



**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. 06/17**

**Date to Members: 10/02/2017**

**Member's Deadline: 16/02/2017 (5.00pm)**

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

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

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

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

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

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

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

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

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

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

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

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

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

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.**
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

# CIRCULATED SCHEDULE - 10 February 2017

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PT15/5521/F</b>	Approved Subject to S106	The Gables Costers Close Alveston South Gloucestershire BS35 3HZ	Thornbury South And	Alveston Parish Council
2	<b>PT16/2637/F</b>	Refusal	Thornbury Castle Castle Street Thornbury South Gloucestershire BS35 1HH	Thornbury North	Thornbury Town Council
3	<b>PT16/2639/LB</b>	Refusal	Thornbury Castle Castle Street Thornbury South Gloucestershire BS35 1HH	Thornbury North	Thornbury Town Council
4	<b>PT16/5428/F</b>	Approve with Conditions	Land Adjacent To Iona The Close Almondsbury South Gloucestershire BS10 7TF	Patchway	Almondsbury Parish Council
5	<b>PT16/6147/F</b>	Approve with Conditions	20 Court Road Frampton Cotterell South Gloucestershire BS36 2DE	Winterbourne	Winterbourne Parish Council
6	<b>PT16/6595/F</b>	Approve with Conditions	35 Grange Close Bradley Stoke South Gloucestershire BS32 0AH	Bradley Stoke North	Bradley Stoke Town Council
7	<b>PT16/6630/F</b>	Approve with Conditions	Dunrovin 48 Down Road Winterbourne Down South Gloucestershire BS36 1BZ	Winterbourne	Winterbourne Parish Council
8	<b>PT16/6641/F</b>	Approve with Conditions	13 St Davids Road Thornbury South Gloucestershire BS35 2JF	Thornbury North	Thornbury Town Council
9	<b>PT.2250 Footpath PMR7</b>	Abandon Footpath Diversion	Bristol and Bath Science Park Emersons Green East South Gloucestershire BS16 7FF	Emersons Green	Emersons Green Council

**CIRCULATED SCHEDULE NO. 06/17 – 10 FEBRUARY 2017**

<b>App No.:</b>	PT15/5521/F	<b>Applicant:</b>	Mr Alan Potter
<b>Site:</b>	The Gables Costers Close Alveston South Gloucestershire BS35 3HZ	<b>Date Reg:</b>	8th January 2016
<b>Proposal:</b>	Demolition of existing industrial building and dwelling. Erection of 10no. dwellings with alteration to access, car parking and associated works	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	363057 188458	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Major	<b>Target Date:</b>	7th April 2016



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 100023410, 2008. **N.T.S.** **PT15/5521/F**

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

This application has been referred to the Circulated Schedule as the legal agreement for seeking the provision of affordable housing and the financial contribution towards public open space is to be completed before the end of February 2016 and that would be beyond the original resolution, i.e. 29 January 2017, suggested in the previous Circulated Schedule report dated 29 July 2016.

Since the proposal was considered last year, the Housing White Paper has been recently published (February 2017). It highlights the housing issues of the country particularly the provision of affordable housing and also suggests a number of measures to address such issues. At this stage, there is no change to the requirement of the provision of affordable housing on this proposal as the affordable housing element of the White Paper (Annex – Affordable Housing of the White Paper) is currently subject to a public consultation. Regarding the requirement of the financial contribution towards public open space, there is no material change to the national and local planning policies, as such the financial contribution would still be applicable on this proposal. The applicant has agreed to enter into a S106 agreement to secure the provision of affordable housing and financial contribution towards public open space and such agreement will be signed imminently.

The application was referred to the Circulated Schedule to the receipt of objections from local residents and the Alveston Parish Council.

### **1. THE PROPOSAL**

- 1.1 The site consists of an industrial building and a two-storey detached property, the Gables. The site is located within the Alveston Village Development Boundary, which is washed over by the Green Belt. The existing access to the site is from Costers Close. The site immediately to the south of Marlwood School playing field. The existing industrial building and residential property are not listed buildings and are not included on the local list of heritage assets.
- 1.2 The proposed development consists of the demolition of the industrial building and the dwelling to facilitate the construction of 10 no. dwellings with a mix of semi-detached and terraced dwellings. Each new dwelling would have two parking spaces and there would be four visitor car parking spaces within the site.
- 1.3 During the course of the application, an additional ecological survey letter regarding Great crest newts has been submitted to address the Council's Ecologist concerns. It is considered that the submitted details are acceptable.
- 1.4 To support the application, the applicant submitted the following documents:
  - Design and Access Statement
  - A preliminary tree report
  - An Extended Phase One Habitat Survey
  - A letter of marketing information of the existing industrial building 4

- Planning Statement
- Highway Statement with a tracking drawing

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework (NPPF) March 2012  
 National Planning Policy guidance (NPPG) 2014  
 Housing White Paper dated 7 February 2017

### 2.2 Development Plans

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

H3 Housing in Rural Areas  
 T12 Highway safety  
 L9 Species Protection  
 LC2 Contributions for Education Facilities  
 LC1 Contributions for Community Facilities

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

CS1 High Quality Design  
 CS2 Green Infrastructure  
 CS4A Presumption in favour of Sustainable Development  
 CS5 Location of Development  
 CS6 Infrastructure and developer contributions  
 CS8 Improving Accessibility  
 CS9 Heritage and the natural environment  
 CS13 Non-Safeguarded Areas for Economic Development  
 CS16 Housing Density  
 CS17 Housing Diversity  
 CS18 Affordable Housing  
 CS23 Community Infrastructure and Cultural Activity  
 CS24 Sport and recreation standards  
 CS34 Rural Areas

### 2.3 Supplementary Planning Guidance and other relevant documents

Residential Parking Standards SPD (Adopted 2013)  
 Affordable Housing and Extra Care Housing SPD (Adopted May 2014)  
 South Gloucestershire Biodiversity Action Plan (Adopted)  
 The South Gloucestershire Design Check List SPD (Adopted August 2007)  
 Trees on Development Sites SPD Adopted Nov. 2005  
 Waste Collection Guidance for new developments January 2015 SPD  
 Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide  
 SPD – Adopted March 2015  
 South Gloucestershire Health Improvement Strategy 2012-2016

