



**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. 49/17

Date to Members: 08/12/2017

Member's Deadline: 14/12/2017 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Environment of Community Services know within 5 working days of the date of this Schedule (e.g., if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email MemberReferral@southglos.gov.uk 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.

Dates and Deadlines for Circulated Schedule
During Christmas Holidays 2017

| Schedule Number | Date to Members 9am on | Members Deadline 5.00PM |
|------------------------|-----------------------------------|----------------------------------------|
| 50/17 As Normal | Friday 15 Dec | Thursday 21 Dec |
| 51/17 As Normal | Friday 22 Dec | Thursday 3 Jan |
| 52/17 | No Circulated | No Circulated |
| 01/18 As Normal | Friday 4 Jan | Thursday 11 Jan |

Please see changed deadlines in **RED**.
All other dates remain as usual

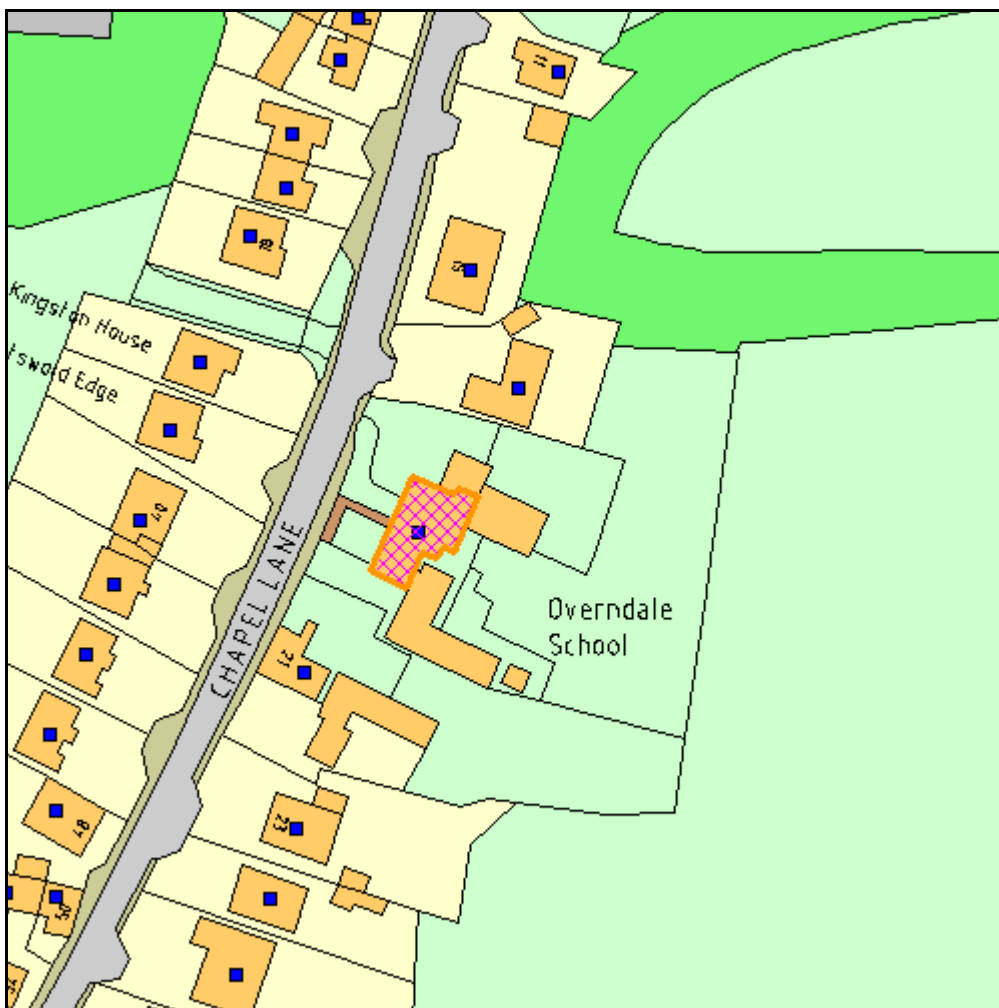
CIRCULATED SCHEDULE - 8 December 2017

| ITEM NO. | APPLICATION NO. | RECOMMENDATION | LOCATION | WARD | PARISH |
|----------|----------------------|-------------------------|-----------------------------------------------------------------------------------------------|---------------|------------------------------------------|
| 1 | PK16/5012/F | Approve with Conditions | Overndale School 19 Chapel Lane Old Sodbury South Gloucestershire BS37 6NQ | Cotswold Edge | Sodbury Town Council |
| 2 | PK17/0660/F | Approve with Conditions | Overndale School 19 Village Farm House Chapel Lane Old Sodbury South Gloucestershire BS37 6NQ | Cotswold Edge | Sodbury Town Council |
| 3 | PK17/0661/LB | Approve with Conditions | Overndale School 19 Village Farm House Chapel Lane Old Sodbury South Gloucestershire BS37 6NQ | Cotswold Edge | Sodbury Town Council |
| 4 | PK17/1776/F | Approve with Conditions | Dodington Park Estate Dodington Lane Dodington South Gloucestershire BS37 6SF | Dodington | Dodington Parish Council |
| 5 | PK17/3073/F | Approve with Conditions | Orchard Cottage Huckford Lane Winterbourne South Gloucestershire BS36 1AP | Westerleigh | Westerleigh Parish Council |
| 6 | PK17/3294/F | Approve with Conditions | Royal British Legion Hall And Youth Centre 79 High Street Marshfield South Gloucestershire | Boyd Valley | Marshfield Parish Council |
| 7 | PK17/3479/LB | Approve with Conditions | Royal British Legion Hall And Youth Centre 79 High Street Marshfield South Gloucestershire | Boyd Valley | Marshfield Parish Council |
| 8 | PK17/4123/F | Approve with Conditions | 14 Apperley Close Yate South Gloucestershire BS37 4HJ | Yate Central | Yate Town |
| 9 | PK17/4232/RVC | Approve with Conditions | Land At Shortwood Road Pucklechurch South Gloucestershire BS16 9PQ | Boyd Valley | Pucklechurch Parish Council |
| 10 | PK17/4480/F | Approve with Conditions | 12 North Walk Yate South Gloucestershire BS37 4AP | Yate Central | Yate Town |
| 11 | PK17/4573/F | Refusal | Land Adjacent To 61 Glanville Gardens Kingswood South Gloucestershire BS15 9WX | Woodstock | None |
| 12 | PK17/4743/F | Approve with Conditions | 223 Badminton Road Downend South Gloucestershire BS16 6NR | Emersons | Downend And Bromley Heath Parish Council |
| 13 | PK17/4748/F | Approve with Conditions | 29 Rushy Way Emersons Green South Gloucestershire BS16 7ER | Emersons | Emersons Green Town Council |
| 14 | PK17/4749/F | Approve with Conditions | 31 Shrubbery Road Downend South Gloucestershire BS16 5TA | Staple Hill | None |
| 15 | PK17/4787/F | Approve with Conditions | Land Adjacent To 19 London Road Warmley South Gloucestershire BS30 5JB | Siston | Siston Parish Council |
| 16 | PK17/4824/F | Approve with Conditions | 43 Cherry Gardens Bitton South Gloucestershire BS30 6JA | Bitton | Bitton Parish Council |
| 17 | PK17/4916/F | Approve with Conditions | 2 Melbourne Drive Chipping Sodbury South Gloucestershire BS37 6LB | Chipping | Sodbury Town Council |
| 18 | PK17/4987/F | Approve with Conditions | 35 The Glen Yate South Gloucestershire BS37 5PJ | Yate Central | Yate Town |

| ITEM NO. | APPLICATION NO | RECOMMENDATION | LOCATION | WARD | PARISH |
|-----------------|-----------------------|----------------------------|-----------------------------------------------------------------------------------------------|------------------------|-------------------------------|
| 19 | PK17/4995/TCA | No Objection | Gerrings High Street Iron Acton South Gloucestershire BS37 9UG | Frampton Cotterell | Iron Acton Parish Council |
| 20 | PT17/3732/F | Approve with Conditions | Filton Avenue Post Office Shop 550 Filton Avenue Horfield South Gloucestershire BS7 0QG | Filton | Filton Town Council |
| 21 | PT17/3795/F | Approve with Conditions | 30 Conygre Grove Filton South Gloucestershire BS34 7DP | Filton | Filton Town Council |
| 22 | PT17/4173/F | Approve with Conditions | 17 Rush Close Bradley Stoke South Gloucestershire | Bradley Stoke North | Bradley Stoke Town Council |
| 23 | PT17/4493/PDR | Approve | 8 Kestrel Close Patchway South Gloucestershire BS34 5RX | Patchway | Patchway Town Council |
| 24 | PT17/2562/F | Approve with Conditions | Land at Cribbs Causeway Almondsbury South Gloucestershire BS10 7TB | Patchway | Almondsbury Parish Council |

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------|
| App No.: | PK16/5012/F | Applicant: | Mr Paul Winstanley |
| Site: | Overndale School 19 Chapel Lane Old Sodbury Bristol South Gloucestershire BS37 6NQ | Date Reg: | 7th September 2016 |
| Proposal: | Change of use of first and second floor from class rooms to residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1985 (as amended) | Parish: | Sodbury Town Council |
| Map Ref: | 375292 181387 | Ward: | Cotswold Edge |
| Application Category: | Minor | Target Date: | 28th October 2016 |



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 100023410, 2008. **N.T.S.** **PK16/5012/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a result of the comments from a neighbour raising concerns. This application is concurrent to PK17/0660/F and PK17/0661/LB which also appear on this schedule.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the use of the first and second floor of the building as a single residential unit.
- 1.2 This is a grade II listed building in Chapel Lane, currently used as a private school. The site is located within part of the settlement boundary of Old Sodbury which is washed over with the Green Belt and is also part of the AONB.
- 1.3 This application seeks to formalise an unlawful use of the upper floors where members of the family who are involved in the running of the business are already living.
- 1.4 The site has been subject to negotiation regarding internal layout as well as the access to the flat and the resultant proposed plans are broadly in line with those negotiations. As a result the application runs in parallel with later applications PK17/0661/LB for listed building works and PK17/0660/F for the porch proposed for the school. The porch would create separate access into the school, leaving the proposed flat with its own porch. These applications were requested as it was impossible to establish whether or not the conversion could be carried out without fundamental harm to the fabric and layout of the listed building. These matters are now resolved as will be seen in detail in the other applications.
- 1.5 These further applications are subject to their own consultations and as such additional consultations were not considered necessary with regard to this scheme.

2. POLICY CONTEXT

2.1 National Guidance

NPPF National Planning Policy Framework March 2012
Planning (Listed Buildings and Conservation Areas) Act 1990
PPG National Planning Proactive Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

| | |
|------|---------------------------------------------|
| CS1 | High Quality Design |
| CS5 | Location of development |
| CS8 | Improving Accessibility |
| CS9 | Managing the Environment and Heritage |
| CS13 | Non-safeguarded economic development sites. |
| CS15 | Distribution of Housing |
| CS16 | Parking standards |

| | |
|------|-------------------|
| CS16 | Housing Density |
| CS17 | Housing Diversity |
| CS34 | Rural areas |

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

| | |
|-------|----------------------------------------------------------|
| PSP1 | Local Distinctiveness |
| PSP2 | landscape |
| PSP7 | Development in the Green belt |
| PSP8 | Residential Amenity |
| PSP11 | Transport Impact management |
| PSP16 | Parking Standards |
| PSP17 | Heritage Assets and the Historic Environment |
| PSP37 | Internal space and accessibility standards for dwellings |
| PSP43 | Private amenity space standards |

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

3. RELEVANT PLANNING HISTORY

- 3.2 PK17/0660/F
 Erection of entrance porch
 Status: being considered together with this application.
- 3.3 PK17/0661/LB Internal and external works to include erection of entrance porch and upgrading of ceilings and floors, renewal of rainwater pipe to front elevation, removal of chimney stack. Installation of external side door and rendering to front elevation.
 Status: being considered together with this application.
- 3.4 PK17/4140/F
 Construction of sheltered covered area and construction of a log cabin and associated works.
 Status: Pending

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
 No objection
- 4.2 Other Consultees
- 4.3 Conservation and Listed Building Officer
 No objection subject to conditions
- 4.4 Sustainable transport
 No objection
- 4.5 Drainage LLFA
 No objection

- 4.6 Highway Structures
No comment

Other Representations

- 4.7 Local Residents

One respondent raised concerns about the following matters;

- that any additional parking requirements are considered.
- that the conversion meets with current building regulations, especially for fire detection and prevention

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of development

The National Planning Policy Framework (NPPF) makes a strong presumption in favour of Sustainable Development. In respect of decision making, paragraph 14 of the NPPF sets out that Local Planning Authorities should approve development proposals without delay where they accord with the local development plan, unless other material planning considerations indicate otherwise.

Policy CS5(6) facilitates the development in the green belt where it complies with the provisions of the NPPF. The re-use of buildings within the greenbelt is acceptable and as such the principle of the development is acceptable subject to other considerations as set out below.

The site is located with the settlement boundary of Old Sodbury and the application seeks to convert the upper floors of the building to a residential flat. There is no objection to the conversion of part of the school business to make better use of the land. The flat would operate in association with the school and be reliant on that relationship as is covered in the following paragraphs.

- 5.2 Transportation

The school has operated at the site lawfully for many years and a small car park, is located to the left of the front elevation which is accessed through an adequate but constrained (by trees) access point onto Chapel Lane. The car park is in the main used by staff and this will remain the case with children being dropped off on the road outside the premises. This is an extant situation and it is not considered necessary, as a result of the use of the upper floor as a flat, to alter this scenario. The flat would operate in association with the school as the residents would be staff in this family business. The flat itself has been allocated two parking spaces on the unmarked car park but in reality the use of the upper floors as a single dwelling would have less parking requirement than if the whole of the upper floors were used for schooling. Further it is understood that up to seventeen staff work at the site each day and the South Gloucestershire Parking Standards require that parking for half of the staff is provided. This would equate to eight staff spaces and therefore the standards are met. As such the parking situation as a result of the change of use is considered acceptable.

5.3 Impact on residential use

The use of the upper floors for residential use would have no material impact on the neighbouring properties as no additional windows are being created which might cause a loss of privacy. There would be direct pedestrian access to the flat from the southern side of the house but this is not considered to have a material impact on the neighbouring owners. In addition the school intend to facilitate pedestrian access to the school via the same southern route but this is already in their gift without alteration to the building and given that there is some 20m between the route and the nearest neighbour at 21 Chapel Lane this is not considered to cause material harm to the neighbour.

In terms of the future occupiers of the flat, the residents will rely on the cooperation of the school for outdoor space which is plentiful and access into the school is facilitated. It is not considered necessary to provide a dedicated garden area specific to the flat residents but the lack of this is a further reason to tie the flat to the school business.

5.4 Assessment of Impact on Heritage Asset

19 Chapel Lane is a mid-late 17th century two storey former farmhouse with a double roman tile roof with stone slate eaves courses, stone and brick chimney stacks and three-light stone mullion windows. Originally rendered, the front elevation is now stripped back to stone and with the windows having exposed concrete lintels. A 19th century central gabled porch provides the formal entrance to the building. The farmhouse has a two storey rear wing and has been extended further in the 20th century with single storey side wings, porches and a large extension housing part of the school.

5.5 The revised internal layouts are as recommended to the applicant and officers have no objection to the proposed plans as they overcome previous concerns regarding excessive subdivision and removal of historic fabric. Whilst the alterations themselves need listed building consent access to the flat and its relationship with the school affects the listed building and on that basis is relevant to this application.

5.6 The main ground floor alteration is the replacement of the heavily decayed window surround with a door (to be offset by the replacement of the concrete window with a natural stone surround). At first floor level, the WC has been relocated as suggested, retaining more of the kitchen/living rooms as open and avoiding excessive subdivision. There is a note to the effect of opening up the fireplace in the kitchen and this will require further investigation and approval of final appearance but is a modest benefit to the scheme. The attic is converted using the existing two velux to light the rooms. This is a simpler layout than originally proposed and removes the additional light-tubes from the final design. All unauthorised dry-lining/partitions removed which have been erected in favour of the current proposal.

5.7 This application deals only with the change of use and as such matters of specific works to facilitate the layout proposed are dealt with separately under applications PK17/0661/LB and PK17/0660/F. Overall the proposal would provide the upper floors of the building with a viable lawful use and the manner in which this is created is, as a result of the amended plans, and the two

parallel applications, capable of being created without detriment to the listed building.

5.8 Other matters

One neighbour raised concern about matters pertaining to fire safety which is a separate matter dealt with under separate legislation. This will require the formal submission of a Building Regulations application and is pointed out in the informatives set out on the decision notice.

5.9 Equalities

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

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

1. 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. Within twelve months of this decision, unauthorised partitions and glass walls to the first and second floor accommodation shall be permanently removed from the self-contained accommodation hereby approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. To accord with policy CS9 of the South Gloucestershire Core Strategy and policy PSP9 of the South Gloucestershire Local Plan Core Strategy adopted November 2017.

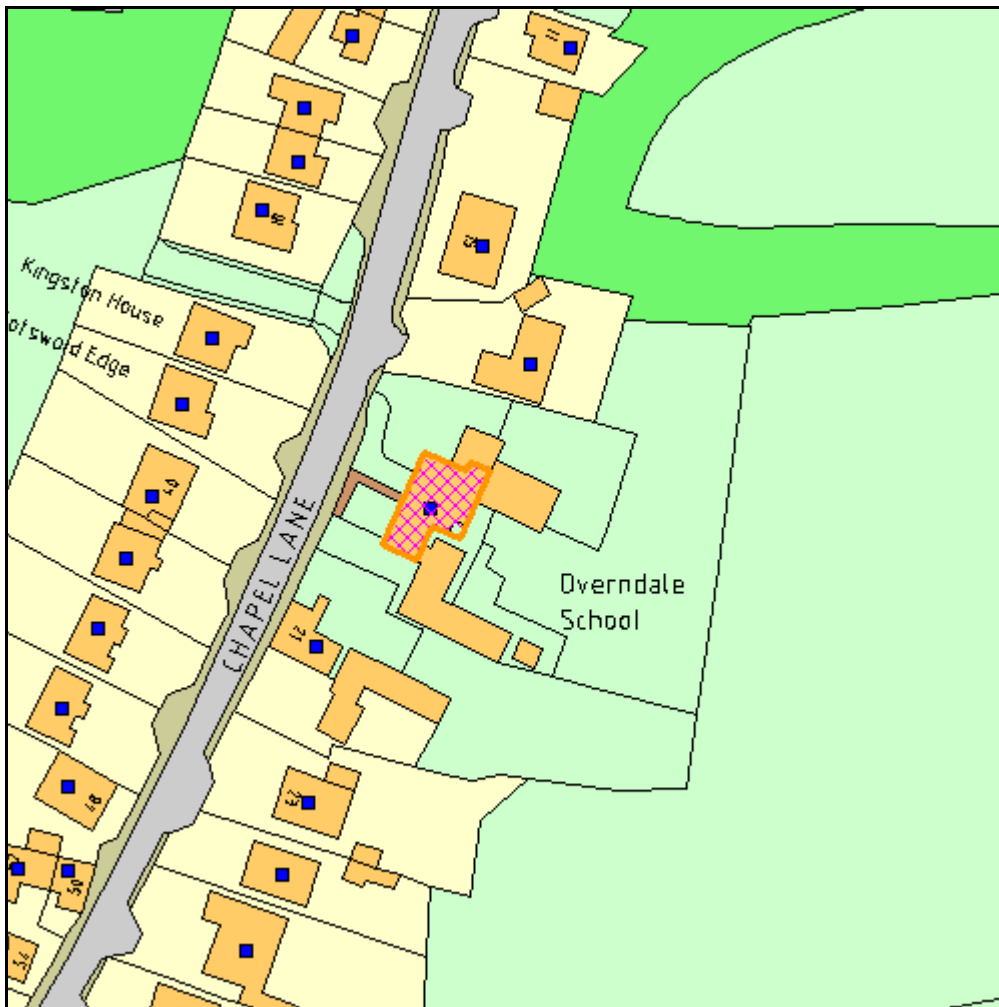
3. The residential accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the wider use of the site as a school.

Reason

To ensure the satisfactory provision of outside space, fire escape egress and parking which all rely on the host business for its provision in the interests of residential amenity, satisfactory car parking and access/egress to and from the site and to accord with Policies CS1 and CS16 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policies PSP8 and PSP16 South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|-----------------------------------------------------------------------------------------------|---------------------|----------------------------|
| App No.: | PK17/0660/F | Applicant: | Mr And Mrs Paul Winstanley |
| Site: | Overndale School 19 Village Farm House Chapel Lane Old Sodbury South Gloucestershire BS37 6NQ | Date Reg: | 16th February 2017 |
| Proposal: | Erection of entrance porch | Parish: | Sodbury Town Council |
| Map Ref: | 375292 181387 | Ward: | Cotswold Edge |
| Application Category: | Minor | Target Date: | 12th April 2017 |



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 100023410, 2008. **N.T.S.** **PK17/0660/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application is circulated as a result of the neighbour's concerns regarding parking and highway safety. It appears concurrently with applications PK16/5012/F and PK17/0661/LB which also appear on this schedule.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to erect an entrance porch to the school at the rear of the building. This is part of a wider application to convert the first and second floor of the building into a self contained flat. The porch would create replacement separate access into the school, leaving the proposed flat with its own, original access.
- 1.2 This is a grade II listed building in Chapel Lane, currently used as a private school. The site is located within part of the settlement boundary of Old Sodbury which is washed over with the Green Belt and is also part of the AONB.
- 1.3 The site has been subject to negotiation regarding internal layout and around the access to the flat and the resultant proposed plans are broadly in line with those negotiations.

2. POLICY CONTEXT

2.1 National Guidance

NPPF National Planning Policy Framework March 2012
Planning (Listed Buildings and Conservation Areas) Act 1990
PPG National Planning Proactive Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

| | |
|------|---------------------------------------|
| CS1 | High Quality Design |
| CS5 | Location of development |
| CS9 | Managing the Environment and Heritage |
| CS8 | Improving Accessibility |
| CS34 | Rural areas |

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

| | |
|-------|----------------------------------------------|
| PSP1 | Local Distinctiveness |
| PSP2 | landscape |
| PSP7 | Development in the Green belt |
| PSP8 | Residential Amenity |
| PSP17 | Heritage Assets and the Historic Environment |
| PSP43 | Private amenity space standards |

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/5012/F
Change of use of first and second floor from class rooms to residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1985 (as amended)
Status: being considered together with this application.
- 3.2 PK17/0661/LB Internal and external works to include erection of entrance porch and upgrading of ceilings and floors, renewal of rainwater pipe to front elevation, removal of chimney stack. Installation of external side door and rendering to front elevation.
Status: being considered together with this application.
- 3.3 PK17/4140/F
Construction of sheltered covered area and construction of a log cabin and associated works.
Status: Pending

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection
- 4.2 Other Consultees
- 4.3 Conservation and Listed Building Officer
No objection.
- 4.4 Sustainable transport
No objection
- 4.5 Drainage LLFA
No objection
- 4.6 Highway Structures
No comment

Other Representations

- 4.7 Local Residents
One respondent raised concerns about the following matters;
- Use of the car park only for staff.
 - Concern that this application directs all parents and children to the right hand side of the house which would mean all drop offs and pick ups are carried out from the road with implications for oncoming traffic.
 - It would be safer if a secure drop off and collection point were provided.
 - No overall objection as long as consideration of all parties is undertaken.

5. ANALYSIS OF PROPOSAL

5.1 Principle of development

There is a general presumption in favour of sustainable development within settlement boundaries unless there are other material considerations which indicate that planning permission should not be granted. The site is within the settlement boundary of Old Sodbury and as such is acceptable in principle subject to consideration of its design and appearance in relation to its host listed building and surrounding neighbours and in relation to its impact in the Green Belt.

5.2 Green belt

Most development in the Green Belt is inappropriate development. However there are exceptions to this and the extension or alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original building is one of the exceptions. This is a small proposal which, has negligible increase on the scale of the original building. Whilst it is acknowledged that there have been extensions to this site at ground floor level, taking the site as a whole this modest open porch structure with a volume of only 11.4m³ cannot be considered inappropriate. Further the proposal is tucked with the rear 'L' shape formation of the original farmhouse where it has no impact on the openness of the Green Belt.

5.3 Assessment of Impact on Heritage Asset

19 Chapel Lane is a mid-late 17th century two storey former farmhouse with a double roman tile roof with stone slate eaves courses, stone and brick chimney stacks and three-light stone mullion windows. A 19th century central gabled porch provides the formal entrance to the building. The farmhouse has a two storey rear wing and has been extended further in the 20th century with single storey side wings, porches and a large extension housing part of the school.

5.4 The proposal has a light touch on the central rear area of the building and is not visible from public vantage points. The porch canopy is constructed with one timber post secured to a stone stool and will have one timber side. This sits alongside to sides of the original farm house. This is a simple scheme negotiated during the applications and will have double roman roof tiles. Officers find the proposal acceptable in appearance and in terms of its minimal impact on the listed building. A new door is created in the porch for access to the school and the listed building merits and necessary conditions relating to this are considered in application PK17/0661/F.

5.5 Transportation

The school has operated at the site lawfully for many years and the creation of a porch at the rear has no impact on parking or highway safety. As such there is no objection to transportation matters.

5.6 Impact on residential use

The porch will have no material impact on residential amenity. Whilst the school intend to facilitate pedestrian access to the school via the southern route this is already in their gift and given that there is some 20m between the route

and the nearest neighbour at 21 Chapel Lane this is not considered to cause material harm to the neighbour.

5.7 Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

1. 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).

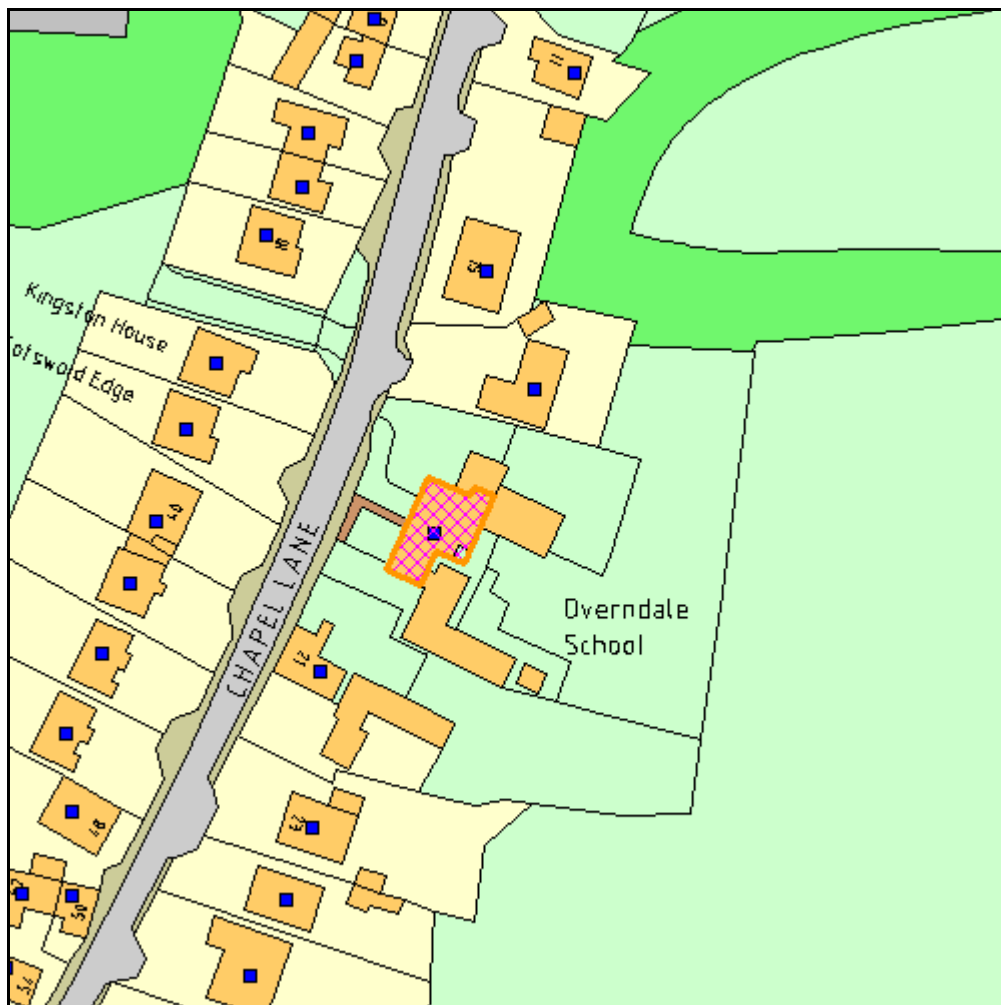
2. The detailed design of the porch including materials and finishes shall be approved in writing by the local planning authority before the relevant part of the work is commenced. The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. To accord with policy CS9 of the South Gloucestershire Core Strategy and policy PSP9 of the South Gloucestershire Local Plan Core Strategy adopted November 2017

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------------|
| App No.: | PK17/0661/LB | Applicant: | Mr And Mrs Paul Winstanley |
| Site: | Overndale School 19 Village Farm House Chapel Lane Old Sodbury South Gloucestershire BS37 6NQ | Date Reg: | 16th February 2017 |
| Proposal: | Internal and external works to include erection of entrance porch and upgrading of ceilings and floors, renewal of rainwater pipe to front elevation, removal of chimney stack. Installation of external side door and rendering to front elevation. | Parish: | Sodbury Town Council |
| Map Ref: | 375292 181387 | Ward: | Cotswold Edge |
| Application Category: | Minor | Target Date: | 12th April 2017 |



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 100023410, 2008. **N.T.S.** **PK17/0661/LB**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a result of representation from a local neighbour raising concerns. The application runs concurrently with applications PK16/5012/F and PK17/0660/F which also appears on the schedule.

1. THE PROPOSAL

- 1.1 The application seeks Listed building consent to carry out internal and external works to include erection of entrance porch and upgrading of ceilings and floors, renewal of rainwater pipe to front elevation, removal of chimney stack. Installation of external side door and rendering to front elevation.
- 1.2 This is a grade II listed building in Chapel Lane, currently used as a private school. The application runs concurrently with planning applications as set out below to convert the first and second floors to a residential unit within this school.
- 1.3 The site has been subject to negotiation regarding internal layout and around the access to the flat and the resultant proposed plans are broadly in line with those negotiations. It was not considered necessary to reconsult within the application.

2. POLICY CONTEXT

2.1 National Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990
NPPF National Planning Policy Framework March 2012
PPG National Planning Proactive Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS9 Managing the Environment and Heritage

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

PSP1 Local Distinctiveness
PSP17 Heritage Assets and the Historic Environment

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

3.1 PK16/5012/F

Change of use of first and second floor from class rooms to residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1985 (as amended)

Status: being considered together with this application.

- 3.2 PK17/0660/F
Erection of entrance porch
Status: being considered together with this application.
- 3.3 PK17/4140/F
Construction of sheltered covered area and construction of a log cabin and associated works.
Status: Pending

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection
- 4.2 Conservation and Listed Building Officer
No objection.
- 4.3 Council for British Archaeology
No comments received
- 4.4 Georgian Group
No comments received
- 4.5 Twentieth Century Society
No comments received
- 4.6 Society For The Protection Of Ancient Buildings
No comments received
- 4.7 Victorian Society
No comments received
- 4.8 Ancient Monuments Society
No comments received

Other Representations

- 4.9 Local Residents
One resident raised matters of parking and child safety.

5. ANALYSIS OF PROPOSAL

- 5.1 This is an application for listed building consent. This application stands to be assessed against National Planning Policy Framework March 2012 and Planning (Listed Buildings and Conservation Areas) Act 1990. As such, the only consideration is the impact of the proposed development on the special historic or architectural features of the property.

5.2 Assessment of Impact on Heritage Asset

- 19 Chapel Lane is a mid-late 17th century two storey former farmhouse with a double roman tile roof with stone slate eaves courses, stone and brick chimney stacks and three-light stone mullion windows. Originally rendered, the front elevation is now stripped back to stone and with the windows having exposed concrete lintels. A 19th century central gabled porch provides the formal entrance to the building. The farmhouse has a two storey rear wing and has been extended further in the 20th century with single storey side wings, porches and a large extension housing part of the school.
- 5.3 The revised internal layouts are as recommended to the applicant and officers have no objection to the proposed plans as they overcome previous concerns regarding excessive subdivision and removal of historic fabric.
- 5.4 The main ground floor alteration is the replacement of the heavily decayed window surround with a door (to be offset by the replacement of the concrete window with a natural stone surround). At first floor level, the WC has been relocated as suggested, retaining more of the kitchen/living rooms as open and avoiding excessive subdivision. There is a note to the effect of opening up the fireplace in the kitchen and this will require further investigation and approval of final appearance. The attic is converted using the existing velux to light the rooms. This is a simpler layout than originally proposed and the additional light-tubes are omitted. The chimney stacks to the rear are being taken down yet the fireplaces opened up for restoration. The stacks are in poor condition and are later additions so there is no objection in principle to their removal but the applicant may wish to simply rebuild to match the existing which could then allow the insertion of small stoves/log burners within these rooms. Details of all internal finishes will need to be approved and all unauthorised dry-lining/partitions removed.
- 5.5 Externally, the render is being replaced and repairs are proposed to all stone mullioned windows. The precise details and a method statement for this work will need to be agreed. The porch canopy is simpler than previously proposed and a section through shall be secured to ensure the final appearance is acceptable. Doors and the two new windows will need to be approved.
- 5.6 The original specification is no longer relevant to the current proposal and conditions can be used to secure the level of detail required in piecemeal form rather than asking for a revised specification of works. Overall the proposal would provide the upper floors of the building with a viable lawful use and the manner in which this is created is, as a result of the amended plans capable of being created without detriment to the listed building.

6. CONCLUSION

- 6.1 The recommendation to **grant** Listed Building Consent has been taken having regard to the section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained in the National Planning Policy Framework.

7. RECOMMENDATION

7.1 That Listed Building Consent is granted subject to the conditions set out below.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

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

2. Notwithstanding previously submitted details, and prior to commencement of the relevant phase of works, full details and specifications of the external render shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. A sample panel of lime render, demonstrating the colour, texture and finish shall 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 rendering is complete. Development shall be carried out in accordance with the agreed sample. For the avoidance of doubt, there shall be no plastic corner beads, render stops or bell casts used in the application of the render.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The detailed design including materials and finishes of the following items shall be approved in writing by the local planning authority before the relevant parts of the work are commenced:
 - a. Porch including samples of the cladding
 - b. All new internal and external doors including frames, architraves and ironmongery
 - c. All new casement windows and new stone mullion window including ironmongery
 - d. External vents, flues and extracts including the proposed boiler flue.

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Notwithstanding previously submitted details, and prior to commencement of the relevant phase of works, full details and specifications of the finishes of the internal floors, walls and ceilings (including insulation) shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be implemented strictly in accordance with the agreed details. For the avoidance of doubt, all unauthorised dry-lining and rigid insulation shall be removed and replaced with lime plaster to the agreed specification prior to occupation of the self-contained flat hereby approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Notwithstanding previously submitted details, and prior to commencement of the relevant phase of works, large scale details including sections of the proposed alteration and modification of the spiral staircase and associated floors and doors shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Notwithstanding previously submitted details, and prior to commencement of the relevant phase of works, full details and specifications of the proposed repairs to the historic stone window surrounds and associated fixed/opening casements, including the replacement of fabric, shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Prior to the opening up and restoration of the first floor fireplace, a scheme of localised opening up shall be carried out to assess the survival and condition of the fire place and the findings shall be reported to the local planning authority. No further works shall be undertaken until such time as an acceptable scheme of repair, strengthening or replacement has been agreed with the local planning authority based on the

findings of the initial investigation. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. The replacement of the ground floor concrete window in Classroom 3 with a new stone mullioned window shall be carried out in accordance with details approved by the local planning authority prior to the completion of the works to create the new Classroom 3 entrance door.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. The unauthorised partitions and glass walls to the first and second floor accommodation shall be removed prior to first occupation of the self-contained accommodation hereby approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

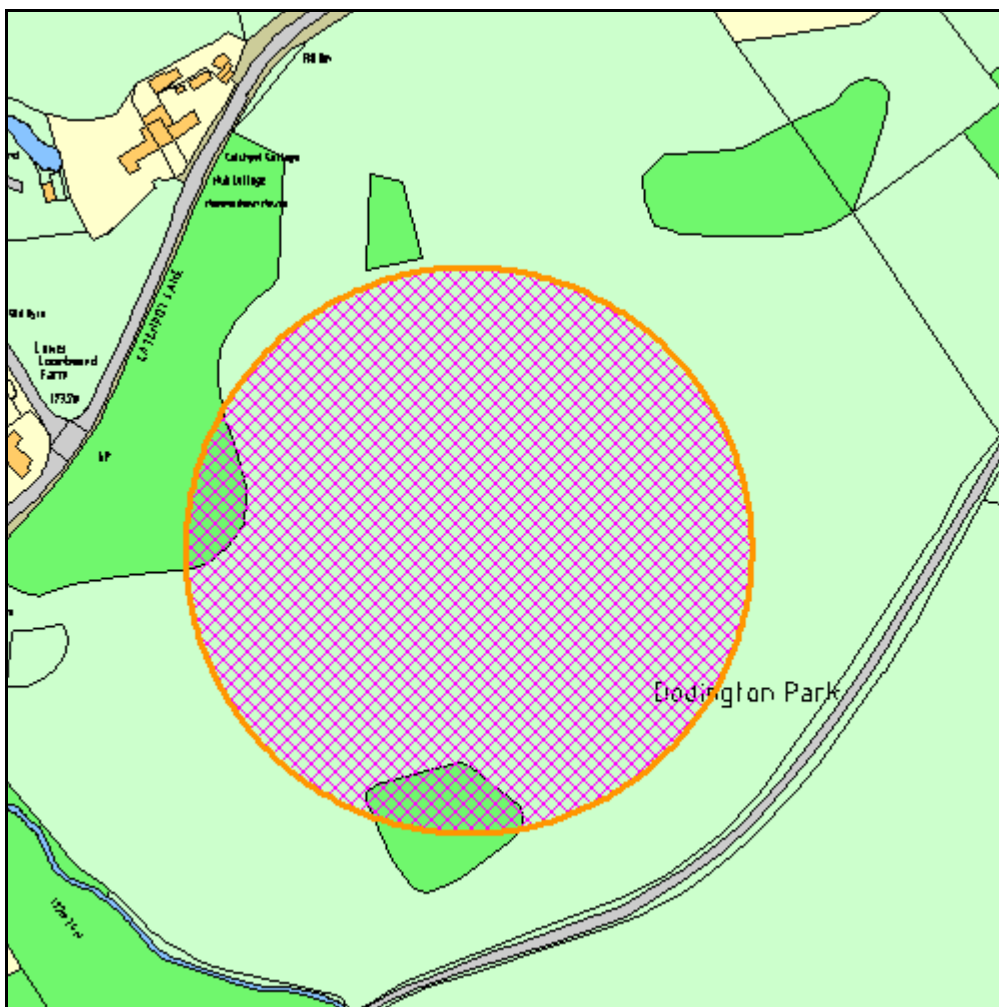
11. All new rainwater goods and external soil pipes shall be cast metal and shall have a painted finish.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|----------------------------------|------------------------------------------------------------------------------------------------|-------------------------|----------------------------------------|
| App No.: | PK17/1776/F | Applicant: | Sir James and Lady Deirdre Dyson |
| Site: | Dodington Park Estate Dodington Lane Dodington South Gloucestershire BS37 6SF | Date Reg: | 4th July 2017 |
| Proposal: | Engineering works associated with re- profiling of landscape topography in Boulton Field | Parish: | Dodington Parish Council |
| Map Ref: | 375250 179860 | Ward: | Dodington |
| Application Category: | Householder | Target Date: | 14th July 2017 |



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a result of consultation responses received, raising certain concerns regarding the proposals, contrary to officer recommendation

1. THE PROPOSAL

- 1.1 The application is for engineering works associated with re-profiling of landscape topography in Boulton Field on Dodington Park Estate. The purpose of the works is to reprofile the landscape topography within the field to create more of a feature in keeping with the surrounding parkland.
- 1.2 The site is located off Dodington Lane and forms part of the wider Dodington Park Estate. The site forms part of a Registered Historic Parks, Gardens and Battlefields designation and is located within the Green Belt and Cotswold Area of Outstanding Natural Beauty.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS9 Managing the Environment and Heritage

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP7 Development in the Green Belt

2.3 Supplementary Planning Guidance

South Gloucestershire Green Belt SPD
South Gloucestershire Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PRE16/1342 – Modifications to Stable Yard for use as a museum space. Repairs to main house terrace. Re-profiling of landscape topography in Boulton Field and proposed art gallery within existing walled sculpture garden. Enquiry complete. 9th March 2017.

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council

Members discussed this application at a Committee meeting on Thursday and feel that further clarity is required to establish the exact location of the trees.

4.2 Other Consultees

Historic England

Dodington Park has its origins in the 13th century with the site of a castle to the north of the current house. The hall was rebuilt in the 1770's and 1780's to designs by Samuel Wyatt and the landscape park with its woodland and lake by Capability Brown in 1764 for Sir William Codrington. There were later modifications in 1793 by Ernes and Webb. The landscape is designated as grade II*, and as such greater weight should be given to its conservation. The National Planning Policy Framework (NPPF) defines 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'.

The application is to raise the ground levels over an area of about 100m x 150m, with the maximum height being 1.5m above grade, tapering down to existing levels at the edge within Boulton Field. While we are not against this in principle (there was a tradition of planting 'clumps on lumps' in the 18th and 19th centuries e.g. at Holkham in Norfolk) and of course Brown was moving earth and remodelling landform all the time, we consider that fuller justification and reasoning is required. Is it because the existing topography is considered to be deficient in some way? The reason given is to provide a 'feature in keeping with the surrounding parkland'. We do not consider this to be sufficient justification as required by para 132 of the NPPF.

Much is made in the supporting documents of the 'back of house' location of the park where this proposal would be implemented ('Boulton's Field'). However, one of the principal approach drives, entering the park from the north, lies just to the east of the proposed landform, and seemingly, would be in full view of it. While we would cite the harm to be less than substantial, we would still like to understand the motivation behind the proposals.

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". Section 72 of the act refers to the council's need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties. When considering the current proposals, in line with Para 128 of the NPPF, the significance of the asset's setting requires consideration. Para 132 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. It goes on to say that clear and convincing justification is needed if there is loss or harm.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 128 and 132 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

A historic landscape report, giving greater detail of the context of the site and the proposals was subsequently forwarded to Historic England. A further response was received as follows:

Thank you for your letter regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Further Historic England Advice

Further to our advice of 21st July, we have been in contact with the agent and their landscape advisor regarding the issues that we raised. It appears that they have conceded to significance of Boulton's Field and its inclusion within the registered historic landscape. We are also satisfied that the proposed landform will not impact upon any key views when travelling towards the house along Chippenham Drive, although it would have been useful to have seen a sequential views analysis. We understand from the agent that the proposed planting scheme involves 7 no. semi mature beech trees which is consistent with Brown's favoured species for parkland landscapes. We are now in a position to support the application.

