2 metres wide.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No comments received

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Existing and Proposed Elevations, Block and Location Plans Existing and Proposed Ground Floor Plan

All plans received 23 May 2017.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2 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, Class A of the GPDO 2015.

6.3 The proposed development consists of an integral garage conversion into an additional bedroom.

6.4 Under Section 55(2) of the Town and Country Planning Act 1990, the conversion of the integral garage to form an additional bedroom would not amount to 'development' because there are no conditions on the original, or subsequent permissions for the property requiring that the garage be retained, and the material change of use before and after falls within the same primary use class (C3 Dwellinghouses) of the building.

6.5 To facilitate the conversion, the building works proposed would remove the existing garage door and replace it with a wall and window. This alteration amounts to 'development' set out in Section 55(2) of the Town and Country Planning Act 1990 because the building operations will materially affect the external appearance of the building. However, such alterations are normally permitted development by reason of Part 1 Class A of the GDPO 2015. In Enfield 06/06/2000 DCS No 058-330-712, involving the change of use of an integral garage to a study, the inspector distinguished between the change of use and the building works. He found that the change of use would not materially affect the character and use of the dwellinghouse as such and was therefore not development. He found that the replacement of the garage door with a window and wall would materially affect the external appearance of the building but would be permitted development.

6.7 Following the decision in Enfield 06/06/2000 DCS No 058-330-712, the replacement wall would therefore fall within *Schedule 2, Part 1, Class A*, of The Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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.

- (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);**

The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

- (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 replacement wall 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 proposal does not change the height of the existing garage eaves.

- (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 replacement wall forms part of the principal elevation of the original dwellinghouse, but it does not extend beyond the wall because it is replacing an existing garage door.

- (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 replacement wall would not form part of the rear elevation and is a maximum height of 2.0 metres.

- (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 replacement wall would be single storey and does not form part of the rear elevation.

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The replacement wall would be within 2 metres of the boundary of the curtilage of the dwellinghouse, but the proposal does not change the height of the existing garage eaves.

- (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 proposal does not form part of a side wall of the property.

- (k) It would consist of or include—**
 - (i) the construction or provision of a verandah, 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 development would 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 does not fall on 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 of the existing dwellinghouse;

The replacement wall will be constructed in brick to match the brickwork used in the existing 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

The proposal does not include the installation of any upper floor windows.

- (c) where the enlarged part of the dwellinghouse has 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.

The proposal is single storey.

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 the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CIRCULATED SCHEDULE NO. 27/17 – 7 JULY 2017

App No.:	PT16/4657/F	Applicant:	Mr J Hammond
Site:	Land Off New Road Tytherington Wotton Under Edge South Gloucestershire GL12 8UP	Date Reg:	11th August 2016
Proposal:	Erection of seven dwellings, garages, roadway and associated works	Parish:	Tytherington Parish Council
Map Ref:	366824 188515	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	5th October 2016



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INTRODUCTION

This planning application is referred to the Circulated Schedule as there is objection raised where the officer recommendation is to approve the planning application.

1. THE PROPOSAL

- 1.1 The site is an open paddock located due East of Stowell Hill Road and between Woodlands Road and New Road. The site is located within Tytherington Village Settlement Boundary and is within the Tytherington conservation area. For the avoidance of doubt, the site is not within the Green Belt.
- 1.2 The site is accessed from New Road via an existing access drive associate with existing development at the junction of New Road and Stowell Hill Road. There are no public rights of way through the site.
- 1.3 There are a number of trees on or adjacent to the site. The group of Horse-Chestnut Trees located centrally on the site are protected under a Tree Preservation Order, whilst two Beach Trees located on the Northern boundary of the site are also protected under a Tree Preservation Order which is yet to be confirmed (for the purpose of the TPO this serves to protect the trees unless the order is not confirmed). The Western boundary of the site is enclosed by substantial Layland Cypress trees, which are proposed to be removed as part of this development proposal.
- 1.4 The planning application proposes the construction of 7 new dwellings (5 detached dwellings and 2 semi-detached dwellings) with private parking and new access road. Access to the site is from New Road utilising the existing access.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS2 Green infrastructure
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS34 Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

T12 Transportation Development Control Policy for New Development

EP2 Flood Risk and Development

2.3 South Gloucestershire Local Plan – Proposed Submission: Policies, Sites and Places Plan (June 2016).

PSP1 Local Distinctiveness

PSP2 Landscape

PSP7 Development in the Green Belt

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP19 Wider Biodiversity

PSP20 Flood Risk, Surface Water and Watercourse Management

PSP36 Telecommunications Infrastructure

PSP37 Internal Space and Accessibility Standards for Dwellings

PSP40 Residential Development in the Countryside

PSP43 Private Amenity Space Standards

PSP44 Open Space, Sport and Recreation.

2.4 Supplementary Planning Guidance

Development in the Green Belt SPD

South Gloucestershire Design Checklist

Affordable Housing and Extra Care (May 2014)

2.5 Other Material Considerations

South Gloucestershire Sustainable Access Profiles (released for Public Consultation January 2017)

3. RELEVANT PLANNING HISTORY

3.1 P90/2936 Erection of 4 detached dwellings on approx. 0.2 ha (0.5 acres); alterations to existing vehicular and pedestrian access and construction of estate road (outline).