## 2.4 Emerging Plan

### Policies, Sites & Places Development Plan Document (Draft) June 2016

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourses Management
PSP21	Environmental Pollution and Impacts
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

## 3. RELEVANT PLANNING HISTORY

- 3.1 N1632 Temporary office building (Portakabin) in connection with light industrial premises. Approved 10.07.75
- 3.2 P94/1997 Erection of workshop to replace existing workshop. Approved 12.10.94
- 3.3 P98/2338 Variation of condition 8 attached to planning permission ref. P94/1997 to permit limited outside storage within the area shown hatched on submitted plans. Refused 16.12.98

## 4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council: Objection on the grounds of overdevelopment adding to existing parking issues.
- 4.2 Thornbury Town Council: No objection.
- 4.3 Office for Nuclear Regulation: No objection subject to the Council Emergency Planner considers that the proposed development can be accommodated within their off-site emergency planning arrangements. The scale and location of the proposed development is such that ONR do not advise against the proposal.
- 4.4 Wales & West Utility: Advised that the Utility's apparatus may be affected and at risk during the construction works. The applicant is advised to contact the Utility directly to discuss the requirement.
- 4.5 Wessex Water: Advised that Bristol Water is responsible for water supply in this area, and waste water connections will be required from Wessex Water to serve the proposed development. On 1<sup>st</sup> October 2011, Wessex Water became responsible for the ownership and maintenance of formerly private sewers and lateral drain.

- 4.6 Council Emergency Planner: No objection as the development falls outside the DEPZ for Oldbury, therefore the proposal will have no impact on the off-site (emergency) plan
- 4.7 Environmental Protection Team: No objection subject to condition requiring a contamination investigation and the required mitigation measures, as the historic use of the site as a joinery works / industrial unit may have caused contaminations which could give rise to unacceptable risk to the proposed development.
- 4.8 Highway Drainage Engineer: No objection subject to condition requiring details of surface water drainage details
- 4.9 Highway Structures Team: No comment.
- 4.10 Arts and Development: No comment.
- 4.11 Waste Engineer: No objection.
- 4.12 Landscape Officer: No objection subject to a condition requiring a detailed landscaping plan to help soften and partially screen view of the development from the school playing field and Costers Close.
- 4.13 Arboricultural Officer: No objection subject to a condition requiring a tree protection plan, an arboricultural implications assessment and an arboricultural method statement. It is considered that the submitted preliminary tree report is accurate to reflect the tree categorisations.
- 4.14 Highway Officer: No objection to the submitted revised plan and the Highway Statement including the tracking drawing. The revised visitor car parking spaces would comply with the Council's Residential Parking Standards. The submitted tracking drawing shows a refuse vehicle would be able to access the site although the proposed access would be within the proximity of the tree canopy. Subject to a condition requiring a detailed hard landscaping plan, which is to be adopted, showing there would be a shared surface with the proposed access and the extended footpath, there is no highway objection.
- 4.15 Ecology Officer: No objection subject to condition requiring an Ecological Mitigation and Enhancement plan based on recommendations provided in Section 7 of the Extended Phase 1 Habitat Survey (Abricon, dated December 2015)
- 4.16 Crime Prevention Design Advisor: No objection to the proposal, and advised that all areas of car parking and the adopted road need to be provided with street lighting to the British Standard BS5489:2013, and the landscaping adjacent to the parking areas for plot 8 must be of species that do not grow taller than one metre.



- 4.17 Children and Young People Team: No comment.
- 4.18 Enabling Officer: Requiring 35% of dwellings to be delivered as affordable housing based on the proposal is for dwellings on 0.32 hectares located in a rural settlement. Tenure split of 80% social rent and 20% intermediate housing, as such, it requires a mix of 1x2 bed house and 1x3bed house for social rent and 1x2 bed house for shared ownership. No wheelchair standard accommodation is required as part of this application.
- 4.19 Community Infrastructure Officer: Requiring the following financial contribution to mitigate for impacts on open spaces arising from the additional demand generated by the population of the proposed development. Based on the submitted details, the proposed development would generated a total population increase of 21.6 residents.

Off-site POS provision/ enhancement contribution	<b>£14,659.32</b>
Off-site POS maintenance contribution	<b>£19,671.98</b>

## Other Consultation Responses

### 4.20 Local Residents

Eight letters of objection and one letter of general comments have been received and the following is a summary of the comments received from members of the public (No 1-4 Costers Close and No. 34 and 36 Quarry Road) during the consultation period associated with this application. (Full comments can be viewed from the Council website)

Highway comments:

- Costers Close is a narrow, single track private road where residents already have difficulties in manoeuvring to park cars when other cars are parked on the other side of the road. The site is also closed to the access of the cemetery and the occasional interments. Therefore the additional traffic movements will cause a major problem to the existing residents.
- Anticipated increased levels of traffic and uncontrolled parking on Costers Close associated with the development
- The road certainly is not wide enough for the construction traffic.
- A traffic management expert at a recent developer's consultation considers that Coasters Close was far too narrow to facilitate the increased traffic.
- Very limited visitor car parking spaces within the new development.
- No details regarding the site clearance and the delivery of materials, the maintenance of Costers Close free from debris, how large vehicles use this narrow access road, how will the road be widened to incorporate a pavement on the other side of the road.

Residential comments:

- Loss of privacy
- The industrial unit is regularly used for making wood furniture
- Overlooking neighbours' garden
- Potentially reduce the amount of light to the rear of the neighbouring properties
- No noise at present, the proposal would cause a noise issue as people driving in and out all day.

General comments:

- The neighbouring agricultural land owners does not object to the proposal, however is keen to ensure that safe and sufficient vehicular access is maintained at all times to allow large agricultural vehicles and contractors equipment to conveniently access the property.

## 5. **ANALYSIS OF PROPOSAL**

5.1 The development consists of the demolition of the existing industrial building and a two-storey detached dwelling on the site and the construction of ten dwellings with access onto Costers Close, Alveston. Each dwelling has two off street parking spaces and there will be four visitor car parking spaces. The site is within the Alveston Village Settlement Boundary which is washed over by the Green Belt.