Recommendation

Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 128 and 132. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Gardens Trust

Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which affects Dodington House, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II*.

We have considered the information provided in support of the above application and, on the basis of this, do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

Conservation Officer

There are no conservation objections to this proposal.

Archaeology Officer

As the proposed works only seem to be raising the ground level and are not reducing it, then there are no archaeological concerns.

Landscape Officer

Defer to the comments of the SGC Conservation Officer, otherwise no landscape objection

Other Representations

4.3 Local Residents

One letter has been received raising the following concerns:

- We have had our views and light to our cottage reduced by the planting alongside Catchpot Lane
- The adjoining parkland is well above the road and our cottage level and since the planting of the tall evergreen hedge and trees behind it our electricity usage has risen and we have to have lights on most of the time
- I question the planting of a large clump of trees almost opposite our cottages as "a screen to hide traffic on the top road" and wonder if these trees can be moved further up the field closer to the road they are supposed to be hiding and further away from us
- We admire the way the owners have brought the Park back to life but it has been over 10 years of heavy traffic and noise in our little community and has caused neighbours to want to sell their homes and move away.
- We just hope that the new scheme will be only 1.5 meters high and will not block any more light from reaching our home

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF attaches great weight to the conservation of heritage assets, including registered parks and gardens and listed buildings and their settings. Heritage assessments should be provided consistent with the significance of any heritage assets and the development proposals affecting it. Policy CS9 seeks to ensure

that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.

The site is also located within the designated Green Belt and AONB, so additional in principle considerations will also need to be made in these respects.

5.2 Green Belt

Engineering operations are not considered to be inappropriate development in the Green Belt, provided that they preserve the openness and do not conflict with the purposes of including land in the Green Belt. The site is open parkland, and will remain as such, subject to relatively minor contour changes. The openness of the Green Belt will not be impacted and the proposals are therefore considered acceptable in this respect.

5.3 Area of Outstanding Natural Beauty

It is not considered that the proposed engineering operations and the contour changes involved, which would retain the sites open park aspect, would impact upon the wider aims of the site as part of a designated Area of Outstanding Natural Beauty.

5.4 Historic Parks and Gardens Considerations

The application is to raise the ground levels over an area of about 100m x 150m, with the maximum height being 1.5m above grade, tapering down to existing levels at the edge within Boulton Field. The principle of the proposals is considered acceptable. The significance of the asset's setting has been considered to a satisfactory degree in forming the proposals. It is considered that the significance of Boulton's Field and its inclusion within the registered historic landscape has been addressed. It is considered that the proposed landform would not impact upon any key views. There are no objections to the proposals from Historic England, The Gardens Trust or the Council's Landscape, Conservation and Archaeological Officers.

Local Amenity

The nearest properties are located to the west, along the other side of Catchpot Lane/ Cotswold Lane. The proposals involve a relatively modest recontouring of an area of the field. The maximum change in contours would be a small area towards the middle of the field up to 1.5 metres with the remainder of the recontouring being gradually less than this. Upon recontouring the small platform created would be planted with 7 semi mature beech trees. It is proposed that the existing trees in the recontoured area would be relocated to the into the existing woodland edge surrounding the field on the north west perimeter. Given the location and nature of the proposals, it is not considered that the landform would significantly or materially impact upon the amenity of any surrounding properties.

Public Right of Way

There are public rights of way nearby, but none directly crosses the area where the engineering works are proposed. Accordingly, other than the visual impact (which is already considered above) it is not considered there would be any additional impact upon users of the Public Rights of Way network in the vicinity.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is granted.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

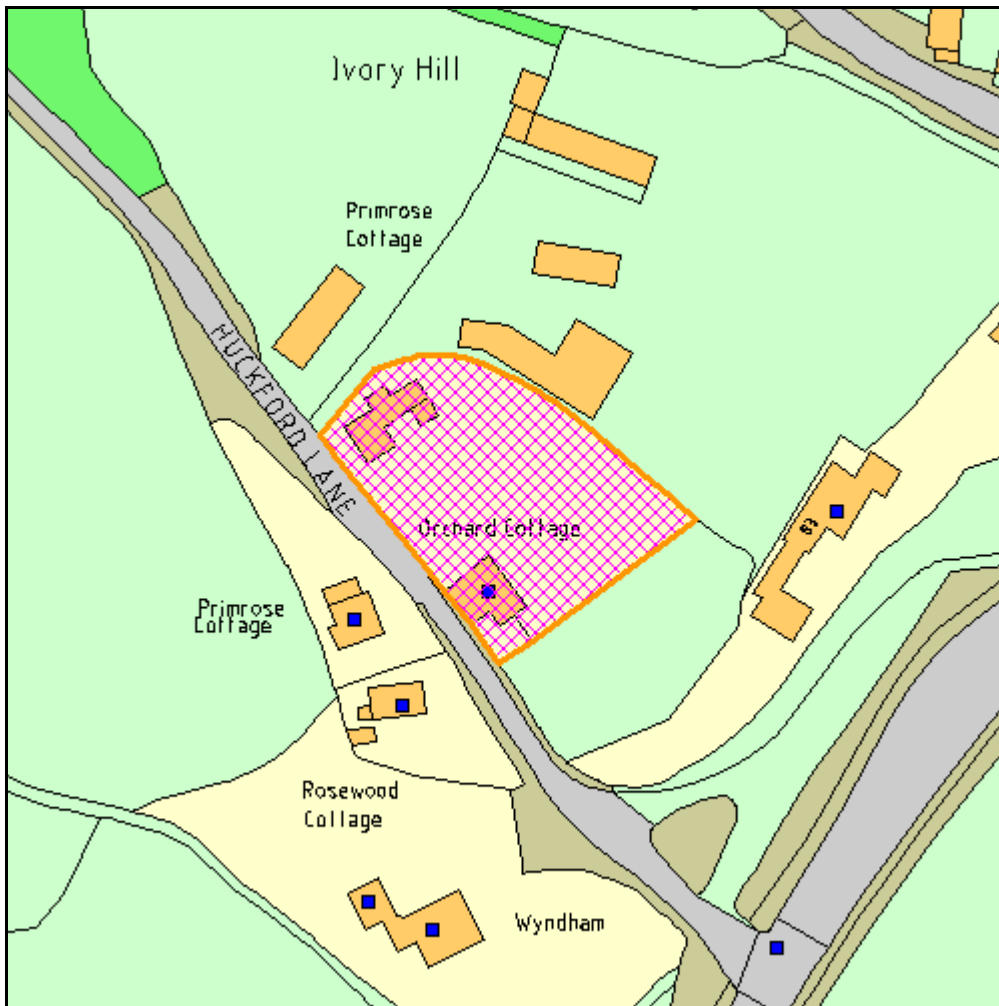
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------------------|
| App No.: | PK17/3073/F | Applicant: | Mr Watson |
| Site: | Orchard Cottage Huckford Lane Winterbourne Bristol South Gloucestershire BS36 1AP | Date Reg: | 1st August 2017 |
| Proposal: | Demolition of existing Forge/Workshop/Store and erection of 1no. detached dwelling and associated works. Erection of a single garage with access and associated works. (Resubmission of PK17/0143/F) | Parish: | Westerleigh Parish Council |
| Map Ref: | 366354 179747 | Ward: | Westerleigh |
| Application Category: | Minor | Target Date: | 20th September 2017 |



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REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application appears on circulated schedule due to 1no. objection received from a local resident contrary to the officer recommendation.

A period of re-consultation is currently been carried out on changes outlined below. This will end on 8th December 2017, the recommendation is therefore subject to the review of any further representations received.

1. THE PROPOSAL

1.1 This application seeks planning permission for the demolition of the existing workshop to facilitate the erection of 1 no. detached dwelling and associated works as well as the erection of a single garage with access at land adjacent to Orchard Cottage, Huckford Lane near Winterbourne. This application is an attempt to overcome a previous refusal of planning permission for development on this site. Planning application ref. PK17/0143/F for Demolition of existing Forge/Workshop/Store and the erection of 1no. detached dwelling and double garage with associated works was refused by the local planning authority on 5th May 2017 for the following reasons:

1. *The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. This is because, whilst the dwelling is proposed on previously developed land, its height, mass, bulk and the nature of the use would have a materially greater impact on the openness of the Green Belt. It would also represent encroachment into the countryside, which is one of the purposes of including land within the Green Belt as identified in paragraph 80 of the NPPF. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, the Development in the Green Belt SPD and the National Planning Policy Framework.*
2. *Paragraph 55 of the National Planning Policy Framework seeks to promote sustainable development in rural areas, with housing located where it will enhance or maintain the vitality of rural communities. The proposed dwelling, if approved, would represent an isolated dwelling in an unsustainable location within the open countryside, lacking any reasonable pedestrian or public transport access to services in nearby villages. This would be contrary to paragraphs 14 and 55 of the National Planning Policy Framework.*
3. *The proposed dwelling, if approved, would remove the off-street parking available for Orchard Cottage, which would lead to on-street parking on Huckford Lane to the detriment of highway safety, and contrary to policy CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013, policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.*

- 1.2 In order to overcome the refusal reasons, the development has been reduced to a single storey scale and will now provide adequate parking for both Orchard Cottage and the proposed dwelling. The double garage that was proposed for the new dwelling has been omitted, and instead a single garage is proposed for use by Orchard Cottage.
- 1.3 The application site is situated within the open countryside, and within the Bristol/Bath Green Belt. The site is also subject to an area wide Tree Protection Order. The site is located within a group of 5 buildings along Huckford Lane, off Badminton Road and is in between the settlement boundaries of Winterbourne and Coalpit Heath.
- 1.3 Throughout the course of the application a number of amendments have been made as a result of officer concerns. An area of 'paddock land' directly to the south west of Orchard Cottage was removed from the red line boundary. The application originally proposed a triple garage on part of the 'paddock land' this is also omitted. Instead a single garage is proposed immediately adjacent to the southern elevation of Orchard Cottage and in part of the existing residential curtilage. These amendments were considered material, and as such the Case Officer undertook a period of re-consultation for 14 days.

2. **POLICY CONTEXT**

Since the decision of the previous proposal (ref. PK17/0143/F) the South Gloucestershire Policies, Sites and Places Plan was adopted on 8th November 2017. This replaces the South Gloucestershire Local Plan (2006) and all policies therewithin.

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP7 Development in the Green Belt

PSP8 Residential Amenity
PSP16 Parking Standards
PSP19 Wider Biodiversity
PSP40 Residential Development in the Countryside
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist
South Gloucestershire Residential Parking Standards (Adopted) December
2013
Development in the Green Belt SPD

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK17/0143/F Refusal 05.05.2017
Demolition of existing Forge/Workshop/Store and the erection of 1no. detached
dwelling and double garage with associated works.
- 3.2 P90/2616 Approved 19.11.1990
Use of building as wrought iron workshop (renewal of temporary consent)

Condition 1

*The use hereby authorised shall be limited to the period expiring on 30th
November 1993.*

Reason:

*To enable the Council to review the position in the light of experience at the end
of the limited period.*

4. **CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council
No objection
- 4.2 Sustainable Transport
No objection.
- 4.3 Tree Officer
No objection.
- 4.4 Lead Local Flood Authority
No objection, subject to informative.
- 4.5 Archaeology
No objection.
- 4.6 Highway Structures
No comment

- 4.7 Environmental Protection
No objection subject to contamination conditions.

Other Representations

- 4.8 Local Residents
1no. objection was received to the original plans. These related solely to the originally proposed triple garage. Specifically:
- Transportation issues
 - Impact on openness of countryside
 - Impact on residential amenity

It is considered that the amended proposal, including the removal of the triple garage has now overcome these concerns.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The main issue to consider is the location of the development being situated within the Green Belt, outside of a settlement boundary and therefore within the open countryside. Both local and national planning policy aim to protect the countryside from inappropriate development. Planning law requires that planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration, but it is guidance, it is not law and does not render the adopted local plan null and void. It is therefore up to the decision maker to decide what weight should be given to the NPPF policies in so far as they are relevant to the proposal.
- 5.2 As the proposal is for 1no. new dwelling relevant housing policies must also be applied to the assessment. South Gloucestershire Council does not have a five year land supply and therefore relevant housing policies are 'out of date'. The NPPF states that where this is the case then paragraph 14 of the NPPF will take precedence. This section declares there to be a presumption in favour of sustainable development and for *decision takers this means (unless material considerations indicate otherwise)*... As a consequence of the lack of deliverable five year land supply of housing, certain adopted local policies are 'out of date' and therefore do not hold their previous full weight. This is a material consideration.
- 5.3 *Residential Development in the Countryside*
Policies CS34 of the Core Strategy sets the vision for the rural areas within South Gloucestershire. The policy aims to protect, conserve and enhance rural areas, from inappropriate development. The application site is located between the Winterbourne and Coalpit Heath settlement boundaries and is within part of the open countryside. The previous application (ref. PK17/0143/F) concluded that the dwelling would be isolated and unsustainable.
- 5.4 Since this decision the Council has adopted the Policies, Sites and Places Plan. PSP40 sets out that residential development within the countryside, could be acceptable in a number of circumstances. These include; rural housing

- initiatives, rural workers dwellings, replacement dwellings, and the re-use of disused buildings. It goes on to state that in all of the circumstances, development proposals will be acceptable where they do not have a harmful effect on the character of the countryside, or the amenities of the surrounding area. The proposal would not comply with these exceptions.
- 5.5 Having said this, given the Councils lack of 5 year housing land supply, and in the context of paragraph 14; the presumption is in favour of sustainable development. The key consideration therefore is whether the development would accord with paragraph 55 of the NPPF. This states that in order to promote sustainable development, housing should be located where it would enhance or maintain the vitality of rural communities. It goes on to state that housing development in rural areas should not be promoted where such development would not lead to isolated homes within the countryside.
- 5.6 A recent judgement (*Braintree District Council v Secretary of State for Communities and Local Government [2017] EWHC 2743*) the dictionary definition of 'isolated' was turned to, meaning 'far away from other places, buildings or people; remote'. This was also echoed in a recent appeal decision in another part of South Gloucestershire (ref. APP/P0119/W/17/316992). The Inspector also found that whilst the development would be reliant on the private motor car, future occupants were within an acceptable cycling distance to nearby facilities, and would likely utilise such.
- 5.7 The application site is located within a group of 5 houses, and the proposed dwelling would increase this to 6. It would be located 160 metres from the nearest bus stop, which provides a regular service (no.47) to Yate/Chipping Sodbury, and 320 metres from the opposite bus stop which provides regular services into Bristol. Furthermore, the site is between 1-2 miles to services and facilities within Winterbourne, 1.2 miles to services and facilities within Coalpit Heath and 0.8 miles to the East Fringe of Bristol Urban Area.
- 5.8 The recently adopted PSP11 expects that residential development proposals are located on:
- i. safe, useable walking and, or cycling routes, that are an appropriate distance to key services and facilities, and then,
 - ii. where some key services and facilities are not accessible by walking and cycling, are located on safe, useable walking routes, that are an appropriate distance to a suitable bus stop facility which connects to destinations with key services and facilities.
- 5.9 In this context, it is felt that the development would not be isolated or unsustainable. Access to services and facilities could be gained through walking or cycling, or alternatively regular bus facilities. Moreover, weight is given that the dwelling is located within a group of properties and that the site comprises previously developed land and is used as part of the existing residential curtilage for Orchard Cottage.

5.10 *Green Belt*

Paragraph 89 regards the construction of new buildings in the Green Belt as inappropriate development, with certain exceptions listed within the paragraph. The applicant considers the new dwelling to fall within the following exception:

'the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

5.11 Officers do not dispute that the site is previously developed land, and whilst the B2 use does not appear to benefit from permanent planning permission, it has clearly been in situ since the temporary consent lapsed in 1993 and is likely to be immune from enforcement action from the passage of time. The structure is timber clad with a corrugated roof.

5.12 The previous proposal was for the erection of a two storey property and erection of a double garage to replace the existing workshop and storage building. This would have been of much greater height and larger footprint than the existing buildings and accompanied by the double garage would have had a greater impact on the green belt.

5.13 This application now proposes a single storey dwelling to replace the workshop and store. This would have an increased maximum height of 0.8 metres and an increased footprint of 32m². It is noted that the dwelling would be somewhat larger, however, it would remain in a similar location close to the rear boundary and would be enclosed by hedging and trees (to be retained) from the wider landscape. A residential curtilage and shared parking area are proposed. Whilst this would more established, this land is already used as part of the residential curtilage and parking for Orchard Cottage. It is noted that the properties would be separated by a 1.8 metre timber fence, no objection is raised to such given that this could be erected under permitted development. Given these instances, it is felt that the development would not be inappropriate. Having said this, it is recommended that the removal of householder permitted development rights is conditioned for the proposed dwelling. This is to ensure that any further development proposed can be assessed by the local planning authority.

5.15 In terms of the proposed single garage which would be adjacent to Orchard Cottage, this is considered to fall within the following exception of paragraph 89 of the NPPF;

'The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'

5.16 The garage would be attached to the south west (side) elevation of Orchard Cottage, it would be set back by approx. 5 metres from the main front building line of the property and would be a relatively modest structure. It would not impact on views or visibility to the wider landscape particularly given it would remain subservient to the two storey property and would be enclosed by trees

- and hedging. It is not felt that this would comprise a disproportionate addition to the original property. Officers are also mindful of the 'fallback position', in which the applicant could build a structure with a larger footprint using their intact permitted development rights.
- 5.17 With regard to the assessment above, and in conclusion, it is felt that the development would not constitute inappropriate development in the Green Belt. Having said this, conditions are recommended to ensure the development is executed to Officers expectations.
- 5.18 Design and Landscaping
The clearance of the existing dilapidated buildings is considered to be beneficial to the visual amenity of the site and attracts some weight in favour of the proposal. The proposed dwelling would comprise a single storey, it would largely follow the footprint of the existing workshop. Plans show it would have 2 front gable features, and materials would comprise a mix of render, natural pennant stone and double roman tiles. The surrounding area generally has a mixed character, however, it is noted that the existing property uses influences from Orchard Cottage and surrounding dwellings. A condition is recommended that samples of materials are submitted and approved prior to the relevant stage of development. This is in the interest of visual amenity and to ensure the highest quality of design.
- 5.19 In terms of the single garage, it is proposed that it would be rendered and would have concrete roof tiles. Whilst this is considered to match the existing property, a condition is recommended to ensure this is the case.
- 5.20 Given the rural landscape to which the dwelling relates, it is considered appropriate for a hard and soft landscaping scheme to be conditioned also, to ensure that traditional boundary treatments such as pennant sandstone walls are proposed, as these were identified as a significant landscape feature within this area in the Landscape Character Assessment SPD (Adopted) November 2013.
- 5.21 Environmental Issues
It is considered that the removal of a noise generating use near to an existing residential dwelling weighs in favour of the proposal, and can be considered a benefit of the scheme. The use of the site as a workshop may have caused contamination which could give rise to unacceptable risks to the proposed development, and so in the event the application is approved, it is recommended by environmental health colleagues that a pre-commencement condition is issued, to ensure that this potential is investigated, and if any contamination is found, mitigating measures are carried out.
- 5.22 In terms of drainage, the Lead Local Flood Authority have been consulted. They have raised no objection but suggest that informative are placed on the decision notice in relation to soakaways and Environment Agency 3rd generation Flood Maps.

5.23 Vegetation

The site is subject to an area wide Tree Protection Order. An Arboricultural report has been submitted in support of the application and shows the existing hedgerow will be retained. The tree officer has raised no objection. A condition is recommended that the development proceeds in accordance with the measures detailed in the report.

5.24 Transport and Parking

The previous proposal ref. PK17/0143/F was refused partly due to the lack of parking provision for Orchard Cottage. This scheme has made amendments to ensure that both existing and proposed dwellings have sufficient parking provision. Orchard Cottage is a 3-bedroom house and plans show that it would have up to 3 parking spaces provided; 1no. on a shared drive, 1no. in the single garage and 1no. to the front of the garage. The proposed dwelling would have 2 bedrooms, and it is proposed that the shared drive would provide it with 2no. parking spaces. This provision is in compliance with the Councils Residential Parking SPD, and transportation colleagues have not raised an objection to any of the proposed arrangements.

5.25 It is noted that no cycle parking is proposed for the new dwelling. In accordance with PSP16 the dwelling should provide 2 secure and undercover cycle storage spaces. A condition is recommended to ensure these are provided prior to occupation.

5.26 As such, no objection is raised to these matters. A condition is recommended to ensure the parking is provided prior to occupation of the development.

5.27 Residential Amenity

The removal of the noise generating workshops will benefit the occupiers of Orchard Cottage. The proposed dwelling would be a single storey and would be located approximately 22 metres from Orchard Cottage. It is felt that this distance is sufficient that the amenities of both sites will be protected.

5.28 The recently adopted PSP43 sets out standards in terms of private amenity space provision for residential development. These are as follows:

| Provision should, as a guide, meet or exceed the following minimum standards: |
|-------------------------------------------------------------------------------|
| • 1 bedroom flat 5m ² |
| • 2+ bedroom flat 5m ² + private shared communal space |
| • 1 bedroom house 40m ² |
| • 2 bedroom house 50m ² |
| • 3 bedroom house 60m ² |
| • 4+ bedroom house 70m ² |

Following the development, both dwellings would have private amenity space in excess of these standards.

5.29 Planning Balance

As previously set out, the development will be assessed under paragraph 14 of the NPPF. This states that;

'permission should be granted for development unless: - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted'

- 5.30 The assessment has found that the development would not introduce significant and demonstrable adverse impacts which would outweigh the benefit of the introduction of 1no. residential units toward the Councils lack of 5 year housing land supply. Footnote 9 of the NPPF lists restrictive policies in the context of paragraph 14, one of these being Green Belt. It is concluded that the development would comply with exceptions as set out in paragraph 89 of the NPPF, and is not considered to constitute inappropriate development within the Green Belt. For these reasons it is recommended that permission is granted.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **granted** permission has been taken having regard to the policies and proposals in the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017 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 review of any further consultation responses received and the conditions below.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

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

approved, shall be carried out at the dwelling hereby approved without the prior written consent of the Local Planning Authority.

For avoidance of doubt this does not apply to the existing property known as Orchard Cottage.

Reason

To ensure that any further proposed development can be fully assessed by the local planning authority, in the interests of visual amenity and to protect the character and appearance of the Green Belt. In accordance with Policy CS1 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013); Policy PSP1 and PSP7 of the South Gloucestershire Policies, Sites and Places Plan (Adopted November 2017); the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

3. Prior to the relevant stage of development samples of the roofing and external facing materials proposed to be used on the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

4. The materials to be used in the construction of the external surfaces of the garage hereby permitted shall match those used in the existing building known as Orchard Cottage.

Reason

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

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

Reason

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

6. Prior to the commencement of development a scheme of investigation shall be carried out by a suitable competent person to fully ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report to address those unacceptable risks identified shall be submitted prior to the commencement of the development for the written approval of the Local Planning Authority, and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures.

Prior to occupation, where works have been required to mitigate contaminants (as indicated above) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

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

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement of development as there is a potential contamination risk which would make the site unsuitable for residential use.

7. The development shall proceed in accordance with the measures detailed in the Arboricultural Report (Silverback Consulting, dated January 2017) received by the Council 1st July 2017.

Reason

To ensure that the trees and vegetation are protected during development to accord with policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and policy PSP3 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017.

8. The off-street vehicular parking facilities as shown on the Block Plan (dwg no. B11896 10 E; received by the Council on 24/11/2017) shall be provided prior to first occupation of the dwelling hereby permitted. The parking area shall be constructed with a permeable bound surface. The parking spaces shall thereafter be retained as such.

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; Policy PSP16 of the South Gloucestershire Policies, Sites and Places Plan (Adoped) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

9. Prior to the first occupation of the development hereby approved, details of cycle storage facilities shall be submitted and approved by the Local Planning Authority. Development shall proceed in accordance with the approved details and shall be retained as such thereafter.

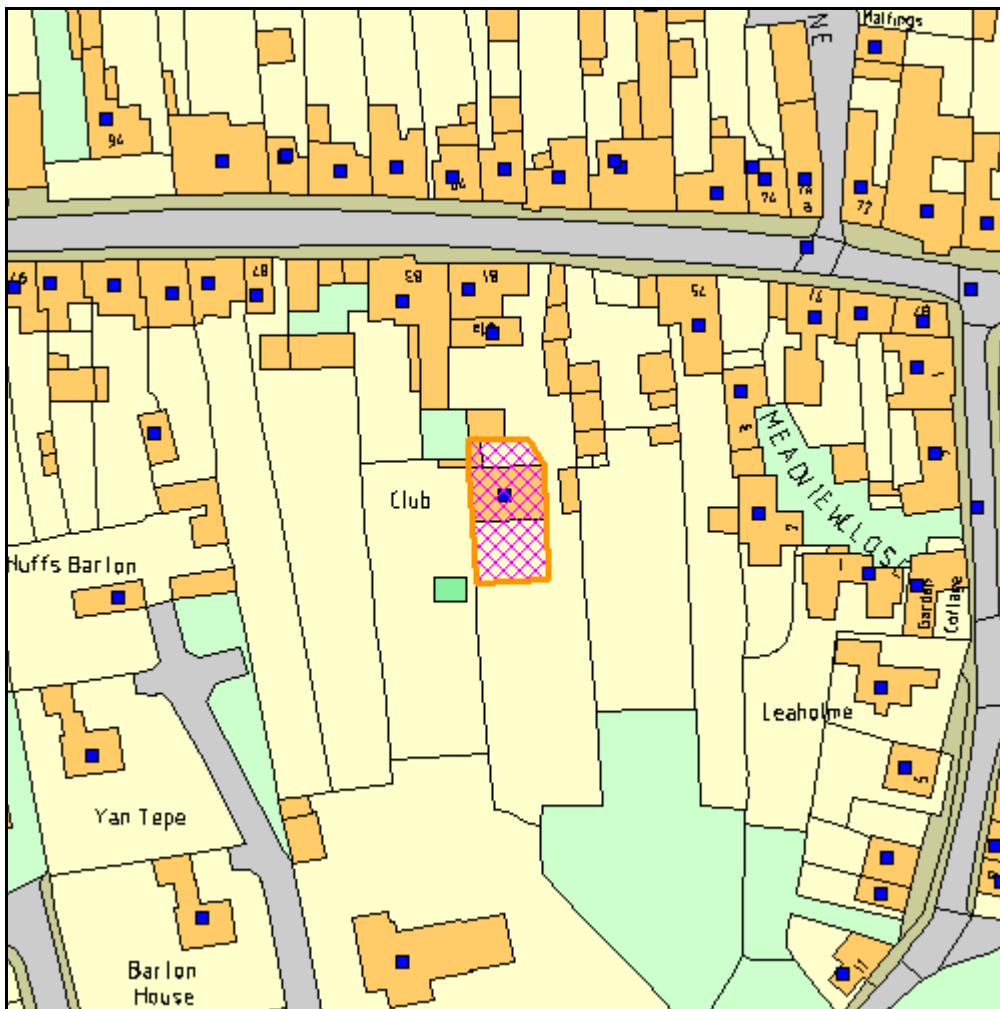
For the avoidance of doubt: the cycle storage facilities shall be in accordance with the standards set out in Policy PSP16 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017.

Reason

To encourage sustainable modes of transport, and to accord with Policy PSP16 of the South Gloucestershire Policies, Sites and Places Plan (Adoped) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|-----------------------------------------------------------------------------------------------------------|---------------------|---------------------------|
| App No.: | PK17/3294/F | Applicant: | Ms Caren Slade |
| Site: | Royal British Legion Hall And Youth Centre 79 High Street Marshfield South Gloucestershire SN14 8LT | Date Reg: | 2nd August 2017 |
| Proposal: | Conversion of former British Legion Hall into 1no. residential dwelling (Class C3) with associated works. | Parish: | Marshfield Parish Council |
| Map Ref: | 377771 173703 | Ward: | Boyd Valley |
| Application Category: | Minor | Target Date: | 8th September 2017 |



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 100023410, 2008. **N.T.S.** **PK17/3294/F**

REASON FOR SUBMITTING TO THE CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule list following objections from a local resident and the Parish Council which are contrary to the officer recommendation in this report.

1. THE PROPOSAL

- 1.1 This application relates to the Royal British Legion Hall and Youth Centre, no. 79 on the High Street in Marshfield. The property is listed grade II*, as is the chest tomb within the burial ground of the chapel which is grade II and adjoining neighbours. All reside within the Marshfield Conservation Area and the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.2 The chapel has provided a community facility for 260 years but has been closed for almost 6 years. The proposal is to bring the chapel back into use as a single residential unit with associated works.
- 1.3 Following a significant amount of negotiation, neither Historic England nor the Conservation Officer now object to the proposal. However, it has been noted that the submitted red line does not include the land required for access to the site from the public highway and given this is not owned by the applicant then the signed ownership certificate is wrong too. To remedy this, a new red line and certificate have been requested from the applicant and upon receipt a 21 day re-consultation will be immediately issued.
- 1.4 The application should be read in conjunction with PK17/3479/LB.

2. POLICY CONTEXT

- 2.1 National Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
National Planning Policy Framework March 2012
National Planning Practice Guidance March 2014
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)
The Setting of Heritage Assets (GPA 3)
Historic England Advice Notes, in particular Note 2 - Making Changes to Heritage Assets
- 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

CS23 Community Infrastructure and Cultural Activity
CS34 Rural Areas

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

| | |
|-------|----------------------------------------------|
| PSP1 | Local Distinctiveness |
| PSP2 | Landscape |
| PSP8 | Residential Amenity |
| PSP11 | Transport Impact Management |
| PSP16 | Parking Standards |
| PSP17 | Heritage Assets and the Historic Environment |
| PSP19 | Wider Biodiversity |
| PSP43 | Private Amenity Space Standards |

- 2.3 Supplementary Planning Guidance
Marshfield Conservation Area SPD (Adopted) 2004
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PRE16/1171
Change of use/alterations to residential (listed building)
27.02.2017
- 3.2 PK11/3619/LB
Internal and external repairs and alterations including the installation of 2.no
roofvents to facilliate the conversion of former chapel to a two bedroom
dwelling
Withdrawn
11.01.2012
- 3.3 PK11/3588/F
Conversion of Chapel to 1 no. two bedroom dwelling and associated works.
Withdrawn
16.01.2012
- 3.4 PK02/2315/LB
Internal and external alterations to existing toilet block including installation of
new doors and windows and raising height of roof.
Approve with conditions
22.08.2002
- 3.5 PK02/2021/F
Alterations to existing toilet block including installation of new doors and
windows and raising height of roof
Approve with conditions
22.08.2002
- 3.6 NLBC412
Stripping of 3 sides of roof and re-roofing with double roman clay tiles.

Approve with conditions
09.09.1982

4. **CONSULTATION RESPONSES**

4.1 Marshfield Parish Council

Objection:

- support restoration work
- insufficient parking

4.2 Other Consultees

Sustainable Transport

No objection

Highway Structures

Standard informative recommended

Lead Local Flood Authority

No objection

Ecology Officer

Conditions securing enhancement works and compliance with Preliminary Bat Roost Assessment recommended, plus informatives advising of breeding birds and bats

Conservation Officer

Support given subject to 9no. conditions

Archaeology Officer

Standard HC11 condition recommended

Landscape Officer

No objection

Historic England (*comments from LB application*)

No objection subject to consideration of:

- the new external access being limited to a minimum width required to comply with Building Regulations;
- that any material works to the fenestration are suitably controlled because Drawing note 10 is ambiguous and the issue of passive ventilation has not been addressed; and,
- a condition restricting the proliferation of domestic paraphernalia because any domestication of the burial ground is inappropriate and harms the setting of the Grade II* listed building.

Other Representations

4.3 Local Residents

1no. letter of objection has been received stating the following:

- lack of parking available
- likelihood of increased on street parking pressure

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

In deciding the application, Officers have had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 In this case, the development plan comprises the South Gloucestershire Core Strategy adopted in December 2013 and the Policies, Sites and Places Plan recently adopted November this year. Other material considerations which Officers have taken into account into the National Planning Policy Framework (NPPF) and the planning guidance published in March 2014; and relevant Historic England good practice advice and advice notes.

5.3 **Compliance with adopted development plan**

The application site lies within the development boundary for Marshfield, as defined by the superseded 2006 Local Plan, and in planning policy terms it lies within a rural settlement. The site is not allocated for housing, but general residential development in villages is consistent with the policies of the Core Strategy, notably Policy CS5 and CS34. For this reason, Officers consider that the proposal complies with the adopted development plan as a whole.

5.4 **Housing land supply**

Although the Council cannot demonstrate a robust five year supply of deliverable housing, a determinative factor in this case is the proposal's accordance with development plan policies regarding housing location, as mentioned above. Consequently, pursuant to paragraph 14 of the NPPF, policies CS5 and CS34 can be considered up to date.

5.5 **Loss of community building, heritage assets and archaeology**

Core Strategy policy CS23 on the retention of community infrastructure is of particular relevance and states that planning permission will only be granted for the change of use of a community facility if it can be demonstrated that: the use has ceased and there is no longer a demand *or* the facility is no longer fit for purpose and suitable alternative provision is available within easy walking distance to the required standard.

5.6 Given its listing, sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possessed. The property resides within the Marshfield Conservation Area and section 72(1) of the same Act also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

- 5.7 Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.
- 5.8 As regards local policy, Core Strategy Policies CS1 and CS9 and Policy PSP17 of the Policies, Sites and Places Plan all expect new development to respect and complement the characteristics of the site and its surroundings, and the historic form and context of the setting. However, Policy PSP17 goes further, seeking amongst other things, that new development preserves and enhances the special architectural or historic interest of listed buildings, the special character and appearance of conservation areas, non-designated archaeology, and all their settings.
- 5.9 Built as a non-conformist chapel in 1752, by the start of the 18thC the congregation peaked at 300, served by two ministers. However, with a declining population and wealth in Marshfield, towards the end of the 19thC attendance was so poor that the building was sold and reopened in 1908 as a reading room. Some years later the building was donated to the Royal British legion and until its resale in 2012, was used as a meeting hall and for Unitarian worship. Between 2012 and 2016 it was used for storage.
- 5.10 The building itself is ashlar faced and has a date and inscription plaque on the front. It is single storey, rectangular on plan with a hipped double Roman tiled roof. On the front elevation the quoins are chamfered, with a plain band connecting the imposts of the windows – 2 multi-pane semi-circular headed windows with moulded archivolls and keystones. In the centre is a set of panelled double doors and rusticated architrave. The rear elevation has a pair of identically designed windows to those on the front, but also a plain band at cill level as well as impost level. There is a sun dial in the centre at first floor level. To the north of the building is an adjoined low, narrow single storey range of stores of much later date and which are described in the list description as of no interest. These are built off the boundary wall with a lean-to roof. Within the rear walled churchyard is a chest tomb, which is individually listed at grade II. Internally the hall is an open single space with raised side galleries to the east and west. It retains a significant amount of historic decoration internally. The side galleries have raised and fielded panels and are each accessed via staircases, both on the north side of the room and enclosed by doors. The wall to the rear of each gallery has 3no. arched recesses springing from chamfered and plastered posts with projecting moulded impost. There is also raised and fielded wainscot panelling at the lower level. In preparation for its use as a reading room, a number of changes were made to the building at the beginning of the 19thC, including the insertion of the ceiling and addition of toilets to the north.
- 5.11 In England the first Unitarian Church was established in 1774 on Essex Street, London, where today's British Unitarian headquarters are still located. 'The Old Meeting' website advises that *Unitarian worship was illegal in 1752 but the absence from the inscription to any allusion to doctrines such as the Trinity,*

and its references to the avoidance of bigotry, the happiness of mankind and (later on the inscription) to liberty of conscience, indicate the congregation's Unitarian sentiments.

- 5.12 The origins of the building can be traced to 1680 when George Seal, who had been ejected from a parish in south Wales, became pastor of a society of dissenters in Marshfield. An alternative site for worship was used at this time. George Seal appears to have been succeeded by Robert Paterson, followed by Angel Shapland who died in 1748. The next minister was Evan Thomas and it was during his ministry that the congregation raised funds to erect the meeting house.
- 5.13 The building is described as a good and early non-conformist chapel handled in a competent classical manner. The building is in a very good original condition, with very little alteration to its historic form and design. The setting of the building is also unspoilt and contributes to its historic character and aesthetic appeal. The listed description was revised in 2012 to more fully assess the significance of the building. Its rarity, early date, confident Classical design and high quality interior are all cited as of particular importance, meriting its grade II* listing. Furthermore, the building's association with William Hazlett Senior, pastor of the chapel from 1765-70 and founder pastor of the first Unitarian church in America gives the building particular historic significance, and the burial ground and walls provide an important sense of context and group value.
- 5.14 Turning to the proposal, early on the Conservation Officer was seriously concerned about the effect of certain changes on the significance of the listed building and its setting within the Marshfield Conservation Area. After subsequent detailed negotiations with the Council, the applicant has submitted revised plans in an attempt to address all matters. Each shall be dealt with in turn:
- 5.15 *Internal alterations within the main hall*
The internal proportions and fabric (especially the galleries, stairs and wainscoting) are both extremely important elements of the building's significance and as such Officers considered these needed to be left undisturbed. The proposal retains the single open space within the main Chapel and the galleries and staircases. The one element of change which is proposed and considered on balance as justifiable in bringing the building back into a viable use is the modification of the west stair in order to provide access the northern extension as this would likely be a requirement of any new use.
- 5.16 Continuing with the stairs, it was initially proposed that these would be enclosed and new escape windows introduced at first floor to meet fire regulation requirements. However, Historic England and the Conservation Officer considered these alterations to be harmful and unjustified, plus there was a concern that without them Building Regulations relating to fire safety could not be satisfied. The applicant has sought advice from an independent fire engineer who has confirmed that the original 'detection' dependent and localised suppression strategy is capable of obtaining Building Regulation approval, subject to detailed design. Based on this advice it is therefore considered that the building is capable, in principle, of being converted to a

- residential use without causing an unacceptable level of harm to the fabric and plan form.
- 5.17 The proposal seeks to install kitchen units along the west wall and there was a concern that fixing these to the panelling would damage it. Revised drawings now show the unit to be free standing, thus preserving the panelling in-situ.
- 5.18 The proposal initially included the installation of a wood burning stove. This was not considered acceptable due to the visual impact of the flue internally and externally. Internally it was proposed to travel up through the full height space, where it would be overly prominent and unsightly, and externally would appear as an overtly domestic feature. However, the woodburner (and associated flue) has now been removed.
- 5.19 The Design and Access Statement states *'it is proposed that conversion of the building to a residential use is the only way to repair it from its current condition and, looking ahead, in preserving and enhancing it'*. In order to demonstrate this, details of necessary repairs should have been submitted in a schedule for consideration alongside the alterations. To be included was a repair of the suspended floor and two sections of the original flag floor, repair of the notched out section of gallery, any plaster or pointing repairs necessary and repair of the windows (including details of any alterations proposed) etc. However, no such schedule has been forthcoming. The repairs to the historic fabric including internal fittings, boundary walls and the chest tomb will therefore be conditioned in details and this will be through a phased programme of works to ensure that the benefits to the building are secured in full as part of the conversion.
- 5.20 The application states that the windows would be 'renewed'. It was unclear what exactly this means and could be interpreted as replacement which would be unacceptable, but it has subsequently been confirmed that the windows are being retained and repaired. Any adaptation to provide ventilation (as has been done in the past) will need to be submitted via the condition details and consent for this is expressly reserved.
- 5.21 From the beginning, Historic England and the Conservation Officer were unconvinced that a door to the burial ground could be justified. However, after much discussion, it was considered that access to the amenity space (beyond the front courtyard) is required in order to make the residential use viable. Its creation will cause a certain level of harm, disturbing the plan form and resulting in loss of fabric, but it must be considered against the benefits of the new use and the repair elsewhere. Having revisited Sheepfair Lane, the Conservation Officer is confident that the doorway will not be seen from public vantage points and that the use of the burial ground as a garden space will not be readily apparent. The chest tomb is also proposed to be repaired. As an individually listed structure, a use which brings about its repair is a positive benefit which can be balanced against the harm of creating the doorway. On this basis, it is considered that this alteration is one that can be supported to bring the building back to a viable use and support its repair. A revised door design has been submitted although it would perhaps benefit from a further reduction in width (Historic England recommend the minimum to comply with Building Regulations). Officers therefore think this should be considered in

- detail on site taking into account the internal panelling too. An internal jib door, incorporating the panelling could also be an option. As such, this will be conditioned.
- 5.22 The roof is original but additional diagonal struts and strengthening have been added to the king post trusses, possibly at the time that the ceiling was added in the early 20thC. As these are later and would have never intended to be seen, it is not considered that their loss would affect the significance of the building although they should be recorded. However, in order to provide access, the original diagonal timbers from the king post trusses would have to be removed (appears to be 2no. in total) which would constitute loss of historic fabric to an otherwise complete historic roof structure. Turning to the ceiling, before this was added the roof structure would have been exposed within the main chapel. The Conservation Officer therefore considered it important that the timbers were left exposed, with an insulation solution above the rafters as opposed to in-between. However, further supporting information (which would be required of any new use) posing both options was submitted, the former of which was selected because the latter, although leaving the historic timbers exposed, would unsatisfactorily impact on the stone cornice eaves detail.
- 5.23 In considering the long term viability of the building, it is important that the future maintenance and development pressures is considered. Things highlighted included: how natural ventilation is managed (because the building has little of it); the requirement for extraction and SVP's in new bathrooms and the kitchen; and, removal of the insensitively sited radiators affixed to the panelling would provide an enhancement to the interior and underfloor heating may well provide a good alternative as long as this can be accommodated without adversely affecting historic floor structures and finishes. No such details have been provided and as such must unfortunately be agreed by condition.
- 5.24 Any development of the building would generate the requirement for full building recording; this will be achieved by means of a planning condition. This will cover the potential for the foundation stone to be uncovered as it may be beneath the sprung floor, Victorian plaster or the added toilet block (front elevation). If found, it should be uncovered and displayed.
- 5.25 *Extension to the north*
The existing lean-to toilet block is a later addition to the building and not considered of any significant merit. The list description states: *'The single storey toilet block in front of the west wall is attached to the meeting house and was probably built in 1908. It has a modern interior and an iron roof and is not of any interest'*. Its replacement with new build accommodation was considered acceptable in principle subject to design because the Conservation Officer was concerned that this would appear too built as it is located on the principal elevation. Subsequently the front extension has been reduced in footprint as recommended in order to bring it further away from the principal elevation.
- 5.26 It was not entirely clear which section of the existing front boundary wall required heightening to allow the proposed roof pitch. This has since been shaded on plan for clarification.