Refused 20 Feb 1991

3.2 PT02/1895/F Erection of three dwellings.

Approved 8 May 2003

3.3 PT02/3075/F Erection of detached dwelling and garage.

Refused 7 April 2003

3.4 PT04/1930/TCA Felling of 10 fir trees (mixed larch and spruce) in Conservation Area

No objection 29 June 2004

- 3.5 PT06/1198/F Change of use of paddock to residential curtilage
Approved 2 June 2006
- 3.6 PT10/2133/TRE Various works to 3no. pine trees, 3no. silver birch and 1no. eucalyptus tree covered by TPO 0507 dated 10th April 2008.
Split Decision 8 Oct. 2010
- 3.7 PT12/2488/F Erection of 1no. detached dwelling and associated works.
Approved 17 Sept. 2012
- 3.8 PT13/2411/F Erection of 1no. detached dwelling with detached garage, access, landscaping and associated works. (Resubmission of PT12/2488/F).
Approved 9 Sept. 2013
- 3.9 PT13/2787/F Erection of 9 detached dwellings and garages, new access and associated works.
Refused 27th September 2013
Appeal (APP/P0119/A/13/2206578) dismissed 2nd June 2014.
- 3.10 PT13/3637/F Erection of 4no. detached dwellings with new access and associated works. (Resubmission of PT13/2787/F).
Refused 25th November 2013
Appeal (APP/P0119/A/14/2211554) dismissed 2nd June 2014.
- 3.11 PT14/3019/F Erection of 2 no detached dwellings with garages and associated works.
Refused 4th November 2014

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
Objection on the following grounds;

Number and size of dwellings are not in keeping with the a small site or Tytherington Conservation Area

Access drive is unsuitable to support the proposed development

Difficult for waste collection and emergency vehicles to access the site

The access road surfacing is not suitable to take a significant increase in use

There is inadequate infrastructure in Tytherington to cope with new homes (such as sewer, water pressure)

4.2 Listed Building and Conservation Officer

No Objection

Initial concerns were raised in respect of the impact of the development upon the setting of the Tytherington Conservation Area and the setting of the Old Manor House. In particular, the Listed Building and Conservation Officer was highly critical of the design and layout and materials proposed for the development.

Following further negotiation, discussion and submission of revised plans in relation to initial concerns raised the Listed Building and Conservation Officer has confirmed that the proposed development is now acceptable and that it would not result in an adverse impact upon the setting of the Old Manor House and Conservation Area

4.3 Landscape Officer

No objection in principle subject to the submission of specific on site landscaping details.

4.4 Archaeology Officer

No objection in principle. A Scheme of Written Archaeological Investigation (WSI) should be provided (prior to commencement) to the Local Planning Authority for written agreement. Development should be carried out in accordance with the agreed WSI.

4.5 Ecology Officer

The Ecology Officer has confirmed that there is no ecological constraint to granting planning consent subject to conditions relating to reptiles, badgers, hedgehogs, provision of artificial bird and bat boxes, street lighting and the submission (and agreement) of a Landscape and Ecological Management Plan.

4.6 Arboricultural Officer

No Objection. The Arboricultural Officer confirms that the submitted Arboricultural Impact Assessment and associated Tree Protection plan are satisfactory. Approval of the planning application should be conditioned to secure the agreed tree report (Supervision and Monitoring)

4.7 Lead Local Flood Authority

No objection in principle. Sustainable drainage details required by condition.

4.8 Housing Enabling Team

The Housing Enabling Officer has confirmed that the site is located within the Rural Area and as such, the application for five new dwellings on the site triggers the requirement to provide 35% Affordable Housing on the site in line with the policy CS18 of the South Gloucestershire Local Plan, Core Strategy (adopted December 2013).

The Housing Enabling Officer sets out that the proposed development generates the requirement to provide 2 units on the following basis;

- i) 2 x 2 bedroom homes at a minimum of 75m² (floor space)
- ii) Both homes to be provided on a social rent basis (tenure type)

The applicant has agreed in principle to meeting this obligation

4.9 Open Spaces Officer

The site is a 'rural exceptions site which has a public open space (POS) contributions threshold of 5 dwellings. The proposed development generates a requirement for the following;

Off-site POS provision/enhancement contribution	£28,044.14
Off-site POS maintenance contribution	<u>£25,247.80</u>
Total	£53291.94

The applicant has agreed in principle to meeting this obligation

4.10 Highway Structures

No comment

4.11 Highway Authority

No objection, subject to the provision of the agreed access details by way of a Grampian Style condition. The junction of Stowell Hill Road and New Road is sufficient to cater for the proposed development.

Initial concerns relating to the access arrangements to the site as proposed. In particular concern was raised as to the suitability of the access to provide access for waste collection vehicles whilst maintaining safe pedestrian access. Following further discussions and revised access proposals the initial concerns have now been adequately addressed.

4.12 Natural England

Wish to make no comment

Other Representations

4.13 Local Residents

11 sets of comments have received during the consultation period. The comments are summarised as follows

Support (3)

The field does not benefit the village.

The Leyland Cypress boundary hedge dominates the site and its removal would benefit visual amenity

Retention of trees within the site is welcomed

Village community should have access to the area of the site not being developed

The development is consistent with the existing development on New Road

The proposal is well thought out.

Provision of houses suitable for younger people and older people wishing to downsize is welcomed.

Objection (7)

The development will result in an increase of traffic using New Road and at the junction with New Road and Stowell Hill Road which is hazardous.

The development will result in a detrimental impact on highway safety and the users of the access lane to the existing houses.

New Road is already used as parking for local residents.