### 5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. On 27<sup>th</sup> March 2012 the National Planning Policy Framework (NPPF) was published. The policies in this Framework are to be applied from this date with due weight being given to the saved policies in the South Gloucestershire Local Plan 2006 (SGLP) subject to their degree of consistency with this Framework. It is considered that the Local Plan policies as stated in this report are broadly in compliance with the NPPF.

5.3 The Annual Monitoring Report (December 2016) shows that South Gloucestershire Council does not have a five year land supply. As such paragraph 49 of the NPPF is engaged and Policy CS5 is considered out of date. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF goes on to state that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Notwithstanding the above, the adopted development plan is the starting position.

5.4 In this proposal, of particular relevance is that the Gables is situated in a rural area which is identified by the adopted Core Strategy, Changes to Policies Map, although the site is situated within the defined settlement boundary of Alveston (which is identified by the adopted Local Plan. Therefore the site is in the open countryside where development is strictly controlled.

This is emphasised under paragraph 55 of the NPPF which the avoidance of isolated homes in the countryside unless there are special circumstances. Saved Policy H3 of the Local Plan expressed the same spirit. The Core Strategy Inspector confirms in his Report (paragraph 63) that he supports the Council's view that a dispersed pattern of development in the rural areas is not sustainable. Although it is acknowledged that Policy CS5 is out of date due to the lack of 5 year land supply, the principle of limiting development in the countryside is embodied in Policy CS5 (Location of Development) and also in CS34 (Rural Areas) of the Core Strategy. Emerging PSP 40 also restricts rural development and these policies set the context for which development affecting a rural area must be assessed against.

5.5 Paragraph 55 of the NPPF deals with development in rural areas stating that in order to promote sustainable development housing should be located where it will *enhance or maintain the vitality of rural communities* but that local planning authorities *should avoid new homes in the countryside unless there are special circumstances*. These can include:

- the essential need for rural workers to live near their place of work; or
- where it would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- be of exceptional quality or innovative design

5.6 Although the site is situated within the rural area, it is inside the existing settlement of Alveston. There is a group of residential properties to the south and west, a playing field of Marlwood School immediately adjacent to the north of the site. In addition, the site is approximately 190 Metres from Down Road, where there are a number of bus stops for a number services to Thornbury Town Centre, Cribbs Causeway, Chipping Sodbury and Wotton-under-Edge, as such the site can be considered as a sustainable location. On this basis the site could not reasonably be called isolated, and would not read as open countryside as such. Accordingly there is no significant or demonstrable harm on this basis to resist the presumption in favour of residential development.

#### 5.7 Green Belt

The site is located within the Alveston Village Settlement Boundary which is washed over by the Green Belt. Paragraph 79 of the NPPF sets out that the 'fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open' and that 'the essential characteristic of Green Belts are their openness and their permanence'. Paragraph 80 of the NPPF goes on to provide the five purposes of including land within the Green Belt. These are;

- i) to check the unrestricted sprawl of large built up areas;
- ii) to prevent neighbouring towns merging into one and other;
- iii) to assist in the safeguarding of the countryside from encroachment;

- iv) to preserve the setting and special character of historic towns; and,
  - v) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 5.8 Paragraph 89 of the NPPF provides, however, the limited categories of development that is appropriate within the Green Belt. These categories of appropriate development include the 'limited infilling in villages, and limited affordable housing for local community needs.'
- 5.9 The site is within Alveston Village Development Boundary. The Village Development Boundary runs along the northern edge of the application site. The site is enclosed by existing development associated with Marlwood School, Costers Close, and a cemetery. The area is characterised by modern residential development of different styles and design.
- 5.10 As set out earlier in this report, paragraph 89 of the National Planning Policy Framework indicates that 'limited infilling in villages' is appropriate in the Green Belt. The adopted South Gloucestershire Green Belt SPD defines 'infill development' as being development that is small in scale and which fits into an existing built up area in a defined settlement boundary. Whilst the proposed development does not entirely represent in a linear formation, it does reflect the general development pattern of Costers Close and Quarry Road, where there are groups of terraced dwellings along the northern boundary following pairs of semi-detached dwellings. Furthermore, the proposal would replace existing built form within the site. Moreover the majority of the site would be considered as brownfield land on this basis. Officers conclude that the proposed development is appropriate development in the Green Belt.
- 5.11 Policy CS13 of the adopted Core Strategy seeks to protect non-safeguarded economic development sites and gives a priority to alternative uses to a mixed use scheme. The applicant submitted details regarding the marketing of the existing industrial building. It indicated that the premises has been advertised in the beginning of December 2014. The unit has been constantly marketed for six to seven months and the agent has received a limited number of enquiries. The main reasons not pursuing a potential tenancy are the restricted access, particularly for large commercial vehicles, limited on site car parking and the fact that the unit is located in a predominantly residential area. It is concluded that it is unlikely that a tenant will be found for the unit due to the limited access and parking arrangements for such a large building. Officers therefore accepted that there is a very limited potential for the building to be retained for employment uses given the constraints of the site.
- 5.12 Regarding the potential mixed use of the scheme, the application site currently already has a mix of an industrial use and a residential use. The existing situation has sufficiently demonstrated that it is difficult to sustain the employment uses given the restrictive site layout and the proximity of residential dwellings and limited parking spaces. In this instance, officers have no objection to the proposed residential uses.