- 5.27 This area falls within the medieval settlement core and as such it is possible that archaeological remains relating to this survive. Works in this area should be monitored during construction to ensure that any archaeology encountered is recorded; this will be conditioned accordingly.
- 5.28 *Burial ground*
In contrast to the busy High Street and the tight knit arrangement of building to the north of the chapel, the burial ground to the south is a peaceful and open space with views to the open countryside beyond the village. The chapel does not connect to the burial ground, which further enhances the sense of isolation and tranquillity of this area.
- 5.29 The burial ground has not been researched in any depth. It is an important part of the chapel historically and contributes to its setting. The HER records one inscription on the chest tomb as MARY wife of ISAAC FREEME/ she died on the 22nd March 1801/ in the 64th Year of Her Age. The chest tomb is showing signs of subsidence. The last recorded burial is understood to have been in 1854. According to the R Millard Historic Buildings Sir Jerome Murch (the Mayor of Bath who came to that city in 1833 as Minister of the Trim Street Unitarian Chapel) describes two memorial tablets inside the chapel relating to the burial of former ministers (Rev. Evan Thomas 1707-1762 and Rev. David Evans 1750-1817) on the site. It can therefore be concluded that the burial ground was intended to be used from the time the Old Meeting House opened and that it remained so until the mid-19thC; burials are likely to have ceased at the chapel when it was without a permanent minister and the congregation would instead have been buried at the town's main cemetery attached to St Mary's church. A number of burial slabs are understood to remain in the area.
- 5.30 Archaeological investigation and restoration of the burial ground would be a requirement of any permission for the development of the building; both will be secured by planning condition. Precise number of unmarked graves could only be established by geo-physical survey, which should take place if ground disturbance is proposed. A Ministry of Justice licence will be required if any human remains are encountered to ensure they are properly excavated and subsequently reburied. The boundary walls, which are included in the listing, are in need of repair, which would be a requirement of the development. The walls are likely to pre-date the Chapel and be contemporary with Maltings workers houses to the northeast and part of the original Seabourne Tenement on which the Chapel was built.
- 5.31 Although the Design and Access Statement says that the burial ground will be retained as a green space, free from domestic clutter, there is no way that this can be enforced through any permission. The installation of the door will clearly allow this space to function as a residential garden. The conversion of non-residential buildings to residential always risks the spread of domestic clutter. For this reason it is often not considered as a desirable use, especially where the setting of the building is sensitive to change. As proposed the chapel would have no external storage and the plans provide little opportunity for internal, which is not sustainable for a family home. This would inevitably lead to the spread of clutter and pressure for additional storage solutions (sheds etc). Both Historic England and the Conservation Officer have suggested this could be

- restricted by condition but this is not considered necessary or reasonable given the burial ground as aforementioned would not be readily apparent from the wider area and the conversion needs to be able to function adequately as a dwelling.
- 5.32 In conclusion, and having regard to the long history of the building, the change of use to residential and the works required to bring that change would not cause serious harm. There would however be some harm through the loss of public access, the insertion of a doorway and the removal of original roof timbers. The level of harm though is considered to be 'less than substantial', a differentiation required between paragraphs 133 and 134 of the NPPF. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This will be considered in the planning balance which follows the next main issue.
- 5.33 *Alternative uses*
The building has had a number of uses since its 1752 beginning, all of which have been open to the public – Chapel, reading room and then community use (dance rooms, music room, meetings, youth centre etc.). If approved this change of use would provide the first private, residential use of the building.
- 5.34 From the wording of policy CS23 it is clear that there are two options: firstly, has the use ceased, and if so, demand and marketing is considered; *or*, secondly, is the facility fit for purpose, and if not, account is taken of whether there is accessible alternative provision.
- 5.35 The public hall ceased to operate in 2012 and the proposal is accompanied by a Design and Access Statement which indicates that in the meanwhile there has been nothing but residential conversion interest. Even if there had been, a tour of the building revealed the need for further works. Sums of money would need to be spent to bring back into use the vacant rooms, or the premises would be severely limited in what it could offer including, but not limited to: external toilets, stair-case only kitchenette, lack of parking or drop-off facilities and no street frontage. Alternative community buildings within the area, for example the Community Centre on Chippenham Road, are thus likely to be far more convenient and suitable.
- 5.36 It is concluded on the evidence presented that all the provisions of Policy CS23 have been met, as its community use has ceased, the premises are no longer fit for purpose, genuine and adequate attempts to market the premises have failed, and there are other available community buildings in Marshfield.
- 5.37 *Principle of development conclusion*
The residential use provides the opportunity to retain features of historic or architectural interest, albeit no longer generally available to the public to appreciate inside the building. The present use is not entirely benign with regard to the listed building but overall some limited harm would be caused. That resulting from the loss of the public hall has been justified through the evidence submitted, but the harm to the listed building requires public benefits,

including securing its optimum viable use, to be weighed in the balance as laid out in paragraph 134 of the NPPF.

- 5.38 Public benefits may include heritage benefits and other benefits. In applying this policy it is important to bear in mind that this is a building which is no longer needed for the purpose for which it was created. It seems highly likely that any alternative community use would require some adaptation. It cannot be said that the proposed use is necessarily the optimum viable use given a community use would of course require less changes to the building. However, what can be said, on the evidence submitted, is that the proposed use is a viable one which, after revisions and subject to appropriate planning conditions, is consistent with the conservation of the building. It is a use which would remove risks to the building and is likely to support its long term conservation. Officers regard these as important heritage benefits.
- 5.39 Other heritage benefits have been identified above, in relation to the restoration of the chest tomb. Officers have also identified economic benefits in relation to the contribution of housing, particularly in view of the five year housing land supply.
- 5.40 On balance, it is considered that the heritage and other benefits would outweigh the limited harm to significance and setting.
- 5.41 For the reasons given above, the proposed conversion is considered to accord with the principle of development. Having regard to prevailing planning policies, the main issues to be decided next include the effects of the proposal on residential amenity, highway safety and parking (Policies CS8; PSP11; PSP16) and ecology (Policies CS9; PSP19).
- 5.42 **Residential Amenity**
The proposal involves the use of the whole building as a residential dwelling, comprising an open plan kitchen, dining and sitting area at ground floor, a single bedroom/sitting area and work space on mezzanines and a bathroom and 2no. bedrooms in the attic. The existing building will then have a number of habitable room windows on the front, sides and rear elevations that will overlook the rear gardens of adjacent properties. However, Officers are not persuaded that these effects would result in any material harm to the living conditions of the occupants of any of these properties sufficient to justify refusal of this application. In addition, adequate green space will still be provided on the site, albeit largely at the rear and in the form of the burial ground.
- 5.43 **Transport**
The proposal seeks to convert the existing Royal British Legion Hall to a 3no. bed private house. Thus to conform to the Council's adopted Residential Car Parking Standards, applicants would be required to provide two car parking spaces. However, due to space constraints, no off-street parking is proposed and so it must be acknowledged that the proposed development does not conform to the Council's normal requirements in this respect. An objection therefore would usually be raised.

5.44 However, as mentioned above, this building has previously been used for community activities, functioning as a chapel, British Legion Hall, youth centre and a reading room. It is therefore possible for it to revert to this type of use. Likewise, it would be possible for the applicant to seek to use for commercial activities. All these uses though are likely to generate a more significant travel demand than a residential dwelling, which would be a concern as no parking would be available for them either.

5.45 Officers, after careful consideration of the proposal and relevant matters raised in written representations, therefore conclude that conversion to residential use would be less harmful in highways and transportation terms than the possible alternatives.

5.46 **Ecology**

In order to assess the potential for *all* protected species on site, a Preliminary Bat Roost Assessment by Smart Ecology (July 2017) has been provided. Its findings are summarised below:

Habitats

- Building
- Ruderal Vegetation

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

- Bats - an internal and external inspection for bats was carried out and no evidence of bats was found, the only potential access points into the roof space were covered by cobwebs, indicating that they were not being used by bats. Therefore, the building has been assessed as having low suitability for roosting bats and no further survey work is required.

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

- Nesting birds – no evidence of nesting birds was observed. However, there are several access points for birds into the roof space.
- Reptiles – the small area of tall ruderal vegetation in the back garden (this space will be retained as a garden) could be used by reptiles and amphibians for shelter and foraging. The loss of this habitat would not have a significant impact on populations, as the neighbouring gardens provide more suitable habitat.

5.47 Taking into account the above, Smart Ecology recommend various mitigation measures to prevent biodiversity loss through the proposed development. A condition will therefore be imposed to secure their implementation.

5.48 Where appropriate, proposals should also demonstrate how they contribute towards the targets and aims of the South Gloucestershire Biodiversity Action Plan (BAP), as advised in the Council's planning guidance 'Biodiversity and the Planning Process', for example by creating new areas for habitat within the BAP or managing existing ones sympathetically. Officers therefore include a further condition requiring the provision of a bat tile/slate or box and an

attachable sparrow terrace to ensure ecological gain is achieved within and/or from the development.

5.49 **Equalities**

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

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

5.51 **Planning Balance**

It is concluded that the harm caused to the significance of the hall and its setting is outweighed by the benefits found, which vary in weight, resulting from the optimum viable use, the repair works, the provision of housing, the provision of sustainable development and effects on the economy, archaeology, residential amenity, transport and ecology. Accordingly, subject to compliance with the conditions imposed, Officers are satisfied that the scheme accords with national and local policy.

6. CONCLUSION

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

6.2 The recommendation to **approve** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 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 conditions below:

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

2. The use hereby permitted shall not commence until the recommendations made in the Preliminary Bat Roost Assessment by Smart Ecology (July 2017) have been implemented in full and thereafter permanently maintained. This includes: avoiding disturbance to nesting birds, bats and reptiles.

Reason

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

3. The use hereby permitted shall not commence until enhancement recommendations for bats and birds, which shall include details of one bat tile/slate or box and one sparrow terrace for attachment to the building, have been submitted to and approved in writing by the Local Planning Authority. All works shall take place in accordance with the approved details.

Reason

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

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

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building and archaeological remains in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework. This programme is required prior to commencement in view of the assets' listed statuses, its use as a burial ground and given the area is of known archaeological interest.

5. Notwithstanding previously submitted details and prior to the commencement of this specific element of the works a detailed schedule and specification of the roof repairs shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

6. Notwithstanding previously submitted details and prior to the commencement of works a phased programme and detailed schedule and specification of repairs to both the Chapel building, boundary walls and chest tomb shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. The programme, schedule and specification are required prior to commencement in view of the assets' listed statuses.

7. Notwithstanding previously submitted details and prior to the commencement of works a Method of repairing and adapting the windows, for which consent is expressly reserved, shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This Method is required prior to commencement in view of the assets' listed statuses.

8. Notwithstanding previously submitted details and prior to the commencement of works a revised drawing detailing the proposed new access door in the south elevation shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy

CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This drawing is required prior to commencement in view of the assets' listed statuses.

9. Notwithstanding previously submitted details and prior to the commencement of works details of all new floor, wall and ceiling finishes shall be submitted and approved in writing by the local planning authority. Where appropriate samples shall be submitted. The works shall be completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. The details and samples are required prior to commencement in view of the assets' listed statuses.

10. Notwithstanding previously submitted details and prior to the commencement of works a schedule of structural repairs and alterations, for which consent is expressly reserved, shall be submitted and agreed in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed sample.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This schedule is required prior to commencement in view of the assets' listed statuses.

11. Notwithstanding previously submitted details and prior to the commencement of works a representative sample panel of stonework of at least one metre square showing the stone, pointing and coursing shall be carried out on site and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed sample, which shall be retained on site for consistency.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This sample is required prior to commencement in view of the assets' listed statuses.

12. Notwithstanding previously submitted details and prior to the commencement of works, large scale details of the following items, at a scale of 1:5 shall be submitted and agreed in writing by the local planning authority:

- a. All new windows
- b. All new doors
- c. Eaves
- d. vents and flues
- e. rooflights
- f. staircase (including handrail, treads and risers)
- g. all new joinery
- h. all new heating systems (details submitted shall demonstrate how this is compatible with the existing fabric).

The works shall be completed strictly in accordance with the agreed sample, which shall be retained on site for consistency.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. The details are required prior to commencement in view of the assets' listed statuses.

13. Notwithstanding previously submitted details and prior to the commencement of works to the building subject to this application, a programme of recording of the interior and exterior shall be submitted to and approved in writing by the local planning authority. The programme of recording shall accord with the guidance for recording historic buildings set out within the English Heritage publication entitled 'Understanding Historic Buildings: A Guide to Good Recording Practices (2006)'. It is anticipated that the recording shall be carried out to level 2 of this Guidance. The approved programme shall be implemented in all respects and the completed building record shall be submitted to the Local Planning Authority for written approval.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This programme is required prior to commencement in order that the works are appropriately recorded.

14. This decision relates only to the plans identified below:
 Received 14.07.2017:
 Appendix 1 - Conveyance Doc
 Design & Access Statement
 Heritage Statement
 The Location Plan (154.3.000)
 Existing Floor Plan (154.3.010)
 Existing Section (154.3.011)
 Existing Roof Plan (154.3.012)

Existing Elevations (154.3.020)

Received 26.07.2017:
Preliminary Bat Roost Assessment

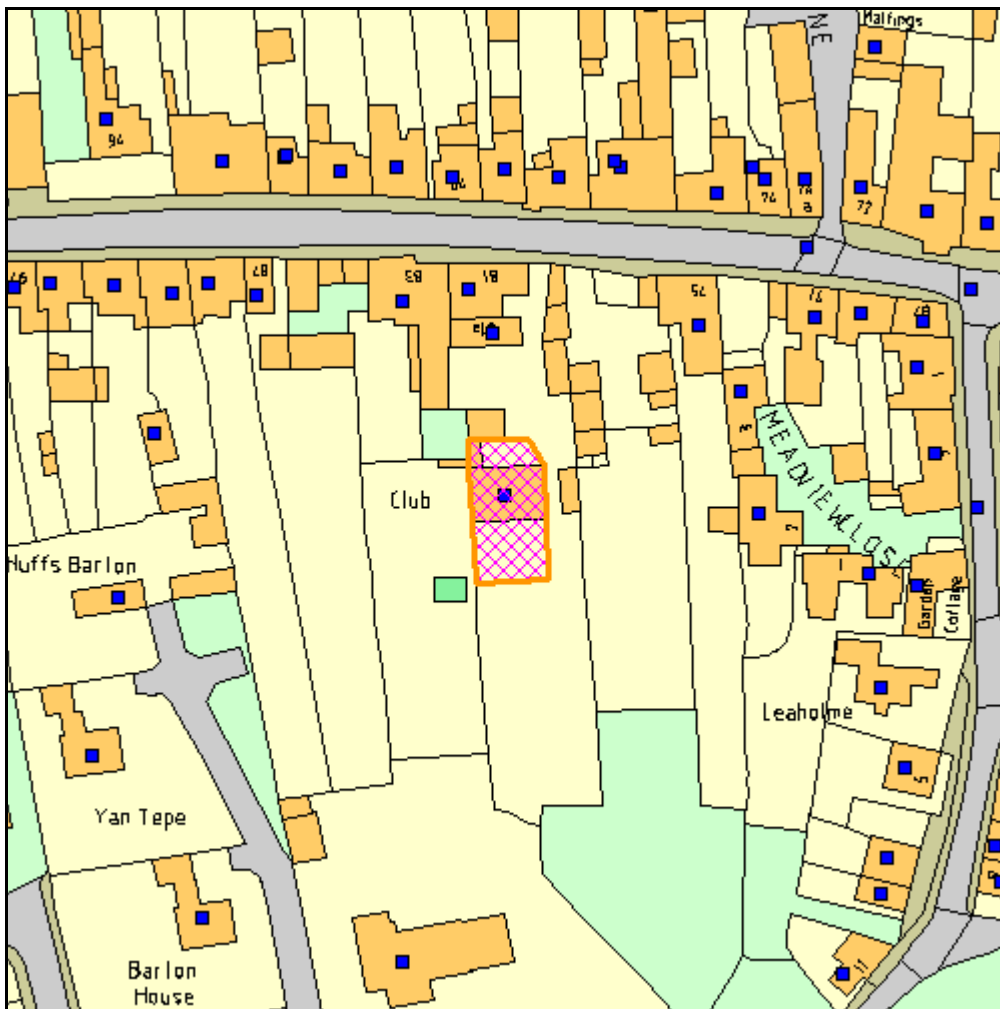
Received 12.11.2017:
Proposed Roof Build-Up (SK154-171112-01)
Existing Elevations (154.3.021 Rev A)
Proposed Floor Plan (154.3.110 Rev B)
Proposed Loft and Roof Plan (154.3.111 Rev B)
Site Overview (154.3.112 Rev B)
Proposed Elevations (154.3.121 Rev B)
Elevations (154.3.130 Rev B)
Elevations (154.3.131 Rev B)

Received 18.11.2017:
Proposed Elevations (154.3.120 Rev C)

Reason
For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|-----------------------------------------------------------------------------------------------------------|---------------------|---------------------------|
| App No.: | PK17/3479/LB | Applicant: | Ms Caren Slade |
| Site: | Royal British Legion Hall And Youth Centre 79 High Street Marshfield South Gloucestershire SN14 8LT | Date Reg: | 2nd August 2017 |
| Proposal: | Conversion of former British Legion Hall into 1no. residential dwelling (Class C3) with associated works. | Parish: | Marshfield Parish Council |
| Map Ref: | 377771 173703 | Ward: | Boyd Valley |
| Application Category: | Minor | Target Date: | 8th September 2017 |



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 100023410, 2008. N.T.S. PK17/3479/LB

REASON FOR SUBMITTING TO THE CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule list following objections from a local resident and the Parish Council which are contrary to the officer recommendation in this report.

1. THE PROPOSAL

- 1.1 This application relates to the Royal British Legion Hall and Youth Centre, no. 79 on the High Street in Marshfield. The property is listed grade II*, as is the chest tomb within the burial ground of the chapel which is grade II and adjoining neighbours. All reside within the Marshfield Conservation Area and the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.2 The chapel has provided a community facility for 260 years but has been closed for almost 6 years. The proposal is to bring the chapel back into use as a single residential unit with associated works.
- 1.3 Following a significant amount of negotiation, neither Historic England nor the Conservation Officer now object to the proposal. However, it has been noted that the submitted red line does not include the land required for access to the site from the public highway and given this is not owned by the applicant then the signed ownership certificate is wrong too. To remedy this, a new red line and certificate have been requested from the applicant and upon receipt a 21 day re-consultation will be immediately issued.
- 1.4 The application should be read in conjunction with PK17/3294/F.

2. POLICY CONTEXT

2.1 National Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
National Planning Policy Framework March 2012
National Planning Practice Guidance March 2014
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)
The Setting of Heritage Assets (GPA 3)
Historic England Advice Notes, in particular Note 2 - Making Changes to Heritage Assets

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

CS23 Community Infrastructure and Cultural Activity
CS34 Rural Areas

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

| | |
|-------|----------------------------------------------|
| PSP1 | Local Distinctiveness |
| PSP2 | Landscape |
| PSP8 | Residential Amenity |
| PSP11 | Transport Impact Management |
| PSP16 | Parking Standards |
| PSP17 | Heritage Assets and the Historic Environment |
| PSP19 | Wider Biodiversity |
| PSP43 | Private Amenity Space Standards |

- 2.3 Supplementary Planning Guidance
Marshfield Conservation Area SPD (Adopted) 2004
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PRE16/1171
Change of use/alterations to residential (listed building)
27.02.2017
- 3.2 PK11/3619/LB
Internal and external repairs and alterations including the installation of 2.no
roofvents to facilliate the conversion of former chapel to a two bedroom
dwelling
Withdrawn
11.01.2012
- 3.3 PK11/3588/F
Conversion of Chapel to 1 no. two bedroom dwelling and associated works.
Withdrawn
16.01.2012
- 3.4 PK02/2315/LB
Internal and external alterations to existing toilet block including installation of
new doors and windows and raising height of roof.
Approve with conditions
22.08.2002
- 3.5 PK02/2021/F
Alterations to existing toilet block including installation of new doors and
windows and raising height of roof
Approve with conditions
22.08.2002
- 3.6 NLBC412
Stripping of 3 sides of roof and re-roofing with double roman clay tiles.

Approve with conditions
09.09.1982

4. CONSULTATION RESPONSES

4.1 Marshfield Parish Council

Objection:

- support restoration work
- insufficient parking

4.2 Other Consultees

Conservation Officer

Support given subject to 9no. conditions

Council for British Archaeology

No comment

Georgian Group

No comment

Twentieth Century Society

No comment

Society for the Protection of Ancient Buildings

No comment

Victorian Society

No comment

Ancient Monuments Society

No comment

Historic England

No objection subject to consideration of:

- the new external access being limited to a minimum width required to comply with Building Regulations;
- that any material works to the fenestration are suitably controlled because Drawing note 10 is ambiguous and the issue of passive ventilation has not been addressed; and,
- a condition restricting the proliferation of domestic paraphernalia because any domestication of the burial ground is inappropriate and harms the setting of the Grade II* listed building.

Other Representations

4.3 Local Residents

1no. letter of objection has been received stating the following:

- lack of parking available
- likelihood of increased on street parking pressure

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The only consideration in a listed building consent application is what impact the proposal will have upon the special architectural and historic character of the building.

5.2 Impact on the Listed Building

Built as a non-conformist chapel in 1752, by the start of the 18thC the congregation peaked at 300, served by two ministers. However, with a declining population and wealth in Marshfield, towards the end of the 19thC attendance was so poor that the building was sold and reopened in 1908 as a reading room. Some years later the building was donated to the Royal British legion and until its resale in 2012, was used as a meeting hall and for Unitarian worship. Between 2012 and 2016 it was used for storage.

5.3 The building itself is ashlar faced and has a date and inscription plaque on the front. It is single storey, rectangular on plan with a hipped double Roman tiled roof. On the front elevation the quoins are chamfered, with a plain band connecting the imposts of the windows – 2 multi-pane semi-circular headed windows with moulded archivolls and keystones. In the centre is a set of panelled double doors and rusticated architrave. The rear elevation has a pair of identically designed windows to those on the front, but also a plain band at cill level as well as impost level. There is a sun dial in the centre at first floor level. To the north of the building is an adjoined low, narrow single storey range of stores of much later date and which are described in the list description as of no interest. These are built off the boundary wall with a lean-to roof. Within the rear walled churchyard is a chest tomb, which is individually listed at grade II. Internally the hall is an open single space with raised side galleries to the east and west. It retains a significant amount of historic decoration internally. The side galleries have raised and fielded panels and are each accessed via staircases, both on the north side of the room and enclosed by doors. The wall to the rear of each gallery has 3no. arched recesses springing from chamfered and plastered posts with projecting moulded impost. There is also raised and fielded wainscot panelling at the lower level. In preparation for its use as a reading room, a number of changes were made to the building at the beginning of the 19thC, including the insertion of the ceiling and addition of toilets to the north.

5.4 In England the first Unitarian Church was established in 1774 on Essex Street, London, where today's British Unitarian headquarters are still located. 'The Old Meeting' website advises that *Unitarian worship was illegal in 1752 but the absence from the inscription to any allusion to doctrines such as the Trinity, and its references to the avoidance of bigotry, the happiness of mankind and (later on the inscription) to liberty of conscience, indicate the congregation's Unitarian sentiments.*

5.5 The origins of the building can be traced to 1680 when George Seal, who had been ejected from a parish in south Wales, became pastor of a society of dissenters in Marshfield. An alternative site for worship was used at this time.

George Seal appears to have been succeeded by Robert Paterson, followed by Angel Shapland who died in 1748. The next minister was Evan Thomas and it was during his ministry that the congregation raised funds to erect the meeting house.

- 5.6 The building is described as a good and early non-conformist chapel handled in a competent classical manner. The building is in a very good original condition, with very little alteration to its historic form and design. The setting of the building is also unspoilt and contributes to its historic character and aesthetic appeal. The listed description was revised in 2012 to more fully assess the significance of the building. It's rarity, early date, confident Classical design and high quality interior are all cited as of particular importance, meriting its grade II* listing. Furthermore, the building's association with William Hazlett Senior, pastor of the chapel from 1765-70 and founder pastor of the first Unitarian church in America gives the building particular historic significance, and the burial ground and walls provide an important sense of context and group value.
- 5.7 Turning to the proposal, early on the Conservation Officer was seriously concerned about the effect of certain changes on the significance of the listed building and its setting within the Marshfield Conservation Area. After subsequent detailed negotiations with the Council, the applicant has submitted revised plans in an attempt to address all matters. Each shall be dealt with in turn:
- 5.8 *Internal alterations within the main hall*
The internal proportions and fabric (especially the galleries, stairs and wainscoting) are both extremely important elements of the building's significance and as such Officers considered these needed to be left undisturbed. The proposal retains the single open space within the main Chapel and the galleries and staircases. The one element of change which is proposed and considered on balance as justifiable in bringing the building back into a viable use is the modification of the west stair in order to provide access the northern extension as this would likely be a requirement of any new use.
- 5.9 Continuing with the stairs, it was initially proposed that these would be enclosed and new escape windows introduced at first floor to meet fire regulation requirements. However, Historic England and the Conservation Officer considered these alterations to be harmful and unjustified, plus there was a concern that without them Building Regulations relating to fire safety could not be satisfied. The applicant has sought advice from an independent fire engineer who has confirmed that the original 'detection' dependent and localised suppression strategy is capable of obtaining Building Regulation approval, subject to detailed design. Based on this advice it is therefore considered that the building is capable, in principle, of being converted to a residential use without causing an unacceptable level of harm to the fabric and plan form.
- 5.10 The proposal seeks to install kitchen units along the west wall and there was a concern that fixing these to the panelling would damage it. Revised drawings now show the unit to be free standing, thus preserving the panelling in-situ.

- 5.11 The proposal initially included the installation of a wood burning stove. This was not considered acceptable due to the visual impact of the flue internally and externally. Internally it was proposed to travel up through the full height space, where it would be overly prominent and unsightly, and externally would appear as an overtly domestic feature. However, the woodburner (and associated flue) has now been removed.
- 5.12 The Design and Access Statement states *'it is proposed that conversion of the building to a residential use is the only way to repair it from its current condition and, looking ahead, in preserving and enhancing it'*. In order to demonstrate this, details of necessary repairs should have been submitted in a schedule for consideration alongside the alterations. To be included was a repair of the suspended floor and two sections of the original flag floor, repair of the notched out section of gallery, any plaster or pointing repairs necessary and repair of the windows (including details of any alterations proposed) etc. However, no such schedule has been forthcoming. The repairs to the historic fabric including internal fittings, boundary walls and the chest tomb will therefore be conditioned in details and this will be through a phased programme of works to ensure that the benefits to the building are secured in full as part of the conversion.
- 5.13 The application states that the windows would be 'renewed'. It was unclear what exactly this means and could be interpreted as replacement which would be unacceptable, but it has subsequently been confirmed that the windows are being retained and repaired. Any adaptation to provide ventilation (as has been done in the past) will need to be submitted via the condition details and consent for this is expressly reserved.
- 5.14 From the beginning, Historic England and the Conservation Officer were unconvinced that a door to the burial ground could be justified. However, after much discussion, it was considered that access to the amenity space (beyond the front courtyard) is required in order to make the residential use viable. Its creation will cause a certain level of harm, disturbing the plan form and resulting in loss of fabric, but it must be considered against the benefits of the new use and the repair elsewhere. Having revisited Sheepfair Lane, the Conservation Officer is confident that the doorway will not be seen from public vantage points and that the use of the burial ground as a garden space will not be readily apparent. The chest tomb is also proposed to be repaired. As an individually listed structure, a use which brings about its repair is a positive benefit which can be balanced against the harm of creating the doorway. On this basis, it is considered that this alteration is one that can be supported to bring the building back to a viable use and support its repair. A revised door design has been submitted although it would perhaps benefit from a further reduction in width (Historic England recommend the minimum to comply with Building Regulations). Officers therefore think this should be considered in detail on site taking into account the internal panelling too. An internal jib door, incorporating the panelling could also be an option. As such, this will be conditioned.

- 5.15 The roof is original but additional diagonal struts and strengthening have been added to the king post trusses, possibly at the time that the ceiling was added in the early 20thC. As these are later and would have never intended to be seen, it is not considered that their loss would affect the significance of the building although they should be recorded. However, in order to provide access, the original diagonal timbers from the king post trusses would have to be removed (appears to be 2no. in total) which would constitute loss of historic fabric to an otherwise complete historic roof structure. Turning to the ceiling, before this was added the roof structure would have been exposed within the main chapel. The Conservation Officer therefore considered it important that the timbers were left exposed, with an insulation solution above the rafters as opposed to in-between. However, further supporting information (which would be required of any new use) posing both options was submitted, the former of which was selected because the latter, although leaving the historic timbers exposed, would unsatisfactorily impact on the stone cornice eaves detail.
- 5.16 In considering the long term viability of the building, it is important that the future maintenance and development pressures is considered. Things highlighted included: how natural ventilation is managed (because the building has little of it); the requirement for extraction and SVP's in new bathrooms and the kitchen; and, removal of the insensitively sited radiators affixed to the panelling would provide an enhancement to the interior and underfloor heating may well provide a good alternative as long as this can be accommodated without adversely affecting historic floor structures and finishes. No such details have been provided and as such must unfortunately be agreed by condition.
- 5.17 Any development of the building would generate the requirement for full building recording; this will be achieved by means of a planning condition. This will cover the potential for the foundation stone to be uncovered as it may be beneath the sprung floor, Victorian plaster or the added toilet block (front elevation). If found, it should be uncovered and displayed.
- 5.18 *Extension to the north*
The existing lean-to toilet block is a later addition to the building and not considered of any significant merit. The list description states: *'The single storey toilet block in front of the west wall is attached to the meeting house and was probably built in 1908. It has a modern interior and an iron roof and is not of any interest'*. It replacement with new build accommodation was considered acceptable in principle subject to design because the Conservation Officer was concern that this would appear too built as it is located on the principal elevation. Subsequently the front extension has been reduced in footprint as recommended in order to bring it further away from the principal elevation.
- 5.19 It was not entirely clear which section of the existing front boundary wall required heightening to allow the proposed roof pitch. This has since been shaded on plan for clarification.
- 5.20 This area falls within the Medieval settlement core and as such it is possible that archaeological remains relating to this survive. Works in this area should be monitored during construction to ensure that any archaeology encountered is recorded; this will be conditioned accordingly.

5.21 *Burial ground*

In contrast to the busy High Street and the tight knit arrangement of building to the north of the chapel, the burial ground to the south is a peaceful and open space with views to the open countryside beyond the village. The chapel does not connect to the burial ground, which further enhances the sense of isolation and tranquillity of this area.

5.22 The burial ground has not been researched in any depth. It is an important part of the chapel historically and contributes to its setting. The HER records one inscription on the chest tomb as MARY wife of ISAAC FREEME/ she died on the 22nd March 1801/ in the 64th Year of Her Age. The chest tomb is showing signs of subsidence. The last recorded burial is understood to have been in 1854. According to the R Millard Historic Buildings Sir Jerome Murch (the Mayor of Bath who came to that city in 1833 as Minister of the Trim Street Unitarian Chapel) describes two memorial tablets inside the chapel relating to the burial of former ministers (Rev. Evan Thomas 1707-1762 and Rev. David Evans 1750-1817) on the site. It can therefore be concluded that the burial ground was intended to be used from the time the Old Meeting House opened and that it remained so until the mid-19thC; burials are likely to have ceased at the chapel when it was without a permanent minister and the congregation would instead have been buried at the town's main cemetery attached to St Mary's church. A number of burial slabs are understood to remain in the area.

5.23 Archaeological investigation and restoration of the burial ground would be a requirement of any permission for the development of the building; both will be secured by planning condition. Precise number of unmarked graves could only be established by geo-physical survey, which should take place if ground disturbance is proposed. A Ministry of Justice licence will be required if any human remains are encountered to ensure they are properly excavated and subsequently reburied. The boundary walls, which are included in the listing, are in need of repair, which would be a requirement of the development. The walls are likely to pre-date the Chapel and be contemporary with Maltings workers houses to the northeast and part of the original Seabourne Tenement on which the Chapel was built.

5.24 Although the Design and Access Statement says that the burial ground will be retained as a green space, free from domestic clutter, there is no way that this can be enforced through any permission. The installation of the door will clearly allow this space to function as a residential garden. The conversion of non-residential buildings to residential always risks the spread of domestic clutter. For this reason it is often not considered as a desirable use, especially where the setting of the building is sensitive to change. As proposed the chapel would have no external storage and the plans provide little opportunity for internal, which is not sustainable for a family home. This would inevitably lead to the spread of clutter and pressure for additional storage solutions (sheds etc). Both Historic England and the Conservation Officer have suggested this could be restricted by condition but this is not considered necessary or reasonable given the burial ground as aforementioned would not be readily apparent from the wider area and the conversion needs to be able to function adequately as a dwelling.

- 5.25 In conclusion, and having regard to the long history of the building, the change of use to residential and the works required to bring that change would not cause serious harm. There would however be some harm through the loss of public access, the insertion of a doorway and the removal of original roof timbers. The level of harm though is considered to be 'less than substantial', a differentiation required between paragraphs 133 and 134 of the NPPF. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This will be considered in the planning balance which follows the next main issue.
- 5.26 *Alternative uses*
The building has had a number of uses since its 1752 beginning, all of which have been open to the public – Chapel, reading room and then community use (dance rooms, music room, meetings, youth centre etc.). If approved this change of use would provide the first private, residential use of the building.
- 5.27 From the wording of Core Strategy policy CS23 it is clear that there are two options: firstly, has the use ceased, and if so, demand and marketing is considered; or, secondly, is the facility fit for purpose, and if not, account is taken of whether there is accessible alternative provision.
- 5.28 The public hall ceased to operate in 2012 and the proposal is accompanied by a Design and Access Statement which indicates that in the meanwhile there has been nothing but residential conversion interest. Even if there had been, a tour of the building revealed the need for further works. Sums of money would need to be spent to bring back into use the vacant rooms, or the premises would be severely limited in what it could offer including, but not limited to: external toilets, stair-case only kitchenette, lack of parking or drop-off facilities and no street frontage. Alternative community buildings within the area, for example the Community Centre on Chippenham Road, are thus likely to be far more convenient and suitable.
- 5.29 It is concluded on the evidence presented that all the provisions of Policy CS23 have been met, as its community use has ceased, the premises are no longer fit for purpose, genuine and adequate attempts to market the premises have failed, and there are other available community buildings in Marshfield.
- 5.30 *Conclusion*
The residential use provides the opportunity to retain features of historic or architectural interest, albeit no longer generally available to the public to appreciate inside the building. The present use is not entirely benign with regard to the listed building but overall some limited harm would be caused. That resulting from the loss of the public hall has been justified through the evidence submitted, but the harm to the listed building requires public benefits, including securing its optimum viable use, to be weighed in the balance as laid out in paragraph 134 of the NPPF.

- 5.31 Public benefits may include heritage benefits and other benefits. In applying this policy it is important to bear in mind that this is a building which is no longer needed for the purpose for which it was created. It seems highly likely that any alternative community use would require some adaptation. It cannot be said that the proposed use is necessarily the optimum viable use given a community use would of course require less changes to the building. However, what can be said, on the evidence submitted, is that the proposed use is a viable one which, after revisions and subject to appropriate planning conditions, is consistent with the conservation of the building. It is a use which would remove risks to the building and is likely to support its long term conservation. Officers regard these as important heritage benefits.
- 5.32 Other heritage benefits have been identified above, in relation to the restoration of the chest tomb. Officers have also identified economic benefits in relation to the contribution of housing, particularly in view of the five year housing land supply.
- 5.33 On balance, it is considered that the heritage and other benefits would outweigh the limited harm to significance and setting.

6. **CONCLUSION**

- 6.1 The recommendation to **grant** consent has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 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 listed building consent is **GRANTED** subject to the conditions below:

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

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

2. Notwithstanding previously submitted details and prior to the commencement of this specific element of the works a detailed schedule and specification of the roof repairs shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. Notwithstanding previously submitted details and prior to the commencement of works a phased programme and detailed schedule and specification of repairs to both the Chapel building, boundary walls and chest tomb shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. The programme, schedule and specification are required prior to commencement in view of the assets' listed statuses.

4. Notwithstanding previously submitted details and prior to the commencement of works a Method of repairing and adapting the windows, for which consent is expressly reserved, shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This Method is required prior to commencement in view of the assets' listed statuses.

5. Notwithstanding previously submitted details and prior to the commencement of works a revised drawing detailing the proposed new access door in the south elevation shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This drawing is required prior to commencement in view of the assets' listed statuses.

6. Notwithstanding previously submitted details and prior to the commencement of works details of all new floor, wall and ceiling finishes shall be submitted and approved in writing by the local planning authority. Where appropriate samples shall be submitted. The works shall be completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. The details and samples are required prior to commencement in view of the assets' listed statuses.

7. Notwithstanding previously submitted details and prior to the commencement of works a schedule of structural repairs and alterations, for which consent is expressly reserved, shall be submitted and agreed in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed sample.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This schedule is required prior to commencement in view of the assets' listed statuses.

8. Notwithstanding previously submitted details and prior to the commencement of works a representative sample panel of stonework of at least one metre square showing the stone, pointing and coursing shall be carried out on site and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed sample, which shall be retained on site for consistency.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This sample is required prior to commencement in view of the assets' listed statuses.

9. Notwithstanding previously submitted details and prior to the commencement of works, large scale details of the following items, at a scale of 1:5 shall be submitted and agreed in writing by the local planning authority:
 - a. All new windows
 - b. All new doors
 - c. Eaves

- d. vents and flues
- e. rooflights
- f. staircase (including handrail, treads and risers)
- g. all new joinery
- h. all new heating systems (details submitted shall demonstrate how this is compatible with the existing fabric).

The works shall be completed strictly in accordance with the agreed sample, which shall be retained on site for consistency.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. The details are required prior to commencement in view of the assets' listed statuses.

10. Notwithstanding previously submitted details and prior to the commencement of works to the building subject to this application, a programme of recording of the interior and exterior shall be submitted to and approved in writing by the local planning authority. The programme of recording shall accord with the guidance for recording historic buildings set out within the English Heritage publication entitled 'Understanding Historic Buildings: A Guide to Good Recording Practices (2006)'. It is anticipated that the recording shall be carried out to level 2 of this Guidance. The approved programme shall be implemented in all respects and the completed building record shall be submitted to the Local Planning Authority for written approval.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This programme is required prior to commencement in order that the works are appropriately recorded.

11. This decision relates only to the plans identified below:

Received 14.07.2017:

Appendix 1 - Conveyance Documents

Design & Access Statement

Heritage Statement

The Location Plan (154.3.000)

Existing Floor Plans (154.3.010)

Existing Attic Plan & Section 9154.011)

Existing Site and Roof Plan (154.3.012)

Existing Elevations South & West (154.3.020)

Received 26.07.2017:

Listing

Preliminary Bat Roost Assessment

Received 12.11.2017:

Proposed Roof Build-Up (SK154-171112-01)

Existing Elevations - North & East (154.3.021 Rev A)

Proposed Ground & First Floors (154.3.110 Rev B)

Proposed Loft & Roof Plans (154.3.111 Rev B)

Proposed Site Plan (154.3.112)

Proposed Elevations North & East (154.121 Rev B)

Sectional Elevations (154.3.130 Rev B)

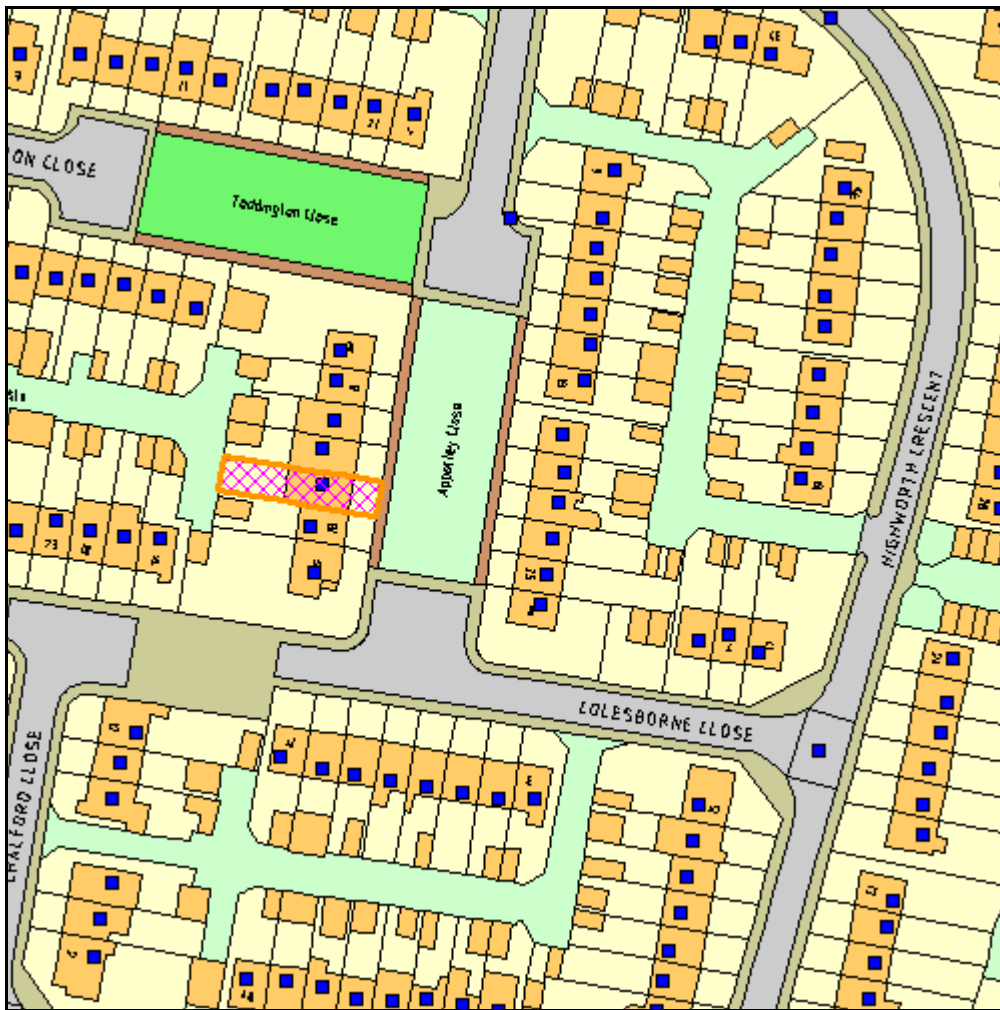
Section A-A (154.3.131 Rev B)

Received 18.11.2017:

Proposed South & West Elevations (154.3.120 Rev C)

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|--------------------------------------------------------------------------------------|---------------------|---------------------|
| App No.: | PK17/4123/F | Applicant: | Mr Richard Bennett |
| Site: | 14 Apperley Close Yate Bristol South Gloucestershire BS37 4HJ | Date Reg: | 27th September 2017 |
| Proposal: | Erection of single storey rear extension to provide additional living accommodation. | Parish: | Yate Town Council |
| Map Ref: | 370969 181750 | Ward: | Yate Central |
| Application Category: | Householder | Target Date: | 22nd November 2017 |



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 100023410, 2008. **N.T.S.** **PK17/4123/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as a representation has been received which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks approval for the erection of a single storey rear extension to provide additional living accommodation at 14 Apperley Close, Yate.
- 1.2 The application site consists of a two storey, mid-terraced property in the built up residential area of Yate. The host dwelling is mid-late 20th century and located within a Radburn design estate.
- 1.3 The family has two teenage sons, one of whom is disabled with Autism Spectrum Disorder and learning difficulties. They have been assisted by South Gloucestershire Council's occupational therapist who has recommended that a ground floor bedroom and accessible bathroom is created to alleviate conflicts that occur on the 1st floor caused by behaviour and bathroom demands.
- 1.4 Amendments were requested by the Officer to reduce the size of the proposed extension and address the provision of off-street parking.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 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 Policies, Sites and Places Plan Adopted November 2017

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Space

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) December 2013

Residential Parking Standards SPD (adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council

The extension is too large, running just about the entire length of the garden and half the width. It is out of proportion to the property. Because of the slope of the land, the extension extends well above the fence and will be unduly dominant on the neighbouring land.