The access lane is too narrow for the additional traffic associated with the proposed development, delivery vehicles HGV access, construction traffic and emergency vehicles.

There will be an increased visibility to children playing in the access drive.

There is insufficient space to provide a footway along the access lane.

There is poor visibility accessing the site from the access drive due to the proximity of existing fences.

Vehicles will have to pass through a 3 metre wide gate at the end of the private lane

It is unclear who would be responsible for the maintenance of the access road. Concern is raised about the fairness of expecting existing residents to keep the access road for the benefit of others.

Concern is raised that the proposed development will result in the need to take waste to New Road causing a hazard and is inconvenient.

Tytherington has lost its Mother and Todler Group and the majority of children attending pre-school are brought in from surrounding villages.

The development would have an impact upon the root protection areas of three established trees on the site.

Lack of details of fencing/separation of the development and adjacent properties.

The design of the development does little for the conservation area, and would be harmful to the village

The development will cause a lack of privacy for the occupants of adjoining dwellings.

The development will increase light pollution which has already increased by 300 to 400% in recent years

There are too many houses proposed.

Incremental development on land associated with Neathwood has meant that low cost housing needed in Tytherington has been avoided by the developer.

There is a lack of affordable housing in Tytherington. Development should not be considered unless there is provision for low cost housing.

Concern is raised that the land left open as part of the development will be reserved for future development by the land owner.

Increased traffic noise

Access to the site is via a privately owned narrow lane.

Development will require the re-routing of water supply.

The development would potentially interfere with rights of way. There is no legal right of way to the proposed development.

Affordable housing is not required in the area.

There are existing parking problems in the locality that will be made worse by the development.

Reduction in property values

Neutral (1)

A neutral comment is made that neither raises objection or support. However the comment does go on to highlight the following issues;

More traffic will be generated where there is already an intimidating volume of traffic moving at intimidating speed.

More houses would result in more sewerage where flooding occurs in winter associated with the treatment works.

It would be good to see more low cost housing provided for younger village residents.

Mitigation should be put in place for hedgehogs

The development should allow the free movement of Roe Deer to continue through the site.

4.14 Local Member

Cllr Marion Lewis comments as follows;

'Whilst I should be pleased to see this long unused site developed, I have concerns about the width of the proposed access onto New Road.'

5. ANALYSIS OF PROPOSAL

5.1 The proposed development details the construction of 7 new dwellings, parking and access from New Road. The site is located within the Tytherington Settlement Boundary.

5.2 Principle of Development

The application site is located within the defined settlement boundary for Tytherington. The site is not within the Green Belt. The starting point for the decision maker (the Local Planning Authority) when assessing this application is the adopted development plan. Policy CS5 of the South Gloucestershire Local Plan directs new residential development towards sites within the existing urban areas and defined settlements. Therefore, the proposed development would not conflict with the locational strategy as defined in the development plan.

5.3 However, at present the local planning authority cannot demonstrate a 5-year housing land supply. In accordance with guidance in the NPPF, the policies in the development plan which restrict the supply of housing are therefore out of date. When the development plan is absent, silent, or out of date, applications must be assessed against the presumption in favour of sustainable development. This states that applications should be approved unless the adverse impacts of doing so *significantly and demonstrably* outweigh the benefits of the proposal or specific policies and guidance indicate that permission should be refused. The shortfall in respect of the housing land supply is a material planning consideration which is afforded weight in favour of proposed development

5.4 The proposal is therefore acceptable in principle but should be determined against the analysis set out below taking into account the current undersupply of housing in the district.

5.5 Design and Heritage Impact

The site is located within Tytherington Conservation Area. There are a number of statutory listed buildings and non-statutory listed buildings surrounding the site. In particular, The Manor House sites opposite the site (due West).

- 5.6 The proposed development is accessed from New Road, via the existing access road to the field gate onto the site. This is situated between houses associated with recent development also access from New Road. This allows the existing bank along the frontage of the site onto Stowell Hill Road to remain in its entirety and avoid the requirement to introduce a heavily engineered access at that point. As part of the development, it is proposed to remove the existing line of Layland Cypress trees that enclose this elevation of the site. Officers consider that this approach is acceptable and that it would help to preserve the character of Stowell Hill Road in this location.
- 5.7 The proposed development is constrained by various trees within the site that are protected by Tree Preservation Orders. In particular, three horse chestnut trees are situated in the Southern corner of the site. The nature and position of these trees is such that the proposed development is pushed into the North and East areas of the site. This has the effect of creating an area of open ground (with the Horse Chestnut Trees located within it). The 7 proposed dwellings would be arranged in a 'crescent' facing towards that space which, in turn, is enclosed by the corresponding access road.
- 5.8 These constraints have resulted in the opportunity to provide an individual and distinct layout and form of development and officers consider that this is acceptable in broad terms. During the course of the assessment of this application, the applicant engaged with officers to overcome initial concerns relating to the design, scale and the general appearance of the proposed dwellings. The result of these discussions is that the development now proposed makes reference to the local Tytherington vernacular. The proposed buildings have now been designed to reflect the style of traditional cottages and larger houses and buildings seen throughout the village and within the conservation area. In broad design terms, officers are now satisfied that the proposed development would achieve a high standard of design.
- 5.9 Notwithstanding the above, paragraph 132 of the National Planning Policy Framework sets out that when considering the impact of a development in the context of a designated heritage asset (including Listed Buildings and Conservation areas) the Local Planning Authority should apply 'great weight' to the conservation of that asset.
- 5.10 Clearly, the proposed development would alter the appearance and setting of Tytherington Conservation Area and the setting of The Manor House (Grade II Listed Building). In this instance, officers note that the development would facilitate the removal of Layland Cypress trees which act to dominate the immediate context of the site in a relatively harmful manner. This benefit is attributed weight in the consideration of this planning application. Furthermore, officers consider that the proposed layout of the development and the appearance and detailing of the proposed buildings is such that the setting of the Manor House and the Tytherington Conservation area would not be adversely affected.