- 5.13 There is an existing detached cottage within the site, and it is part of the proposal to demolish this building. The cottage is not statutorily protected, and is not a building, which makes a significant contribution to the identity of the locality in which they are set. Therefore there is no objection to its demolition.
- 5.14 Density  
The site is approximately 0.3 hectares and the proposal would result in an additional 9 units to the housing supply (as the existing cottage will be lost as a result of the proposal), 3 of which would be affordable homes. This would equate to a density of approximately 33 houses per hectare. This is represent a reasonable density development and would reflect the general density of the locality.
- 5.15 A further reason for questioning the appropriateness (or otherwise) of the density is in relation to whether there is an attempt to avoid affordable housing triggers. This is not the case here as will be seen from the section on affordable housing.
- 5.16 Design, Character and Visual Amenity  
The surrounding residential area features a mixture of detached, semi-detached and terraced dwellings.
- 5.17 This application details 4 terraced dwellings compared to 6 semi-detached dwellings. The layout has been designed to respond the constraints of the site, including the proximity of the existing residential properties in Costers Close. The proposal also takes opportunity to open new vistas through plot 8 and plot 9 from the neighbouring properties to the school playing field. Officers consider that the proposed layout successfully respond the constraints. The site also provides the opportunity to serve a mix of units, in a layout that responds to the sub-urban character of the site. Whilst some of the new dwellings would be more than two-storey, it is not considered that these dwellings would cause a significant adverse impact given that they would only be slightly than other properties and they would be situated further away from Costers Close and Quarry Road. Officers therefore have no objection of the development subject to appropriate conditions requiring a sample of external materials.
- 5.18 Landscape assessment  
The Council Landscape Officer has considered the submitted scheme. The proposed development is located within a site that currently contains a detached house and a large factory unit. There are residential properties to the east, south and west. Marlwood School playing field is located to the north. There is a wall and some scrubby planting along the boundary with the playing field.
- 5.19 The hedge along the eastern boundary would be removed and replaced with an 1800mm high close board fence. This would present a stark elevation in views from Costers Close and for people entering the public footpath to the east, therefore it is considered that some small trees should be planted within the gardens of Plots 1 -4 to help soften views of the development from these view.

- 5.20 It is also proposed to have 1800mm close board fence on the boundary with the school playing field. Similarly, small trees planting would be required within the back gardens and car park areas of plots 4-10 to help soften and partially screen the development from views from within the school.
- 5.21 There are spaces within the proposed development where small trees and shrubs can be planted which will help to provide interest and break up the built form.
- 5.22 Officers therefore have no landscaping objection to the proposal subject to a condition requiring a detailed landscaping plan to include small trees in the gardens and car park area to help soften and partially screen views of the development from the school playing field and Costers Close.
- 5.23 Residential Amenity  
The proposed development is located within a well established residential area. The nearest residential dwellings to the proposal are Rock Cottage, which is backing onto plot 9, No. 30-36 (even no.) Quarry Road, which are backing onto plot 5-8, and No. Costers Close, which is adjacent to the access of the site. Officers acknowledge residents' concerns regarding issues relating to impact upon the neighbours' residential amenity.
- 5.24 The submitted plans show there will be a group of semi-detached dwellings to the east and west, and a group of terraced dwellings and parking area would be located in-between. The semi-detached dwellings would face the side elevation of the row of the terrace. The front elevation of the terrace would face the access road and the rear garden of properties along Costers Close. The rear elevation of this row of terraced dwelling would look out onto the school playing field. Officers acknowledge the residents' concerns regarding overlooking impact as the new dwellings would overlook the residents' garden area. However the proposed dwellings would be approximately 30 metres from the rear elevation of the nearby dwellings, and this would be consistent with normal domestic relationships and would not result in an unacceptable loss of privacy and amenity. In this instance officers consider that the proposed siting is acceptable.
- 5.25 Regarding the scale of the proposed development, plot 2, 9-10 would be three storey living accommodation. Whilst it would be slightly higher than the adjacent properties, they would be located further away the nearby residential properties and the existing industrial building, which will be demolished. Given the reasonable distance between the proposed development and the dwellings nearby, it is not considered that any over shadowing would occur that would give rise to an overbearing impact to the detriment of residential amenity.
- 5.26 Officers acknowledge that there will be additional vehicle movements and an increased population in the locality as a result of the development. There is a concern that the proposed development would cause a noise issue giving people driving in and out. Although there is a planning condition to restrict the noise level from the existing industrial unit, there is no restriction on the number of vehicles movements within the site.

Whilst it is accepted that the proposed development may lead more vehicular movement onto the site, it is not considered that the proposal would generate a significantly greater level of vehicular movements than exist in the area at present and on this basis, is not likely to result in unacceptable increase of vehicular noise. In addition, residential development is not one which is associated with the generation of high levels of noise. Although there would be an increase in the population of the area as a result of the development, this is unlikely to result in a material increase in noise levels. In the event that individual households do generate anti-social noise levels then this is a matter for the Environmental Health or Police Legislation. It cannot be assumed that anti-social noise levels would be generated by households in the development.

- 5.27 The local residents have also raised concerns regarding the residential impact during the construction period. In the event that this application is approved, officers recommend that a 'working hours condition' is applied that would act to control working hours and delivery times. This would ensure that no working is carried on during sensitive hours. Similarly, officers would recommend that a 'construction management plan' is agreed by condition. This would allow the Local Planning Authority to agree appropriate parking procedures for site workers; dust control and site storage.
- 5.28 Policy PSP43 of the Proposed Submission: Policies, Sites and Places Plan (DPD) provides minimum standards for external amenity spec in respect of new dwellings. In this instance, the DPD carries limited weight in the determination of this planning application. Nonetheless, in this case, each of the proposed dwellings would have a reasonable amount of outdoor garden area, officers are satisfied that the proposed development would provide adequate private amenity space for use by the occupants of the proposed dwellings.
- 5.29 Having regards to the above, officers therefore consider that the proposed development would not have an unacceptable impact in residential amenity terms.
- 5.30 Access and Transportation issues  
Officers and the Council Highway Officer acknowledge the residents' concerns regarding the public highway safety particularly the suitability of the access off Costers Close to serve this development.
- 5.31 Paragraph 32 of NPPF states that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residential cumulative impacts of development are severe.
- 5.32 The application site currently comprises an industrial unit and a single dwelling, officers consider that this extent situation could generate a significant number of vehicle movements if a different operator took over the building without the need for a change of use application, with potentially a higher percentage of HGV and OGV movements.