The plan will also mean the property does not deliver any off street parking. We are concerned that site plans also show the conversion of the garage and off street parking area into garden, beyond the extension. This means the property no longer has any off street parking spaces. The extension will add to the number of bedrooms, making it a four bedroom property, without any off street parking. As there is only pedestrian access at the front, this will lead to on street parking in an already congested hammer head cul-de-sac at the rear.

Amended plans were received reducing the size of the proposal and including off-street parking provision.

4.2 Sustainable Transport

The proposed development will increase the bedrooms within the dwelling to four. The Council's residential parking standards state that a dwelling with up to four bedrooms provide a minimum of two parking spaces within its site boundary. No detail on existing or proposed vehicular access and parking has been submitted. Before final comment can be made, revised details addressing the above needs to be submitted.

Revised plans to address off-street parking were received. No further comment received from the Sustainable Transport Officer.

Other Representations

4.3 Local Residents

1no. comment has been received from a local resident. The comments are as follows:

1. Over development of a small terraced back garden
2. The extension running nearly the length of the back garden will be over bearing.
3. The extension will cast a shadow that will adversely affect the amenity of my property by reducing daylight and solar effect through the rear windows.
4. In reference to the above point I feel the extension should be built if allowed further back into our neighbours land away from the boundary to minimise this impact.
5. We do not give permission for any encroachment or building activist on our property/land, therefore I am unsure how this extension can be built in this position.
6. Extension doesn't seem to have any rainwater dispersal system.
7. No overall height from ground level indication. The drawing looks twice the height of the 6ft fence (the only measurement shown)

These points will be addressed within the subsequent sections of the report.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 of the Policies, Sites and Places Plan (November 2017) allows 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 application site sits within a Radburn style estate in an established residential area of Yate, with the principal elevation of the properties being accessed primarily by footpaths, and the parking and highway to the rear of the dwellings. The property in question sits within a terrace of seven, all of which are similar in design. The host dwelling features a gable tiled roof, is externally finished in pebble dash render and consists of white UPVC windows. The proposal would replace an existing conservatory.

5.3 The proposed extension would be located to the west elevation of the dwelling where the existing rear conservatory is situated. It will be single storey with a hipped roof and will be finished in materials to match those used in the existing dwelling. It would extend beyond the rear wall of the existing dwelling by approximately 5 metres, have an overall height of approximately 3.6 metres and an eaves height of approximately 2.7 metres.

5.4 Overall, the proposed design is not considered to be detrimental to the character of the existing property or surrounding area. Appropriate materials have been selected and the scale of the proposal is judged to be acceptable for the size of the site and density of the surrounding area. As such, the proposed extension is deemed to comply with policy CS1 of the Core Strategy.

5.5 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan (Adopted) November 2017 sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers, as well as the private amenity space of the host dwelling.

5.6 A door and one window are proposed on the north elevation which would be approximately 1 metre from the boundary with the neighbouring property at no.12, the two properties are separated by a 1.5 metres high wall. One rooflight is proposed on the south facing roof slope adjacent to the neighbouring property at no.16, but due to the height and angle it is not considered to have an overlooking impact. One window is proposed on the west elevation, facing onto the rear garden.

Due to the single storey nature combined with the boundary treatments it is not considered there will be significant overlooking onto neighbouring occupiers.

- 5.7 An overbearing impact and loss of light were the main concerns raised by the objection received by the neighbouring occupier, who lives at the attached property, no.16 Apperley Close. The original proposal was to extend beyond the rear wall of the existing dwelling by approximately 8.5 metres which is a large extension and coupled with the fact it would extend to the edge of the rear detached garage of the neighbouring property may have caused the neighbour to feel slightly tunnelled in. To address this issue, amendments were sought reducing the length of the proposal and final amended plans were received by the Council on 16th November 2017. The proposal reduced the length of the development by approximately 3.5 metres, making it 5 metres from the rear of the original dwelling. Although this still remains a relatively large extension, steps have been taken to address the overbearing impact and on balance it would not cause enough of a detrimental impact to recommend refusal due to its single storey height.
- 5.8 As the neighbouring occupier at no.16 sits to the south of the application site it is considered that the existing levels of light afforded to the neighbouring occupier would not significantly alter as to warrant refusal.
- 5.9 It is noted that the private amenity space for the occupiers of the host dwelling would be reduced should the proposal be constructed and the proposed off-street parking implemented at the rear. However, on balance it is considered the remaining private amenity space would be acceptable.
- 5.10 Overall, it is therefore considered that the proposed development is acceptable in terms of residential amenity and complies with policy PSP38 of the PSP Plan.
- 5.11 Sustainable Transport
The comments from the Sustainable Transport Officer and Yate Town Council have been noted. The existing property does not currently benefit from any off-street parking and it was observed on a site visit that there is no existing garage as suggested in the objection comment. South Gloucestershire Residential Parking Standards require two off-street parking spaces for dwelling with three or four bedrooms. The proposal would create an additional fourth bedroom and include parking provision at the rear for one vehicle. Ordinarily two off-street spaces would be required to comply with Parking Standards, however on balance it is considered that one off-street parking space would be an improvement on the existing parking provision and two spaces would not leave sufficient private residential amenity space for the occupiers. Therefore, the proposal is considered to be acceptable in terms of transportation.
- 5.12 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must

have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.13 The applicants have two teenage boys, one of whom is diagnosed with Autism Spectrum Disorder and learning difficulties. The family have been assisted by an occupational therapist who has recommended that a ground floor bedroom and bathroom is created to alleviate conflicts caused by behaviours and bathroom demands. The application is proposing an additional bedroom with accessible bathroom. In this instance some weight will be given to equalities by the Officer when recommending the decision.

5.14 Other Matters

The applicant would require the land owner's permission to enter land that is not within the applicant's ownership. Informative notes will be added to the decision notice addressing the land ownership issues.

5.15 On minor works such as this rainwater drainage is not a material planning consideration, this will be satisfied through compliance with Building Regulations.

5.16 The height of the proposed extension was indicated on the submitted elevation plans, which were drawn at a scale of 1:50.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application is APPROVED subject to conditions attached to the decision notice.

Contact Officer: James Reynolds
Tel. No. 01454 864712

CONDITIONS

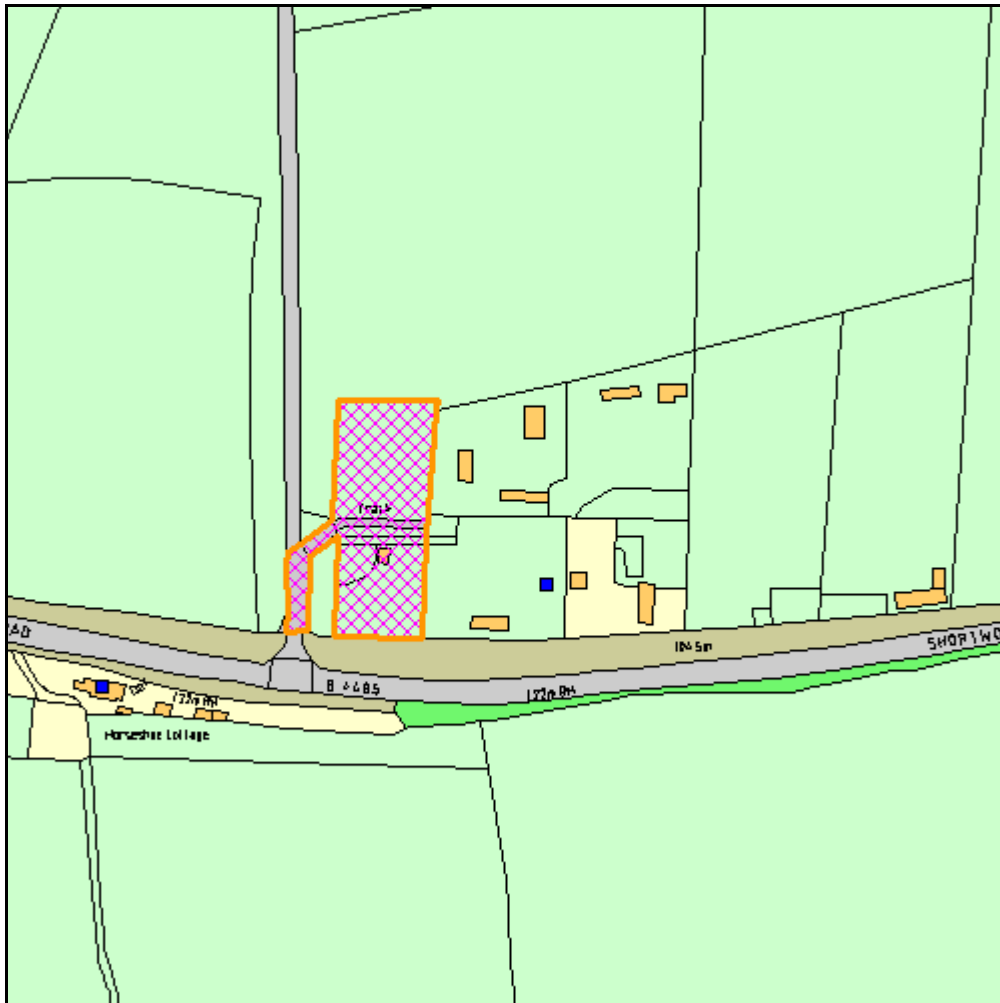
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|--------------------------------|
| App No.: | PK17/4232/RVC | Applicant: | Mr Jason McDonagh |
| Site: | Land At Shortwood Road Pucklechurch South Gloucestershire BS16 9PQ | Date Reg: | 26th September 2017 |
| Proposal: | Variation of condition 1 and 2 attached to PK14/2889/F allowed on appeal APP/P0119/W/15/3065767 condition no. 1 to now read The use hereby permitted shall be carried on only by the following and their resident dependants: James McDonagh and Helen Monagan (Plot 1) and Jason McDonagh and Theresa McDonagh (Plot 2). Condition no. 2 to now read, When the land ceases to be occupied by those named in Condition 1) above, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought onto the land, or works undertaken to it in connection with the use shall be removed and the land restored within a further three months to its condition before the development took place | Parish: | Pucklechurch Parish Council |
| Map Ref: | 368860 175784 | Ward: | Boyd Valley |
| Application Category: | Minor | Target Date: | 31st October 2017 |



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 100023410, 2008. N.T.S. PK17/4232/RVC

REASONS FOR REFERRING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of representations from the public that are contrary to the officer recommendation. Furthermore the proposal represents a departure from Green Belt Policy.

1. THE PROPOSAL

1.1 Planning permission PK14/2889/F was allowed on appeal APP/P0119/W/15/3065767 for the use of land for the stationing of caravans for residential purposes for 2no. gypsy pitches, together with the formation of additional hardstanding and utility/dayrooms ancillary to that use; on land at Shortwood Road, Pucklechurch. The appeal Inspector granted planning permission subject to a number of conditions, of which:

Condition 1 reads as follows:

“The use hereby permitted shall be carried on only by the following and their resident dependants: James McDonagh and Helen Monagan (Plot 1), and Jason McDonagh and Theresa McDonagh (Plot 2), and shall be for a limited period being the period of 3 years from the date of this Decision, or the period during which the premises are occupied by them, whichever is the shorter.”

Condition 2 reads as follows:

“When the land ceases to be occupied by those named in condition 1) above, or at the end of 3 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored within a further three months to its condition before the development took place.”

This current application seeks to vary the wording of the above two conditions as follows:

Condition 1

The use hereby permitted shall be carried on only by the following and their resident dependants: James McDonagh and Helen Monagan (Plot 1) and Jason McDonagh and Theresa McDonagh (Plot 2).

Condition 2

When the land ceases to be occupied by those named in condition 1) above, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought onto the land, or works undertaken to it in connection with the use, shall be removed and the land restored within a further three months to its condition before the development took place.

In effect, the proposed variations would allow the use of the land for the purposes approved by those named in Condition 1 only, until such time that they vacate the site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy for Traveller Sites (PPTS)
Ministerial Statement by the Rt. Hon. Brandon Lewis MP 2 July 2013
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Environmental Resources and Built Heritage
CS21 Gypsy and Traveller Accommodation
CS34 Rural Areas

Policies Sites and Places Plan (Adopted) Nov. 2017

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
PSP21 Environmental Pollution and Impacts
PSP40 Residential Development in the Countryside
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire & City of Bristol Gypsy & Traveller Accommodation Assessment (GTAA) 2013
South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire SPD: Residential Parking Standards (Adopted 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 P90/1062 – Change of use of land from agricultural to golf driving range. Refused 11 January 1990
- 3.2 PK05/1054/F – Change of use of grazing land (sui generis) for the stationing of 3no. residential gypsy caravans. (Retrospective). **Approved with conditions at Appeal.** 16 August 2007 (*This relates to the adjacent site Meadow View but is relevant in the context of this application*).

- 3.3 PK08/2020/F - Change of use of grazing land (sui generis) for the stationing of 2no. residential gypsy mobile homes, 2no. associated touring caravans and associated pitches. Erection of day room and associated hardstanding. **Approved with Conditions.** 16 September 2008. *(This relates to the adjacent site Meadow View but is relevant in the context of this application).*
- 3.4 PK09/0398/F – Change of use of grazing land (sui generis) for the stationing of 1no. residential gypsy mobile home, 4no. associated touring caravan pitches (1no. permanent and 3no. transit pitches). Erection of utility/day room and associated hardstanding. **Refused.** 29 May 2009. *(This relates in part to the application site and in part to the adjacent site Meadow View).*
- 3.5 PK14/2889/F - Change of use of land to gypsy/travellers site including 2no. mobile homes and 2no. touring caravans with the formation of additional hard standing and 2no. ancillary utility/day rooms.

Refused for the following reasons:

1. *The proposal does not meet any of the exception criteria provided by the National Planning Policy Framework and represents inappropriate development in the Green Belt that is, by definition, harmful. It is for the applicant to demonstrate that very special circumstances exist so as to outweigh the presumption against such inappropriate development. In the context of this development, the Council does not accept that the issue of unmet demand amounts to very special circumstances to outweigh the harm arising from the inappropriate development and the Council does not accept that the applicant has demonstrated personal circumstances to outweigh the harm arising from the inappropriate development. The cumulative impact of the unmet demand and the personal circumstances is also not of sufficient merit to outweigh the harm arising from inappropriate development. The proposal has a detrimental impact on the openness of the Green Belt and amounts to encroachment in the Green Belt. The proposal is therefore contrary to the advice of the National Planning Policy Framework (2012) and Policies CS5, CS21 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.*

2. *The proposed site is within the open countryside where development should be strictly limited and it is immediately adjacent to two existing residential gypsy/traveller sites comprising of 4 pitches. The proposal will have a detrimental impact upon the character of the landscape of this rural area, by adding further residential features (mobile homes, fencing, hard surface) to the harm caused by the development of the immediately adjoining land, increasing the encroachment into open countryside and increasing the prominence of the site. The proposal is therefore contrary to Policies CS5, CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy L1 of the South Gloucestershire Local Plan (Adopted) 2012 and the advice of the National Planning Policy for Traveller Sites (PPTS) (2012).*

Allowed on Appeal APP/P0119/W/15/3065767 10th Feb. 2016

- 3.6 COM/13/0730/UNT/1 – Enforcement Notice alleging *The change of use of the land from agriculture to a mixed use for agriculture and for the storage of vehicles, timber, building materials, fairground equipment and waste materials without planning permission*. Issued 29 April 2014. Status: Extant and period for compliance expired.
- 3.7 COM/13/0730/UNT/2 – 4 identical Temporary Stop Notices served relating to *The carrying out of engineering works and the importation of hardcore materials. The carrying out of works to facilitate the residential use of the land by caravans without planning permission*. Issued 6 May 2014. Status: Expired
- 3.8 COM/13/0730/UNT/3 – Enforcement Notice alleging *The carrying out of engineering works and the importation of hardcore without planning permission, to facilitate the occupation of the land by caravans*. Issued 29 May 2014. Status: Extant and period for compliance expired.
- 3.9 COM/13/0730/UNT/4 – 6 Stop Notices relating to *The carrying out of engineering works and the importation of hardcore materials*. Issued 29 May 2014. Status: Closed
- 3.10 COM/13/0730/UNT/5 – Enforcement Notice alleging *The change of use of land without planning permission, from agriculture, to use as land for the stationing of caravans for gypsy traveller accommodation and the importation of hardcore material to facilitate that use*. Issued 29 May 2014. Status: WITHDRAWN
- 3.11 COM/13/0730/UNT/6 – 6 Stop Notices relating to *The use of land for the stationing of caravans*. Closed

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

No objection

Siston Parish Council

No response

Other Consultees

Transportation D.C.

No objection

Highway Structures

No comment

Lead Local Flood Authority

No objection

Housing Enabling

No comment

Landscape Officer

Refer to comments for PK14/2889/F.

Children and Young People

No response

Corporate Travellers Unit

No response

Other Representations

4.2 Local Residents

Two letters/e-mails of objection were received; the concerns raised are summarised as follows:

- This is inappropriate development of the Green Belt and as the condition is only 18 months into the SGC process it is pre-empting the previous decision.
- Removal of hedges has taken place.
- Widening of access and right of way.

4.3 The application has also been advertised as a departure from Development Plan Policy; no responses were received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

It is merely proposed to vary the wording of Conditions 1 and 2 of planning permission PK14/2889/F allowed on appeal. Having regard to the reasons for the conditions, officers must assess this proposal having specific regard to the original reasons for imposing the conditions and any changed circumstances since the appeal was allowed.

Analysis

5.2 The scope of a variation/removal of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the condition(s), and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.

5.3 In assessing this application it is necessary to consider whether or not the relevant conditions nos.1 and 2 or any variations thereto, satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests, these being that conditions should be: –

- i. Necessary to make the development acceptable

- ii. Directly related to the development
 - iii. Fairly and reasonably related in scale and kind
- 5.4 Policy CS4 of The South Gloucestershire Local Plan Core Strategy replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that:- ‘when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible’. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

Justification for Varying Conditions 1 and 2

- 5.5 The applicant has stated in their submission that:
- The Inspector in appeal APP/P0119/W/15/3065767 found that the main reason for the temporary permission was because of the council’s policy position and to allow the council to address the outstanding need for gypsy and traveller pitches.
 - Halfway through the 3 year period the Council are no closer to meeting their objectively assessed need. Indeed no further update has been provided since the ‘South Gloucestershire Council and The City of Bristol Council Gypsy, Traveller and Travelling Showpeople Accommodation Assessment’ was published in January 2014, which was considered at the last appeal.
 - The Council agreed in the appeal, as set out in the statement of common ground, that they cannot demonstrate a five-year supply in respect of gypsy and traveller sites. This position has not changed and due to the fact that over 18 months have passed since the appeal decision the situation has now worsened.
 - In appeal decision APP/P0119/W/16/31655761 at paragraph 26 the Inspector states that,

“Since the Pucklechurch appeal, there has been limited, if any, tangible progress”
 - It is also stated in paragraph 27 that *‘it is an agreed position that the Council cannot demonstrate a 5 year supply in respect of gypsy and traveller sites.’* In this appeal the Inspector concluded that a personal permission was appropriate and felt that the combined material considerations in favour of the proposal, which are the same in this case, did not warrant the permission to be for a temporary period of time.
 - As temporary permissions do not count towards the council’s numbers in respect of satisfying their requirement for gypsy and traveller pitches, if the council were to grant permission they would be able to count two additional pitches as part of a windfall allowance as set out in their Core Strategy.
 - The application does not alter the existing use of the site.

- This variation of conditions application does not propose a material change of use and therefore both national and local plan policies are not directly applicable to the determination of this application.
- Paragraph 203 of the NPPF states, 'Local planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions'.
- Paragraph 206 continues, 'planning conditions should only be imposed where they are;
 1. Necessary.
 2. Relevant to planning and;
 3. To the development permitted;
 4. Enforceable.
 5. Precise and;
 6. Reasonable in all other respects.
- In accordance with both NPPF and Planning Practice Guidance (PPG) all of the six tests outlined above should be satisfied when a decision to grant planning permission subject to conditions is made.
- Conditions 1 & 2 do not now satisfy the above test. The conditions are not necessary and are not reasonable while the council has an ongoing unmet need for pitches.
- It is therefore appropriate to vary conditions 1 and 2 so that they do meet the above test.

Analysis

- 5.10 It is evident from the concluding paragraph (no.42) of the Inspector's Appeal Decision Letter for APP/P0119/W/15/3065767 10th Feb. 2016 why both conditions 1 and 2 were imposed. The paragraph reads as follows:

"The proposal is inappropriate development in the Green Belt and the considerations put forward in favour of permanent use do not clearly outweigh the harm. However, having regard to the policy position, the site supply situation and the circumstances of these families, the lesser harm through a three-year temporary use is clearly outweighed, at the end of which time there should be more clarity over the need, the way in which the council intend to address it, and those personal circumstances. The latter involves the best interest of children and carries significant weight. Whether or not that leads to land being removed from the Green Belt, and whether or not the appeal site is included in any such land is a matter for the Plan-making process. For the reasons given above it is concluded that the appeal should be allowed and temporary permission granted".

- 5.11 In assessing this current application, officers are mindful as to what has happened in the interim, since the appeal relating to the site (PK14/2889/F) at Shortwood Rd. was allowed. It is evident that at the time of that appeal decision i.e. 10th Feb. 2016, that the Inspector considered a temporary 3-year permission, personal to those named in Condition 1, to be appropriate and that the conditions met the tests of the NPPF and PPG.

- 5.12 It is acknowledged that some 22 months have now passed since that decision was made, during which time the South Gloucestershire Policies Sites and Places Plan has been adopted and now forms part of the Development Plan. There is however no provision in this plan for housing or Gypsy Site allocations, which are now to be the subject of a separate local plan, although there is no prospect of this plan being adopted in the short term. The lack of a 5-year housing supply or provision of gypsy sites remains unchanged.
- 5.13 The later appeal referred to by the applicant i.e. APP/P0119/W/16/3165761 – Land at Northwick Road, Pilning (allowed 9th August 2017) is a material consideration of significant weight. It related to a very similar scheme to that at Shortwood Rd. i.e. change of use of land for the provision of a gypsy pitch within the Green Belt and related to another member of the applicant's extended family. Furthermore, the Inspector was the same as for the appeal relating to the current application site (Shortwood Road Pucklechurch). The main issues in both appeals were the same.
- 5.14 For the Northwick Road appeal, the Inspector acknowledged at para.26 that:
- “The Pucklechurch Decision sets out the arguments and concludes that there has been a failure of policy as a distinct and separable consideration. The previous Decision on this appeal site, in 2015, was cited then in concluding that ‘the general need for sites in the District was a significant factor weighing in favour of the appeal proposal’. Since that time and since the 2016 Pucklechurch appeal, there has been limited, if any, tangible progress. A finding of a failure of policy to deliver sites remains and significant weight attaches to this.”
- 5.15 The Inspector also cited a Court of Appeal Case stating at para. 12:
- “The previous Inspector writing in 2015 came to the conclusion that ‘*overall the loss of openness would be quite limited*’ and went on to state that ‘*having regard to the provisions of paragraph 88 of the Framework, I nevertheless attach some weigh to it*’. The appellant draws attention to the more recent Court of Appeal case of Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466 and the visual dimension to the Green Belt. That judgment also confirmed that it was not irrational for an Inspector to determine that the impact on openness of moveable development such as caravans and mobile homes is less than the impact of an equivalent permanent structure. “
- 5.16 In short, having considered the matters of unmet need; lack of available, suitable, acceptable, affordable alternative sites; failure of policy; lack of a 5-year supply of sites; the likely location of sites and personal circumstances; all of which apply in equal measure to this current application, the Inspector concluded that they did **not** outweigh the harm to the Green Belt from the establishment of a permanent, non-personal use of the land for the stationing of caravans.

5.17 The Inspector did however conclude that the harm was outweighed subject to a condition to restrict the use to the appellant and his family. On this basis, officers consider that it would now be unreasonable to refuse this current application to vary the wording of conditions 1 & 2 to take account of this decision.

6. **CONCLUSION**

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

6.2 The recommendation to grant consent has been taken having regard to the policies in the Development Plan and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

7.1 That condition 1 be varied to read as follows :

The use hereby permitted shall be carried on only by the following and their resident dependants: James McDonagh and Helen Monagan (Plot 1) and Jason McDonagh and Theresa McDonagh (Plot 2).

Reason

To protect the openness of The Bristol & Bath Green Belt in accordance with Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy and Policy PSP7 of The South Gloucestershire Policies Sites and Places Plan (Adopted Nov. 2017) and the requirements of the NPPF.

And that Condition 2 be varied to read as follows:

When the land ceases to be occupied by those named in condition 1) above, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought onto the land, or works undertaken to it in connection with the use, shall be removed and the land restored within a further three months to its condition before the development took place.

Reason

To protect the openness of The Bristol & Bath Green Belt in accordance with Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy and Policy PSP7 of The South Gloucestershire Policies Sites and Places Plan (Adopted Nov. 2017) and the requirements of the NPPF.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. The use hereby permitted shall be carried on only by the following and their resident dependants: James McDonagh and Helen Monagan (Plot 1) and Jason McDonagh and Theresa McDonagh (Plot 2).

Reason

To protect the openness of The Bristol & Bath Green Belt in accordance with Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy and Policy PSP7 of The South Gloucestershire Policies Sites and Places Plan (Adopted Nov. 2017) and the requirements of the NPPF.

2. When the land ceases to be occupied by those named in condition 1) above, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought onto the land, or works undertaken to it in connection with the use, shall be removed and the land restored within a further three months to its condition before the development took place.

Reason

To protect the openness of The Bristol & Bath Green Belt in accordance with Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy and Policy PSP7 of The South Gloucestershire Policies Sites and Places Plan (Adopted Nov. 2017) and the requirements of the NPPF.

3. This permission shall authorise only two pitches each comprising the proposed utility buildings of the external dimensions shown on drawing 14_617_004 and no more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than one shall be a static caravan/mobile home, being a total of four caravans and two utility buildings.

Reason

To protect the openness of The Bristol & Bath Green Belt in accordance with Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy and Policy PSP7 of The South Gloucestershire Policies Sites and Places Plan (Adopted Nov. 2017) and the requirements of the NPPF.

4. No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted and they shall not exceed 3.5t in weight.

Reason

To protect the openness of The Bristol & Bath Green Belt in accordance with Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy and Policy PSP7 of The South Gloucestershire Policies Sites and Places Plan (Adopted Nov. 2017) and the requirements of the NPPF.

5. No commercial activities shall take place on the land, including the storage of materials.

Reason

To protect the openness of The Bristol & Bath Green Belt in accordance with Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy and Policy PSP7 of The South Gloucestershire Policies Sites and Places Plan (Adopted Nov. 2017) and the requirements of the NPPF.

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------------|
| App No.: | PK17/4480/F | Applicant: | Mirage Property Services Ltd |
| Site: | 12 North Walk Yate Bristol South Gloucestershire BS37 4AP | Date Reg: | 19th October 2017 |
| Proposal: | Change of use from retail to amusement/adult gaming centre (Sui Generis) as defined in the Town and Country Planning (use classes) Order 1987 (as amended) to include alterations to shopfront | Parish: | Yate Town Council |
| Map Ref: | 371459 182522 | Ward: | Yate Central |
| Application Category: | Minor | Target Date: | 13th December 2017 |



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 100023410, 2008. **N.T.S.** **PK17/4480/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as an objection has been received from Yate Town Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of an existing retail unit in Yate Shopping Centre to an amusement arcade/adult gaming centre (Sui Generis). Planning permission is also sought for the installation of a new shopfront.
- 1.2 The application site is situated on North Walk, which runs from North Parade and Station Road to Four Seasons Square at the heart of the shopping centre. The unit is within the inner shopping centre to which access is controlled when the Centre is not open. The shopping centre is within the designated town centre of Yate and forms both part of the primary shopping area and a primary shopping frontage. The unit was formally occupied by a jewellery shop until the business relocated to a more prominent location within the shopping centre in circa 2014; since then the unit has remained unoccupied.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

| | |
|------|--------------------------------------------------|
| CS1 | High Quality Design |
| CS4A | Presumption in Favour of Sustainable Development |
| CS5 | Location of Development |
| CS14 | Town Centres and Retailing |
| CS30 | Yate and Chipping Sodbury |

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

| | |
|-------|-----------------------------|
| PSP1 | Local Distinctiveness |
| PSP11 | Transport Impact Management |
| PSP31 | Town Centre Uses |
| PSP33 | Shopping Frontages |

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007
Shopfronts and Advertisements SPD (Adopted) April 2012

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council

Objection: impact on vulnerable members of the community; proximity to community care facilities; loss of activity from primary shopping frontage; use is not appropriate in town centre location; objection raised to licence application (*not repeated in full – available to view on planning file*); application should be subject to site inspection should officers be minded to grant permission.

Internal Consultees

4.2 Economic Development

No objection

4.3 Environmental Protection

No objection, planning authority may wish to seek evidence to claims that the site is not noisy or lead to disturbance

4.4 Sustainable Transport

No objection

Statutory / External Consultees

4.5 Avon and Somerset Constabulary

No objection. Applicant is aware of statutory duty to prevent occupation of the premises by persons under the age of 18; no indication is provided as to how this will be achieved.

Other Representations

4.6 Local Residents

None received

5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the change of use of a unit in Yate Shopping Centre into an amusement/gaming venue (Sui Generis) and the installation of a new shop front.

5.2 Principle of Development

Although not within a 'D' Use Class, the proposal is for a leisure facility. Main town centre uses are defined in the glossary to the NPPF and include leisure, entertainment facilities, and recreation uses such as, for example casinos. On that basis, officers are satisfied that the proposed use as an amusement arcade and adult gaming centre is a main town centre use. Policy CS14 and PSP31 direct main town centre uses to the defined town and district centres; the development would therefore accord with the locational strategy for such forms of development. The proposed development is therefore acceptable in principle.

5.3 Impact on Primary Shopping Frontage

Policy PSP33 seeks to retain retail uses within the primary shopping frontages. Other uses, such as that proposed, would only be acceptable where: it makes a positive contribution to the vitality and viability of the centre; does not undermine the retail function and character of the shopping frontage/area; includes a shopfront; and, maintains an active ground floor use.

5.4 North Walk is a noticeably quieter area within the shopping centre. It leads only to the units on North Parade (a number of which are empty), a cut-around to the car park, and Station Road. As a result, it is not subject to heavy footfall. The latest (2017) Town Centre and Retailing Audit identifies that North Walk retains 76.8% of the frontage in a retail use (or last used for retail); it also identifies this site as one of two vacant units in the frontage. The change of use would bring in an alternative town centre use which would add to the offer of the town centre. It would, as a result, impact on the vitality and viability of the centre. It would not have a significant impact on retail provision in the frontage or the wider shopping area. An active use would be retained, although the shopfront itself would be blank (albeit it designed as a shopfront).

5.5 The scale of development is proportionate to the centre; it would only make up a small part of the overall provision in the centre. It would not therefore lead to a significant change to the offer and operation of the shopping centre or town centre more widely.

5.6 The change of use is therefore considered acceptable. Given that the site is within the inner part of the Centre, where the operator of the Centre can control access, it is not considered necessary to control opening hours by condition; it would be a matter for landlord and tenant. Furthermore, it may not be reasonable to attempt to control operating hours given that the proposed use is an appropriate main town centre use in a designated town centre.

5.7 Shopfront

The replacement shop front would retain the appearance of a traditional shopfront. It would have a central double door with windows on either side. The proportions of the shopfront are acceptable; it broadly follows the proportions of the existing frontage with the removal of the internally projecting jewellery display window. Any signage would be subject to a separate application to the local planning authority for advertisement consent. The windows would be onto compartments which would prevent views into the unit itself. It would, however, still provide some engagement with the pedestrian environment and is acceptable.

5.8 Social Impact

Concern has been raised by the Town Council that the development would have undesirable social consequences. As noted in the Police response, the operators have a statutory duty to control access to the venue. It should not, therefore, fall within the remit of the local planning authority to enforce existing appropriate legislation. The assessment from a planning perspective is whether the use is appropriate within a town centre. Any conditions on the operation of the site are more likely to be imposed through the licencing regime.

5.9 Impact on Equalities

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

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

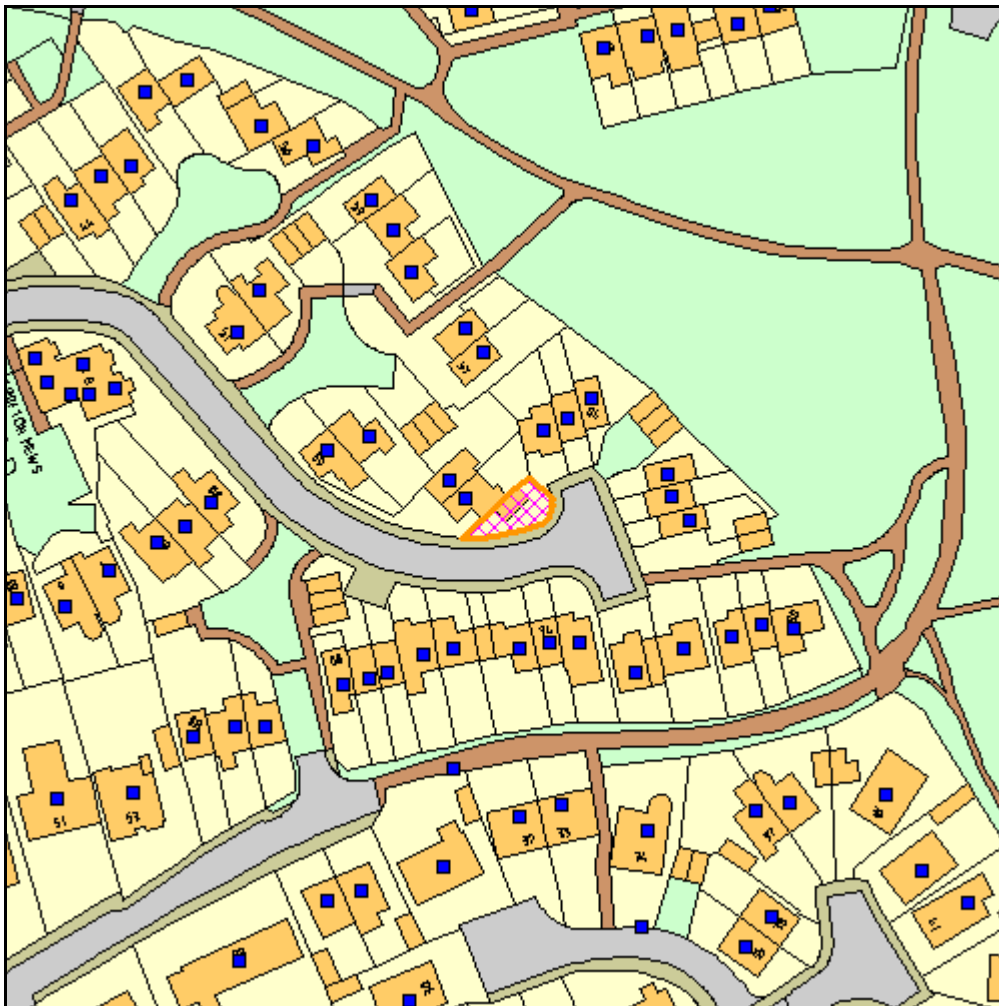
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------------|
| App No.: | PK17/4573/F | Applicant: | Mr Max Cooke |
| Site: | Land Adjacent To 61 Glanville Gardens Kingswood South Gloucestershire BS15 9WX | Date Reg: | 17th October 2017 |
| Proposal: | Erection of extension and conversion of existing garage to form 1no attached dwelling and associated works (re- submission of PK16/4507/F). | Parish: | None |
| Map Ref: | 365334 173064 | Ward: | Woodstock |
| Application Category: | Minor | Target Date: | 8th December 2017 |



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a result of a consultation response received, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the erection of an extension and conversion of existing garage to form 1 attached dwelling with associated works.
- 1.2 The site is situated in a relatively modern residential area between Kingswood and Hanham. The site consists of part of the side/corner plot adjacent to 61 Glanville Gardens. The site comprises a single garage attached to a single storey part of the main dwelling and the remainder of the plot beyond. No 61 is a relatively modern two storey semi-detached dwelling.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

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

PSP8 Residential Amenity

PSP16 Parking Standards

PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist – August 2007
South Gloucestershire Residential Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/3797/F - Conversion and extension of garage to form a single storey self contained dwelling. Refused 29.01.2004

Refusal reasons:

- 1) The proposed dwelling would result in a cramped development that would detract from the visual amenity of the area and would harm the character and identity of the locality.
- 2) The proposed single-storey building because of its height, width and appearance would be out of character with the adjoining buildings and the type of building in the area and as such would represent an incongruous feature in the street scene to the detriment of the visual amenity of the locality.

The application was subsequently dismissed at appeal on the basis that it would appear entirely incongruous, provide extremely limited curtilage, in contrast with the surroundings, would appear cramped or forced into an unsuitable space, with a harmful impact upon the character and appearance of the area

3.2 PK08/1235/F - Erection of 1 no. attached dwelling with associated works. Withdrawn.

3.3 PK09/0742/F - Erection of 1 no. attached dwelling with associated works. (Resubmission of PK08/1235/F). Refused 27.05.2009

Refusal reasons:

1) The proposed dwelling would represent a cramped form of development resulting in a crowded arrangement that would appear incongruous in its setting and detract from the character of the area.

2) The proposed dwelling because of its width, height, window arrangement, and appearance would be out of character with the adjoining buildings and would appear alien in the street scene. The addition of further extensions to the already staggered building would create an unbalanced building detracting from the visual amenity of the locality at a prominent position in the street.

3.4 PK12/3803/F - Demolition of existing garage to facilitate the erection of 1 no. dwelling with associated works (Resubmission of PK09/0742/F). Refused 18th January 2013

Refusal Reasons:

(1) The proposed dwelling would represent a cramped form of development resulting in a crowded arrangement that would appear incongruous in its setting and detract from the character of the area. The application is therefore contrary to the requirements of Policies D1 and H2 of the Adopted South Gloucestershire Local Plan.

(2) The proposed dwelling because of its width, height, design and appearance would be out of character with the adjoining buildings and would appear alien in the street scene. The addition of further extensions to the already staggered building would create an unbalanced arrangement detracting from the visual amenity of the locality at a prominent position in the street. The application is thus contrary to the requirements of Policies D1 and H2 of the Adopted South Gloucestershire Local Plan.

3.5 PK14/2535/F - Demolition of existing garage and erection of no.1 attached dwelling with access and associated works (Resubmission of PK12/3803/F). Refused 12th September 2014.

Refusal Reasons:

1) The proposed dwelling would represent a cramped form of development resulting in a crowded arrangement with no private amenity space that would appear incongruous in its setting and

detract from the character of the area. The application is therefore contrary to the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

2) The proposed dwelling because of its width, design and appearance would be out of character with the adjoining buildings and would appear alien in the street scene. The addition of further extensions to the already staggered building would create an unbalanced arrangement detracting from the visual amenity of the locality at a prominent position in the street. The application is thus contrary to the requirements of Polices CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

3.6 PK16/4507/F - Erection of extension and conversion of existing garage to form 1no. attached dwelling with associated works. Refused 23rd January 2017.

The reasons for refusal were as follows:

1) The proposed dwelling would represent a cramped form of development resulting in a crowded arrangement with insufficient amenity space that would appear incongruous and contrived in its setting and detract from the character of the area. The application is therefore contrary to the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

2) The proposed dwelling because of its width, design and appearance would be out of character with the adjoining buildings and would appear alien in the street scene. The addition of a further extension to the already staggered building would create an unbalanced arrangement detracting from the visual amenity of the locality at a prominent position in the street. The application is thus contrary to the requirements of Polices CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

The application was subsequently dismissed at appeal on the 10th July 2017, on the basis that the scheme would conflict with the development plan and significantly harm the character and appearance of the area.

4. CONSULTATION RESPONSES

4.1 Parish Council
No parish

The Drainage and Flood Risk Management Team
No objection

Sustainable Transportation

We have now reviewed this planning application and note that it seeks to erect a new dwelling adjacent to 61 Glanville Gardens, Kingswood. We understand

that this application is a resubmission of a previous one (ref PK16/4507/F) and that we raised no objection to that application. We do not consider that the current changes alter this position, therefore, we do not wish to make any highways or transportation comments about the current application either

Highways Structures

No comment

Other Representations

4.3 Local Residents

1 response has been received which expressed support to the application, as follows:

'Absolutely no reason not to let him do it. Currently the land is overgrown and unused, I can't see any good reason not to develop it into something useful where somebody can live.'

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The site is considered at one stage to have formed part of the residential curtilage of no.61, the land and garage however is now in a separate ownership. In this respect as such the site is not within an existing residential curtilage. Of note since the consideration and decision of the previous application The South Gloucestershire Local Plan Policies, Sites and Places Plan was adopted in November 2017. This now supersedes the South Gloucestershire Local Plan (Adopted) 2006, which, in part was identified for the consideration of the previous application. Of further material note on the recent appeal, whilst acknowledging the Policies Sites and Places Plan in its emerging form, the Inspector concurred that only limited weight could be given to it at that point. In particular this was noted for Policy PSP43, which sought to introduce private amenity space standards. Full weight can now be given to this policy. One of the considerations will therefore be the introduction of the Policies, Sites and Places Plan and any differences or additional considerations this would give rise to. The principles in terms of assessing the quality and merits of the proposal are considered to remain and Policy CS1 seeks a high standard in design and site planning, including siting, form, scale, height, massing, detailing, density and layout that respects, enhances and integrates with the existing area.