- 5.11 Accordingly, officers consider that the design of the proposed development is acceptable and would provide a high standard of design reflective of the character of the surrounding area and the setting of Tytherington Conservation Area and the Manor House.
- 5.12 Landscape and Arboricultural Considerations
As set out above, the proposed development would facilitate the removal of Layland Cypress trees which enclose the Western boundary of the site facing onto Stowell Hill Road. This is considered to be a benefit in landscape terms. It is considered that the proposed development is well design in terms of its layout and would be consistent with the general landscape character of the surrounding village.
- 5.13 The application shows that with the removal of the Layland Cypress trees, some native trees would be retained that are growing on this boundary. These trees would be allowed to grow and improve in visual amenity terms so enhancing the Stowell hill Road elevation of the site. Other trees (particularly the TPO trees within the site) would also be retained as part of the development. Further landscaping is also proposed as part of the development. However, although clearly shown upon the submitted plans, further specific details of the species and management of new planting can be agreed by way of planning condition in the event that this application is approved.
- 5.14 The applicant has also provide details of the method for the protection of trees within the site which are to be retained during the construction period. This can be secured by way of condition in the event that the planning application is approved.
- 5.15 Ecological Considerations
The Ecology Officer has confirmed that there is no ecological constraint in respect of this development proposal. The application is supported by appropriate ecological survey information. Whilst the survey shows that the likelihood of protected species being present in the site is low, in order to protect the potential for the presence of such species the ecological officer has suggested conditions to secure various mitigation strategies.
- 5.16 Officers are satisfied that subject to the imposition of such conditions the proposed development would not result in an adverse ecological impact and is acceptable in that regard.
- 5.17 Residential Amenity
The site is enclosed by existing residential properties to the North, East and West and the proposed dwellings and curtilages would effectively share boundaries with the existing residential properties. However, given the general relationship of the proposed dwellings and the existing dwellings close to the site, it is considered that there is sufficient separation to preclude any detrimental impact upon the amenity of the existing residents and potential occupiers of the development. Similarly, existing dwellings to the West are separated from the site by the open area of the development and Stowell Hill Road and sufficiently distanced to preclude any material impact in that regard.

- 5.18 It is acknowledged that local residents have raised concern in relation to the impact of additional traffic noise resulting from the proposed development. Access to the proposed development would utilise the existing access to the site from New Road. This would pass between existing dwellings facing towards New Road. The access also provides vehicular access to the existing dwellings. The proposed development would increase the movements of vehicles along the existing access. The traffic impact of this is considered later in this report. However, officer considered that the provision of 7 new dwellings would not raise the frequency of vehicular movements to a degree that would increase the level of noise to an unacceptable level. As such it is not considered that the proposed development would result in an unacceptable level of traffic noise.
- 5.19 The proposed development is well spaced and there would be more than adequate private out door garden space for each of the proposed dwellings. Furthermore, the area of open land to the front of the proposed dwellings would be accessible to the residents of the development (and likely maintained in the ownership of the residents) so adding considerably to the amount of outdoor space associated with the dwellings
- 5.20 Accordingly officers consider that the proposed development is acceptable in residential amenity terms.
- 5.21 Transport and Highway Safety
The design of the access into the site from New Road has been the subject of negotiation with the Highway Authority. Initial concerns had been raised by officers as to the design of the junction with the access onto New Road. Discussions with the Highway Authority has resulted in considerable safety improvement to the junction and the provision of a new footway from New Road into the development site. These arrangements also ensure that there is sufficient space to drive a large service vehicle (such as a waste collection vehicle) into and manoeuvre within the development site. Officers are satisfied that the design of the access to the site is appropriately design and safe for the movement of vehicles into and from the proposed development. These measures can be secured, prior to first occupation, by way of a 'Grampian' style condition.
- 5.22 As set out earlier, officers consider that the vehicular movements resulting from the proposed development would be low frequency. Speeds of vehicles along the access are also likely to be low. Furthermore, there is adequate forward visibility along the proposed access. It is acknowledged that local residents have raised concern about potential conflict with existing residents using the access, including reversing vehicles and children playing. However, given the above consideration, officers are satisfied that the access is safe in the context of the development being proposed.
- 5.23 Adequate private car parking is provided for each of the dwellings in the proposed development; and this complies with the South Gloucestershire Residential Parking Standards.

5.24 Accordingly, officers consider that the proposed development is acceptable in transportation and highway safety terms.

5.25 Planning Obligations

In order to mitigate the impact of the proposed development in relation to affordable housing need, open-space and travel to school, the following is required to be secured through and appropriate section 106 legal agreement. For the avoidance of doubt, the applicant has agreed to meet the required obligations in full as set out below

5.26 *Affordable Housing*

It is necessary to deliver 35% of dwellings to be delivered as affordable housing at nil public subsidy, as defined by the National Planning Policy Framework. Based on a scheme of 7 dwellings this will trigger a requirement for 2 affordable homes. In this instance, given the number of affordable units these would be required to be delivered on the basis of 100% social rent.