- 5.33 The Highway Officer was originally concerned that the constraints on the site in terms of geometry of the proposed road layout would prevent a refuse vehicle from accessing the site. To address the concerns, a revised site plan to include 4 no. visitor parking spaces and a refuse vehicle tracking has been submitted.
- 5.34 The Highway Officer considers that the revised proposed visitor spaces are adequate to comply with the Council's adopted Residential Parking Standards. Regarding the road layout, the tracking drawing shows that it would be restrictive for a refuse vehicle to manoeuvre within the site due to the proximity of the existing tree on the landscaped area. However, the proposed layout shows that there is a possibility to provide a shared surface for both the extended pedestrian and the access for refuse vehicles, therefore there is no highway objection subject to a condition requiring a detailed hard-landscaping plan showing there will be same surface materials on the proposed access and pedestrian path.
- 5.35 Ecology  
The approximately 0.3ha site is located in the north of Alveston. It consists of two sections, a residential property with garden, and a commercial holding with a large commercial unit. The site is bounded to the south and west by residential properties and gardens, to the north by a playing field and to the east by commercial premises. The site itself is not subject to any nature conservation designations; Lower Hazel Down Site of Nature Conservation Interest (SNCI) lies within 1km of the site and will not be adversely affected by the proposal. The applicant submitted an Extended Phase 1 Habitat Survey and an additional survey details regarding Great crested newts to confirm that no evidence for the presence of Great crested newts.
- 5.36 The Council Ecologist considers the submitted details are adequate to address the original concerns. Furthermore, whilst the hedgerows have potential to be used by Hazel dormouse, the sections proposed for removal are short and it is considered that impacts would be negligible. In this instance, there are no ecological constraints to granting planning permission subject to a condition requiring an Ecological Mitigation and Enhancement Plan.
- 5.37 Drainage and Flood Risk  
The site is in Flood Zone 1 – at lowest risk from flooding. The applicant indicates that the foul sewage will be connected to mains sewer and the surface water will be disposed of via sustainable drainage system. Officers and the Drainage Engineer have considered the proposal and raised no drainage objection to the proposal subject to a condition securing details of surface water drainage proposal.
- 5.38 Environmental Issues  
The site is currently used as a joinery workshop / industrial purpose, which may have caused contaminations to the site. Whilst officers have no objection to the proposal, it would be necessary to impose a condition requiring a site investigation and mitigation works (if any contaminations are found) to be submitted prior to the commencement of development.



### 5.39 Affordable housing

Policy CS18 deals with the need for affordable housing provision to meet housing need in South Gloucestershire. As such development should aim to achieve 35% affordable housing on all new housing developments. In rural areas the threshold is 5 no. or more dwellings or a site of 0.20ha. As this scheme is for 10 no. houses, this equates to three affordable units. It is acknowledged that the applicant has agreed the required provision of affordable housing units including the tenure split. The proposal therefore comply with the adopted Core Strategy and the relevant SPD subject to a S106 agreement to secure 3 no. affordable housing units and tenure split (including the Design and Specification criteria, etc)

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF. **The proposal is for 10 dwellings on 0.32 hectares located in a rural settlement. In rural areas policy CS18 requires 35% affordable housing on new housing developments of 5 or more dwellings or a residential site with a gross area of at least 0.20 ha, irrespective of the number of dwellings. Therefore 3 affordable homes should be delivered on site.**
- Tenure split of 80% social rent and 20% intermediate housing, as identified by the West of England Strategic Housing Market Assessment (SHMA) 2009. **2 x social rent and 1 x shared ownership dwellings should be provided.**
- A range of affordable unit types to meet housing need based upon the findings from the SHMA 2009 as shown below.

**Based on the findings below the following mix should be provided;**

**1 x 2 bed house for social rent**

**1 x 3 bed house for social rent**

**1 x 2 bed house for shared ownership**

#### **Social Rent**

Percentage	Type	Min Size m2
23%	1 bed 2 person flats	47
7%	2 bed 4 person flats	69
38%	2 bed 4 person 2 storey houses	77
22%	3 bed 5 person 2 storey houses	90
10%	4 bed 6 person 2 storey houses	112

#### **Intermediate**

Percentage	Type	Min Size m2
44%	1 bed 2 person flats	47
17%	2 bed 4 person flats	69
19%	2 bed 4 person 2 storey houses	77
19%	3 bed 5 person 2 storey houses	90
1%	4 bed 6 person 2 storey houses	112

- **No wheelchair standard accommodation is required as part of this application.**

5.40 Public Open Space

Policy CS6 of the adopted Core Strategy seeks to secure the necessary infrastructure, services and community facilities to be provided for all new development of a “sufficient scale”.

Alveston is a designated rural area here a lower threshold of 5 units or less applies, based on the submitted details, the proposed development of a net gain of 9 dwellings would generate a total population increase 21.6 residents. The proposal shows that a featured landscape area proposed at the entrance of the site, at this stage, the applicant does not request the Council to adopt this landscaped area as public open space. Notwithstanding this, the Council would very unlikely adopt the area given that the size of the proposed area is very small. The applicant has agreed to make the following contribution for the off-site POS provision / enhancement and maintenance.

Off-site POS provision/ enhancement contribution	<b>£14,659.32</b>
Off-site POS maintenance contribution	<b>£19,671.98</b>

5.41 CIL tests and Planning Obligations

Legislation was introduced in 2010 that allows local councils to set a Community Infrastructure Levy (CIL). South Gloucestershire commenced CIL charging on 1 August 2015. Charges are liable for development of one or more dwellings. Affordable housing units are exempt from CIL payments but the other properties would attract a fee. The Council is able to spend CIL receipts upon infrastructure listed in its “Regulation 123” list. It cannot also require planning obligations upon the same matters, and in this way the scope of section 106 agreements are more limited than was previously the case. Affordable Housing is not considered to be “infrastructure” which is why (subject to policy) it is still a component of a section 106 agreement.

5.42 It is considered that the S106 financial obligations calculated in terms of affordable housing needs and off-site public open space requirement meet the statutory tests in being necessary to make the development acceptable in planning terms, is directly related to the proposed development and is fairly and reasonably related in scale and kind to the development.

5.43 The Planning Balance

As set out above, the Annual Monitoring Report has demonstrated that South Gloucestershire Council does not have a five-year supply of deliverable housing land and as such Policies CS5, CS15 and CS34 are out-of-date for the purpose of assessing this application. Whilst the proposal would result in a loss of an employment building and a dwelling, the proposal would provide a positive and modest contribution in meeting the shortfall identified in respect of the five-year housing land supply. On this basis, Paragraph 49 of the National Planning Framework is relevant and this planning application must now be considered in line with the ‘presumption in favour of sustainable development’ set out in paragraph 14 of the National Planning Policy Framework.