5.2 Planning History

From the planning history section of this report it is clear that a number of attempts have previously been made to provide a dwelling within this application site. In 2003 an application for a single storey building in two staggered parts to provide a single studio dwelling was refused (PK03/3797/F). The refusal reasons related to over development, cramped layout and poor design. The subsequent appeal was dismissed. In dismissing the appeal, the Inspector raised concern in relation to poor design stating that,

'...whilst the extension would appear very modest, it would...create a most unwieldy and unbalanced building when considered as a whole'

Further,

'The addition of a further single storey projection to the already staggered projections in a particularly prominent position would....result in a visually most displeasing and rather rambled composition.'

Additionally,

'...the building would be read as a separate dwelling despite its attachment to the neighbour, and would appear entirely incongruous when seen alongside them. It's extremely limited curtilage would contrast with the more generous nature of surrounding houses and their plots and, as such, I agree with the Council that it would appear cramped or forced into an unsuitable space.'

The Inspector concludes,

'...the combination of the crowded arrangement and rambling form would appear incongruous in its setting. Accordingly.....it would have a harmful impact on the character and appearance of the area....'

- 5.3 A subsequent application was submitted in 2009 (ref: PK09/0742/F), which was also refused. The application was very similar in form to the 2003 refusal with slightly different footprint, but the same position attached to the side addition of no.61. This application had a raised eaves and ridge and provided accommodation in the roof. A dormer was provided at the front. The two refusal reasons (see par.3.3 above) were very similar to the 2003 refusal. Refusal reason 1 related to the cramped and crowded arrangement and reason 2, the incongruous relationship with the adjacent building and scattered arrangement.
- 5.4 A further application was submitted in 2012 (ref. PK12/3803/F) which again was similar in height, design and footprint, and was again refused for similar reasons.
- 5.5 A further application ref. PK14/2535/F for the demolition of the existing garage and erection of 1 attached dwelling with access and associated works (essentially a resubmission of PK12/3803/F), was refused 12th September 2014, for the following reasons:
- 1) The proposed dwelling would represent a cramped form of development resulting in a crowded arrangement with no private amenity space that would appear incongruous in its setting and detract from the character of the area. The application is therefore contrary to the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.
 - 2) The proposed dwelling because of its width, design and appearance would be out of character with the adjoining buildings and would appear alien in the street scene. The addition of further extensions to the already staggered building would create an unbalanced arrangement detracting from the visual amenity of the locality at a prominent position in the street. The application is thus contrary to the requirements of Polices CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

5.6 Another application, reference PK16/4507/F, for the erection of an extension and conversion of the existing garage to form 1no. attached dwelling, with associated works, was refused on the 23rd January, for the following reasons:

1. The proposed dwelling would represent a cramped form of development resulting in a crowded arrangement with insufficient amenity space that would appear incongruous and contrived in its setting and detract from the character of the area. The application is therefore contrary to the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

2. The proposed dwelling because of its width, design and appearance would be out of character with the adjoining buildings and would appear alien in the street scene. The addition of a further extension to the already staggered building would create an unbalanced arrangement detracting from the visual amenity of the locality at a prominent position in the street. The application is thus contrary to the requirements of Polices CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

The application was subsequently dismissed at appeal on the 10th July 2017, on the basis that the scheme would conflict with the development plan and significantly harm the character and appearance of the area. The appeal decision stating that:

'the main issue is the effect of the proposed development on the character and appearance of the area'

Additionally:

'Given the small size and shape of this site, and the very limited area of amenity space that would be left between the building and its boundaries, the scheme would appear very cramped'

5.7 Given the extensive planning history highlighted above, including the appeal dismissals, the key issue for consideration is considered to be whether the current proposals satisfactorily address previous refusal reasons for the consideration of a dwelling at this site.

5.8 Design/Visual impact

The application site is situated at the end of a pair of two storey semi-detached dwellings. The site is currently occupied by a modestly scaled single storey garage, which is attached, but with a staggered relationship to the side addition of no.61. The site projects out into the street and is open to highway on three sides. This has previously been considered to and continues to give the site a visual prominence in the street scene.

5.9 Whilst the precise design has again been amended to a degree, the proposal is similar in principle, scale and footprint to previous applications in that it again seeks to provide a very small dwelling on a very small corner plot. Previous applications were refused as explained above and subsequent appeals to the 2003 refusal and 2017 have been dismissed. The current application seeks to retain and convert the existing single garage incorporating a side extension, to

provide additional living accommodation. The side storey extension provides further accommodation necessary to maximise the use of the limited plot and the further elongating development protruding from the side of no. 61 on this prominent corner plot. Whilst the extension now appears flush with the roof height of the existing garage, it would further elongate this single storey structure outwards within the streetscene at this prominent location. Consistently in all of the previous decisions, the development was considered unacceptable due to the cramped and crowded layout and design and the incongruous relationship to the adjacent building in a visually prominent location. It is not considered that the current proposals satisfactorily address these matters. Notwithstanding the adopted plan changes referred to above there has been no significant change in the broad principle of policy terms since these applications were refused sufficient to warrant an entirely different view. The scale, design and layout of the proposals therefore remain contrived to fit into the size of the plot being sought to be developed.

- 5.10 The relationship of the proposal as an individual dwelling to the adjacent side addition of no.61 and the surrounding area would remain to be poor and incongruous with the residential layout and density of the surrounding area. The proposal as a dwelling would appear incongruous in the street, creating visual harm to the street scene and layout of the area. This harm would be significantly compounded by the visual prominence and location of the site in the street scene and the addition of a dwelling within it. The design and layout of the site is severely compromised by the size and shape of the plot. On this basis, and considering the application on its own merits, the proposal would fail to respect and enhance the character, layout, design, distinctiveness and amenity of both the site and the locality and as such would fail to accord with Policy CS1 which seeks to secure the highest possible standards of design and site planning. The application for a dwelling at this site continues to fail to achieve this. This consideration remains consistent with previous considerations and appeal decisions taking into account the various and numerous attempts and amendments made.
- 5.11 The private amenity space associated with the current application is again very small and this is again indicative of the cramped, small nature of the plot involved and unacceptable design contrived to fit within a plot which is too small for the development proposed and again represents poor site planning. Full weight can be given to the private amenity space standards of Policy PSP43. This seeks, for a 1 bedroom house, the provision of a minimum of 40 square metres of private amenity space. The space remaining around the proposed dwelling, after development, is not only very narrow and awkward in shape in terms of useable space, but also falls far short of these requirements in terms of area. The space to the rear of the doors is approximately 2.2 metres in depth, whilst to the side the small size and narrowness is compounded by the need to incorporate bin storage and cycle parking. The overall layout and design of the site is very cramped and crowded and the dwelling which has again been designed to maximise the limited space available within the application site, has been squeezed into an awkwardly shaped space, compounded by the need also to demonstrate the accommodation of a vehicle in an off street parking space, and the a lack of amenity space. On this basis, and considering the application on its own merits, the design and layout would

fail to respect and enhance the character, distinctiveness and amenity of both the site and the locality and as such would fail to accord with Policy CS1 and also fails to satisfactorily address the previous reasons for refusal.

- 5.12 Whilst it remains the position that the Council cannot, at this stage, demonstrate a full 5 year land supply, the provision of one single additional dwelling would not outweigh the consideration of the harm caused by virtue of design, siting and layout of the development. The applicants have previously indicated that they consider there to be examples of developments within the general area that lend support to the proposals and provided photographs with addresses, although not planning references. Each site however comes with its own limitations, considerations and planning requirements which must be reviewed on an individual basis and the consideration of these other sites does not in this instance affect the implications of this site. In addition, the current condition of the existing site, whether overgrown/untidy or not does not override these policy considerations or justify unacceptable development.
- 5.13 It is considered that the relatively minor changes to the proposal has not satisfactorily overcome the previous and numerous refusal reasons and in principle concerns of the previous refused applications, and previous Inspectors concerns in dismissing previous appeals and indeed is not acceptable in its own right.
- 5.14 Residential amenity
The proposal would extend to the south west from the side of an existing garage. As the proposal would project away from the nearest neighbours, to the north, and given the scale, it is considered that the proposed dwelling, would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing, intervisibility or overbearing/bulky development to a significant or material degree. The residential and private amenity of potential future occupiers, due to the layout and size of the plot itself, is detailed in the design section above.
- 5.15 Highways
It is considered that the provision of one off street parking space would be in accordance with the Councils current parking standards for the site. The requirement to provide off-street parking for a new dwelling, however further erodes the amount of land that is available for any new building, and contributes to a cramped plot, which is indicative of the constraints of the plot for the development sought.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed dwelling would be a cramped and crowded layout and design with little private amenity space and with an incongruous and contrived relationship to the adjacent building and surrounding area in a visually

prominent location contrary to Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

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

7. RECOMMENDATION

- 7.1 That the application be REFUSED for the reasons given.

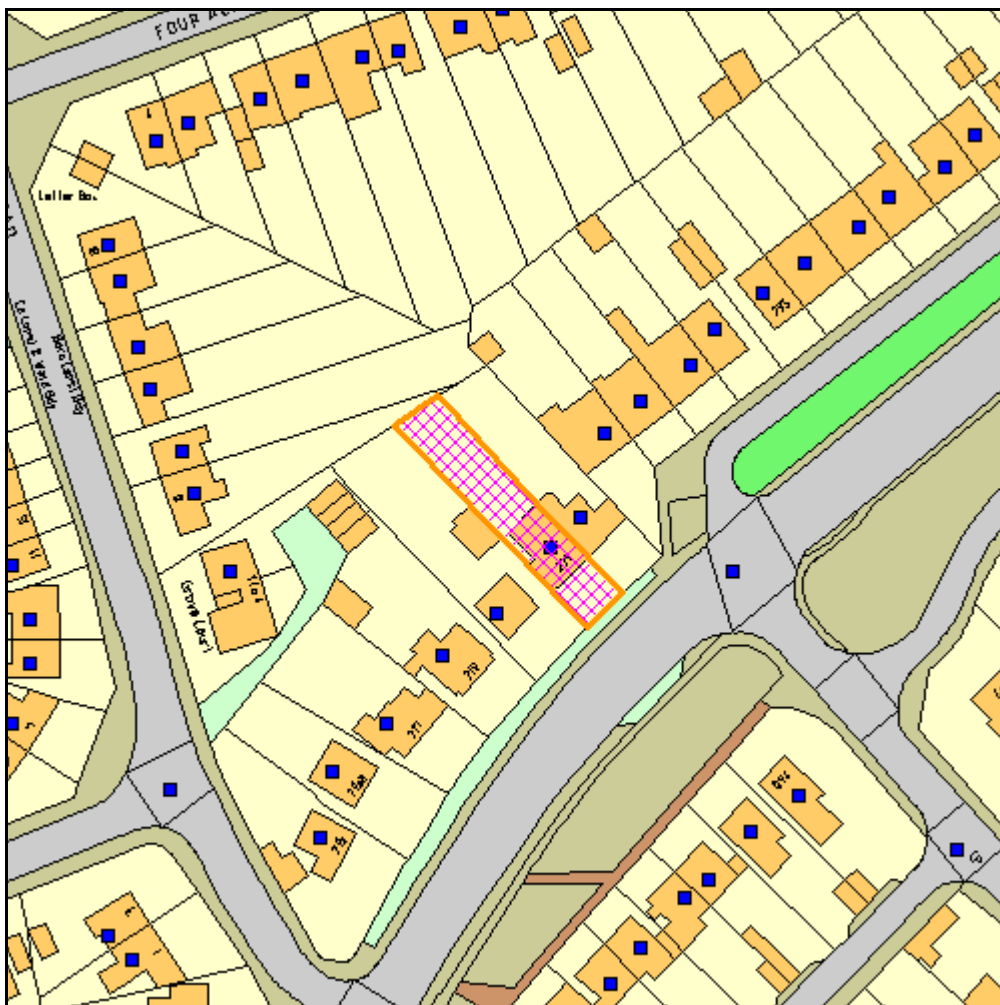
Contact Officer: Simon Ford
Tel. No. 01454 863714

REFUSAL REASONS

- 1 The proposed dwelling would represent a cramped form of development resulting in a crowded arrangement with insufficient amenity space that would appear incongruous and contrived in its setting and detract from the character of the area. The application is therefore contrary to the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and PSP43 of the South Gloucestershire Policies Sites and Places Local Plan (Adopted) November 2016.
- 2 The proposed dwelling because of its width, design and appearance would be out of character with the adjoining buildings and existing dwellings and would appear alien in the street scene. The addition of a further extension to the already staggered building would create an elongated and unbalanced arrangement detracting from the visual amenity of the locality at a prominent position in the street. The additional width in the extension, required for the proposed dwelling would reduce the availability of private amenity space to an unacceptable level. The application is thus contrary to the requirements of Policies CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP8 and PSP43 of the South Gloucestershire Policies, Sites and Places Local Plan (Adopted) November 2016.

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------------------------|
| App No.: | PK17/4743/F | Applicant: | Sarah And Paul Houghton |
| Site: | 223 Badminton Road Downend Bristol South Gloucestershire BS16 6NR | Date Reg: | 23rd October 2017 |
| Proposal: | Demolition of existing side extension. Erection of two storey side, single storey rear and front porch extensions. Installation of rear dormer with Juliet balcony to facilitate loft conversion. Alteration to access and associated works. | Parish: | Downend And Bromley Heath Parish Council |
| Map Ref: | 365504 177791 | Ward: | Emersons Green |
| Application Category: | Householder | Target Date: | 5th December 2017 |



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 100023410, 2008. **N.T.S.** **PK17/4743/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as a representation has been received which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the demolition of an existing side extension and the erection of a two storey side, single storey rear and front porch extensions. Also, the installation of a rear dormer with Juliet balcony and alterations to the access and associated works at 223 Badminton Road, Downend.
- 1.2 The application site consists of a two storey semi-detached property located on the main Badminton Road within the existing urban area of Downend.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

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

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (adopted) 2007
Residential Parking Standards SPD (adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/0399/F
Erection of single storey rear and single storey side extensions to form additional living accommodation.

Approved: 13th April 2010
- 3.2 PK07/1766/F
Erection of two storey side and single storey front and rear extensions to provide additional living accommodation.

Approved: 27th July 2007

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council
No objection.

4.2 Emersons Green Town Council
No objection.

Other Representations

4.3 Local Residents
1no. objection comment received, as follows:

We live at 225 and adjoin the aforementioned property. Our concerns are for the change of material for the roof. As mentioned in the email this will affect the overlook look of the two 1930s semis and is not in keeping with other properties in the area that have been extended. Also having spoken with Building Consultants, our main concern is that our roof will be compromised with having two different tiles at the join. Slate is straight - the existing tiles are not.

These concerns will be addressed within section 5.7 of this report.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Policy PSP38 of the Policies, Sites and Places Plan (November 2017) allows 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 proposal is for the demolition of an existing side extension and the erection of a two storey side, single storey rear and front porch extensions. Also the installation of a rear dormer with Juliet balcony. The host dwelling comprises of a hipped roof with double roman clay tiles, pebble dash rendered elevations and white UPVC windows.

5.3 *Two storey side extension*
The proposed side extension would replace an existing single storey side extension, would be approximately 2.2 metres in width and would sit on the south-west elevation. It would be level with the building line of the principal elevation and run the entire length of the host dwelling. It would include a large feature window on the side elevation serving the proposed loft conversion. The proposal would extend the existing hipped roof at the side and although this

results in the extension not being identifiable as subservient, it is considered to balance the design of the previously approved extension at the adjoining property of the semi-detached pair and is therefore deemed acceptable. Similar side extensions can be found on properties in the surrounding area.

5.4 *Single storey rear extension*

The proposed single storey rear extension would have a lean-to roof and run the length of the host dwelling to meet the building line of the proposed side extension, approximately 8 metres in width. The overall height would be approximately 3.5 metres and the eaves height would be approximately 2.4 metres. The section of the proposed rear extension nearest the south-west elevation, approximately 1.8 metres in width, would be comprised of a glazed roof and wall.

5.5 *Front porch extension*

The proposed front porch is a modest extension which would comprise of a lean-to roof and extend beyond the principal elevation of the host dwelling by approximately 1.2 metres. It would be approximately 4.8 metres in width and include an additional window on the principal elevation.

5.6 *Rear dormer*

The proposed rear dormer would be of a flat roof design and include a Juliet balcony. It would be approximately 7 metres in length and a height of approximately 2.3 metres.

5.7 *Materials*

All existing white UPVC windows are to be replaced by Grey UPVC windows. Unless already stated, the elevations will be constructed of a brickwork base with rendered walls to match the existing property. Concern was raised from the neighbouring occupier in regards to the roof tiles of the existing dwelling being replaced which included the profile, material and colour of the proposed grey slate tiles. The Officer expressed that these tiles were not suitable and as a result the proposal was amended to include new double roman clay tiles which match the profile of the existing roof tiles. As such, the proposed roof tiles would satisfy the concerns raised over the joining of the two tiles. The proposed colour is 'smooth grey' which although does not match the existing tiles is not considered to have a significant enough impact on the character of the area as to warrant refusal due to a mixture of housing styles surrounding the application site. A condition will be included on the decision notice to secure the proposed double roman tiles.

5.8 *Cumulative Impact*

Overall, it is not considered the proposed development would have a significantly detrimental impact on the character of the host dwelling or surrounding area as to warrant refusal and is of an appropriate scale for the host dwelling and its context. Therefore, it is deemed to comply with policy CS1 of the Core Strategy.

- 5.9 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan (Adopted) November 2017 sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers, as well as the private amenity space of the host dwelling.
- 5.10 *Two storey side extension*
The two storey side extension replaces the existing single storey side extension which is adjacent to the hardstanding area of the neighbouring occupier of no. 221. The neighbouring property does not benefit from any side elevation windows. The proposal includes a side elevation window, however this would serve a stairwell to the proposed loft conversion. As such it is not considered there would be significant overlooking, overbearing or loss of light impacts on no.221.
- 5.11 *Single storey rear extension*
Considering the siting and single storey nature of the proposed rear extension, it is not considered to be overbearing or such that it would result in significant overlooking or loss of light for neighbouring occupiers.
- 5.12 *Front porch extension*
Due to its modest size the proposed front porch is not considered to have a material overbearing impact and is deemed acceptable in terms of residential amenity.
- 5.13 *Rear dormer*
Within its context the size and siting of the rear dormer is not considered to result in a significant change in overbearing or overlooking impact on neighbouring occupiers.
- 5.14 *Cumulative impact*
Overall, it is not considered that the proposed development would have a significant impact on the residential amenity currently enjoyed by the neighbouring occupiers. As such, the proposal is deemed acceptable and would therefore comply with policy PSP38 of the PSP Plan.
- 5.15 Sustainable Transport
The application is proposing an increase in bedroom numbers from three to four. The site currently benefits from two off-street parking spaces which will not be effected by the proposed development. Therefore, the proposal complies with South Gloucestershire Council's Residential Parking Standards and as such there is no objection in regards to transportation. Given Badminton Road is a relatively busy road which forms the A432, an informative will be included on the decision notice to make the applicants aware of the need for the Council's approval for any works on the highway, including dropped kerbs.

5.16 Consideration of likely impact on Equalities

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

5.17 In regards to the statement above, the proposal is considered to have a neutral impact on equalities.

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 is APPROVED subject to conditions attached to the decision notice.

Contact Officer: James Reynolds
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).

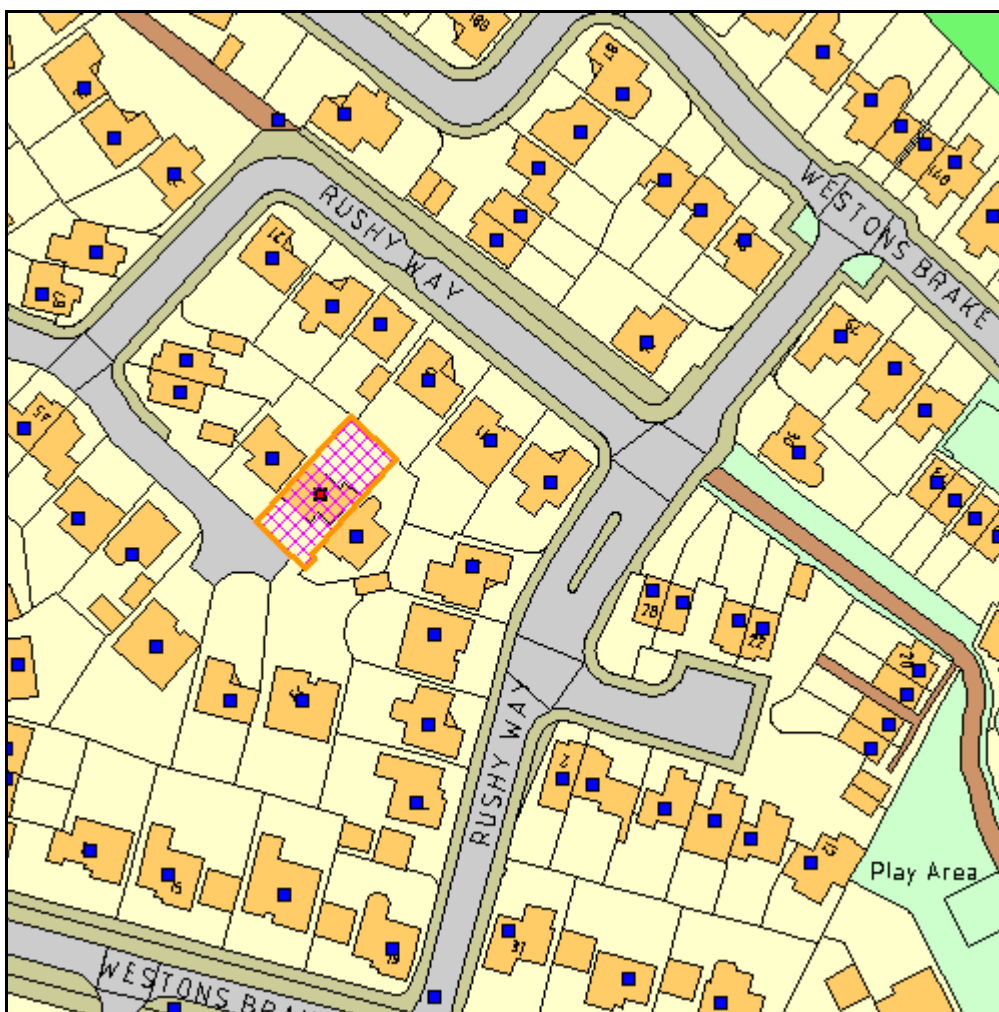
2. The tiles to be used in the development hereby permitted shall be double roman in profile and grey in colour as indicated in the drawings hereby approved.

Reason

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

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------------|
| App No.: | PK17/4748/F | Applicant: | Mr James |
| Site: | 29 Rushy Way Emersons Green Bristol South Gloucestershire BS16 7ER | Date Reg: | 26th October 2017 |
| Proposal: | Erection of single storey rear and side extension and two storey side and rear extension to provide additional living accommodation. | Parish: | Emersons Green Town Council |
| Map Ref: | 366184 178375 | Ward: | Emersons Green |
| Application Category: | Householder | Target Date: | 5th December 2017 |



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REASONS FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has received comments which are contrary to the Officer recommendation. As such, according to the Councils scheme of delegation, is being reported to the Circulated Schedule for Members.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single storey rear and side extension; and a two storey rear and side extension at 29 Rushy Way Emersons Green.
- 1.2 The property site relates to a detached dwelling located within the defined settlement boundary of Emersons Green.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1. None relevant.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
None received.

Emersons Green Town Council

None received.

Sustainable Transport

“The proposed development would not increase the number of bedrooms currently available within the dwelling. However, alterations are proposed to the length of the existing garage which will make the internal dimensions unsuitable for the parking of a motor vehicle. No detail on the proposed vehicular access and parking have been submitted. The Council's residential parking standards state that a dwelling with up to four bedrooms requires a minimum of two parking spaces within its site boundary.

Before final comment can be made a revised to scale block plan which addresses the above needs to be submitted.”

Archaeology Officer

“There are no objections to this proposal on archaeological grounds.”

Other Representations

4.2 Local Residents

Three letters of objection were received. These related to loss of light; overshadowing; intrusiveness; loss of privacy; maintenance issues; boundary treatments; drainage; impact on the street scene; and loss of parking/garage.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 of the PSP Plan allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1, which is echoed by PSP38 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 application site is a two-storey, detached dwelling in Emersons Green. The property is situated on the residential road of Rushy Way, at the end of a cul-de-sac. The dwelling is set back from the road with an area of hardstanding to the front and side of the property. Its elevations are brick work with quoins; the windows and doors are white UPVc; the roof is tiled and pitched; and the garage is attached and set to the rear of the property.

5.3 The proposed development is a single storey side and rear extension, and a two storey side and rear extension.

5.4 *Single storey side and rear extension*

The single storey element would span the width of the rear of the property including to the rear of the attached garage. It would be 3.6m deep, 9.5m wide and 3.4m high. The roof would be lean to and tiled and its elevations would be white render. This single storey element is of a standard design, and although the elevations are proposed to be white render, which would not match the host

property, or surrounding properties; as it is to the rear of the dwelling, hidden from the street scene, this is considered acceptable.

5.5 *Two storey side and rear*

The two storey element would be built to the southern side of the property and would incorporate the existing garage. It would be 2.8m wide, 8m deep and 6.8m high. The front of the extension would be set behind the principal elevation, the width would be no wider than the existing narrow garage, the ridge height is set 0.6m lower than the host dwelling, and the rear element would project beyond the current rear elevation by 2.1m. Despite this small rear projection, the proposal is considered to be subservient to the host dwelling, respecting the form, scale, height, and massing of both the site and its context.

5.6 The applicant proposed the elevations of the two storey element to be white render. While this was acceptable for the single storey rear and side extension, as the two storey element would be prominent on the street scene, which contains no other white render elevations. The Case Officer deems it prudent to condition that the two storey element be constructed from brickwork to match the host, and surrounding properties.

5.7 An objection comment related to the proposals impact on the street scene. It is acknowledged that the proposal will fill most of the space between No. 29 and No.31. However, as this property is at the end of a cul-de-sac, and it would appear subservient to the host property when viewed from the street, and the materials would match the host dwelling. The impact on the street scene is not considered to be detrimental to the visual amenity of the area.

5.8 The proposals therefore are deemed to comply with CS1 of the Core Strategy and PSP38 of the PSP Plan.

5.9 Residential Amenity

Policies PSP8 and PSP38 of the PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

5.10 One neighbour objecting to the proposal stated that the proposal would result in a “severe reduction in light levels in to my landing and stairwell and loss of privacy to my conservatory and patio”. The Case Officer understands these concerns, however, as mentioned by the neighbour the window serves the landing and stairwell. This sort of space is considered secondary to the principal rooms of the dwelling, but it is acknowledged that there will be some loss of light and some weight has been afforded to that. Additionally, No.31 has two windows to the first floor front; and two windows to the first floor rear; that will not be impacted by the proposal. Furthermore, the proposal does not include any windows to the side elevation that would look directly onto the neighbouring patio, conservatory or side elevation of No.31. Overall therefore it is not considered that the living conditions of this property will be significantly prejudiced such that would justify the refusal of the proposal.

5.11 In regards to the overshadowing of the proposal. As the gardens on this side of Rushy Way are north east facing, they receive direct sunlight in the mornings only. Indeed, calculations have shown that owing to the orientation of the houses in question, and that the extension would be north of the objector's property, a nominal loss of light will occur to the neighbouring property, and only late in the evening during spring months.

5.12 Following the development, 67m² of private outside amenity space would remain. This exceeds the requirements of policy PSP43.

5.13 When considering the existing boundary, combined with the siting and scale of the proposals. The proposals would not appear overbearing or such that they would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Therefore, the development is deemed to comply with policies PSP8 and PSP38 of the PSP Plan.

5.14 Highways

The Transport Officer in point 4.1 noted that the number of bedrooms will not change as a result of the development, therefore the parking requirements will not change. The Officer also highlighted the loss of the garage as an issue. However, at present the garage dimensions do not meet Council standards, and as a result of the development the garage dimensions will still not meet Council standards. Therefore, the status quo will not change and there are no transport objections.

5.15 Equalities

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

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

5.16 Other matters.

In regards to the boundary treatments during construction, and the maintenance of the proposal once built. As noted on the decision notice relating to this application; the applicant must obtain the prior written consent of the owner and occupier of any land upon which it is necessary to enter in order to construct, externally finish, decorate or in any other way carry out any works in connection with this development including future repairs/maintenance, or to obtain support from adjoining property. This permission does not authorise the applicant to take such action without first obtaining this consent. Attention is also drawn to the Access of Neighbouring Land Act 1992 and Party Wall Act 1996.

5.17 In regards to potential drainage issues as a result of the proposal. The proximity of a public sewer may affect the layout of the development. The attention of the applicant and developer is directed to the informative on the decision notice regarding `building over' or `building in close proximity to' drainage provisions. The applicant or agent is recommended to discuss this matter with Wessex Water PLC.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: David Ditchett
Tel. No. 01454 863131

CONDITIONS

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

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

2. The materials to be used in the construction of the elevations of the two storey side and rear extension hereby permitted shall be constructed from brickwork and shall match those used in the existing building.

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

3. The hours of working on site during the period of construction shall be restricted to
Monday - Friday.....7:30am - 6:00pm
Saturday.....8:00am - 1:00pm
No working shall take place on Sundays or Public Holidays.

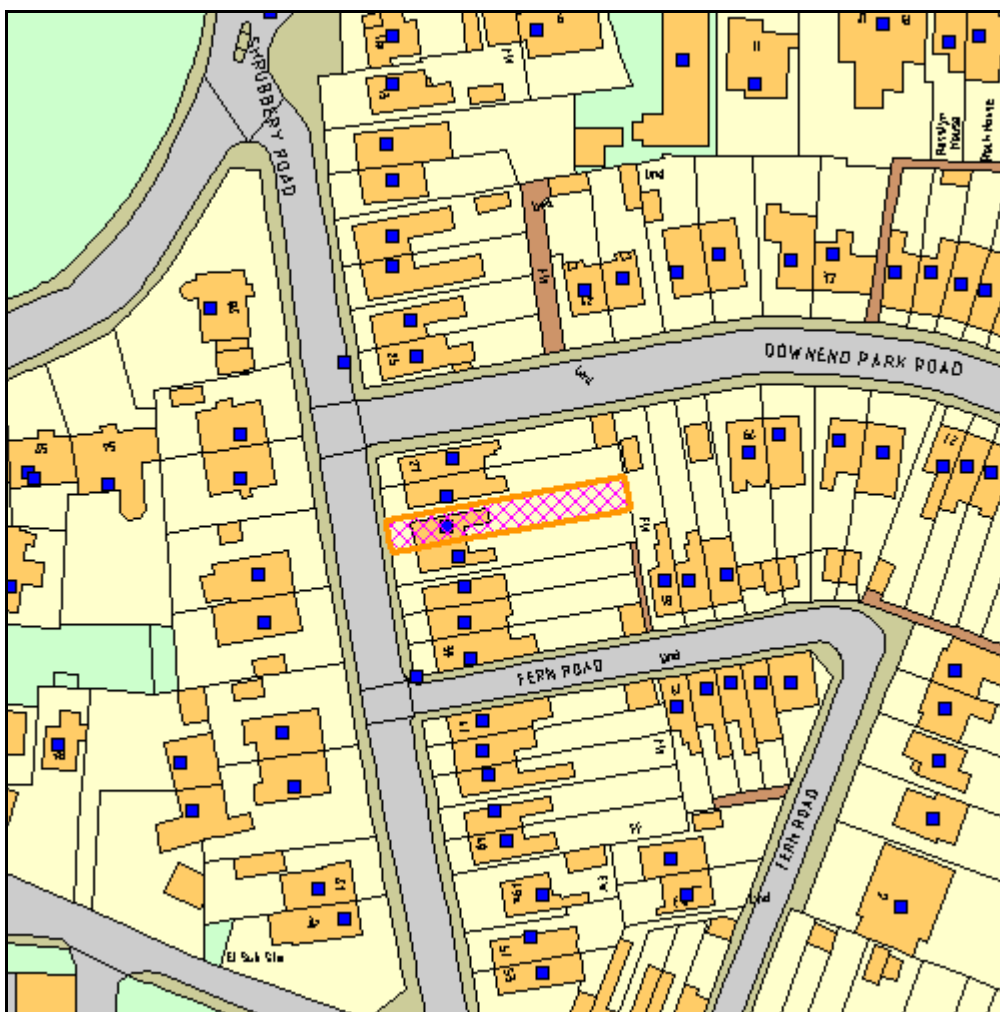
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------|
| App No.: | PK17/4749/F | Applicant: | Mr Rob Potter |
| Site: | 31 Shrubby Road Downend Bristol South Gloucestershire BS16 5TA | Date Reg: | 25th October 2017 |
| Proposal: | Construction of basement and single and two-storey rear extension with associated works to form additional living accommodation | Parish: | None |
| Map Ref: | 364793 176276 | Ward: | Staple Hill |
| Application Category: | Householder | Target Date: | 5th December 2017 |



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission for the construction of a basement and a first floor and single storey rear extension. The application site relates to a two-storey dwelling in Shrubbery Road, Downend.

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 Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006
Residential Parking Standards SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/0267/F Approved 24.03.2017
Erection of first floor rear extension and single storey rear extension to provide additional living accommodation

4. CONSULTATION RESPONSES

4.1 Sustainable Transport

No objection

4.2 Drainage and Flood Risk Management

No objection in principle, subject to the inclusion of an informative.

Other Representations

4.3 Local Residents

One neighbour comment received. The neighbour stated that there was “no objection”, although this has been taken as an objection and the case has been referred to the circulated schedule due to the seriousness of the concerns.

- Concerns that excavation could compromise the stability of No. 33 and No. 31.
- No. 33 has no footings, and some movement of the property happens.
- Asks what provision would be in place to render No. 33 secure
- Sewerage pipes for properties runs through proposed basement, plans do not seem to marry up with actual sewerage pipes.
- Asks whether notification has been given to Bristol/Wessex Water regarding alterations to current sewerage provision
- Notes that kitchen outlet drain runs from No.33 to No.31.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved policy PSP38 allows 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 Visual Amenity

The proposal consists of the construction of a basement and a first floor and single storey rear extension.

5.3 *First Floor Rear Extension*

The first floor extension would sit above an existing rear element, away from the site’s boundaries. It would sit well below the ridge line of the dwelling, and would have a gabled roof with a somewhat shallow pitch. It would be constructed using materials similar to match the existing dwellinghouse. Due to its position, it would not be highly visible from public areas. It is considered acceptable in design terms.

5.4 *Single Storey Rear Extension*

The single storey extension would extend from the side of the existing rear element. It would have a flat glass roof with large glazed doors to the rear. It would be finished in render to match the existing dwelling. The single storey rear extension is considered acceptable in design terms.

5.5 *Basement*

The basement would not be visible from outside of the dwelling. A set of steps would lead down to the basement from the garden. In addition, a raised glass deck would sit above a partial area of the basement, and a glass barrier would

separate the garden from the glass deck. As these additions would only be visible from the garden of the subject property, they are considered acceptable.

5.6 *Cumulative Impact*

Overall, it is not considered that the proposed development would harm the character or appearance of the area and as such, is considered acceptable in terms of visual amenity.

5.7 Residential Amenity

First Floor Rear Extension

The first floor rear extension would be modest in depth and would be located away from the sites boundaries. It would therefore not have an overbearing or overshadowing impact on any neighbouring properties. The second storey would have windows in, although they would be obscure glazed. There are therefore no overlooking concerns. The first floor rear extension is considered acceptable.

5.8 *Single Storey Rear Extension*

The single storey rear extension would be modest in size with a flat roof. Although it would sit next to the property boundary, it would not have an overbearing or overshadowing impact on No.33 due to its scale. It is considered acceptable in terms of residential amenity.

5.9 *Basement*

The provision of a basement is unlikely to have any effect on the residential amenity of the neighbouring property.

5.10 Sustainable Transport

There would be no removal of parking to the property, and no need for additional parking. There is therefore no transport objection to the proposal.

5.11 Other Matters

A neighbour commented with concerns regarding:

- Concerns that excavation could compromise the stability of No. 33 and No. 31.
- No. 33 has no footings, and some movement of the property happens.
- Asks what provision would be in place to render No. 33 secure
- Sewerage pipes for properties runs through proposed basement, plans do not seem to marry up with actual sewerage pipes.
- Asks whether notification has been given to Bristol/Wessex Water regarding alterations to current sewerage provision
- Notes that kitchen outlet drain runs from No.33 to No.31.

5.12 In relation to the excavation, movement of the property and security of No. 33, this would be taken into account at the Building Control stage of the application. Any damage to a neighbouring property would be a civil matter and is not within the remit of the planning system.

5.13 In relation to the drainage issues, the drainage and flood risk management officer consulted in relation to this case has confirmed that there is no objection, subject to the inclusion of an informative to the decision notice. Again, the drainage issues would be explored more fully within the building control process.

5.14 Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CONDITIONS

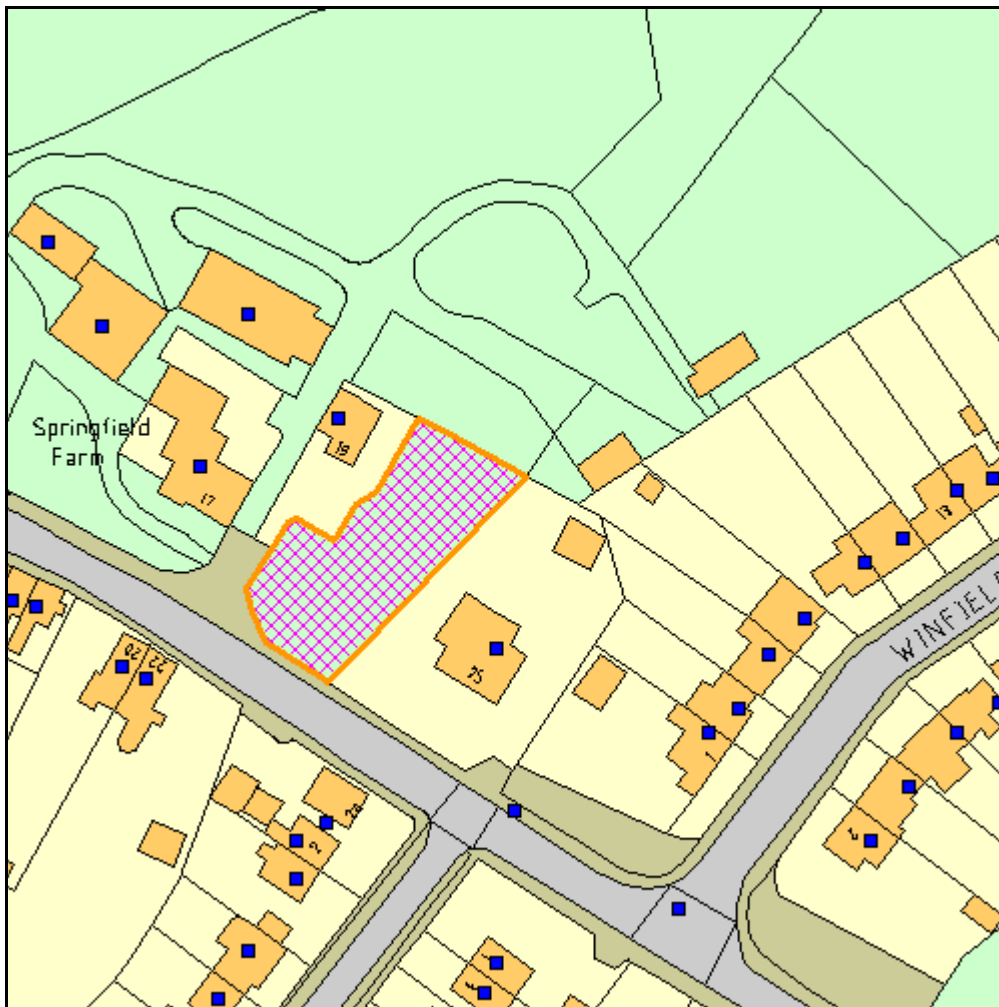
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|----------------------------------|------------------------------------------------------------------------------|-------------------------|--------------------------|
| App No.: | PK17/4787/F | Applicant: | Mr Adrian Francis |
| Site: | Land Adjacent To 19 London Road Warmley South Gloucestershire BS30 5JB | Date Reg: | 23rd October 2017 |
| Proposal: | Erection of 3no. dwellings and associated works | Parish: | Siston Parish Council |
| Map Ref: | 367343 173480 | Ward: | Siston |
| Application Category: | Minor | Target Date: | 14th December 2017 |



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The proposal has been subject to representations contrary to the findings of this report. Under the current scheme of delegation, it is required to be circulated as a result.

1. THE PROPOSAL

- 1.1 The proposal seeks to erect 3no. terraced dwellings and associated works on the site known as 'Land adjacent to no.19 London Road, Warmley.
- 1.2 The host property forms part of the former grounds of Springfield Farm. 19 London Road was converted from a former outbuilding to provide a live/work unit; this has since been converted into entirely residential accommodation. The proposal site is formed of an open area of pastureland to the front of 19 London Road.
- 1.3 Boundary treatments are a combination of large trees, rubble boundary walls, block walls and timber closed panel fences.
- 1.4 The site is located within the built up residential area of Warmley, outside the defined settlement boundary and within the Bristol/Bath Greenbelt.
- 1.5 Permission was granted on the site under the application PK16/5884/F, this was for the erection of a single large dwelling on the property. Consideration of the additional impact of the proposed 3 dwelling development is principally what is under consideration within the following report.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a 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
CS23 Community Infrastructure
CS24 Open Space Standards

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP7 Development in the Greenbelt

| | |
|-------|----------------------------------------------------|
| PSP8 | Residential Development |
| PSP11 | Development Related Transport Impact |
| PSP16 | Parking Standards |
| PSP38 | Development within Existing Residential Curtilages |
| PSP39 | Residential Conversions, Sub-Divisions and HMO |
| PSP42 | Custom Build Dwellings |
| PSP43 | Private Amenity Space Standards |

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006

Residential Parking Standards SPD (adopted) December 2013

Development in the Greenbelt SPD (adopted) June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/2013/F – Withdrawn – 02/08/2017 – Removal of external staircase, installation of Juliet balcony and erection of 2no side dormer windows.
- 3.2 PK17/2479/F – Approval – 10/08/2017 – Conversion of first floor offices to 1no. self-contained flat (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works.
- 3.3 PK16/5884/F – Approval – 15/12/2016 – 14/12/2016 – Erection of 1no. detached dwelling and detached garage with access, parking, landscaping and associated works.
- 3.4 PK14/1784/RVC – Removal/Variation of Condition – 07/10/2014 – Removal of condition 4 attached to planning permission PK11/0135/F to allow the live/work unit to be used as wholly residential accommodation.
- 3.5 PK13/1621/RVC – Refusal of Removal/Variation of Condition – 01/08/2013 – Removal of condition 4 attached to planning permission PK11/0135/F to allow the work part of the live-work unit to be used as a residential annexe ancillary to the live part of the live-work unit.
- 3.6 PK11/3574/F – Approval – 10/01/2012 – Erection of extension to existing garage and change of use of agricultural land to facilitate conversion to 1no. live work unit. (Amendment to previously approved scheme PK11/0135/F). (Retrospective).
- 3.7 PK11/0135/F – Approval – 22/02/2011 – Erection of extension to existing garage to facilitate conversion to 1no. live work unit.
- 3.8 PK02/2136/O – Refusal of Outline – 09/08/2002 – Erection of dwelling (outline).
- 3.9 PK00/2882/O – Refusal of Outline – 27/11/2000 – Erection of 1no. dwelling (outline).
- 3.10 P98/4417 – Approval – 05/11/1998 – Change of use of workshops and yard to residential home for the elderly.
- 3.11 K272/9 – Refusal of Outline – 26/08/1988 - Erection of 1 no. detached house and garage and construction of vehicular and pedestrian accesses (outline).
- 3.12 K272/8 – Refusal – 21/05/1984 – Conversion of exiting garage to dwellinghouse.
- 3.13 K272/5 – Refusal of Outline – 18/11/1981 – Erection of a bungalow on approx. 0.42 acres (outline).
- 3.14 K272/4 – Refusal of Outline – 11/12/1979 – Outline application for one dwelling on approx. 0.42 acre.
- 3.15 K272/3 – Approval – 18/01/1978 – Erection of kitchen extension and porch.