5.27 The development includes two 2 bed units. In this instance the Strategic Housing Market Assessment (SHMA) identifies the need for 2 bed units with a minimum floor area of 75m². The proposed two bed units are consistent with this criteria and the applicant has agreed in principle that these units are provided as Affordable Housing in line with policy CS18 of the South Gloucestershire Local Plan, Core Strategy and the South Gloucestershire Affordable Housing and Extra Care SPD

5.28 *Public Open Space*

The site is a 'rural exceptions site which has a public open space (POS) contributions threshold of 5 dwellings. In this instance, the site area and arrangement is such that the proposed development would not be sufficient to provide an 'on-site' contribution. In these circumstances and commuted financial sum is requested. The proposed development generates a requirement for the following;

Off-site POS provision/enhancement contribution	£28,044.14
Off-site POS maintenance contribution	<u>£25,247.80</u>
Total	£53291.94

5.29 Officers note that the development would be arranged around an area of open ground to account for the specific tree constraints within the site. For the avoidance of doubt, this area does not meet the criteria for public open space.

5.30 CIL Regulations

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

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

- b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 5.31 In this instance, it is considered that the planning obligations required to secure affordable housing, public open space, travel to school and highway improvements are consistent with the CIL Regulations (Regulation 122).
- 5.32 The Planning Balance
The proposed development is located within the settlement boundary of Tytherington where the adopted development plan policy indicates new residential development is acceptable in principle. The proposed development would also make a modest but positive contribution towards the South Gloucestershire 5 years supply of deliverable housing land. Furthermore, the development would also provide two affordable housing units and make a positive contribution to the identified affordable housing need. Similarly, the development would also provide financial contributions towards the provision, improvement and maintenance of public open space in the local area. These factors are attributed significant weight in the assessment of this planning application and can be secured via a s106 legal agreement.
- 5.33 As set out in the main body of this report, officers have concluded that subject to compliance with appropriate planning conditions the development would not result in adverse environmental impacts.
- 5.34 Officers consider that the proposal would represent sustainable development and is development that is in accordance with the development plan. Accordingly, the proposed development in accordance with Paragraph 14 of the National Planning Policy Framework and should be approved.

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

- i) *Affordable Housing*
35% of dwellings to be delivered as affordable housing at nil public subsidy, as defined by the National Planning Policy Framework. Based on a scheme of 7 dwellings this will trigger a requirement for 2 affordable homes delivered on the basis of a 100% social rent, as identified by the Wider Bristol Strategic Housing Market Assessment (SHMA) 2015, equating to;

2 social rent made up of two 2 bed units with a minimum floor area of 75 square metres;

Reason

To provide appropriate on-site affordable housing proportionate to the scale of the development in accordance with Policy CS18 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013

- ii) *Public Open Space*
A financial contribution of £28,044.14 towards the provision of Outdoor Sports Facilities and £25,247.80 towards its future maintenance (total sum of 53291.94).

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

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

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

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

Reason

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

2. Building Detailing (Conservation Area)

Prior to their construction or installation, the design and details, including materials and finishes, of the following items shall be submitted to and approved in writing by the local planning authority:

- a. Eaves, verges and ridges.
b. All windows and external doors (including glazing bars, cill, reveals and lintels). For the avoidance of doubt all windows and doors shall be painted timber.

- c. All extract vents, flues, gas and electric meter boxes.
- d. Rainwater goods and soil pipes including colour and method of fixing. For the avoidance of doubt, all rainwater goods and soil pipes shall be cast metal.
- e. Chimney stacks
- f. Porches

The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with cross section profiles. Cross sections through mouldings and glazing bars shall be submitted at full size. The scheme shall be implemented strictly in accordance with the approved details.

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy CS1 and CS9 of the South Gloucestershire Core Strategy (adopted) December 2013 and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Facing Materials (Conservation Area)

Prior to the commencement of the development above foundation level, representative samples of all external facing materials for the houses and garage hereby approved shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt, sample panels of at least 1 metre square shall be erected on site showing the following;

Render - showing the colour, texture and finish

Stone Work and Brick Quoins - showing the stone, coursing, joints, quoins, coping (where applicable) and pointing mortar

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

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy CS1 and CS9 of the South Gloucestershire Core Strategy (adopted) December 2013 and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. External Fittings (Conservation Area)

No wires, pipework, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the principal elevations of the dwellings (other than that shown upon the approved drawings) hereby approved.

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy CS1 and CS9 of the South Gloucestershire Core Strategy (adopted) December 2013 and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Provide Access Arrangements

The access arrangements as detailed upon drawing numbered SK01_RevA (as received by the Local Planning Authority on 23rd March 2017) shall be fully implemented prior to the first occupation of the development hereby approved. Thereafter the development shall be retained as such.