- 5.44 As set out above, officers consider that in all other respects the development is acceptable and on this basis is representative of sustainable development. Paragraph 14 of the National Planning Policy Framework sets out that policies are out of date, the Local Planning Authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 5.45 The proposal is for the erection of 10 no. new dwellings of which three units of affordable housing have been proposed. The benefits of new housing and in particular affordable housing units to the housing supply is given considerable weight. It is considered that the proposal represents a sustainable development in terms of the NPPF three strands (social, economic and environmental). Whilst it is acknowledged that some impact would occur in respect of the general character of the site, and the loss of an employment building and a detached residential dwelling, officers consider that these are not to a degree where it would significantly and demonstrably outweigh the benefit; which is the provision of new housing including 3 no. affordable housing units, and that there are no significant or demonstrable harms that outweigh the benefit such that the presumption in favour should be resisted. On this basis, officers consider that there is considerable weight in favour of granting planning consent in respect of this application.

## **6. CONCLUSION**

- 6.1 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, in particular the advice in the NPPF.

## **7. RECOMMENDATION**

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

*i) Affordable Housing*

35% of dwellings to be delivered as affordable housing at nil public subsidy, as defined by the National Planning Policy Framework. Based on a scheme of 10 dwellings this will trigger a requirement for 3 affordable homes delivered on the basis of a Tenure split of 80% social rent and 20% shared ownership housing, as identified by the Wider Bristol Strategic Housing Market Assessment (SHMA) 2015, equating to;

- 1 x 2 bed house for social rent
- 1 x 3 bed house for social rent
- 1 x 2 bed house for shared ownership, and

In accordance with all detailed requirements as set out in the Enabling Officer's comment.

Reason

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

ii) *Public Open Space*

Off-site POS provision/ enhancement contribution	<b>£14,659.32</b>
Off-site POS maintenance contribution	<b>£19,671.98</b>

Reason

To secure the necessary infrastructure, services and community facilities to be provided for all new development in accordance Policy CS6 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013.

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

7.3 Should the agreement not be completed before the 28<sup>th</sup> February 2017 that delegated authority be given to the Director of Environment and Community Services to refuse the application.

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

**CONDITIONS**

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

Reason

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

2. The development shall proceed strictly in accordance with the plans listed below;

14/0037/001 (Site location and Existing Block Plan)  
14/0037/109 (Proposed Street Scene and Elevations)  
14/0037/102 (Plots 1 & 2 Proposed Elevations)  
14/0037/104 (Plots 3 & 4 Proposed Elevations)  
14/0037/106 (Plots 5, 6, 7 & 8 Proposed Elevations)  
14/0037/108 (Plots 9 & 10 Proposed Elevations)  
14/0037/0101A (Plots 1 & 2 Proposed Floor Plans)  
14/0037/0103 (Plots 3 & 4 Proposed Floor Plans)  
14/0037/0105A (Plots 5, 6, 7 & 8 Proposed Floor Plans)  
14/0037/0107 (Plots 9 & 10 Proposed Floor Plans)

as received by the Local Planning Authority on 23 December 2015,

14/0037/100A (Proposed Site Block Plan) as received by the Local Planning Authority on 28 April 2016.

Reason

For the avoidance of doubt.

3. Prior to the commencement of the development hereby permitted, the following details shall be submitted to and approved in writing by the Local Planning Authority.
  - A) An investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. An investigation report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
  - B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
  - C) Prior to the occupation of the development, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
  - D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reasons

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

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.

4. Prior to the commencement of the development hereby approved a site specific Construction Environmental Management Plan (CEMP) shall be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

For the avoidance of doubt, the CEMP shall address the following matters:

- (i) Procedures for maintaining good public relations including complaint management and public consultation
- (ii) Mitigation measures as defined in the British Standard BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance. Piling will not be undertaken and Best Practice alongside the application of BS 5228 shall be agreed with the LPA.
- (iv) The use of a Considerate Contractors or similar regime for the site induction of the workforce highlighting pollution prevention and awareness.
- (v) Measures to control the tracking of mud off-site from vehicles.
- (vi) Measures to control dust from the demolition and construction works approved.
- (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- (vii) Adequate provision for the delivery and storage of materials.
- (viii) Adequate provision for contractor parking.

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

#### Reason

This is a pre-commencement condition to ensure that the control required is secured from the beginning of the construction phase.

To prevent residential parking and access conflict with local residents in the local area and in the interests of the residential amenity of the occupants of nearby dwellings.

5. Prior to the commencement of the development, a tree protection plan, an arboricultural implications assessment and an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

#### Reason

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

In the interest of the health and amenity of the tree located adjacent to the east boundary of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of the development an Ecological Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority based on the recommendations provided in Section 7 of the Extended Phase 1 Habitat Survey (Abricon, dated December 2015). For the avoidance of doubt, the plan shall include a proportion of native planting as

compensation for hedgerow section removal. Development will be carried out in strict accordance with this approved plan.

Reason

This is a pre-commencement condition in order to avoid any unnecessary works in the future.

In the interests of the wildlife habitat, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

7. Prior to the commencement of the development details of surface water drainage including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory) shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the details shall include a detailed development layout showing surface water and SUDS proposals.

Reason

This is a pre-commencement condition in order to avoid any unnecessary works in the future.

In safeguard flood prevention; pollution control and environmental protection, and to comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

8. Prior to the commencement of development a full details of hard and soft landscaping work shall be submitted to and approved by the Local Planning Authority. 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. For the avoidance of doubt, the details of the hard landscaping works shall show the proposed access road and the extended footpath sharing the same surface materials, details of all street lighting layouts and equipment specification. The approved scheme shall be implemented in accordance with the approved plan with the agreed implementation programme.

Reasons

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

In the interests of the character, visual amenity of the area, residential amenity, crime prevention, and public highway safety to accord with Policy CS1, CS8 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy L1, Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Notwithstanding the submitted details, samples of all external facing materials and hard surfacing materials shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of above ground elements of the development hereby approved. Thereafter the development shall proceed in accordance with the agreed details and shall be retained as such.