3.16 K272/2 – Refusal – 13/12/1977 – Erection of a detached dwellinghouse on approx. 0.42 acre.

4. CONSULTATION RESPONSES

4.1 Siston Parish Council

Objection – consider the development to be inappropriate development and that no very special circumstances have been put forward.

4.2 Other Consultees

Highway Structures

No Comment

Transport Officer

Requested a revised site plan showing a wider access to the proposal site and that the height of the front boundary wall is limited to 0.9 metres.

Archaeological Officer

The site is in an area of archaeological potential and a programme of investigative works will be required.

Drainage and Flood Risk

No objection in principle but ask that a condition is appended requiring the submission of details relating to the SUDs provided for approval by the LPA.

Landscape Officer

Objection – Proposal detrimental to the openness of the Green Belt and contrary to landscape strategy for LCA14. If consent is felt to be acceptable then a landscape scheme should be submitted that enhances the setting of the development and contributes to the amenity of the wider landscape and public realm. The scheme should follow relevant SGC planning policy in relation to landscape (inc. CS1, CS9, PSP1, PSP2, PSP3), the strategic landscape recommendations of the South Gloucestershire Landscape Character Assessment (LCA14), the above comments and accommodate SuDS (PSP20).

Other Representations

4.3 Local Residents

One comment received in objection to the proposal. The main points of objection are as follows:

- Visual impact of introducing the building between two period properties and closing the gap between them
- The proposal would obscure views of the countryside visible at certain times of the year.
- The site is not on a key bus route
- The proposal would affect the context of the site which has not changed since 2002.
- Historic development on the adjacent site not being in compliance with planning control.

- The proposal would result in “new isolated homes in the countryside” and no very special circumstances have been put forward.
- Concerns with vehicular access and highway safety.
- Greenbelt location makes the house type unsuitable and there is no demand or requirement.

5. ANALYSIS OF PROPOSAL

5.1 Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. In this case there are 2 main issues to consider in relation to the principle of the development. The first is that as the site lies outside of any settlement boundary whether it should nonetheless be permitted as a sustainable form of development. The current land supply position in South Gloucestershire is relevant to this consideration. The second is whether the proposal constitutes appropriate or inappropriate development in the Green Belt. Highly material to both considerations is that existing planning permission PK16/5884/F for one house on this site. Clearly this recently established the principle of one larger unit on the site.

5.2 In this case the proposal seeks to erect 3no dwellings outside a defined settlement boundary. It is acknowledged that CS5 and the SPD require that such development is situated within the defined settlement boundary however South Gloucestershire have been unable to demonstrate a 5 year housing land supply. In the context of this, Paragraph 14 of the NPPF states that where the development plan is silent, absent or relevant policies are out-of-date, planning permission for sustainable development is granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or unless specific policies in the NPPF to restrict development apply (Green Belt Policy is noted as one of these specific policies). Paragraph 49 states that relevant policies for the supply of housing are not considered up-to-date if the LPA cannot demonstrate a 5 year supply of deliverable sites. As a result the defined settlement boundary is given less weight and the site specific consideration under the NPPF has been given greater weight, and applied.

The subject site is located within the Bristol/Bath Greenbelt and would therefore be assessed against the South Gloucestershire Development in the Greenbelt SPD (Adopted 2007), Policy CS5 of the Core Strategy, Policy PSP7 of the Policies Sites and Places DPD (2017) and the NPPF (2012). These indicate limited development is permitted in the greenbelt subject to an assessment of its impact. Comments from the parish council and a local resident have objected to the proposal on the grounds they do not consider it appropriate development in the greenbelt.

The previous permission for 1 dwelling found the development to constitute limited infilling and was appropriate development in the greenbelt. That permitted is largely of the same form and massing as that proposed.

5.3 The property is situated on the outskirts of the village. It is acknowledged that the site provides a degree of openness in an area otherwise characterised by a well-defined ribbon of development along this northern side of London Road.

The Development in the Greenbelt SPD states that limited infilling can be acceptable within existing built up areas. The SPD continues to note that limited infilling could be defined as small scale development that fits in with the surrounding development in a linear formation. In this case the general building form is in line with Springfield Farm to the west of the site, with properties sitting equidistant from London Road. The proposed dwelling would be very much in line with this dwelling and due to the relative proximity of this property, the proposal could be considered to fall into the category of 'limited infilling' and would therefore constitute appropriate development in the Greenbelt. In the absence of the 5 year housing land supply, greater weight should be given to the definitions of acceptable greenbelt development within the NPPF. Paragraph 89 of the NPPF states that limited infilling in villages would be appropriate. Accordingly it would still constitute sustainable development and the presumption in favour of the development paragraph 14 of the NPPF should apply.

5.4 As the settlement boundary is given little weight, if the proposal site could be considered to be in a village, and constitutes infill development, this would be considered appropriate development and should be permitted. Given the property is within a well-established and developed area it has been considered to be within a village/settlement. Furthermore as the proposal would follow the general ribbon pattern of development, is in a linear formation and is between properties, it has been found to constitute infilling and is therefore appropriate development in the greenbelt. The development would therefore accord with the provisions of the adopted development plan and the NPPF (2012). Moreover the location is reasonably sustainable in terms of access to facilities (this is covered in greater detail in the transportation section) but could not reasonably be described as isolated countryside (paragraph 55 of the NPPF). This proposal makes more efficient use of the land than the previous proposal for 1 dwelling which counts in its favour; it follows that, although modest, it will make a greater contribution towards overall land supply which also attracts weight.

5.5 Landscape

The proposal site is an open area of pastureland and is constrained on either side by other buildings. It is set at a higher elevation than the road. Objection has been received with regard to the proposal impact on the character of the landscape. The proposal will fit in with the general pattern of development along London Road.

5.6 As previously mentioned there is an extant permission on the site for a single dwelling. While this is only a single dwelling, not the three as currently proposed, it would have a very similar form and massing to that approved. The permitted dwelling measured around 11.8 metres in width and around 9 metres in height. The current proposal is slightly wider at around 12.9 metres, however would match the height of the permitted dwelling, additionally the proposal would be significantly shallower than that permitted which had a front to rear depth of approximately 14.35 metres, where the proposal is around 10.5metres. Comments from the landscape officer differed from the comments on the earlier application in that there was no objection previously, assuming a positive consideration of the greenbelt impact. While the proposal has changed

in appearance, it has not been considered to be materially more harmful on the character of the landscape by virtue of its size and massing than that permitted, and subject to the same condition requiring submission of a landscaping scheme, is considered to have an acceptable impact on the character of the landscape.

5.7 Design and Visual Amenity

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Policy PSP38 of the Policies Sites and Places DPD is supportive in principle of development within the residential curtilage of existing dwellings. The proposal consists of the erection of 3no. terraced dwellings with associated works to the south of 19 London Road, Warmley. The proposal site is formed of an area of meadow or pastureland and sits adjacent to a property with a degree of historic and aesthetic charm. Opposite the subject site on the other side of the highway are a number of other period properties. There is another period property to the east of the proposal site, however this is well screened by trees and boundary treatments and is not visible from the public realm. None of these heritage properties are subject to any statutory or non-statutory designations such as a local or national listing.

5.8 The proposals are modest in scale and have incorporated a number of traditional features evident in the locality including Bathstone sills and clay double roman tiles. The design appears to have been strongly influenced by the properties situated opposite the access and those slightly further to the east. On this basis the proposed dwellings are considered to have been influenced and in keeping with the general character of the area.

5.9 Proposals should be respectful and informed by the materials used in the area. This is considered to be the case as it will incorporate materials used in a number of nearby properties. There is no objection with regard to this. Whilst in principle the choices are acceptable, detail on tone and colour is required given the proximity to heritage assets. A condition will be appended requiring the submission of samples for approval prior to the relevant part of the build.

5.10 The proposal will be of a similar form to the adjacent farm house and will be located a similar distance from the highway. An area of land will be kept between the dwelling and the boundary of the site and offers the opportunity to implement some soft landscaping. The Councils landscaping officer has recommended a soft landscaping scheme is submitted to the local planning authority for approval. This could provide a green buffer between dwellings and the highway and as a result it is seen as appropriate to attach such a condition.

5.11 Overall, it is considered that the proposed terraced dwellings would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal

has an acceptable standard of design and is considered to be accord with policies CS1 and PSP38 and conforms to the criteria in the adopted Local Plan.

5.12 Residential Amenity

Policy PSP38 of the adopted Policies Sites and Places DPD gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling. It is noted that there is an extant permission on the site for a similarly sized structure.

5.13 The proposed dwelling will be located between no.25 London Road and the existing farm house. These properties have no windows serving primary living accommodation oriented towards the subject site and would not be unacceptably impacted by the proposal. No.19 London Road is located around 17.5 metres from the nearest point of the proposed dwellings and around 4 metres westward of it. Given this and the location of the windows on this existing dwelling and the siting of the dwellings in relation to one another it is not thought the proposal would have an unacceptable impact on the amenity of the dwellings due to direct inter-visibility and loss of privacy. Furthermore 19 London Road is of a smaller scale than the proposed dwelling. Due to the separation distances and their orientation in relation to the path of the sun it is not thought that there will be any significant overbearing impact or associated loss of light. Properties to the south of the proposed dwelling are located a reasonable distance from the front elevation of the dwellings by virtue of London Road and the proposed access and parking area to the front of the property. As a result it is not thought these properties will be unacceptably impacted by the development.

5.14 Policy PSP43 of the Policies Sites and Places DPD gives the LPA's requirements for outdoor amenity space for new dwellings. A 3 bedroom dwelling is required to provide 60 m² of private amenity space. The smallest garden would exceed this requirement and there is therefore no objection raised with regard to this.

5.15 The subject property is located within a built up residential area and given the scale and location of the proposed development will not result in a detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with Policies PSP8, PSP38 and PSP43 of the adopted Policies Sites and Places DPD.

5.16 Sustainable Transport and Parking Provision

The 3 dwellings will each have 3 bedrooms. According to the Residential Parking Standards SPD a 3 bedroom dwelling would be required to provide parking spaces. The proposal indicates there will be 6 parking spaces to the front of the property. This satisfies the requirement and there is no objection with regard to parking provision subject to the appendage of a condition requiring the parking to be implemented prior to occupation and maintained satisfactorily thereafter.

- 5.17 Comments from the objecting party have suggested the proposal is not a sustainable location. It is acknowledged that buses running specifically past the proposal site may be infrequent, however there are a wealth of bus services in the area and within short walking distance of the site. Furthermore the proposal site is around 150 or so metres from the Bristol/Bath Railway Path, which is the main cycle route between the cities. Lastly the property is around half a mile from the A4174 Link road and the established eastern fringe of Bristol. As a result there is a significant range of services within walking distance of the property and no objection is raised with regard to the location of the proposal site.
- 5.18 The subject property is located on a relatively busy classified highway. The proposed dwelling will be served by an existing access providing for No.19 London Road, the property to the north-west and the adjacent farmhouse. The site will provide a turning area meaning access to the highway will be in forward motion. Comments from the transport officer sought to increase the width of the access to the forecourt to 5 metres. This has now been provided and it is thought 2 cars could pass one another on entrance to the site. Furthermore the officer requested that a condition is attached restricting the height of the front boundary wall to 0.9 metres. It is noted there is a visibility splay where the access meets the highway and the section of road is relatively straight. Consequently the access is not considered to suffer from poor visibility or would lead to a cumulatively severe impact on highway safety and would therefore accord with the provisions of the NPPF. Consequently the proposed condition has not been seen to pass the tests contained within the NPPF. In respect of this there is no objections in relation to highway safety or parking provision; meaning the proposal is in accordance with Policies CS8, PSP11, the Residential Parking Standard SPD and the provisions of the NPPF 2012.
- 5.19 Other Matters
The objecting party has drawn attention to the history on the site. It should be made clear that a planning application must be assessed on its own merits and the fact that historically works have taken place outside the constraints of the planning system should not factor in the assessment of this planning application.
- 5.20 The comment has also suggested that there is no demand or requirement for this type of housing in the area. This is speculation and it is found by officers that in fact this type of small family home would be the most appropriate for this location and likely the most sought after property type.
- 5.21 Consideration of likely impact on Equalities
The proposal would have a neutral impact on equalities.

6. **CONCLUSION**

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

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

7. RECOMMENDATION

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. Prior to the relevant part of the build samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

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

Reason

To protect the character and appearance of the area and landscape to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1, PSP2 of the Policies Sites and Places DPD (Adopted) November 2017 and the National Planning Policy Framework. This is required prior to commencement as it relates to the impact of the finished development on the character of the area and landscape.

4. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP20 of the Policies Sites and Places DPD (Adopted) November 2017 and the National Planning Policy Framework. This is required prior to commencement as it relates to the impact of the finished proposal on local watercourses, drainage and surface water runoff.

5. The off-street parking facilities (for all vehicles, including cycles) shown on the plan received by the Local Planning Authority on 06th November 2017 and hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

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

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement to prevent the loss or damage of archaeological remains during any works.

7. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Class A), 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 the satisfactory external appearance of the development and to protect the openness of the greenbelt in the interests of visual amenity and to protect the residential amenity space of the dwellings hereby permitted and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1, PSP2, PSP38 and PSP43 of the Policies Sites and Places DPD (Adopted) November 2017 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|-----------------------------------------------------------------------------------|---------------------|-----------------------|
| App No.: | PK17/4824/F | Applicant: | Rebecca Hamilton |
| Site: | 43 Cherry Gardens Bitton Bristol South Gloucestershire BS30 6JA | Date Reg: | 2nd November 2017 |
| Proposal: | Erection of single storey rear extension to form additional living accommodation. | Parish: | Bitton Parish Council |
| Map Ref: | 367107 170249 | Ward: | Bitton |
| Application Category: | Householder | Target Date: | 22nd December 2017 |



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of single storey rear extension to provide additional living accommodation at 43 Cherry Gardens, Bitton. A terrace area is also shown.
- 1.2 The host dwelling is a two-storey, semi-detached property finished in brick and render. The property benefits from both large front and rear gardens.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK00/3256/F – Approved - 06.03.2001
Erection of a two storey side and rear extension with attached front garage

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Councillors accept the principle of a rear extension to this property but are concerned at the large size of the proposal.

Other Representations

- 4.2 Local Residents
No Comments Received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design and Visual Amenity

The proposed single storey rear extension will extend from the existing rear wall by approximately 5.5metres, have a width of 6.2metres and a maximum height of 4.1metres. The proposal will introduce 2no windows to the side elevation, 4no roof lights and 1no sliding door to the rear elevation. The proposal will feature a gable roof with tiles to match the existing dwelling.

5.3 Residential Amenity

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

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

- 5.5 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development and there is no objection with regard to this. The proposed terrace is likely to improve the use of the garden area.

- 5.6 The case officer notes the concerns raised regarding the size of the proposal. However, under a prior notification application the applicant could extend up to 6 metres from the rear wall and due to the siting and a maximum eaves height of 2.8 metres, it is considered that this would be an acceptable height for the proposal, and would not have a harmful impact on the residential amenity of neighbours through an increased sense of overlooking or overbearing. Terrace will, due to the slope of the land, be raised to be level with the ground floor level of the extension and main house. This is not considered likely to have a significant impact upon neighbours.

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

5.8 Sustainable Transport and Parking Provision

The proposed development does not affect bedroom numbers, access or current parking provision. Therefore, there are no objections on highways grounds.

5.9 Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Westley Little
Tel. No. 01454 867866

CONDITIONS

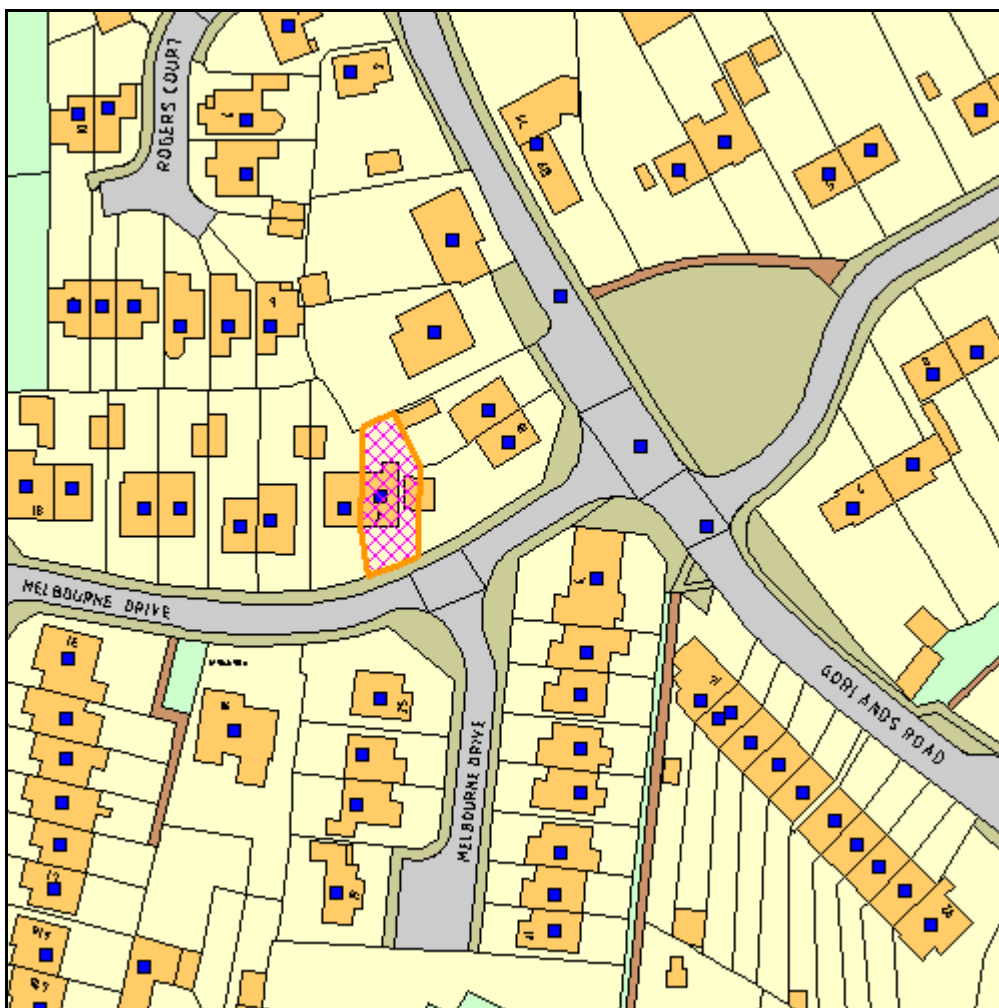
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------------|
| App No.: | PK17/4916/F | Applicant: | Mr And Mrs Miles |
| Site: | 2 Melbourne Drive Chipping Sodbury Bristol South Gloucestershire BS37 6LB | Date Reg: | 2nd November 2017 |
| Proposal: | Demolition of existing garage and conservatory. Erection of a two storey side and single storey rear and side extensions to form store and additional living accommodation. | Parish: | Sodbury Town Council |
| Map Ref: | 373143 182207 | Ward: | Chipping Sodbury |
| Application Category: | Householder | Target Date: | 14th December 2017 |



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 100023410, 2008. **N.T.S.** **PK17/4916/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following comments received contrary to Officer Recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the demolition of existing garage and conservatory. Erection of a two storey side and single storey rear and side extensions to form store and additional living accommodation at 2 Melbourne Drive, Chipping Sodbury.
- 1.2 The host dwelling is a two-storey, semi-detached property finished in brick and vertical hanging tiles.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No Objection

Sustainable Transport

The proposed development will remove an existing garage from the site to facilitate the extension of the dwelling to provide additional living accommodation.

After development the dwelling will have four bedrooms to the first floor. The Council's residential parking standards state that a dwelling with up to four bedrooms provide a minimum of two parking spaces within its site boundary.

No detail on the proposed vehicular access and parking have been submitted. Before final comment can be made a revised plan needs to be submitted addressing the above.

Comments following revised plans

No comments were forthcoming

Other Representations

4.2 Local Residents

The application received a total of 1 Objector, 4 points of concern were raised and are as following.

1. I have concerns that a two storey development is under consideration in such close proximity to the boundary of my property and to the house. The submitted plans appear to indicate that the North East corner of the proposed extension will be touching the boundary to 8, Gorlands Road.

PSP 38, 1) (8.15) states that proposals for two storey extensions should generally leave 1 metre between the extension and side boundary to allow access for maintenance. It is also estimated that the development will be approximately 10 metres from the rear elevation at 8, Gorlands Road and only around 9 metres from the conservatory.

2. The proposed two storey extension, which represents an increase to the width of the current dwelling of 50%, will be visually overbearing and intrusive. It will dominate the extremely small rear garden at 8, Gorlands Road. The rear wall of the present garage is set back behind the garage of 10, Gorlands Road by approximately 1 metre and as a consequence is barely visible from my garden, and not at all from the ground floor of the house.

The side and rear elevations of the ground floor of the new extension will be approximately 2 metres closer to my property and the ground floor will extend higher than that of the garage. The first floor elevations will be about 1 metre closer than the existing garage wall. In my view, therefore, there will be an unacceptable detrimental impact on the residential amenity of my property.
PSP 38, 2) (8.19)

3. The proposed two storey extension will overshadow the South West facing garden at 8, Gorlands Road, creating shade because of the bulk and proximity of the rear and side elevation. This will impact on my enjoyment of my dining room, conservatory, garden and patio. PSP 38, 2) (8.19)

4. It should be noted that, in addition to the hedge, there is a lilac tree on my property which is within falling distance of the proposed extension. This has not been mentioned in section 7 of the Planning Application. The development could have an adverse impact on both the hedge and the lilac tree. PSP 3 (3.30) & PSP 38, 4) (8.17)

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design and Visual Amenity

Demolition of existing garage and conservatory. Erection of a two storey side and single storey rear and side extensions to form store and additional living accommodation.

5.3 The proposed two storey side extension will have a depth of 10.3 metres at ground level and 8.2 metres at first floor level, the proposal will have a width of 3.3 metres and a maximum height of 7.1 metres. The existing conservatory and detached garage are to be demolished to facilitate this proposal.

5.4 The two storey element will introduce 1no garage door and 1no window to the principal elevation, whilst no windows are proposed on the side elevation, the proposal will include a gable roof with materials to match the existing dwelling. The slight reduction in ridge height, and the stepping-back of the front elevation at a first floor level also increase the levels of subservience between the proposed extension and the host dwelling. As such it is considered that the proposed extension would appear as an appropriate addition within the immediate streetscene.

5.5 The proposed single storey rear will extend 1.3 metres from the existing rear wall, have a width of 3.6 metres and a maximum height of 3.6 metres, the proposal will feature full height glazed windows and a lean-to glazed roof.

5.6 Residential Amenity

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

5.7 An objection comment has raised concerns that the close proximity of the North- East corner at single storey level. The proposed development is with the applicant's residential curtilage and the plans show no encroachment. The applicant will be reminded that they need the consent of the land owner to carry out works on land outside of their ownership by means of an informative on the decision notice.

5.8 An objection was raised concerning overshadowing and loss of sunlight to the garden of No.8 Gorlands Road. Having looked at the path of the sun at various times of the year, it is considered the proposal would have some impact, however, it is not deemed that this would be such a significant impact on living conditions as to substantiate a reason for refusing the proposed development.

Submitted plans also show the proposal will have no side windows and newly introduced windows to the first floor rear elevation will be obscure glazed and would not have a harmful impact on the residential amenity of neighbours through an increased sense of overlooking or overbearing.

5.9 The Objection raised concerns about damage to nearby trees. It is not considered that these trees are protected by a preservation order. This is primarily considered to be a civil matter.

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

5.11 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development and there is no objection with regard to this.

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

5.13 Sustainable Transport and Parking Provision

The proposal will include an additional bedroom, however would not require the provision of any further parking spaces. The existing hardstanding provides space for 2 vehicles and is therefore in accordance with the provisions of the Residential Parking Standards SPD.

The proposal would not be considered have a negative impact on highway safety or the provision of off-street parking facilities.

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

A revised plan was received that shows 2 parking spaces to the frontage of the property.

5.14 Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Westley Little
Tel. No. 01454 867866

CONDITIONS

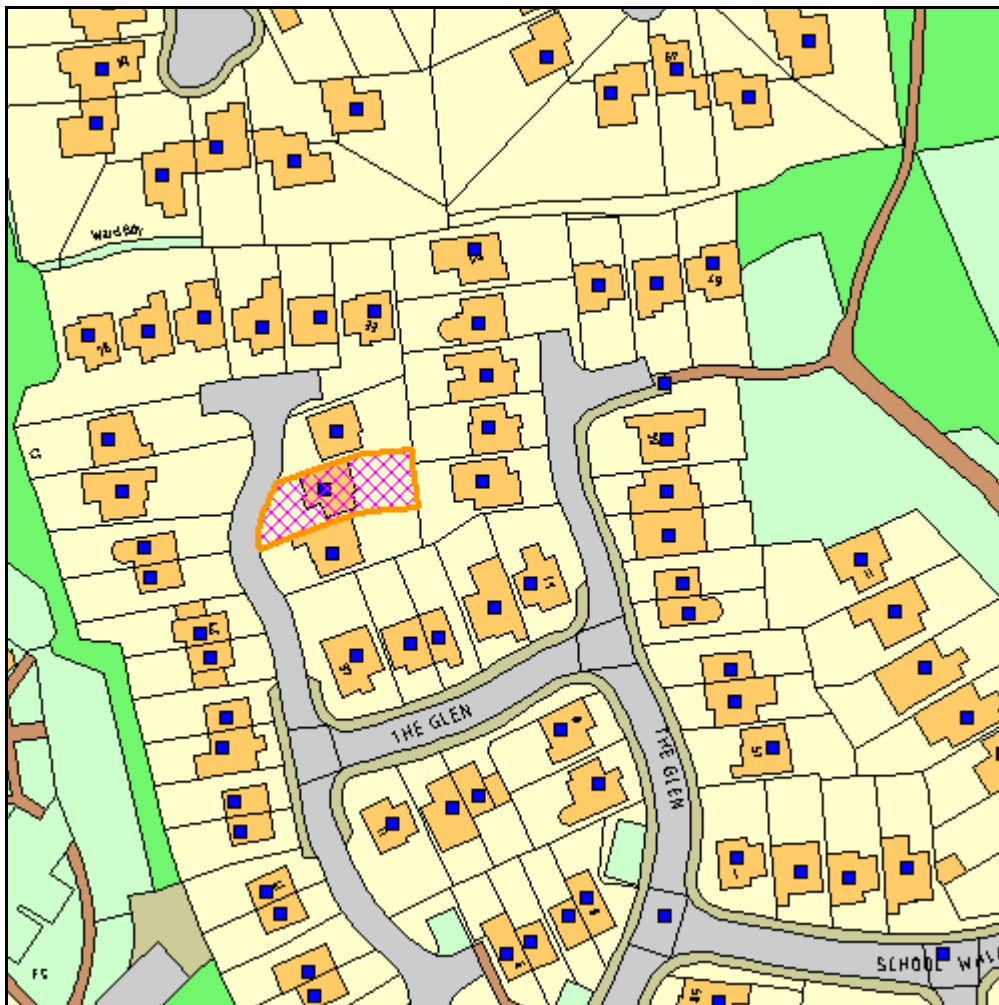
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------|
| App No.: | PK17/4987/F | Applicant: | Mrs Claire Sleath |
| Site: | 35 The Glen Yate Bristol South Gloucestershire BS37 5PJ | Date Reg: | 10th November 2017 |
| Proposal: | Erection of a two storey side and a single storey rear extension to form additional living accommodation. | Parish: | Yate Town Council |
| Map Ref: | 371169 182807 | Ward: | Yate Central |
| Application Category: | Householder | Target Date: | 20th December 2017 |



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as a representation has been received which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for a two storey side and single storey rear extension to form additional living accommodation at 35 The Glen, Yate.
- 1.2 The application site consists of a modern, two storey detached property within the built up residential area of Yate.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Policies, Sites and Places Plan Adopted November 2017

- PSP1 Local Distinctiveness
- PSP8 Residential Amenity
- PSP16 Parking Standards
- PSP38 Development within Existing Residential Curtilages
- PSP43 Private Amenity Space

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (adopted) December 2013
Residential Parking Standards SPD (adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P84/2534
Residential and ancillary development on approximately 9.4 acres.

Approved: 4th July 1985

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Objection
 - Impact on sightline;
 - Possible loss of light;

- Possible increase in parking;
- If the application is given approval by SGC, sensible conditions be imposed in order to minimise impact on the neighbours such as construction between sociable hours of 9-5pm weekdays, or similar.

These points will be addressed within the subsequent sections of the report.

4.2 Sustainable Transport
No comments received.

Other Representations

4.3 Local Residents
Comment received from 1 no local resident, summarised as follows:

Two storey side extension

- Loss of natural light to rear garden, decking, dining room/kitchen.
- Extension will be within line of sight.
- Not in keeping with the character of properties in the area.
- Overlooking

Single storey extension

- Overdevelopment and will result in bulky garden furniture being placed against the fence.

Other

- Request for works and deliveries to be carried out Monday-Friday 8am-5pm.
- Access to our land to be made in writing prior to permission being granted and damage to our front garden to be rectified or relevant compensation paid for repair.

These points will be addressed within the subsequent sections of the report.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 of the Policies, Sites and Places Plan (November 2017) allows 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 proposal consists of a two storey side extension with gable roof and single storey rear extension with a lean-to roof. All proposed materials would match those used on the existing dwelling.

5.3 *Two storey side extension*

The proposed side extension would sit on the south elevation and would be approximately 3 metres in width, the ground floor would adjoin the principal elevation of the host dwelling and run the length of the property, approximately 8.3 metres in length. The first floor of the proposed side extension would be set back from the principal elevation by approximately 1 metre and would therefore be subservient to the host dwelling. The design is not considered to have a negative impact on the character of the host dwelling or surrounding area. Similar side extensions can be found on nearby properties.

5.4 *Single storey rear extension*

The proposed rear extension would be approximately 5.2 metres in width. It would extend from the rear wall of the existing property by approximately 3 metres, have an overall height of approximately 3.5 metres and an eaves height of approximately 2.4 metres. The proposal is considered to be of an appropriate size and scale within the context of the site.

5.5 Overall, the proposal is considered to be acceptable in terms of design and visual amenity and would therefore comply with policy CS1 of the Core Strategy.

5.6 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan (Adopted) November 2017 sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers, as well as the private amenity space of the host dwelling.

5.7 *Two storey side extension*

The proposed two storey side extension would sit adjacent to the side elevation of the neighbouring occupier at no.36. The properties are stepped and the proposal would extend beyond the rear building line of the neighbouring property by approximately 1 metre. No.36 does not benefit from any side elevation windows and the proposal includes a ground floor side elevation window. However, this would serve a bathroom and be obscure glazed. As such, it is not considered the proposal would have an overbearing or overlooking impact on the neighbouring occupiers, nor would it have a significant impact on loss of light as to warrant refusal.

5.8 *Single storey rear extension*

Due to the stepped nature of the adjoining properties, the rear elevation of the proposed extension would meet the rear building line for the neighbouring dwelling at no. 34. The neighbour benefits from a side elevation window however this does not serve a principal room and is obscure glazed. The properties are separated by a 1.8 metre high fence and due to this combined with the single storey nature of the proposal it is not considered the proposed development would have a significant overbearing, overlooking or loss of light impact on the neighbour at no.34.

5.9 *Cumulative impact*

Overall, it is not considered that the proposed development would have a significant impact on the residential amenity currently enjoyed by the neighbouring occupiers. Furthermore, it is considered sufficient private residential amenity space would remain for the occupiers of the host dwelling should the proposal be constructed. As such, the proposal is deemed acceptable and would therefore comply with policy PSP38 of the PSP Plan.

5.10 Sustainable Transport

The application is proposing an increase in bedroom numbers from three to four. Currently there is parking provision at the front of the property for two vehicles and this will not be affected by the proposed development. Therefore, there are no transportation objections as the proposal meets South Gloucestershire Residential Parking Standards.

5.11 Consideration of likely impact on Equalities

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

5.12 In regards to the above statement, the proposal is considered to have a neutral impact on equalities.

5.13 Other Matters

Storage of garden furniture is not a material planning consideration and will therefore have no impact on the Officers recommendation.

5.14 It is not considered necessary for a condition to be included to restrict the construction and delivery times as the application is considered minor works.

5.15 An informative will be included on the decision notice to make the applicant aware consent is required from the owners for access onto private land during construction. However, any possible damage to private land would be a civil matter.

6. **CONCLUSION**

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

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

7. RECOMMENDATION

7.1 That the application is APPROVED subject to conditions attached to the decision notice.

Contact Officer: James Reynolds
Tel. No. 01454 864712

CONDITIONS

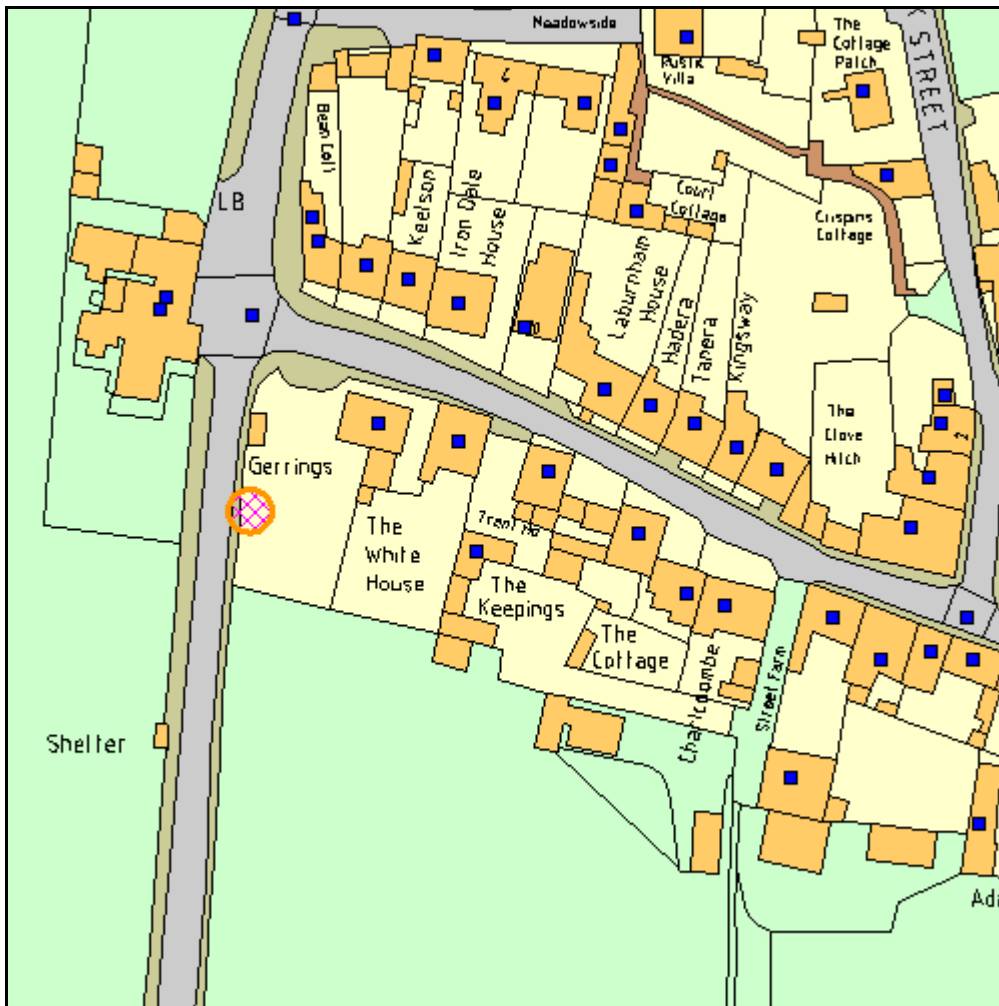
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------------|
| App No.: | PK17/4995/TCA | Applicant: | Mr Chris Scott |
| Site: | Gerrings High Street Iron Acton South Gloucestershire BS37 9UG | Date Reg: | 1st November 2017 |
| Proposal: | Crown thinning by 20% by way of drop-crotch reduction, to incorporate reduction by up to 3 metres of specified elongated limbs. Crown lift to 5metres to avoid vehicle damage. Extent of pruning to be agreed with contractor on site prior to commencement. | Parish: | Iron Acton Parish Council |
| Map Ref: | 367692 183610 | Ward: | Frampton Cotterell |
| Application Category: | Trees in Conservation Area | Target Date: | 11th December 2017 |



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as comments have been received during the public consultation period that are contrary to the recommendation.

However, this application is a prior notification of proposed works to trees in a conservation area. The purpose of such an application is to provide an opportunity for the Local Planning Authority (LPA) to serve a Tree Preservation Order (TPO) on the tree, should it fulfil the criteria of designation. A TPO must be served within a period of six weeks. Failure by the LPA to serve a TPO or respond to the notification within this timeframe results in a default position of the works gaining deemed consent. Therefore this application appears on the Circulated Schedule for information purposes only.

1. THE PROPOSAL

- 1.1 The original specification was - Works to reduce crown to a finished height of 6 metres and radial spread of 4 metres for 1no Beech tree situated within the Iron Acton Conservation Area.
- 1.2 By agreement this has been altered to Crown thinning by 20% by way of drop-crotch reduction, to incorporate reduction by up to 3 metres of specified elongated limbs. Crown lift to 5metres to avoid vehicle damage. Extent of pruning to be agreed with contractor on site prior to commencement.
- 1.3 The tree is within the rear garden of Gerrings, High Street, Iron Acton, South Gloucestershire, BS37 9UG.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council has no objections to this application.

Other Representations

- 4.2 Local Residents

A resident has made comments objecting to the application on the grounds that; there is ambiguity in the works description; that the tree makes a contribution to the character of the landscape; that the amenity and wildlife value of the tree will be reduced.

5. ANALYSIS OF PROPOSAL

- 5.1 This application provides prior notification of proposed works to trees situated within a conservation area.
- 5.2 Principle of Development
Under the Planning (Listed Buildings and Conservation Areas) Act 1990, it is recognised that trees can make a special contribution to the character and appearance of a conservation area. Under the above Act, subject to a range of exceptions, prior notification is required for works to a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their general control by making a Tree Preservation Order. When considering whether trees are worthy of protection the visual, historic and amenity contribution of the tree should be taken into account and an assessment made as to whether the tree fulfils the criteria of a Tree Preservation Order.
- 5.3 Consideration of Proposal
The South Gloucestershire Council Tree Officer contacted and had a site visit with the applicant to discuss the works description.
- 5.4 The revised description is: Crown thinning by 20% by way of drop-crotch reduction, to incorporate reduction by up to 3 metres of specified elongated limbs. Crown lift to 5metres to avoid vehicle damage. Extent of pruning to be agreed with contractor on site prior to commencement.
- 5.5 The revised specification will be less detrimental to the amenity provided by the tree and will not result in the unnatural appearance of a tree that is responding to full crown reduction.
- 5.6 Beech trees do not respond well to heavy pruning and this is seen as a more appropriate work programme.