Reason

In the interests of highway safety and amenity and to accord with Policy CS8 of the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2013; and saved policy T12 of the South Gloucestershire Local Plan (Adopted January 2006)

6. Ecology - Reptile Mitigation Strategy

No development shall commence until a mitigation strategy for reptiles (slow-worms) has been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the strategy shall include an identified receptor site and to concord with the general provisions described within Section 5.2 (Recommendations) of the reptile presence/absence survey report dated October 2015 by Acorn Ecology Ltd and forming part of the application. All works are to be carried out in accordance with said strategy

Reason

In order to protect and enhance the ecological value of the site and the surrounding area, and to accord with Policy CS9 of the South Gloucestershire Core Strategy (adopted) December 2013 and Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Ecology - Badger Mitigation

The development hereby approved shall be carried out strictly in accordance with Section 5.3 (Recommendations) of the badger survey report dated November 2015 by Acorn Ecology Ltd. For the avoidance of doubt in the event that 12 months or more have elapsed since the original field survey, the site should be re-surveyed for badgers immediately ahead of development commencing and a report submitted to and agreed in writing by the local Planning Authority. The report should provide details of all works subject to the licensing provisions of the Protection of Badgers Act 1992; and thereafter the development shall proceed strictly in accordance with the agreed details.

Reason

In order to protect and enhance the ecological value of the site and the surrounding area, and to accord with Policy CS9 of the South Gloucestershire Core Strategy (adopted) December 2013 and Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Hedgehog Mitigation

The development hereby approved shall be carried out strictly in accordance with the mitigation measures for hedgehog comprising Section 5.2 (Recommendations) of the hedgehog survey report dated November 2015 by Acorn Ecology Ltd. Thereafter the development shall be retained as such.

Reason

In order to protect and enhance the ecological value of the site and the surrounding area, and to accord with Policy CS9 of the South Gloucestershire Core Strategy (adopted) December 2013 and Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Ecology - Lighting Scheme

No street lighting or other external lighting shall be installed within the site until full details of such has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details and retained as such. For the avoidance of doubt the lighting scheme shall be designed in order to prevent light spillage over adjoining trees and grassland (vegetation).

Reason

In order to protect and enhance the ecological value of the site and the surrounding area (and minimise potential interference with bat foraging (European Protected Species)), and to accord with Policy CS9 of the South Gloucestershire Core Strategy (adopted) December 2013 and Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Landscape and Ecological Management Plan (LEMP)

No development shall commence until a Landscape and Ecological Management Plan (LEMP) is submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the LEMP should also include the following;

the incorporation of a traditional hay meadow management plan for the semi-improved grassland to be conserved within the scheme (the 'Green' on Drawing No 184-PL-001 Rev C Proposed Site Plan)

a programme of monitoring of all works for a period of 5 years.

details of the provision of new artificial bat boxes/roosting features and bird nest boxes within the site

Thereafter the development shall proceed in accordance with the agreed details.

Reason

In order to protect and enhance the ecological value of the site and the surrounding area, and to accord with Policy CS9 of the South Gloucestershire Core Strategy (adopted) December 2013 and Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Landscaping Details

Prior to the first occupation of the development hereby approved, a Landscaping Scheme shall be submitted to and agreed by the Local Planning Authority. For the avoidance of doubt the Landscaping Plan shall include details of all existing trees and hedgerows on the land and details of any to be retained; all proposed planting (and times of planting); boundary treatments and areas of hardsurfacing. Thereafter the development shall be implemented in accordance with the agreed details.

Reason

In order to protect and enhance the landscape value of the site and the surrounding area, and to accord with Policy CS9 of the South Gloucestershire Core Strategy (adopted) December 2013 and Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Tree Protection

Development shall proceed strictly in accordance with the Arboricultural Report (Prepared by Silverback Arboricultural Consultancy) (as received by the Local Planning Authority on 3rd March 2017; and the Arboricultural Impact Assessment and Tree Protection Plan (as received by the Local Planning Authority on 24th March 2017. For the avoidance of doubt, prior to the commencement of the development hereby approved written confirmation shall be provided to the Local Planning Authority that the appropriate tree protection is secured, fit for purpose and correctly located.

In order to protect valuable trees within and adjacent to the development site and to protect the landscape value of the site and the surrounding area, and to accord with Policy CS9 of the South Gloucestershire Core Strategy (adopted) December 2013 and Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. Plans List

Drawings Numbered

184-L-001 Rev A
184-PL-001 Rev C
184-PL-002 Rev A
184-PL-003 Rev A
184-PL-004 Rev A
184-PL-005 Rev B
184-PL-006 Rev A
184-PL-007 Rev A
184-PL-008 Rev A
184-PL-009
184-PL-010