Reason

In the interests of good design and the character and visual amenity of the site and the surrounding locality and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013.

10. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Monday to Friday and 08:00 until 13:00 on Saturday; 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 prevent working on site at sensitive times of the day and in the interests of the residential amenity of the occupants of nearby dwellings.

11. The development shall not be occupied for residential purposes until the vehicular parking has been provided in a completed condition. Thereafter the development shall be retained as such.

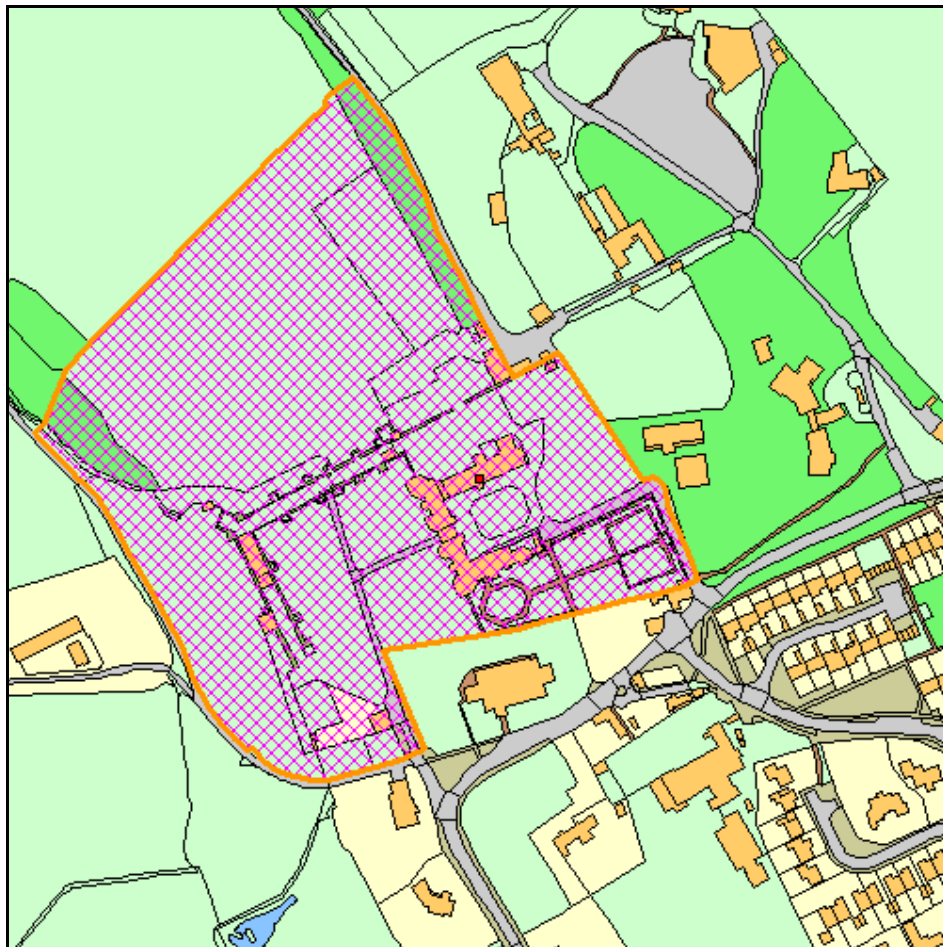
Reason

In the interests of highway safety, and to accord with the adopted South Gloucestershire Residential Parking Standards Supplementary Planning Document, and Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.



**CIRCULATED SCHEDULE NO. 06/17 – 10 FEBRUARY 2017**

<b>App No.:</b>	PT16/2637/F	<b>Applicant:</b>	Luxury Family Hotels
<b>Site:</b>	Thornbury Castle Castle Street Thornbury South Gloucestershire BS35 1HH	<b>Date Reg:</b>	10th June 2016
<b>Proposal:</b>	Erection of extension to provide 15no. additional hotel rooms, spa, restaurant and function room. Relocation of car park and 'back of house' functions and associated works	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363385 190721	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Major	<b>Target Date:</b>	7th September 2016



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 100023410, 2008. N.T.S. PT16/2637/F

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

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

### **1. THE PROPOSAL**

- 1.1 The application site relates to Thornbury Castle, which is a grade I listed building. The castle is currently operating as a hotel, which is part of the Luxury Family Hotels group.
- 1.2 There is also a Scheduled Ancient Monument (SAM) within the site and it is situated within Thornbury Conservation Area. The gardens are a grade II Registered Park and Garden.
- 1.3 The castle is located outside of the established settlement boundary of Thornbury in the open countryside, however it is not situated within the Bristol/Bath Green Belt.
- 1.4 The development proposed consists of a number of extensions to provide 15 no. new hotel rooms, a spa, a restaurant and a function room. The car park is to be relocated, as well as the 'back of house' service functions and associated works.
- 1.5 A significant number of amendments have been submitted during the course of the application in response to officer requests for amended plans and more information regarding heritage, archaeology, landscape, ecology, parking, access, waste, trees and the business and conservation need for the level of development proposed. A period of re-consultation was carried out, and the most recent set of amendments were received on 17<sup>th</sup> January 2017.
- 1.6 The associated listed building consent is currently pending consideration by the Local Planning Authority (PT16/2639/LB).