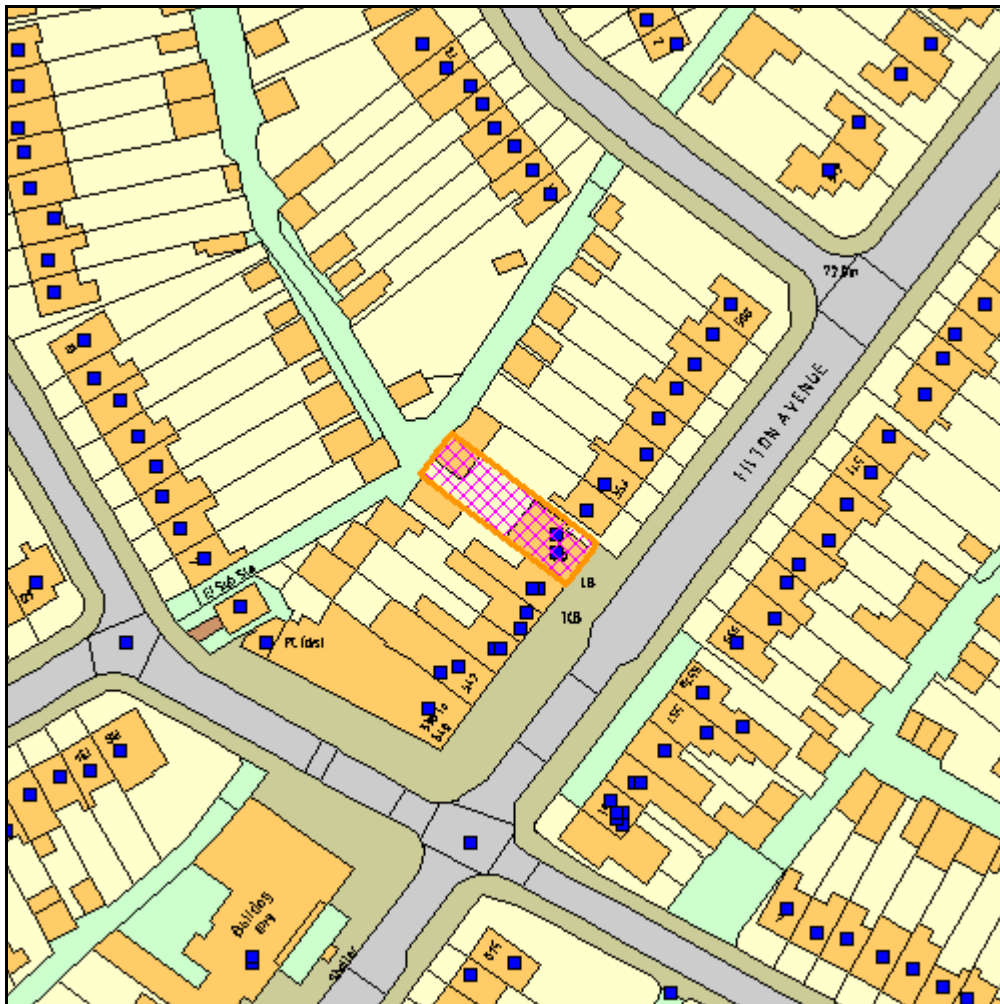
6. RECOMMENDATION

- 6.1 No objection

Contact Officer: Simon Penfold
Tel. No. 01454 868997

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------|
| App No.: | PT17/3732/F | Applicant: | Mr A. Rigg |
| Site: | Filton Avenue Post Office Shop 550 Filton Avenue Horfield South Gloucestershire BS7 0QG | Date Reg: | 5th September 2017 |
| Proposal: | Change of use from Post Office and dwellinghouse (Sui Generis) to separate flexible use (Class A1) retail, (Class A2) financial and (Class B1a) Offices unit and (Class C4) HMO. As defined in the Town and Country Planning (Use Classes) Act 1987 (as amended). | Parish: | Filton Town Council |
| Map Ref: | 360585 178297 | Ward: | Filton |
| Application Category: | Minor | Target Date: | 2nd October 2017 |



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure, following objections from the Town Council which are contrary to the officer recommendation within this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use from Post Office and dwellinghouse (Sui Generis) to a separate flexible use (Class A1) retail, (Class A2) financial and (Class B1a) offices unit and (Class C4) HMO as defined in the Town and Country Planning (Use Classes) Act 1987 (as amended) at Filton Avenue Post Office, Horfield.
- 1.2 The application site is located in a small row of shops within a predominately residential area in Horfield which is in part of the North Bristol Urban Fringe. The site does not comprise part of a designated town centre, local centre or parade. There is a bus stop close to the site as well as good pedestrian and cycling links.
- 1.3 The building is two storey and has rendered elevations with UPVC windows and a tiled roof. The existing Post Office is at ground floor and has an associated shop front. The dwellinghouse is accessed through a separate front entrance at ground floor and is located to the rear of the existing unit and at first floor.
- 1.4 Throughout the application, amendments were made to the description of development as well as floor plans. As such, a period of re-consultation was undertaken for 14 days.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Accessibility
- CS13 Non-safeguarded Economic Development Sites
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS25 North Bristol Fringe of Bristol Urban Area

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

- PSP1 Local Distinctiveness

| | |
|-------|--------------------------------------------------|
| PSP8 | Residential Amenity |
| PSP11 | Transport Impact Management |
| PSP16 | Parking Standards |
| PSP32 | Local Centre Parades and Facilities |
| PSP39 | Residential Conversions, Sub-divisions and HMOs. |
| PSP43 | Residential Private Amenity Space Standards |

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist
 Residential Parking Standards SPD
 Shopfronts and Advertisements Design Guidance SPD (Adopted) 2012

3. **RELEVANT PLANNING HISTORY**

- 3.1 N1627 Approve with Conditions 02.01.1900
 Erection of extension at rear of shop to provide kitchen and lounge.

4. **CONSULTATION RESPONSES**

- 4.1 Filton Town Council
 Objection – concerns with parking, loss of retail and bedroom sizes.

Revised description and plans
 No comments received.

- 4.2 Community Enterprise
 No objection.

Revised description and plans
 No objection

- 4.3 Sustainable Transport
 No objection – change of use likely to have a limited effect upon traffic generation, especially as the overall area is small and the site is located within an existing urban area. It is noted that it is proposed to increase the number of bedrooms from 3 to 5. There is an existing double garage in addition to an additional parking space proposed. This meets the parking standards.

Revised description and plans
 As above

- 4.4 Archaeology
 No comment

Revised description and plans
 No comment received.

Other Representations

- 4.5 Local Residents
 No comment received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In general, the development plan supports residential development within the established settlement boundaries. This can include the conversion of non-residential properties for residential use. However, whilst there is general support for such developments, each proposal is assessed on its own merits and should meet the policy requirements for such conversion. Policy PSP39 set out that this type of development could be acceptable.

5.2 Further to the above, the development would see the loss of part of the Post Office. CS13 of the Core Strategy is in favour of securing suitable economic development re-use for such sites, and requires that it is demonstrated that reasonable attempts have failed to secure a suitable economic development re-use. Priority is given to mixed use schemes where these circumstances occur.

5.3 It is noted that the development would result in a smaller unit, and that this unit would see a change of use to flexible use Class A1/A2/B1(a). It is thought that this would widen opportunities for potential occupants of the unit. The proposed unit would be assessed under PSP32 to ensure that the vitality or function of the area is not harmed.

5.4 Change of Use

HMO

The development would involve part of the existing Post Office and existing dwellinghouse to be converted and used as part of a C4 HMO. This is considered acceptable in principle but will be subject to considerations of impact on the character of the area, residential amenity, waste and highway safety.

Flexible Use Unit

5.5 As part of the application, information was supplied in relation to the market history of the site. It is understood that the Post Office has been closed for over a year, and the unit (alongside dwellinghouse) has been marketed since August 2016. The applicant exchanged contracts with the owner in July 2017. Clearly, the Post Office has been vacant sometime despite being marketed for over a year. Policy CS13 sets out that in where reasonable attempts have failed to secure a suitable re-use on the unit, then priority would be given to mixed use schemes. In this instance, the site would continue to provide mixed uses, and therefore this re-use is thought to be acceptable.

5.6 Further to the above, it is proposed that a flexible A1/A2/B1(a) use would be introduced. While the unit would be small, revised plans show that it would have a small kitchenette and W.C. It is thought that the unit could be viable for a small business.

5.7 The flexible use is considered beneficial as it would provide increased opportunities to ensure that the unit is occupied in the future. In accordance with PSP32, the development would not harm the vitality and function of the

surrounding area remains. Overall therefore, the Change of Use is deemed to be acceptable in principle. This is subject to the assessment below.

5.8 Character of the Area

The surrounding area is of a mixed character, which immediately comprises two storey buildings with shop fronts at ground floor. The proposal would not introduce any external alterations. A shopfront and separate entrance for the HMO would remain at ground floor. As such, it is considered that the development would have a limited impact on the character of the area and would bring back into use a ground floor unit.

5.8 Residential Amenity

As aforementioned, the development would result in no external changes. It is thought that the scheme would not have noticeable changes to neighbouring occupier's residential amenity.

5.9 The development would involve the introduction of 2 further bedrooms, taking the total number of bedrooms at the HMO to 5. The access to adequate amenity space can play an important role in the physical health, mental health and wellbeing of people. Policy PSP43 which is awaiting imminent adoption sets out standards for private amenity space. A 5 bedroom house is expected to have 70m² of amenity space. Plans show that the existing main rear garden would remain, albeit an additional car parking space would be introduced to the rear. Officers estimate that 95m² of amenity space would be provided. This meets the standards and is considered acceptable.

5.10 The case officer notes the comments of the Town council in terms of bedroom sizes. However, it is thought they are of an acceptable standard and each are provided with an en-suite.

5.11 Highway Safety

Transportation colleagues have reviewed the proposal and consider that the change of use is likely to have a very limited effect upon the traffic generation if the site, especially as the unit area would decrease and it is located within an existing urban area.

5.11 With regard to the residential element of the proposal, the comments of the Town council are noted. A further 2 bedrooms would be introduced, taking the total number to 5. The residential parking SPD sets out that for a property with this number of bedrooms, 3no. off-street parking spaces should be provided. There is an existing double garage at the property (to the rear) and an additional parking space would be introduced adjacent to this. As such, the parking provision is thought to be acceptable in this instance. It is recommended that a condition is issued to ensure this parking is in place prior to occupation of the dwelling.

5.12 The design and access statement submitted as part of the proposal states that cycle parking is shown on submitted plans. This is not the case, and as such, a condition is recommended that this is provided prior to occupation.

5.13 Clarification was sought from the applicant with regard to servicing for the proposed flexible use unit. It is understood that this would take place to the front. This is the current arrangement, and as such no objection is raised.

5.14 Waste

The revised Proposed Site Plan shows that a bin area would be provided for both the HMO and flexible unit to the west (side) elevation of the building. This is considered sufficient, however, a condition is recommended to ensure this is provided prior to occupation of the development.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is **GRANTED** subject to the conditions on the decision notice.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

2. Prior to the first occupation of the development hereby permitted, the construction of the vehicular parking must be completed in accordance with the submitted Proposed Site Plan (dwg no. A 001 A), and retained as such thereafter. For the avoidance of doubt: the car parking area must be formed of a permeable and bound material.

Reason

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

3. Prior to the first occupation of the development hereby approved, cycle parking facilities must be installed, and retained as such thereafter. For the avoidance of doubt: the cycle storage facilities shall be in accordance with the standards set out in Policy PSP16 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, to encourage sustainable transport choices and to accord with Policy CS8 and CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

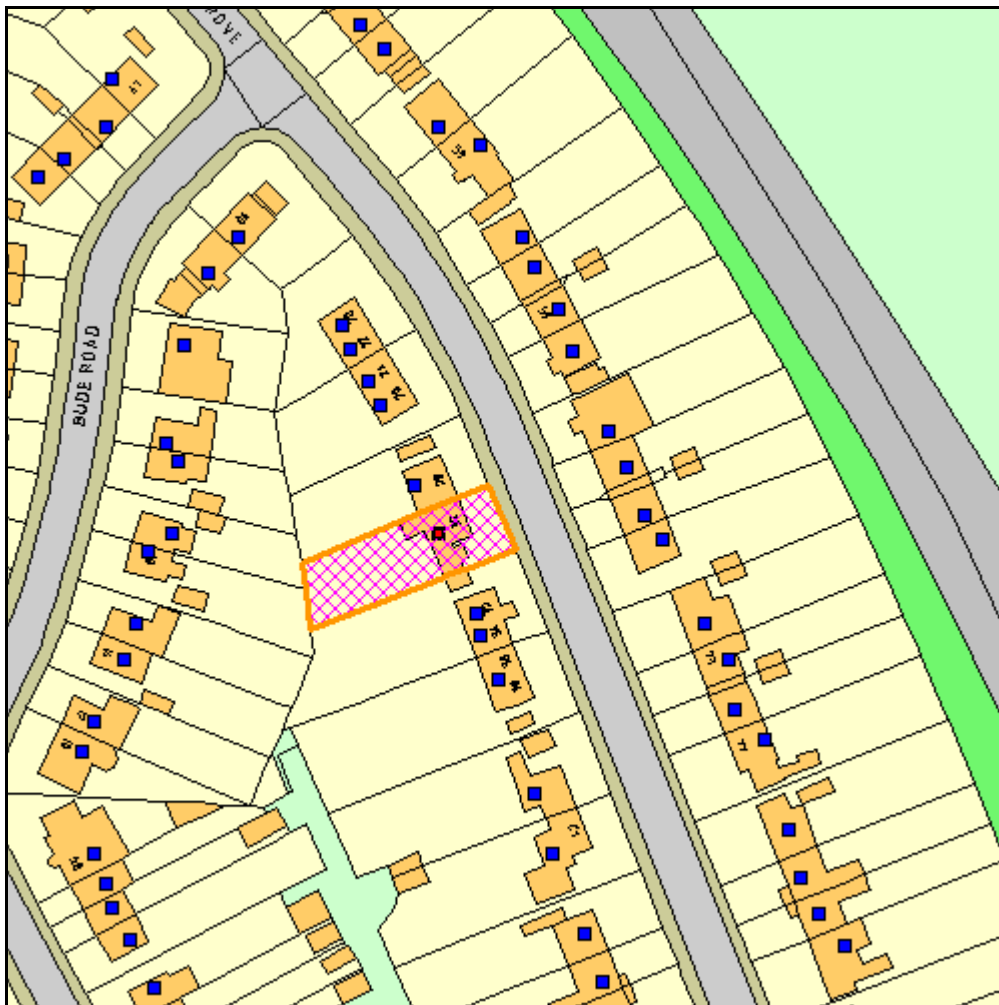
4. Prior to the first occupation of the development hereby permitted, the waste storage facilities must be completed in accordance with the submitted Proposed Site Plan (dwg no. A 001 A), and retained as such thereafter.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|----------------------------------|-----------------------------------------------------------------------------------------------------------|-------------------------|------------------------|
| App No.: | PT17/3795/F | Applicant: | Mr Slade |
| Site: | 30 Conygre Grove Filton Bristol South Gloucestershire BS34 7DP | Date Reg: | 8th September 2017 |
| Proposal: | Extensions and alterations to existing dwelling to form 3no flats with access and associated works. | Parish: | Filton Town Council |
| Map Ref: | 360987 179528 | Ward: | Filton |
| Application Category: | Minor | Target Date: | 2nd November 2017 |



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100023410, 2008. **N.T.S.** **PT17/3795/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 extensions and alterations to an existing dwelling to form 3no. flats with access and associated works. The application relates to no. 30 Conygre Grove, Filton.
- 1.2 The application site consists of a semi-detached property constructed in a Cornish style, set towards the front of a large plot. The site is situated in the built up residential area of Filton, within the area defined in the policies map as the north fringe of the Bristol urban area. The main dwelling is finished in brick with cladding at first floor level. The dwelling incorporates a hipped roof, with a concrete tile finish. The property incorporates a front porch and rear conservatory. A number of outbuildings are present at the site which would be demolished as part of the proposal. The immediate streetscene is characterised by a mixture of semi-detached and terrace hipped roof properties, incorporating a similar architectural style and external finishes to that of the subject property.
- 1.3 Revised plans were received by the local planning authority on 13th November 2017. The revisions to the scheme involve the removal of the front porch at the property and the insertion of a second front door, to accommodate a larger parking area. The revisions also involve the re-location of a bike shed and bin store. A further revised 'combined' plan was submitted to the local planning authority on 5th December 2017.

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: Policies, Sites and Places Plan Adopted November 2017

| | |
|-------|--------------------------------------------------------------------------------------------|
| PSP8 | Residential Amenity |
| PSP11 | Transport Impact Management |
| PSP16 | Parking Standards |
| PSP38 | Development within Existing Residential Curtilages, Including Extensions and New Dwellings |
| PSP43 | Private Amenity Space Standards |

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Waste Collection: Guidance for New Developments SPD (Adopted) 2015

3. RELEVANT PLANNING HISTORY

3.1 PRE17/0370

Extend existing dwelling to provide 2no. two bedroom flats and 1no. 1 bedroom flat. (proposal in fact sought to convert existing dwelling in to 2no. flats, and erect attached two-storey dwelling.)

Response sent: 26.05.2017

It was concluded that the development proposed would give rise to a number of issues, regarding visual amenity, and the concentration of waste storage, cycle parking and vehicular parking to the front of the dwelling. The issues identified were considered to indicate an overdevelopment of the plot.

3.2 PT15/5378/PND

Prior notification of the intention to demolish two pairs of semi-detached dwellings and two blocks of 4no. flats. (28 and 30 Bude Road and 20, 22, 24, 26, 28, 30, 32, 34, 36 and 38 Conygre Grove Filton).

No objection: 14.01.2016

4. CONSULTATION RESPONSES

4.1 Filton Parish Council No comment

4.2 Other Consultees

Sustainable Transport

Initial comments

The proposed 2 x 2 bed flats and 1 x 1 bed flat will, according to the Council's residential car parking standards require 4 car parking spaces. The proposal to tarmac the frontage of the site provides 2 standard parking spaces plus an area for cycle parking and bin storage for one of the flats.

A third space is shown between the two spaces, however it would be awkward to access and as such it would be unlikely to be used as shown on the submitted drawing. As the predicted demand is for 4 spaces it is likely that 4 cars would be parked side by side across the site frontage resulting in inadequate space between the cars for pedestrians and cyclists to access the flats. Because the porch reduces the depth of the parking area any car parked in front of it will overhang the adjacent footway. For security reasons cycle parking should be provided in the back gardens. Access would need to be provided to the flat 1 garden via one of the gardens for the other flats.

I recommend that the Application is refused for the following reason:

The Application fails to provide adequate off- road car parking space to meet the demand generated by the three flats resulting in a high probability that ad-hoc parking will occur to the front of the proposal causing obstruction to pedestrians using the adjacent footway and also people accessing the proposed dwellings and cycle parking spaces all contrary to South Gloucestershire Councils residential car parking standards and Local Plan Policy T12.

Updated comments following amendments to scheme

No Transport objections subject to the following condition. The dwellings shall not be occupied until the access (including a dropped kerb vehicle crossover), car and cycle parking facilities have been provided in accordance with drawing no. 17002 / 100 Rev D.

Reason: In the interest of highway safety and to accord with Local Plan Policy T12 and SGC residential car parking standards.

Lead Local Flood Authority

No objection

Archaeology

No objection

Highway Structures

No objection

Other Representations

4.3 Local Residents

2 comments of objection, as well as one comment neither objecting to nor supporting the application, were submitted by local residents. The main concerns raised are outlined below:

- There is a lack of on-street parking in the area. The development will result in this stretch of road being crammed with cars.
- It is often not possible to park outside neighbouring properties due to amount of cars.
- Concerns regarding noise levels which could arise due to families living in confined area.

- There is a mature oak tree at the end of a neighbouring garden. It is the best tree in the area and it would be regrettable if it were to be damaged in the redevelopment.
- The site plan shows a fence post in neighbouring garden. This will not happen.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Planning permission is sought for the extension and alteration of an existing dwelling to form 3no. flats. 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 falls within the area defined as the north 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 area defined as the north 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 main areas of assessment are; design and visual amenity, residential amenity, and transportation.

5.4 Design and Visual Amenity

Policy CS1 of the Core Strategy seeks 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.

5.5 The applicant seeks to erect a two-storey side and single storey rear extensions, to allow for the existing dwelling to be sub-divided in to three flats. The northern portion of the ground floor would accommodate flat 1 (2-bed), with the southern portion of the ground floor accommodating flat 3 (1-bed). The entire first floor would accommodate flat 2 (2-bed).

5.6 With regard to the design, the only element that would be visible from public areas is the two-storey addition to the side. This would reflect the 'cornish' design of the host, and would also incorporate a step-down in ridge height; reducing the prominence of the extension and increasing the degree of subservience between the extension and the host.

- It is considered that the two-storey extension sufficiently respects the character and proportions of the host dwelling. It should also be noted that similar two-storey extensions are present at other properties in the locality.
- 5.7 Whilst the proposed single storey extensions would be of significant scale, with their prominence increased by the incorporation of a flat roof, it is not considered that their erection would significantly detract from the appearance of the dwelling.
- 5.8 In order to create further space for parking, an existing porch has been removed from the proposal. As such, the main entrance doors to flats 1 and 2 would be set side-by-side on the front elevation of the building. Whilst this would result in an unusual appearance, it is considered that the benefit of increasing parking space outweighs any adverse impact on visual amenity.
- 5.9 In terms of the site layout, it is noted that the existing garden has been divided, so that bin and cycle storage can be provided to the rear of the flats, reducing the amount of clutter within the streetscene. Whilst the provision of four parking spaces to the front of the building would have a negative visual impact, it is considered to be a fairly common feature of residential areas, and is not considered to cause a significant degree of harm to visual amenity.
- 5.10 Overall, the proposal is considered to sufficiently respect the character and distinctiveness of the site and its immediate context. It is not considered that the proposal would cause a significant degree of harm to visual amenity. On this basis, the proposal is considered to comply with design criteria set out in policy CS1 of the Core Strategy.
- 5.11 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- Two storey side*
- 5.12 When considering the impact of the proposed two-storey side extension on the residential amenity of neighbouring occupiers, the main neighbouring property under consideration is no. 32 Conygre Grove, situated to the south of the application site.
- 5.13 With regards to overbearing, it is noted that a side facing window is located at the north facing side elevation of no.32. The erection of the proposed two storey extension would represent the encroachment of a two storey structure towards this window. However it is acknowledged that the extension would be set roughly 0.9 metres from the boundary shared by the two properties, and that the extension would be separated from the dwelling at no.32 by the neighbouring driveway.

Whilst it is noted that the proposed development would have some impact on outlook from the north-facing window, it is not considered that the impacts on residential amenity would be so significant as to substantiate a reason for resisting the application.

- 5.14 As no.30 and no.32 follow a similar building line, it is also not considered that the erection of the two-storey extension would have a significant overbearing impact on to the rear garden of no. 32. Whilst the new two storey structure would have some overbearing impact on to the driveway area of no.32, this area does not hold high amenity value, and as such any impacts on residential amenity would not be significant.
- 5.15 In terms of overshadowing, given the location of the subject property to the north of no. 32, it is not considered that the proposed two-storey extension would significantly reduce the levels of natural sunlight reaching windows at no.32. Furthermore, sun calculations indicate that the proposed extension would not block the path of natural sunlight on to the rear garden of no. 32. As such, it is not considered that this element of the proposal would significantly impact the levels of residential amenity enjoyed at no. 32 through an increased sense of overshadowing.
- 5.16 In terms of loss of privacy through overlooking, it is noted that no first floor, side-facing windows are to be inserted at the south facing side elevation of the two storey extension. It is considered that this significantly reduces the potential for overlooking in to neighbouring windows. It is noted that the first floor rear facing windows would increase overlooking on to the rear garden of no.32. However as there would be no direct line of sight on to the neighbouring garden, it is not considered that any potential increase in overlooking would significantly prejudice privacy.

Single storey rear

- 5.17 The proposed single storey extensions would be constructed in close proximity to the boundaries shared with no. 32 Conygre Grove to the south, and no. 28 Conygre Grove to the north. However given the fairly modest height of the single storey elements, it is not considered that their erection would significantly affect the residential amenity of immediate neighbours through an increased sense of overbearing, overshadowing or overlooking.

Disturbance

- 5.18 Due to the scale of the development and the proximity of the extensions to neighbouring boundaries, it is acknowledged that the proposal will cause some disturbance to neighbours during the construction period. However a degree of disturbance is to be expected during any development, and any harm caused is not considered to be of such significance as to substantiate a reason for refusing the application. However in order to mitigate any impacts, a condition will be attached to any decision, restricting the hours of working during the construction period.

Amenity Space

- 5.19 Areas of outdoor private amenity space would be provided for each flat. The areas of amenity space for flats 1 and 3 (ground floor), would be located directly to the rear (west) of the two flats. The amenity area for flat 2 (first floor) would be located to further to the west, beyond the amenity areas serving the ground floor flats. This area would be accessed via a pathway running past the entrance door and rear garden serving flat 3.
- 5.20 Whilst the need to pass the front door of flat 3 in order to access the amenity space serving flat 2 is not ideal, it is considered that the proposed sub-division of the garden represents the most effective means of providing private amenity space for each flat. The existing garden has been sub-divided in such that it also allows for bin/cycle storage facilities to be provided to the rear, freeing up the space to the front of the flats for parking. On balance, the proposed provision of outdoor private amenity space is considered acceptable.
- 5.21 On balance, it is not considered that the proposed development would have an adverse impact on the residential amenity of neighbouring residents. It is also considered that an acceptable standard of living would be provided for future occupiers. On this basis, the proposal is considered to comply with policy PSP8 of the Policies, Sites and Places Plan.

5.22 Transport

The proposal seeks to sub-divide an existing dwelling into two 2-bed flats and one 1-bed flat. Policy PSP16 of the Policies, Sites and Places Plan outlines that a minimum of 1.5 parking spaces should be provided for 2-bed flats, and a minimum of 1 parking space should be provided for 1-bed flats. As such, the minimum required provision for the development as a whole is 4 parking spaces.

- 5.23 Through the removal of the existing front porch, 4 parking spaces can be provided to the front of the main dwelling. Whilst the concerns raised by local residents regarding on-street parking have been taken into account, it is considered that the provision of sufficient off-street parking spaces reduces the potential for additional on-street parking. There are no further concerns regarding highway safety, and as such the proposal is considered acceptable in transportation terms. However in order to secure the proposed parking provision, a condition will be attached to any decision requiring a minimum of 4 parking spaces to be provided prior to the first occupation of the flats, and thereafter retained for that purpose.
- 5.24 The proposed cycle storage also meets the standards set out in policy PSP16. Whilst the location of the cycle storage in relation to each flat is unusual, it is considered that the storage facilities are sufficiently accessible. The proposed cycle storage facilities are considered acceptable, however for the avoidance of doubt, the provision of the facilities will be secured by condition.
- 5.25 Waste Storage
Space would be provided within the rear gardens of each flat for the storage of refuse bins. The proposed bin storage is considered acceptable.

5.26 Trees and Vegetation

The concerns raised regarding the potential impacts of the development on a mature oak tree at the site have been taken in to account. However it should be noted that this tree is not subject to a Tree Preservation Order (TPO). In any case, the applicant has indicated that the proposal would not impact upon any significant trees or vegetation at the site.

5.27 Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

2. The 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 Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. Prior to the first occupation of the flats hereby approved, the car parking provision for the proposed flats shall be implemented in accordance with the approved Site Plan (Drawing no. 17002/100 Rev D) and retained thereafter 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; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

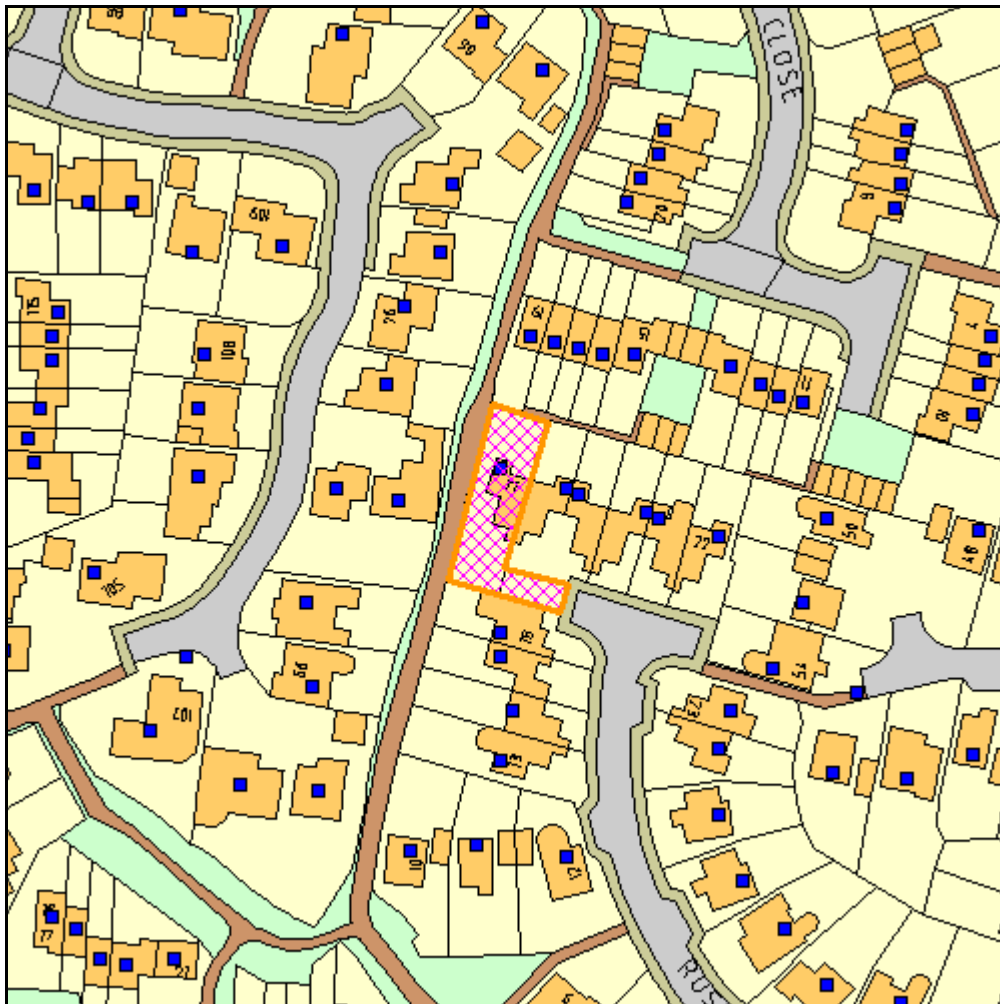
4. The proposed cycle parking shall be carried out in accordance with the approved Site Plan (Drawing no. 17002/100 Rev D) and the submitted supporting document (bike storage details). The cycle parking shall be implemented in full prior to the first occupation of the approved flats and thereafter retained.

Reason

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

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------------|
| App No.: | PT17/4173/F | Applicant: | Mr Richard Redman |
| Site: | 17 Rush Close Bradley Stoke Bristol South Gloucestershire BS32 0BU | Date Reg: | 12th September 2017 |
| Proposal: | Demolition of existing attached garage. Erection of a single storey rear extension and a two storey side, rear and single storey front extension to provide additional living accommodation and attached garage. | Parish: | Bradley Stoke Town Council |
| Map Ref: | 361647 182966 | Ward: | Bradley Stoke North |
| Application Category: | Householder | Target Date: | 30th October 2017 |



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CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following objections from the Town Council and local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing attached garage and the erection of a single storey rear extension and a two storey side, rear and single storey front extension to provide additional living accommodation and attached garage.
- 1.2 The application site relates to a double storey semi-detached dwellinghouse, 17 Rush Close, Bradley Stoke in the established settlement boundary. Public right of way OAY/40 runs adjacent to the west boundary.
- 1.3 During the course of the application revised plans were received setting back the first floor at the front, changing the roof type and stepping it down and including a single storey lean-to front extension and match front dormer.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS25 Communities of the North Fringe of Bristol

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP8 Residential Amenity
PSP10 Active Travel Routes
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/4072/F
Demolition of existing garage and erection of 1 no detached dwelling and associated works.
Withdrawn
31.10.2016

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Objection:
- overbearing
- out of keeping within streetscene

4.2 Other Consultees

Tree Officer
No objection

Archaeology Officer
No objection

Open Spaces Society
No comment

Public Rights of Way
No objection

Sustainable Transport
No objection

Other Representations

- 4.3 Local Residents
1no. letter of objection has been received from a local resident. The points raised are summarised as follows:
- restrict light entering back garden
- overlook back garden
- closer to common boundary
- overdevelopment
- if approved, the extension will be converted to a dwelling

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application stands to be assessed against the above listed policies and all material considerations. Of particular importance is the impact on the character of the host dwelling and that of the area in general, the impact on the amenity of existing occupiers and closest neighbours, the impact on highway safety, the

- active travel route and parking provision, and the impact on private amenity space and landscaping.
- 5.2 The proposal is considered to accord with the principle of development and this is discussed in more detail below.
- 5.3 Design and Visual Amenity
The application site, no. 17 Rush Close, is a modest semi-detached property set at the end of a cul-de-sac of modern houses. The existing house benefits from a single garage to the west side. Under this proposal the garage would be replaced by a two-storey side, rear and single storey front extension with integral garage. The site is situated adjacent public right of way OAY/40. The proposed side addition would be 4m wide, 9.1m long, and 7.5m high with eaves to match existing, plus front dormer and rear gable features. It would be set down from the existing main ridge line with the resulting overall appearance being one of subservience. This is considered good design practice making an addition easily read as having been added at a later time. The proposal would also include a small single storey addition (4m wide; 1.85m long; 3.25m high with eaves at 2.35m) in front of the two-storey extension and a single storey projection (3.5m wide; 1.9m long; height and eaves match front extension) would extend out beyond the rear building line to join the new double storey extension. All would be finished in matching brickwork and tiles. The proposal would accommodate a WC, lounge, dining area, bathroom and two bedrooms.
- 5.4 While the visual effect of the scheme on the adjacent footprint would be appear expansive, from the street scene it would be limited due to its design and position in relation to the main highway. However, for nearby properties and occupiers, it is considered that the dwelling would represent a sensitive addition which sits comfortably within its plot and reflects the architecture of the adjacent semi-detached properties, in terms of its scale, proportions and rhythm. Moreover, a number of dwellings in the local area have had extensions to the side and such projections are not out of keeping in this respect.
- 5.5 It is therefore not considered that the introduction of the extensions would represent poor design, nor would the proposed development represent overdevelopment of the site. Accordingly the development would not cause harm to the street scene and can thus be recommended for approval.
- 5.6 Residential Amenity
The plans submitted show the footprint of the extensions would mainly cover the footprint of the garage and driveway and as such sufficient amenity space will remain to serve the property.
- 5.7 With regards to neighbours, a resident of the terrace behind no. 17 fully objects to the proposal and indicates that there will be issues regarding privacy, loss of light and overbearance. However, Officers are mindful that the new extensions will be 18.4m away and the application building already has a facing first floor window. It is therefore considered that there would be no significant detrimental effect for this neighbour or other occupiers of this terrace. Likewise, it is not considered there would be unacceptable effects on no. 16 Rush Close over and above the existing situation nor the attached neighbour due to the limited

scale of the rear projection, and given the distance and amount of mature vegetation between the proposed development and the property to the west there is likely to be little impact on these occupiers.

5.7 It is therefore concluded that the scheme is acceptable and can be recommended for approval.

5.8 Sustainable Transport

Two additional bedrooms will be provided to the first floor making a total of four after development. A 4-bed dwelling requires two off-street parking spaces. As adequate off-street parking is illustrated on the submitted plans, there are no transport objections to the proposed scheme.

No objection has been raised from the Public Rights of Way team. Whilst it is noted that an existing tree (within the site) will be removed, overall it is considered the proposals will not change the character of the existing Public Right of Way which is outside but alongside the site.

5.9 Consideration of likely impact on Equalities

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

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

5.11 Other Matters

Officers attention has been drawn to the fact that if this proposal is permitted the property could then be further subdivided. Applications fall to be determined on the evidence submitted, in the current planning circumstances, but please note such a change of use would require planning permission in future.

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 Policies, Sites and Places Plan (Adopted) November 2017 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|-------------------------------------------------------------------------------|---------------------|-----------------------|
| App No.: | PT17/4493/PDR | Applicant: | Mr Mitch Hammond |
| Site: | 8 Kestrel Close Patchway Bristol South Gloucestershire BS34 5RX | Date Reg: | 26th October 2017 |
| Proposal: | Installation of rear dormer to facilitate loft conversion (Retrospective). | Parish: | Patchway Town Council |
| Map Ref: | 359102 181679 | Ward: | Patchway |
| Application Category: | Permitted Development | Target Date: | 21st December 2017 |



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as a representation has been received from the Town Council which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the installation of a rear dormer to facilitate a loft conversion at 8 Kestrel Close, Patchway.
- 1.2 After a site visit on 28th November it was observed the proposal has already been constructed, therefore the application was altered to seek retrospective permission.
- 1.3 The application site consists of a late 20th century semi-detached property located within the built up residential area of Patchway.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Policies, Sites and Places Plan Adopted November 2017

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (adopted) December 2013
Residential Parking Standards SPD (adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/2652/PDR
Erection of rear conservatory.

Approval: 1st September 2014
- 3.2 PT06/3697/F
Erection of front porch and summer house.

Approval: 2nd February 2007

- 3.3 PT05/2992/F
Erection of single storey side extension to form playroom and study.

Approval: 15th November 2005

- 3.4 N1193/3
Erection of 37 houses; construction of parking spaces and access road (as amended by letter and plan received by the Council on 28th May 1982).

Approved: 24th June 1982

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
Patchway Town Council object to this application on the grounds that it is over-development of the site and also that building is in progress and the extension is almost finished.
- 4.2 Sustainable Transport
No objection.
- 4.3 Archaeology
No comment.

Other Representations

- 4.4 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy PSP38 of the Policies, Sites and Places Plan (November 2017) allows the principle of development 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 proposal consists of the installation of a rear dormer extension. The rear dormer would ordinarily constitute permitted development had the permitted development rights not been removed for the host dwelling under planning application N1193/3.

- 5.3 The proposed dormer is approximately 5 metres in width, is no higher than the existing ridge height and is approximately 0.4 metres from the eaves. The proposal would include 2no windows on the rear elevation and no windows on the side elevation. The materials used match the existing dwelling.
- 5.4 Although the proposal is located on the rear of the property, due to the layout of the surrounding area it is accepted the proposal does have an impact on the streetscene. However, as the location of the host dwelling is set back from the building line of the adjacent properties, it is considered the impact on the character of the surrounding area would not be significant enough as to warrant refusal.
- 5.5 Concerns were raised by Patchway Town Council with regards to overdevelopment. The proposal would not be increasing the footprint of the existing dwelling and overall it is considered the proposal is of an appropriate size in relation to the host dwelling and its context. Therefore, the proposed development is deemed to comply with policy CS1 of the Core Strategy.
- 5.6 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan (Adopted) November 2017 sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers, as well as the private amenity space of the host dwelling.
- 5.7 Within its context the size and siting of the rear dormer is not considered to have a significant overbearing impact on neighbouring occupiers, nor is it considered to significantly alter the overlooking impact already suffered by neighbouring properties.
- 5.8 Overall, it is not considered that the proposed development would have a significant impact on the residential amenity currently enjoyed by the neighbouring occupiers. As such, the proposal is deemed acceptable and would therefore comply with policy PSP38 of the PSP Plan.
- 5.9 Sustainable Transport
The application is proposing an increase from three bedrooms to four and as such, no increase in parking provision is required. There are no submitted details to alter the existing parking provision and therefore the proposal is deemed acceptable in terms of transportation.
- 5.10 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations.

It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.11 In regards to the above statement, the proposal is considered to have a neutral impact on equalities.

5.12 Other Matters

The Town Council noted the construction of the dormer has almost been completed. The application description was amended accordingly to clarify the application is retrospective.

6. CONCLUSION

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

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

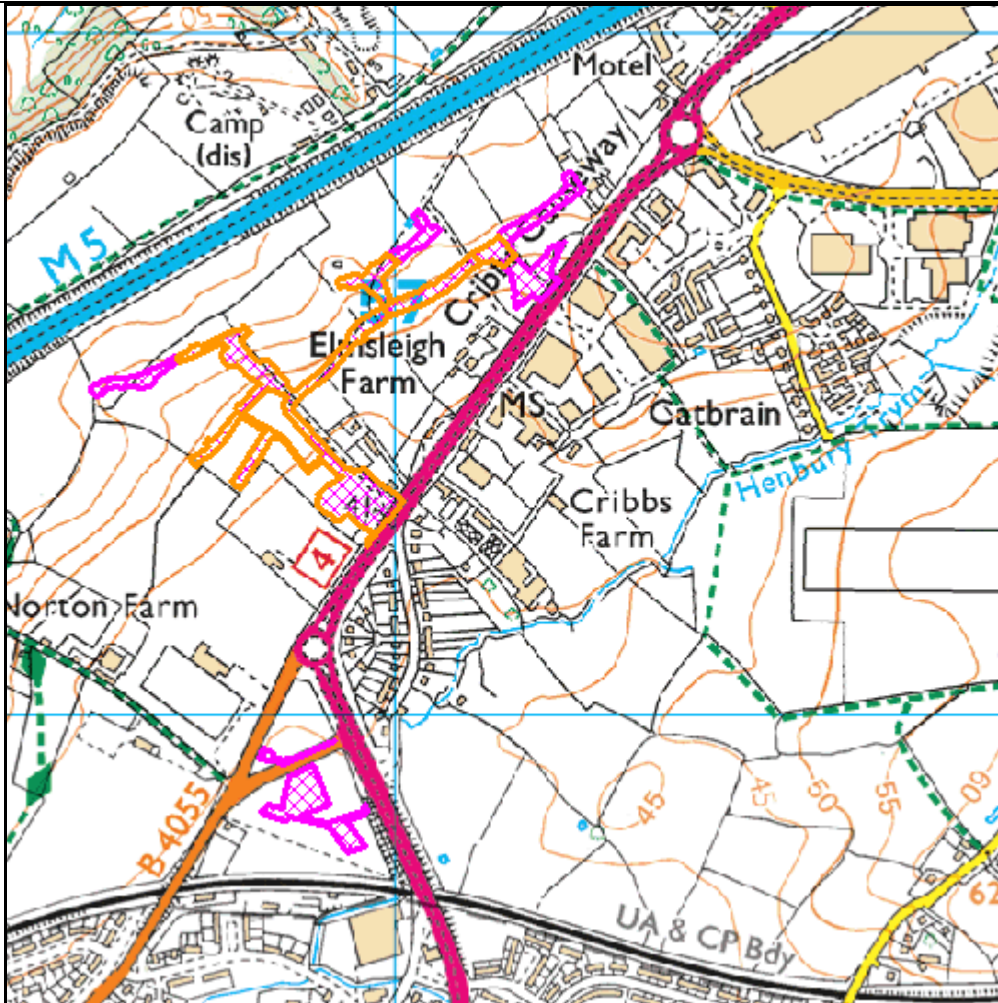
7. RECOMMENDATION

7.1 That the application is APPROVED.

Contact Officer: James Reynolds
Tel. No. 01454 864712

CIRCULATED SCHEDULE NO. 49/17 – 8 DECEMBER 2017

| | | | |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------------------|
| App No.: | PT17/2562/F | Applicant: | DFE Taylor Wimpey Residential |
| Site: | Land At Cribbs Causeway Almondsbury South Gloucestershire BS10 7TB | Date Reg: | 14th June 2017 |
| Proposal: | Creation of new highway, drainage and associated infrastructure. Full application to facilitate development of outline application PT14/0565/O (Mixed use development of 51.49 hectares of land comprising: up to 1,000 new dwellings (Use Class C3); a 36-bed Extra Care Home (Use Class C2); a mixed use local centre including a food store up to 2000 sq.m. gross floor area (Use Classes A1, A2, A3, A4, A5, B1, D1, D2); a 2-form entry primary school; community facilities including a satellite GP surgery, dentist and community centre; associated public open space and sporting facilities; green infrastructure integrated with foot and cycle paths; together with supporting infrastructure and facilities including three new vehicular accesses. Outline application including access, with all other matters reserved) | Parish: | Almondsbury Parish Council |
| Map Ref: | 356639 179945 | Ward: | Patchway |
| Application Category: | Major | Target Date: | 25th August 2017 |



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1. THE PROPOSAL

1.1 Full planning permission is sought for highway, drainage and associated infrastructure to facilitate outline planning application PT14/0565/O relating to land at Cribbs Causeway.

1.2 Outline planning application PT14/0565/O proposes up to 1000 new dwellings, a 2-form entry primary school and nursery, an Extra Care Home, a local centre and a food store, a community centre, and other community facilities including doctor's surgery and dental surgery. Public open space, including the retention of Saracens Rugby Club and structural landscaping are also proposed.