as received by the Local Planning Authority on 13th June 2017

SK01_A

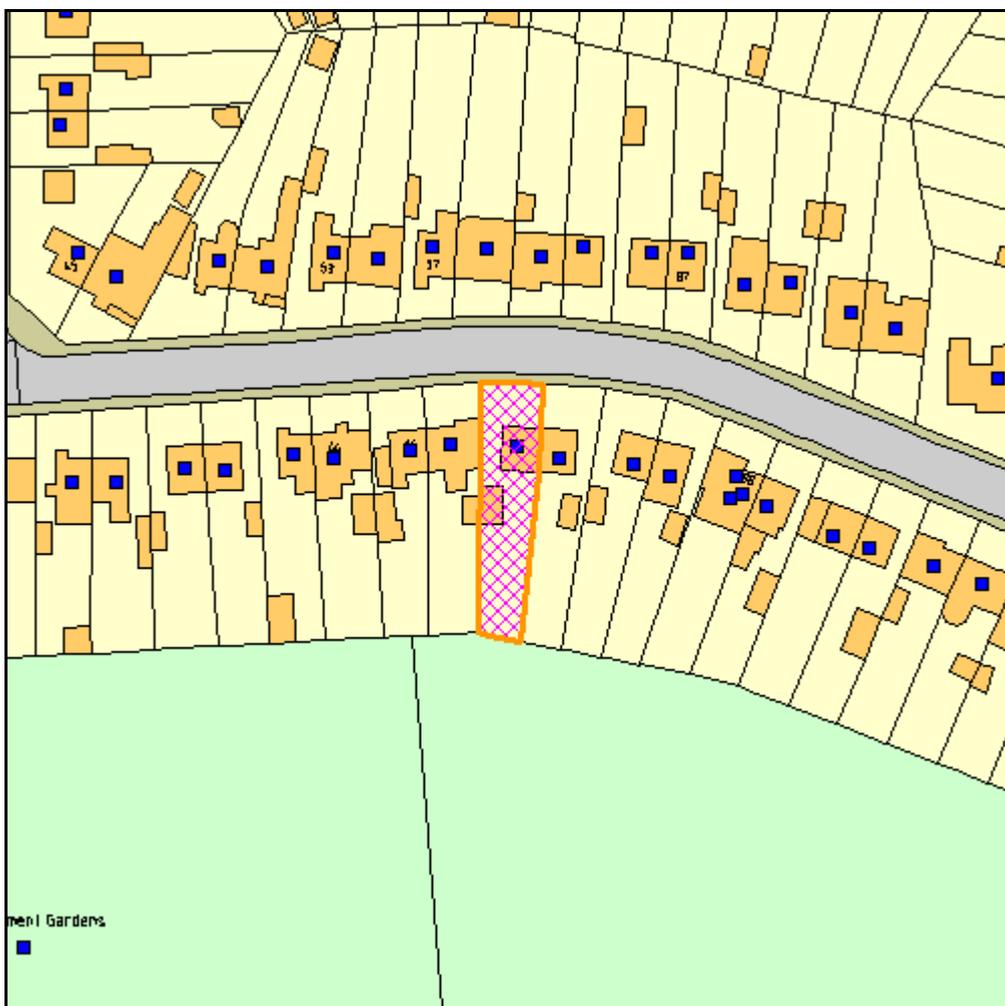
as received by the Local Planning Authority on 23rd March 2017

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 27/17 – 7 JULY 2017

App No.:	PT17/2033/F	Applicant:	Mr & Mrs Lewis
Site:	78 Bush Avenue Little Stoke Bristol South Gloucestershire BS34 8ND	Date Reg:	22nd May 2017
Proposal:	Demolition of existing garage. Erection of a single storey rear and side extension to provide additional living accommodation	Parish:	Stoke Gifford Parish Council
Map Ref:	361525 180429	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	28th June 2017



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 100023410, 2008. **N.T.S.** **PT17/2033/F**

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 demolition of an existing garage, and the erection of a single storey rear and side extension to provide additional living accommodation at no. 78 Bush Avenue, Little Stoke.
- 1.2 The application site consists of a semi-detached, post-war property. The property sits towards the front of a deep plot, and is situated in the built up residential area of Little Stoke. The main dwelling incorporates a hipped roof, and is finished in a cream render.
- 1.3 A prior notification for a larger householder extension has previously been refused by the local planning authority. The notification was refused as the proposed development did not meet other permitted development criteria. The local planning authority confirmed that their prior approval was required for the proposed larger householder extension as described, and this householder planning application has subsequently been submitted for consideration.
- 1.4 Revised plans were requested and received by the local planning authority on 21st June 2017. The revised block plan indicates the proposed parking arrangements at the site.

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
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

3.1 PT17/0115/PNH

Erection of single storey rear extension, which would extend beyond the rear wall of the original house by 4.3 metres, for which the maximum height would be 3.8 metres and for which the height of the eaves would be 2.5 metres.

Refused: 08.02.2017

3.2 N4355

Erection of single domestic garage.

Approved: 03.05.1978

It should also be noted that side and rear extensions have previously been approved and implemented at neighbouring properties. These are outlined below:

3.3 PT07/2462/F – 55 Bush Avenue

Erection of 2 storey side and rear extension to provide additional living accommodation

Approved: 28.09.2007

3.4 PT01/1308/F – 59 Bush Avenue

Erection of single storey front, side and rear extension.

Approved: 20.08.2001

3.5 **PT00/0158/F** – 61 Bush Avenue

Erection of two storey side and single storey front extension.

Approved: 24.03.2000

3.6 **N7399** – 76 Bush Avenue

Erection of two storey side extension to form a garage, w.c. and porch with a shower and bedroom over.

Approved: 14.05.1981

4. **CONSULTATION RESPONSES**

4.1 **Stoke Gifford Parish Council**

Objection - Council notes that this follows a refusal of application PT17/0115/PNH in February 2017. While Council made no objection on that occasion it notes the repeated concerns of both the neighbour and the Sustainable Transport Officer. In the absence of a response to them Council objects to the application on the grounds of insufficient parking provision and effects on the residential amenity of neighbours.

4.2 **Other Consultees**

Sustainable Transport

Original comments

Insufficient information provided and insufficient parking space to be provided.

Updated comments

A revised block plan has now been submitted which shows that two vehicular parking spaces can be provided on the driveway in front of the proposed extension. This level of parking complies with the Council's residential parking standards for the size of the proposed dwelling. On that basis, there is no transportation objection to the proposed development.

Other Representations

4.3 **Local Residents**

One comment of objection has been submitted by a local resident. The main concerns raised are outlined below:

- The proposed extension would be close to boundary, and existing foundations could be disturbed leading to damage to neighbouring property. Also concerns that development may affect foundations of neighbouring garage.
- Proposed development may interfere with neighbouring gas flue pipe.

- Plans do not give accurate description or size of neighbouring garage.
- Would like assurances that the demolition of the garage at the site does not cause any damage to neighbouring property.
- Request that permitted hours of work be 8am to 6pm week days, 8am to 1pm Saturdays and no works on the extension are carried out on Sundays or bank holidays.
- Boundary between properties must be established.
- Future access to carry out maintenance works must be considered.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks permission for the erection of a single storey rear and side extension. 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. As well as the criteria of policy H4, the proposal will be considered with regards to design against policy CS1 of the Core Strategy. 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 Part of the proposed extension would project beyond the side of the main dwelling. This portion, measuring 2.9 metres in width, would be the only part of the extension visible from public areas. It is noted that this portion of the extension would be built in close proximity to the neighbouring property, which has previously been extended to the boundary at a two-storey level. Whilst this would result in a somewhat cramped appearance, it is noted that the proposed extension would be set towards the rear of the property. It is considered that this significantly reduces the impacts on the immediate streetscene.

5.4 Overall, it is not considered that the proposed development would have a significant impact on the streetscene or the character, distinctiveness or amenity of the immediate surrounding area. As such, the main consideration is the extent to which the proposed development respects the character and proportions of the host dwelling.

- 5.5 It is recognised that the proposed extension would be of a significant size. This is largely due to the proposed width of 8.9 metres, as well as the proposed depth of 4.3 metres. As such it is acknowledged that the proposed extension would appear as a prominent feature when viewing the rear of the property.
- 5.6 Despite the prominent nature of the extension, it has been established that the development would be unlikely to have a significant impact on the surrounding area. Whilst the extension would affect the appearance of the property itself, the subject property is not considered to exhibit any particular architectural or historic merit. Furthermore, the materials proposed would match those used in the external finish of the main dwelling. It is considered that this would aid in the integration of the extension in to host dwelling. Overall, whilst the proposed extension would form a prominent addition, the proposal would not result in any significant harm in terms of design or visual amenity. On this basis, the proposal is considered to accord with policy CS1 of the Core Strategy and H4 of the Local Plan.
- 5.7 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.
- 5.8 When considering the impacts of the proposed development on the residential amenity currently enjoyed by the occupiers of neighbouring properties, the main properties under consideration are no's. 76 and 80 Bush Avenue, situated to the west and east of the application site respectively.
- 5.9 It is recognised that the proposed extension would be constructed in close proximity to the boundaries with the neighbouring properties. However the pitched design of the roof of the extension results in the ridge of the extension (measuring roughly 3.6 metres in height) being located centrally within the plot. As such, the areas of the extension situated closest to the boundaries would incorporate a reduced height of roughly 2.4 metres. Overall, given the design and scale of the proposed extension, it is not considered that the presence of extension would result in a significantly increased sense of overbearing or overshadowing on to neighbours. Furthermore, due to the single storey nature of the proposed extension, it is not considered that its construction would result in a loss of privacy through increased overlooking.
- 5.10 Concerns have been raised relating to hours of construction. Given the scale and proximity of the proposed extension to neighbouring boundaries, it is considered reasonable to attach a condition to any decision, restricting the hours of work during the period of construction. Whilst Parish Council concerns relating to impacts on residential amenity have been noted, subject to the aforementioned condition, it is not considered that the proposed development would significantly impact the residential amenity of neighbours.
- 5.11 Whilst it is recognised that the proposed development would result in the loss of outdoor private amenity space at the site, it is considered that sufficient space would be retained following the implementation of the proposal.

On balance, the proposed development is considered to comply with policy H4 of the Local Plan.

5.12 Transport

The revised block plan indicates that the subject property is a 3-bed dwelling. There would be no increase to the number of bedrooms at the property as a result of the proposed development. South Gloucestershire Residential Parking Standards SPD outlines that 3-bed properties must make provision for the parking of a minimum of 2 vehicles, with each space measuring a minimum of 2.4m x 4.8m. Whilst an existing garage and some of the existing driveway would be lost through the erection of the extension, 2 parking spaces that meet the minimum size requirements would be retained on-site. Whilst the Parish Council concerns relating to insufficient parking provision have been noted, the proposed parking provision is considered to be acceptable.

5.13 Furthermore, it is not considered that the proposed development would have any significant impact in terms of highway safety. Overall, the proposed development is considered to accord with the transportation requirements of policy T12 of the Local Plan, and the Residential Parking Standards SPD.

5.14 Other Matters

It is noted that concerns have been raised relating to the potential impacts of the proposed development on neighbouring foundations, as well the potential interference of the proposed extension with a neighbouring gas flue pipe. However these are issues that will be considered by a building control officer as part of a building regulations application, and as they are covered under separate legislation, have not been considered within the remit of this planning application.

5.15 With regards to the mislabelling of a neighbouring garage, it is not considered that this has a bearing on the assessment of this application. Furthermore, it is considered that the submitted site location plan sufficiently indicates the residential curtilage of the property. It is recognised that the rear of the property could no longer be accessed externally. However this is considered to be a common situation at residential properties, and does not have a bearing on the assessment of this application.

5.16 With regard to Parish Council comments relating to a lack of response to concerns raised, the concerns of the Transport Officer have since been discussed and addressed. With regards to further concerns, these have formed part of the consideration of this application, and have been addressed within this planning report.

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. The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.