1.3 The main part of the site subject of this proposed development lies between the M5 motorway and the A4018 Cribbs Causeway and contains mainly open pasture land, some rugby pitches and a small number of dwellings. The pasture land is Grade 3 agricultural land. Along the boundary with Cribbs Causeway the land follows the contour of Cribbs Causeway, sloping upwards from the south west to the north east, and it also slopes upwards again from Cribbs Causeway to the M5. A smaller parcel of land, known as "The Triangle" is between the A4018 Wyck Beck Road to the east and Station Road to the west. The whole development site is approximately 44 hectares in area and contains a number of trees and hedges. All trees on the site are subject to an area Tree Preservation Order (TPO), which was made on 5th February 2014. Haw Wood, an ancient area of woodland, is to the south west of the site.

1.4 The boundary for this infrastructure application is drawn tightly around the infrastructure being applied for and comprises 5.02ha of land. The infrastructure application facilitates four vehicular accesses into the site, although it does not include the road junctions themselves as these are considered in detail as part of the outline application. The vehicular accesses in to the main part of the site are from two points off Cribbs Causeway, one opposite the junction with The Laurels, and the other opposite the junction with Passage Road. The two vehicular accesses into The Triangle are on either side of the site, one from Wyck Beck Road and one from Station Road.

1.5 The roads proposed within the site will be the main spine roads for the development. The network joins the two accesses into the main part of the site. This allows for a proposed bus route through the site and locations for bus stops are proposed. Raised tables are proposed at junctions. Cut and fill works are proposed to accommodate the roads, which will result in temporary cuttings and embankments to accommodate the roads until the development parcels come forward and levels are altered accordingly.

1.6 The application also includes the main drainage infrastructure for the development site, including six underground attenuation tanks and new surface water sewers. It is proposed to discharge surface water into the Henbury Trym watercourse. The main foul sewerage infrastructure is also included in the application, which is proposed to connect into Wessex Water's existing network.

1.7 An oil pipe line runs through the western part of the site, from the southern boundary to the north western boundary with the M5.

1.8 In respect of the background to this infrastructure application, the site is within the Cribbs/Patchway New Neighbourhood allocation, designated by Policy CS26 of the South Gloucestershire Local Plan Core Strategy. This allocation resulted in the submission of the above outline planning application, which the DC West Planning Committee resolved to approve on 12th March 2015, subject to conditions and the applicant entering into the CPNN Framework Agreement and associated site specific Section 106 Agreement. A decision notice has not yet been issued as it has since transpired that a significant level of revision is required to the scheme so the oil pipeline running through the site can remain in its current location rather than being relocated. Revisions to the outline scheme have therefore been submitted and are currently under consideration.

1.9 However, part of the site is known to be great crested newt habitat. The applicant wishes to apply for a European Protected Species licence to translocate great crested newts from the site as soon as possible and requires a full planning permission for this to occur. Therefore this separate full planning application for the infrastructure has been submitted.

1.10 In support of the application the following have been submitted:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Tree Survey and Arboricultural Method Statement
- Ecology Update

1.11 Revised plans and supporting responses to comments have also been submitted by the applicant to address the issues raised by consultees in respect of tree removal and management, drainage, Public Open Space and transportation/ access.

2. POLICY CONTEXT

2.1 National Guidance:

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

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
CS25 Communities of the North Fringe of Bristol Urban Area
CS26 Cribbs Patchway New Neighbourhood

South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017
PSP2 Landscape
PSP3 Trees and Woodland
PSP8 Residential Amenity

PSP11 Transport Impact Management
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management

2.3 Supplementary Planning Documents and Other Relevant Documents: Cribbs Patchway New Neighbourhood Development framework SPD (adopted March 2014)
South Gloucestershire Waste Collection: Guidance for New Development (Adopted January 2015)
South Gloucestershire Design Checklist (Adopted August 2007)
South Gloucestershire Biodiversity Action Plan (2016-2026)
South Gloucestershire Landscape Character Assessment SPD (Adopted November 2014)
South Gloucestershire Statement of Community Involvement (Adopted January 2015)
Trees on Development Sites SPG (Adopted November 2005)

3. RELEVANT PLANNING HISTORY

3.1 PT10/2373/F- Bristol Saracens Rugby Club- Extension to clubhouse. Approved 5.10.10.

3.2 PT13/029/SCO- Scoping opinion dated 27.10.13, issued under the Environmental Impact Assessment Regulations for 'Around 1000 dwellings, mixed use local centre, primary school, open space, sustainable transport links and green space on 49 hectares of land at Land to the West of A4018'.

3.3 Framework Agreement for the Cribbs Patchway New Neighbourhood. Resolution to approve 03.02.2015.

3.4 PT/14/0565/O- Mixed use development of 51.49 hectares of land comprising: up to 1,000 new dwellings (Use Class C3); a 36-bed Extra Care Home (Use Class C2); a mixed use local centre including a food store up to 2000 sq.m. gross floor area (Use Classes A1, A2, A3, A4, A5, B1, D1, D2); a 2-form entry primary school; community facilities including a satellite GP surgery, dentist and community centre; associated public open space and sporting facilities; green infrastructure integrated with foot and cycle paths; together with supporting infrastructure and facilities including three new vehicular accesses. Outline application including access, with all other matters reserved. Resolution to approve 12.3.15.

3.5 PT1/3967/F- Operational development to provide landform bund and Ecological Enhancement works, including the creation of 3 ponds and associated drainage infrastructure; noise attenuation fence; and related landscaping. Under consideration

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council:
Object to the application. The Parish Council would like to express concerns over the increase in traffic to an already congested area, and would like to see the specifications of the houses and homes to be built on the site. The Council supports the views of the Public Art Officer in promoting green corridors and connectivity with the adjacent areas of Catbrain, Passage Road and Henbury.

4.2 Arts and Development Officer:

The Design and Access Statement makes no reference to the Public Art Strategy for the Cribbs Patchway New Neighbourhood and, therefore, a condition is suggested for public art proposals to support navigation through the site, strengthen connections across dual carriageways and link the new development with the existing areas of Catbrain and Passage Road and support the design of the drainage ponds as attractive visual amenities.

4.3 Drainage Officer:

No objection in principle to this application subject to the following:

Revised drainage details have been submitted in light of the most recent comments on this particular application site.

The attenuation basins and swales that were to be located by the Passage Road Junction have been removed and the attenuation tanks increased in size to provide the required volume of attenuation.

This revised approach is welcomed as concerns had previously been raised in relation to the original approach of having attenuation tanks with basins located above them at this location.

In principle there is no objection to the proposed drainage strategy subject to the detailed design which can be obtained by applying an appropriately worded condition to this application.

From reviewing the drawings and calculations that have been submitted, it has been noted that there are a few discrepancies in relation to the figures quoted which would need to be changed.

- Surface Water Manhole 39: in the MicroDrainage calculations and in drawing 'Detailed Engineering Sheet 4' this particular manhole is identified as S39. However, in the 'Drainage Strategy' and 'General Engineering' drawings it is identified as S59.
- Discharge rate for S39 is indicated as being 18.69 l/s in the 'Detailed Engineering Plan' but as 23 l/s in the 'Drainage Strategy' drawing.
- Discharge rate for the surface water network is shown as 134.8 l/s in MicroDrainage calculations whereas the discharge rate for the site from the Flood Risk Assessment is 133.9 l/s

It is recommended that the following condition be applied to this application if approved in order to obtain the detailed design for the drainage strategy:

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

Reason: To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2012.

The following details would be expected when discharging the above condition:

- A clearly labelled drainage layout plan showing the pipe networks and attenuation tanks;
- Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus 30% climate change storm event;
- Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided by the tanks, demonstrating how the system operates during a 1 in 100 year plus 30% climate change storm event;
- A plan showing the cross sections and design of the attenuation tanks and its components including details of construction type;
- The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding;
- The plan should also show any pipe node numbers referred to within the drainage calculations;
- A manhole / inspection chamber schedule to include cover and invert levels;
- Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as the Attenuation Tanks and Flow Control Devices where applicable.

4.4 Health and Safety Executive:

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

4.5 Highways England:

No objections.

4.6 Highway Structures:

Standard Advice given.

4.7 Landscape Officer:

There are quite a few things of concern:

- There are many discrepancies in the plans;
- Agrees with all the Public Open Space Officer's points and also notes that the Arboricultural Officer requires various revised information prior to determination. Any landscape comments are also dependent on this revised information;
- Nicholas Pearson Associates information;
 - o The sheet numbers should be added to the key layout plan, as it is confusing otherwise as the hatching denoting the individual sheet is very feint;
 - o There are no road levels on the vegetation clearance plans, which makes it very difficult to fully appreciate the proposed road levels in relation to existing trees;

- o There are no landscape proposals included with the application, which I am presuming these will come forward in due course to fulfil the requirements of the Outline condition; it would be useful to have this acknowledged within this application though and a note to this effect included on the plans;
- o There was an opportunity to include the 'advanced planting' previously stated, as part of these infrastructure works, but this isn't included.
- Having been through the engineering plans against the trees for retention, there are a number of areas where the proposed road levels vs. the ground level around trees shown to be retained is excessive. It is likely that, in reality, a lot more vegetation will be lost. If one superimposes the anticipated building platforms, taken from the "Illustrative Masterplan" most of the site's vegetation is lost.
- The LVIA for the outline application concluded that there will be a permanent and complete change to the site and the landscape and visual impact will be significant and adverse. It is disappointing that no further attempt has been made to retain more vegetation and it is considered that the site layout, and subsequently this road layout in order to facilitate the development, results in an unacceptable loss of existing landscape features and vegetation.

4.9 Listed Building and Conservation Officer:

No objections as the proposed scheme will not impact on any above ground heritage assets.

4.10 Public Open Space Officer:

The anomalies set out in the original consultation response dated 27/07/17 have mainly been resolved. The following points are made:

In relation to the 1:4 slope on the sides of the drainage basins, if it is planned to use tractor and flail to cut the hedges, the proposed 3m access width beside a 1:4 slope will not be enough space to carry out the work safely, so either alternative methods of work will need to be employed (more costly to the residents) or adequate space needs to be afforded. This will need further consideration.

Sheets 6 and 7 of the Tree Retention Protection and Removal Plans have both been incorrectly numbered as sheet 1.

Phoenix Design's Attenuation Tanks and Basins Sheets 1 and 2, 415-INF-530-01 B and 415-INF-530-2, now show the Root Protection Areas (RPAs). However, the key states the veteran tree RPAs are shown in red hatching; they are not. For accuracy, this should be rectified.

4.11 Transportation DC Officer:

In viewing this application in detail it would appear from the red line boundary that this infrastructure application relates to the proposed internal road layout and not the access points to the development itself which were secured via planning application PT14/0565/O. As such there is no transportation objection to the layout, as from a transportation perspective the access points to the public highway have already been approved and agreed. However, this application does raise issues in relation to the timing of the infrastructure works in relation to the construction of the access points onto the public

highway to ensure a safe and secure access point. As a consequence the following condition is suggested;

- Prior to commencement of works on any part of the site details of the access to the site shall be submitted to the authority for approval, with the development proceeding once the access point(s) have been completed in accordance with the approved details.

Reason: in the interests of Highway Safety and to ensure that the safety and efficient operation of the local Road Network is not adversely affected to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006; and with policies CS7 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) .

An additional condition should also be imposed relating to a construction management plan.

- Prior to commencement of any works on site a Construction Management Plan (CMP) shall be submitted to the authority for approval, with the development proceeding in accordance with the approved details. For the avoidance of doubt the CMP shall include details of the location of the construction compound to serve the development; details of wheel washing and the means of access for construction traffic, delivery times and construction hours. The development shall proceed in accordance with the approved construction details with all commercial vehicles having their wheels washed before entering the public highway; and no other access points (other than that approved) being used for construction traffic.

Reason: To minimise disturbance to occupiers of completed and nearby dwellings; and to safeguard the amenities of the locality, and in the interests of highway safety to accord with policy CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

As part of the submitted details the applicant has submitted Vehicle Tracking for both Waste vehicles and where appropriate Public Transport, this tracking is considered appropriate and shows that the internal layout can be safely accommodated.

Whilst it appreciated that this is an infrastructure application all the plans seem to indicate that the proposed rail station within the Triangle land is not included, rather it is shown as urban housing, with the adjacent rail link marked as a freight rail link.

The concern is that approving this application could stymie the potential for the triangle land to accommodate a station if required. The only reference that can be found within the DAS to the rail station is on page 78 where the key to the 'land use and access parameter plan' shows the triangle with the description of "Extent of mixed use, retail, residential and rail station". However, is not indicated in the illustrative Master Plan. Given that this is supposed to represent the primary infrastructure the applicant should be indicating how the public transport can access the rail station and have this infrastructure included within the application.

In conclusion therefore whilst there is no objection in principle to what is proposed (subject to the two conditions), in the event that the proposed conditions are not appropriate there would be a refusal reason based upon lack of information to show how the site can be safely accessed of the local highway network. In addition to this additional details are required that show how the safe guarded land for the railway station can be accessed by all modes of transport including public transport. Once the additional information/confirmation is received that conditions are appropriate further comments will be made.

4.12 Tree Officer:

The hard copy of the Tree Protection Plan supplied is lacking a paper size although printed to A3. It is believed this must be in error as the Root Protection Areas (RPAs) at this scale do not match those specified in the schedule.

It is noted that 2 types of tree protection are prescribed depending upon levels of construction activity. It is unclear in parts why some areas of construction are considered low intensity and others high intensity. An example being that T1176 is 3m from the edge of the proposed access road, whilst Hedge 99 and T1181 are 1m from the proposed attenuation pond and all have the type 2 low intensity fencing.

Given that the trees should be fenced off for the duration of the development, it would be preferable to see all retained trees where the RPAs are within 5m of any construction to be fenced off with type 1 fencing which is more robust, and less susceptible to being breached.

Between T1170 and 1076 the fencing (type 2) is located directly along the north bank. This may be likely to collapse down the bank once excavation starts. If so, then its position should be re-considered as a deviation to approved plans once development commences and would require further planning permission.

Where the tree protection is of type 2, it is assumed that type 1 fencing will replace it once the houses are to be constructed as construction intensity will shift from low to high. This would mean that fencing is erected twice.

The attenuation pond to the west of the entrance to the site encroaches by 5m into the RPA of T1180, a B category veteran oak. This is not acceptable, and the attenuation pond should be re-located outside the RPA of retained trees. Furthermore the margins of the basin should be given at least 1m clearance from the edge of the RPA, both as a contingency and to ensure the protective fencing can be retained in the location given.

Hedge 97 is identified as being mostly retained, but the attenuation pond to the east of the access appears to have encapsulated it. This should be clarified.

The proposed access road involves the loss of a B category mature English oak (T1173) whilst also encroaching into approximately 25% of the RPA of another B category mature English oak (T1172). Further to the east, a B category ash (T1155) is also to be removed to accommodate the access road. Given that the trees on site are to be considered a material constraint to development, these (B category) trees should inform the design.

These trees should be retained and fully protected. This will entail a slight re-design of the highway in this location.

There is a proposed drainage run that leaves the site to the south, continuing along public highway in proximity to many B category trees. These have not been considered in the tree protection report however there are some direct contradictions within the tree report and the tree protection plan. T1016, 1018 and 1022 are identified for removal in the report yet retained on the plan. These trees are in the ownership of South Gloucestershire Council and their removal would be strongly objected to.

Drawing NPA 10640 207 shows a section of the proposed highway infrastructure abutting the boundary of a residential property outside the redline plan. This section is proposed for fill of up to 1m and this is shown to encroach into the RPA of T1104, a mature 'B' category Holm oak by approximately 20-25%. This tree is mature (stem diameter of 850mm) and this increase in ground level is likely to have a detrimental effect on the tree's health. This does not appear to have been addressed in the Tree Maintenance 'Assessment and outline protection method statement' June 2017.

It is strongly suggested that options are explored that would enable the correct levels to be achieved without compromising the rooting area of this tree. Cellular confinement systems have been used in the past for this purpose.

Conclusions and Recommendations:

The strategy behind the 2 types of protective fencing should be clarified, as the low and high intensity of construction does not appear to have any demarcations. Furthermore, as more development phases are submitted the intensity of development is likely to change.

The trees mentioned above should be retained and protected. This would require a re-design of the attenuation pond to the west of the access to the site as well as some of the road positions in proximity to retained trees.

A paper size for all tree plans should be provided with a scale bar for ease of checking.

The tree plans and report should be in agreement with each other regarding trees for removal.

The issue raised above with regards to the conflict between the raised bank and the RPA of T1104 requires re-assessing. As stated, a potential solution may be to use a cellular confinement system in this area to build up the bank.

A method statement should be provided for how the issue of ground level change within the RPA of T1104 will be addressed so as to not compromise the health and longevity of this tree.

4.13 Ecology Officer:

An Ecology Update by Nicholas Pearson Associates dated May 2017 and updated Great Crested Newt Statement dated 30th May 2017 from Barton Wilmore have been presented as part of application PT17/2562/F.

A small population of great crested newts (European Protected Species or EPS) is associated with a field pond subject to PT14/0565/O. As the road infrastructure will affect the pond and surrounding great crested newt terrestrial habitat, the previous mitigation measures for the species involved translocating the colony to a series of purpose-built ponds associated with the sound attenuation bund alongside the motorway (PT17/3967/F). Due to landownership difficulties and geo-physical constraints, the updated Statement now proposed that the newts are translocated to two, mature and optimal ponds alongside the Henbury Trym as part of the Filton Airfield development. This is accepted and should form the basis of an appropriately-worded compliance condition.

The Ecology Update indicates that the new infrastructure subject to PT17/2562/F will impact upon several low status roosts for small numbers (1-2) of common pipistrelle bat (EPS). The Update proposes to mitigate for this loss through the provision of bat boxes and design features within the new build dwellings proportionate to the low level use and status of the roosts. This is accepted and should form the basis of an appropriately-worded compliance condition.

Breeding barn owl have also been recorded within an over-mature tree within the application site. Whilst this will be retained within the scheme, the proximity of the new road meant that there was the risk of disturbance to the birds (Schedule 1 species, Wildlife & Countryside Act 1981 (as amended) and the risk of them deserting the nest site. Accordingly, the Ecology Update includes details of a mitigation strategy for the species including two new artificial nest boxes for the birds to adopt should they wish. This is accepted and should form the basis of an appropriately-worded compliance Condition.

4.14 Other comments:

A letter has been received from one local resident objecting to the development for the following reasons:

- There would be traffic lights in front of their bungalow meaning traffic stopped and queuing outside causing noise and air pollution;
- In conjunction with the rest of the expansion around Cribbs Causeway, the proposal will make matters of noise and air pollution much worse;
- The application should not be granted until it is proved that it will not have an impact on the health of those who live here;
- The application would cause significant noise, air and light pollution to their home.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The adopted development plan comprises both the South Gloucestershire Local Plan Core Strategy (adopted 2013) and the South Gloucestershire Local Plan Policies Sites and Plans Plan (adopted 2017).

5.2 Policy CS5 of the adopted Core Strategy sets out the general strategy for development and indicates that most new development will take place within the communities of the North and East Fringes of Bristol urban area, of which Cribbs/Patchway will form a new neighbourhood area.

5.3 Policy CS15 indicates that in terms of the distribution of housing Cribbs/Patchway New Neighbourhood will provide for 5700 new dwellings, as part of a minimum of 28,355 dwellings to be delivered in South Gloucestershire by 2027.

5.4 Policy CS26 allocates land for a major mixed use development on 480 hectares of land at Cribbs Causeway, Patchway and Filton, including for 5700 dwellings. This site is included in that strategic allocation, which advocates a comprehensive and co-ordinated approach to achieve the delivery of a sustainable new community over the Plan period.

5.5 The Cribbs/ Patchway Development Framework SPD was adopted in May 2014. It sets out the overall infrastructure requirements of the Cribbs/Patchway New Neighbourhood, and sets high level design principles that planning applications should adhere to.

5.6 Outline planning application PT/14/0565/O was considered to comply with the above policies and SPD and therefore the DC West Planning Committee resolved to approve this application on 12th March 2015, although the decision notice has not yet been issued as described towards the beginning of this report. Given the policy framework and the resolution to grant, along with the Council's strategic aspiration to develop the Cribbs/Patchway New Neighbourhood, there is considered to be a strong presumption in favour of residential development on this site, and its development would be considered to make an important contribution to housing delivery in South Gloucestershire.

5.7 This full application has been submitted to facilitate the development proposed by the above outline planning application. It is altered from that shown in the version of illustrative masterplan submitted with the outline application when that was reported to Committee. However, on the main part of the site the main spine roads still follow the principle of forming a loop between the two access points with Cribbs Causeway as applied for in the outline application. On the Triangle Site the access point included in this infrastructure application will allow for connections with the two junctions with the existing highway network as applied for in the outline application. The application will still allow for the retention of the rugby pitches as intended, the location of the school is the same area as shown previously, and the potential development of a railway station on the southern boundary of the site is not changed. Therefore, the proposed infrastructure as applied for is considered acceptable in principle.

5.8 Earthworks

The roads to be provided as part of this application will require cut and fill works to be carried out, and will result in roads sitting within cuttings and embankments. This is necessary to ensure the road gradients are suitable and is required due to the sloping topography of the site. In order to ensure that suitable and inclusive access can be obtained to the road

network for vehicles and pedestrians, the levels for development parcels will need to reflect those of the road infrastructure proposed, and will require earthworks to ensure this happens. The applicant has confirmed that this will be the case. It would be expected that significant reprofiling of the wider site would have to take place to obtain suitable gradients for building anyway, due to the steep topography of the site.

5.9 Landscaping and Tree Loss

The site contains a number of good quality existing trees and a well-connected network of mature hedgerows, a number of which would be categorised as 'important' under the hedgerow regulations. The site is covered by an area TPO. The TPO ensures that full consideration can be given to the loss of existing trees before such tree loss occurs. The site is also situated adjacent to Haw Wood to the west/south west boundary, an area of ancient woodland, categorised as an SNCI.

5.10 The roads to be created by the proposed development and the cut and fill works involved will result in the loss of individual trees, groups of trees and hedges. The applicant has stated that 19 individual trees and 5 groups will be completely removed, and 26 groups will be partially removed. It is considered that three other individual trees (including the category B oak tree discussed below) could be at risk through cut and fill works taking place within their root protection areas, and also one further small group of trees. While a substantial amount of trees and hedges on this site will not be impacted by this application, future reprofiling works will need to take place in order to facilitate development as described above, which are likely to result in further tree loss.

5.11 In respect of the Tree Officer's comments, the applicant has clarified that the most robust type 1 fences will be used when construction levels are high and in close proximity to root protection areas. It was considered by the applicant that due to the phased nature of the development and its large scale that to use type 1 fencing throughout would be cost prohibitive and the contractor would instead upgrade the level of protection in advance of more intensive activities taking place. A recommended condition addresses this issue through requiring a scheme for this. The attenuation ponds have been removed overcoming the concern regarding the root protection areas for T1180 and Hedge 97.

5.12 The Tree Report has removed the references to T1016, T1018 and T1022 being removed.

5.13 Road 28 has been slightly realigned on the boundary of Compton Lodge in order to overcome the concern regarding the earthworks encroaching onto the route protection area of this category B tree.

5.14 The road network has not been amended to prevent the loss of one category B mature oak and a category B ash as requested by the Tree Officer, nor remove the road encroachment into the tree protection area of another Category B oak, which puts it at risk. The applicant considers that to do so would render the allocation undeliverable. No evidence has been submitted to suggest this is the case, and given they are category B trees it would be preferable to retain these. However, it is recognised that the topography of the site and the need to be able to accommodate a suitable residential layout platform presents

limitations to where the road infrastructure can be located on the site. It is therefore considered that the loss of potentially these three trees and others has to be considered against housing delivery on the site. This is considered further below.

5.15 In respect of the Landscape Officer's comments revised plans have been submitted to address the comments regarding the clarity of the plans. Landscaping is a reserved matter so will be largely considered as part of reserved matters applications (see below).

5.16 The tree and hedge loss proposed by and being considered as part of this application is extensive. Developers should seek to keep existing trees and landscaping on development sites in accordance with Policies CS1, CS2, PSP2 and PSP3. However this site is largely steep in topography and therefore will inevitably require reprofiling works to achieve gradients to enable it to be developed. As stated above, it is acknowledged that any solution put forward for this is likely to result in substantial tree loss when the site is developed. This is a material consideration that has to be balanced against the delivery of housing on the site.

5.17 It is considered that the policy and planning status of the site results in a strong presumption in favour of developing the site for a substantial amount of dwellings, as described above. The resulting tree loss from reprofiling works is not considered to outweigh the provision of housing on the site and contribution to housing delivery in South Gloucestershire. Therefore, while trees should be retained on site where possible and where they are of sufficient quality, it is considered that a robust landscaping scheme including substantial mitigation for the tree loss and to provide new trees and landscaping is a more appropriate approach in this case. While a landscaping condition is recommended to ensure that landscaping is not precluded by the implementation of this application, as noted above, landscaping is a reserved matter in relation to outline planning application PT14/0565/O, and this matter will mainly be addressed through subsequent reserved matters, in accordance with landscaping principles to be set out in a Design Code and Masterplan which are currently being negotiated by officers.

5.18 A planning condition is also recommended to ensure that trees shown as being retained within the site boundary of this application, or where the root protection areas encroach into the boundary, are protected through construction.

5.19 Wildlife and Ecology

The majority of the semi-natural habitat across the site consists of species poor, heavily grazed grassland (pasture) of only low nature conservation interest. However, there is known to be a low level of bat activity across the site and that the site supports a 'low' population of great crested newts (maximum count of 10). In respect of the latter, a European Protected Species licence is required to develop the wider site and as described above this application is intended to facilitate the application for such a licence. As part of the outline application, ponds were proposed to accommodate and enhance the great crested newt habitat on site. However, the applicant now wishes to translocate the great crested newts to habitat at the Filton Airfield site, forming part of the wider Cribbs/Patchway New Neighbourhood, and the Ecology Officer has accepted this. A European Protected Species licence will be required for this from Natural England. The three tests for obtaining such a licence under the Habitats

and Species Regulations 2010 were considered as part of the outline application, but require reconsideration here (see below).

5.20 In addition to this, subsequent survey work has been carried out which has indicated that several roosts for small numbers (1-2) common pipistrelle bats will be impacted upon, and bat boxes and design features in the new dwellings will provide mitigation for this. This is accepted. These roosts includes Tree 1172 (referred to above) which has been identified as a day bat roost for a small number of common pipistrelle bats. While the update report submitted refers to the removal of this tree, the latest plans for tree protection show it as being retained. However, as described above, the encroachment of embankment works into the tree's root protection area put it at risk. If the tree has to be removed a European Protected Species Licence will be required and, given the risk to the tree, it is appropriate to consider the three tests for obtaining such a licence.

5.21 The three 'tests' are:-

For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment;

There is no satisfactory alternative to the work specification;

The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

5.22 In respect of the first of these, the development of the site is considered to be of overriding public interest due to this forming a significant part of a development allocation within the Local Plan and being an important contribution to housing delivery in South Gloucestershire.

5.23 In respect of the second, the translocation of the newts to a different site is accepted as a solution for the purposes of the planning application. There were matters in respect of the suitability of onsite habitat proposed as part of the outline application that needed to be resolved, and translocation to existing habitat has been considered as part of a wider newt strategy for the Cribbs/Patchway New Neighbourhood and accepted by the Ecology Officer. In respect of the bat roost, the applicant has advised that moving the road to overcome risk to Tree 1172 makes the site undeliverable. While no evidence has been submitted to support this claim, it is accepted that the topography of the site and the need to ensure a suitable residential layout presents particular challenges in respect of locating the road infrastructure.

5.24 In respect of the third, the low population of newts that need to be translocated is considered unlikely to be detrimental to maintenance of the population of the species at a favourable status in their natural range. The bat roost has been assessed to have relatively low levels of use, and is therefore considered unlikely to be detrimental to maintenance of the population of the species at a favourable status in their natural range, and placing bat boxes in other trees will provide other roosting opportunities.

5.25 Planning conditions are recommended to ensure mitigation measures for newts and bats as set out in the submitted Ecology Update are adhered to, to ensure their protection. Subject to these conditions, the development is considered to be acceptable in respect of these species.

5.26 In addition Tree 1180 is considered to support a barn owl roost with Tree 1179 adjacent also having evidence of barn owl use. Both these trees are located on the boundary with Saracens Rugby Club and are to be retained. Barn owl nesting boxes are recommended by the submitted Ecology Update referred to in the conditions below.

5.27 Other forms of wildlife mitigation have been addressed through the outline application.

5.28 Flood Risk and Drainage

Flood risk to the site from external sources has been assessed as part of the outline application. However, the main drainage infrastructure for the site is proposed as part of this application and therefore the impact of this requires consideration.

5.29 This application proposes a series of attenuation tanks to dispose of surface water run-off from the development. Originally, two attenuation ponds were proposed either side of the access road that adjoins the A4018 opposite Passage Road, with an attenuation tank located under each one. However, the Drainage Officer raised concerns that the ponds and tanks underneath would be difficult to maintain in this arrangement. Therefore, revised plans have been submitted to remove the ponds and increase the capacity of the two tanks to mitigate this. The Drainage Officer is satisfied with the revised arrangement, subject to a condition for detailed design which is recommended below. It is considered that the Drainage Officer's outstanding minor concerns regarding discrepancies in the plans can be addressed by this condition. The Public Open Space Officer also raised a concern regarding the space around the ponds for future maintenance and it is considered that the revisions to the plans to remove them address this concern. There will also be a resultant visual and public open space gain as a result of the removal of the attenuation ponds in a prominent location in the site.

5.30 Transportation and Access

The impact of the development of the wider site on the transport network has been considered as part of the policy process and outline planning application, and it has been resolved that contributions towards the transport package for the Cribbs/ Patchway New Neighbourhood are secured through a Section 106 Agreement in relation to the outline application. Therefore, a Section 106 Agreement to address this is not considered necessary for the infrastructure application.

5.31 The junctions with the existing highway network were considered as part of the outline application, and are not included within this infrastructure planning application. The infrastructure planning application allows for these to be developed as intended by the outline application. Subject to conditions requiring the access points to be provided prior to the development of the roads as appropriate and a Construction Management Plan as requested by the Transportation Officer, the road layout proposed is considered to be acceptable in respect of its usability and highway safety.

5.32 With regards to rail infrastructure, the development of the site will benefit from the proposed re-opening of the Henbury line to passenger traffic, which is currently being considered by the highway authority. The railway line forms the southern boundary of the Triangle land, and this site is one option for a proposed new station. Therefore, Transportation are keen to see land safeguarded for this as part of this application.

However the site boundary is drawn tightly around the infrastructure proposed as part of this application, and does not extend as far as the railway line. It is not considered the application prejudices the delivery of a railway station, and it is reasonable for this to be considered as a separate matter. The Council will continue to retain control of this through the outline application PT14/0565/O.

5.33 Public Open Space

While the infrastructure application is not for the provision of public open space on the site for the residential development, it is anticipated that the spaces over and around the attenuation tanks will become part of the public open space for the site. The POS Officer originally raised a number of concerns regarding discrepancies and errors in the plans, which revised plans have addressed. Further revised plans have addressed the discrepancies in the latest consultation response set out above, and the concern raised regarding maintenance of the ponds has been resolved through the removal of the ponds. The provision of POS for the residential development will be addressed through the Design Code and Masterplan process, and any subsequent reserved matters applications. Therefore, officers consider this issue is not required to be addressed any further as part of this application.

5.34 Residential Amenity

Existing residential dwellings are located fronting onto the A4018 adjacent to the main application site, most of which are incorporated into the wider development site and as such will be demolished. However, a small number of dwellings abut or are situated close to the site which could be affected in terms of residential amenity impact. This will be largely addressed through future reserved matters applications, but the infrastructure proposed is considered to require some consideration of this matter.

5.35 Generally, the road infrastructure proposed is considered to be off-set a sufficient distance from existing dwellings for the impacts on residential amenity to be considered acceptable. However, Road 28 terminates on the boundary with Compton Lodge, which is a semi-detached dwelling located on the A4018. The positioning of this road will require the creation of an embankment of up to a metre in height and the loss of part of an existing tree group along the boundary with this dwelling. While it is noted that the tree group is within the site boundary, it is considered that appropriate replacement boundary treatment and landscaping is required to ensure that this does not cause an unacceptable impact on the amenity of this property. This is addressed through the landscaping condition recommended below.

5.36 Archaeology

The applicant for the outline application provided a Desk-Based Archaeological Assessment as part of the Environmental Statement for the outline application. As a result of this, it was concluded that it was necessary for a programme of trial trenching to occur prior to any commencement of development on site, and a condition was recommended to control this. A similar condition is in the recommended conditions for this application.

5.37 Public Art

While the principle of the provision of public art on the site is accepted, it is considered this issue is more appropriately dealt with through the outline application.

5.38 Other Considerations

In respect of the Parish Council's concerns, matters relating to traffic on the highway network have already been considered through the planning policy and outline planning application process. The specification of homes to be built will be determined through future reserved matters applications.

5.39 In respect of the local resident's comments, again, matters of traffic and the resulting noise, air and light pollution have been considered through the planning policy and outline planning application process.

5.40 Conditions in respect of ecology, a Construction and Environmental Management Plan, contaminated land, broadband infrastructure and streetlighting have been recommended to reflect those recommended in respect of the outline application as far as appropriate, in order not to prejudice the implementation of the outline application.

5.41 Planning Balance

As the authority cannot at this time demonstrate a 5-year supply in deliverable housing land, it is considered that as an application to facilitate housing development the application should be determined against the presumption in favour of sustainable development. In this instance the presumption does not affect the principle of development as the site is within the Cribbs/Patchway New Neighbourhood allocation. It is considered the development of this site for housing would make an important and significant towards overall housing supply in South Gloucestershire, and as such significant weight has been afforded to this as a planning consideration.

5.43 Impact on Equalities

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

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

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

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 planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy and the South Gloucestershire Local Plan Policies Sites and Places Plan as set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Helen Winsall
Tel. No. 01454 863056

CONDITIONS

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

Reason

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

2. Prior to commencement of any development on any part of the site details of the access to the site shall be first submitted to and approved by the Local Planning Authority in writing. Development as approved by this application shall only proceed once the access points have been completed in accordance with the approved details.

Reason

In the interests of highway safety and to ensure that the safety and efficient operation of the local road network is not adversely affected to accord with policies PSP11 of the adopted South Gloucestershire Local Plan Policies, Sites and Plans Plan (November 2017) and CS7 and CS26 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013).

3. Prior to commencement of any development on site a Construction Environmental Management Plan (CEMP) shall be first submitted to and approved by the Local Planning Authority in writing, with the development proceeding in accordance with the approved details. The CEMP shall include measures to ensure that the applicant and contractors take all reasonable endeavours to minimise environmental disturbance from on-site construction works, including the management of dust associated the development. For the avoidance of doubt the CEMP shall include details of the location of the construction compound to serve the development, details of wheel washing and the means of access for construction traffic, delivery times and construction hours. The development shall proceed in accordance with the approved construction details with all commercial vehicles having their wheels washed before entering the public highway and no access points other than those approved being used for construction traffic.

Reason

To ensure that the safety and efficient operation of the Strategic Road Network is not adversely affected, to minimise disturbance to occupiers of completed and nearby dwellings, to safeguard the amenities of the locality, and in the interests of highway safety to accord with policies PSP11 of the adopted South Gloucestershire Local Plan Policies, Sites and Plans Plan (November 2017) and CS7 and CS26 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013).

4. No development shall commence until surface water drainage details, including Sustainable Urban Drainage Systems (SUDS), for flood prevention; pollution control and environmental protection have been submitted to and approved by the Local Planning Authority in writing. The following details (not exhaustive) shall be included when discharging this condition:
- A clearly labelled drainage layout plan showing the pipe networks and attenuation tanks;
 - Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus 30% climate change storm event;
 - Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided by the tanks, demonstrating how the system operates during a 1 in 100 year plus 30% climate change storm event;
 - A plan showing the cross sections and design of the attenuation tanks and its components including details of construction type;
 - The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding;
 - The plan should also show any pipe node numbers referred to within the drainage calculations;
 - A manhole / inspection chamber schedule to include cover and invert levels;
 - Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as the Attenuation Tanks and Flow Control Devices where applicable.

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

Reason

To ensure the drainage for the site is appropriate and comply with policy PSP20 of the adopted South Gloucestershire Local Plan Policies, Sites and Plans Plan (November 2017) and policy CS1 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013).

5. Prior to the commencement of any ground works, a programme of archaeological work shall be undertaken resulting in the production of a detailed mitigation strategy, including a timetable for the mitigation strategy, which shall also be submitted to and approved by the local planning authority in writing prior to those works commencing. Thereafter the development shall be implemented in strict accordance with the approved programme and mitigated measures identified.

Reason

In the interests of archaeological investigation, recording and mitigation to accord with policies CS9 and CS26 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013).

6. No development shall take place until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
- a) The volume and nature of the waste which will be generated through the demolition and/or excavation process;
 - b) The volume of that waste which will be utilised within the site in establishing road levels, etc;
 - c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant;
 - d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction; and
 - e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use of it as an alternative to landfill.

Development shall be carried out in accordance with the agreed details.

Reason

To control the production of waste and accord with policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).

7. The hours of working on site during the period of construction shall be restricted to 8am-6pm Mondays to Fridays; and 8am-1.00pm 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. Any exceptional "working" outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with policies PSP8 of the adopted South Gloucestershire Local Plan Policies, Sites and Plans Plan (November 2017) and CS8 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) .

8. No development shall take place on land until full details of both hard and soft landscaping works have been submitted to and approved by the Local Planning Authority in writing for approval and these works shall be carried out as approved. These details shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); retained historic landscape features and proposals for restoration where relevant, and proposals for boundary treatment including replacement soft landscaping along the boundary of the site with Compton Lodge. Soft landscape works shall include; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the programme agreed in writing with the Local Planning Authority.

Reason

To protect the character and appearance of the area and amenities of future occupiers to accord with policies PSP2 and PSP3 of the adopted South Gloucestershire Local Plan Policies, Sites and Plans Plan (November 2017) and CS1 and CS26 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013).

9. Notwithstanding the submitted details, prior to the commencement of development a scheme shall be submitted to and agreed by the Local Planning Authority in writing detailing when during the course of development the trees shown as being retained on the approved plans will be protected by Type 1 and Type 2 fencing, which shall be in accordance with BS5837 2012 Trees in Relation to Construction, and that once in place the fencing details, including photographs, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement. The protective fencing shall be erected, retained and maintained in accordance with these details and its positioning on the approved plans for the duration of the construction period.

Reason

To protect the character and appearance of the area and amenities of future occupiers to accord with policies PSP2 and PSP3 of the adopted South Gloucestershire Local Plan Policies, Sites and Plans Plan (November 2017) and CS1 and CS26 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013).

10. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of individual plot ownership, areas of amenity space and of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To protect the character and appearance of the area to accord with policies PSP2 and PSP 3 of the adopted South Gloucestershire Local Plan Policies, Sites and Plans Plan (November 2017) and CS1 and CS26 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013).

11. Prior to the commencement of development, a lighting strategy, to accord with the Cribbs/Patchway New Neighbourhood Development Framework SPD, shall be submitted to and approved by the Local Planning Authority in writing. This shall include measures to control light spillage. Development shall be carried out in accordance with the approved details and a timetable to be agreed as part of the strategy.

Reason

In the interests of visual amenity, security and energy efficiency in accordance with Policy CS1 of the adopted Core Strategy, and the Cribbs/Patchway New Neighbourhood Development Framework SPD.

12. Prior to the commencement of development, a timetable shall be submitted to and approved in writing for the completion of the bus route infrastructure, including stops in accordance with the approved plans. The works shall comply with the agreed timetable.

Reason

To encourage means of transport other than the private car and to accord with policies PSP11 of the adopted South Gloucestershire Local Plan Policies, Sites and Plans Plan (November 2017) and CS8 and CS26 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013).

13. All development of the site shall be subject to the mitigation measures/strategy relating to great crested newts (European Protected Species) detailed in the Updated Great Crested Newt Statement dated 30th May 2017 from Barton Wilmore (included as part of the Ecology Update by Nicholas Pearson Associates dated May 2017) and forming part of the application. All works shall carried out in strict accordance with said strategy.

Reason

To ensure sufficient protection for this species to accord with policies PSP19 of the adopted South Gloucestershire Local Plan Policies, Sites and Plans Plan (November 2017) and CS9 and CS26 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013).

14. All development of the site shall be subject to the mitigation measures/strategy relating to bats (European Protected Species) detailed within the Ecology Update by Nicholas Pearson Associates dated May 2017 and forming part of the application. All works shall be carried out in strict accordance with said strategy.

Reason

To ensure sufficient protection for this species to accord with policies PSP19 of the adopted South Gloucestershire Local Plan Policies, Sites and Plans Plan (November 2017) and CS9 and CS26 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013).

15. All development of the site shall be subject to the mitigation measures/strategy relating to barn owl detailed within the Ecology Update by Nicholas Pearson Associates dated May 2017 and forming part of the application. All works shall be carried out in strict accordance with said strategy.

Reason

To ensure sufficient protection for this species to accord with policies PSP19 of the adopted South Gloucestershire Local Plan Policies, Sites and Plans Plan (November 2017) and CS9 and CS26 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013).

16. If, during implementation of the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved. Development shall not recommence until first agreed in writing with the Local Planning Authority.

Reason

To prevent pollution of the water environment in accordance with policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

17.
 - a) Prior to commencement of the development the ground gas monitoring report shall be completed in full and submitted for the approval of the Local Planning Authority including the findings of the ground gas monitoring and the conclusions of the gas risk assessment. The report shall identify if mitigation measures are required to address any unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
 - b) In accordance with a timetable to be agreed in the above gas monitoring report, where measures have been required to mitigate ground gas (under section a) a report verifying that all necessary measures have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
 - c) If unexpected contamination is found on any part of the site after the development has commenced, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment shall be undertaken and where necessary

an additional remediation scheme prepared. The findings and report shall be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

In the interest of public safety as a potential result of gas contamination and to accord with policies CS9 and CS26 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013) .

18. a) Prior to commencement of any development, an investigation shall be carried out along the route of the existing fuel pipeline to ascertain the extent, nature and risks any contamination may pose to the development in terms of human health, ground water and plant growth. A report identifying any potential contamination (if found), presented in terms of a conceptual model and a scheme for remediation to address unacceptable risks shall be submitted and approved in writing by the local planning authority before any development commences. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
- b) In accordance with a timetable to be agreed in the above report, where measures have been required to mitigate contaminants (under section a) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
- c) If unexpected contamination is found on any part of the site after the development has commenced, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment shall be undertaken and where necessary an additional remediation scheme prepared. The findings and report shall be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

In the interest of public safety, human health, ground water and plant growth and to accord with policies CS9 and CS26 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)