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Practice Guidance  
Planning (Listed Building and Conservation Areas) Act 1990

#### **2.2 Development Plans**

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

L1 Landscape  
L9 Species Protection  
L10 Historic Parks and Gardens and Battlefields  
L11 Archaeology  
L12 Conservation Areas  
L13 Listed Buildings

T8 Parking Standards  
T7 Cycle Parking  
T12 Transportation  
E11 Tourism

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  
CS14 Town Centres and Retail  
CS34 Rural Areas

Policies Sites and Places Development Plan Document (Submission Draft)  
June 2016

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees and Woodland  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP17 Heritage Assets  
PSP19 Wider Biodiversity  
PSP20 Flood Risk  
PSP21 Environmental Pollution  
PSP28 Rural Economy  
PSP31 Town Centre Uses

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted)  
South Gloucestershire Council Waste SPD  
Thornbury Conservation Area Advice Note 2004  
Biodiversity Action Plan SPD

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT16/5627/TCA No Objection 07/11/2016  
Works to fell various trees as detailed on the tree plan and work schedule.  
Situated in the Thornbury Conservation Area.
- 3.2 PT16/2639/LB Pending Consideration  
Erection of extension to provide 15 no. additional hotel rooms, spa, restaurant  
and function room. Relocation of car park and 'back of house' functions and  
associated works
- 3.3 PT16/024/SCR EIA Not Required 08/06/2016  
Erection of extension to provide 15no additional hotel rooms, spa, restaurant  
and function room. Relocation of car park and 'back of house' functions and  
associated works

- 3.4 PT13/2603/LB Approve with conditions 02/12/2013  
Internal alterations to convert existing staff rooms into guest accommodation in the attic space of the West range. (Re-submission of PT13/0908/LB)
- 3.5 PT13/1639/TCA No Objection 26/06/2013  
Works to fell 1no. Lawson Cypress tree situated within Thornbury Conservation Area.
- 3.6 PT13/0019/TCA No Objection 11/02/2013  
Works to various trees identified on the site plan/schedule of works received 3 January 2013 situated within Thornbury Conservation Area.
- 3.7 PT08/1132/LB Approve with conditions 07/08/2008  
Internal and external alterations to provide 2 No. additional guest rooms and alterations to 1 No. existing guest room. Alterations to provide additional kitchen facilities.
- 3.8 PT01/3243/REP Withdrawn 25/11/2008  
Alteration to existing walls and erection of roof to facilitate the provision of banqueting hall and associated facilities, construction of vehicular and pedestrian access road, construction of car park. (renewal of permission reference P94/1646).
- 3.9 P96/2456/L Approve with conditions 11/02/1997  
Conversion of part of North Range to two hotel bedrooms. Erection of pitched roof over North Range  
*This consent has not been implemented.*
- 3.10 P95/1028/L Approve with conditions 11/05/1995  
Roof repairs, replacement windows, internal alterations
- 3.11 P94/1647/L/ P94/1646 Approve with conditions 07/02/1996  
Alteration to existing walls and erection of roof to facilitate the provision of banqueting hall and associated facilities. Construction of vehicular and pedestrian access road. Construction of car park.  
*This consent has not been implemented.*
- 3.12 P92/1193/ P92/1194/L Approve with conditions 12/08/1992  
Change of use of part of north range from hotel staff bedrooms to form two hotel guest bedrooms. Erection of pitched roof over all of north range (in accordance with the plans received by the council on 6th February 1992 together with the additional details received on 21st July 1992)  
*This consent has not been implemented.*

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

- 4.1 Thornbury Town Council  
No objection, subject to approval by Listed Buildings Officer, Historic England, Ecology and Tree Officers.

Councillors support the application and the economic benefits it could bring to the town, as long as the development is sensitive to the historic building and its setting.

#### 4.2 Other Consultees

##### Transport

No objections to revised plans, subject to a condition to ensure that the car park is in a bound, permeable surface.

##### Historic England

Suggestions made for slight changes. Does not raise any further issues at this point and are content for the application to be determined in line with any comments submitted by your conservation officer.

##### Ecology Officer

Refuse based on insufficient information.

##### Archaeology

No objection in principle, subject to a condition requiring further archaeological information to be submitted prior to commencement.

##### Listed Building Officer

No objection in principle to revisions, conditions recommended.

##### Landscape Officer

No objection subject to landscaping condition.

##### Urban Design Officer

Defers to Conservation Officer's comments.

##### Economic Development

No objection.

##### Arts and Development

No comment.

##### Highway Structures

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

##### Tree Officer

Arboricultural Method Statement and Tree Protection Plan requested.

Environmental Protection  
Informatives recommended.

Lead Local Flood Authority  
SUDs condition recommended.

Wessex Water  
Bristol Water is responsible for the water supply in this area. Waste water connections will be required from Wessex Water to serve this proposed development (application to be made directly to Wessex Water).

Public Rights of Way  
No objection.

### **Other Representations**

4.3 Local Residents  
No comments received.

## **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development  
Thornbury Castle is currently occupied as a hotel by the Luxury Family Hotels group. The use as a hotel is defined as a main town centre use within the NPPF, and so an extension of hotel facilities outside of the town centre, and also outside of the settlement boundary, should be sequentially assessed in accordance with paragraph 24 of the NPPF. Preference should be given to a town centre location for a main town centre use, then edge of centre locations can be considered and then only if suitable sites are not available, then out of town sites can be considered. Ideally out of centre sites must be well connected to the town centre.

5.2 In this instance, however this normal approach to sequential testing would not lend itself to the situation in hand. The proposal is clearly an extension to an existing hotel, moreover that facility has its entire basis and experience intrinsically linked to the fact that this site is unique in nature, that is to say Thornbury castle. On that basis a rudimentary “sequential” approach would by definition indicate that it cannot be located elsewhere, so if it is to go ahead at all must be part and parcel of the existing planning unit that constitutes Thornbury Castle. Officers are satisfied that the amount of development is not of such a scale that it could operate in its own right.

Moreover, the works have also been identified by the applicant as necessary to improve viability at the site to ensure the long term maintenance of the grade I listed asset, and the siting of the new facilities within the grounds of the castle are fundamental to their success.

The sequential test is therefore not considered particularly appropriate in these unique circumstances, and in any event would be passed on this basis.

Furthermore, the application site could be described as 'edge of centre' as it is within easy walking distance from the centre of Thornbury, and so the location is sequentially preferable to an isolated rural location.

- 5.3 As the floor space proposed is in excess of 1000 square metres, which is the locally set floor space threshold within policy CS14 of the Core Strategy, an impact assessment is required in accordance with paragraph 26 of the NPPF. This should include the assessment of:
- The impact of the proposal on the existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal
  - The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made
- 5.4 Officers are of the view that the impact on investment in the centre of Thornbury will not be significantly affected. There are no existing hotels within the town centre and officers are not aware of any that have been recently approved. Furthermore, the development is not for a new facility but an extension to an existing one, adding another 15 bedrooms to a hotel which currently has 27 rooms. Given the close proximity to Thornbury town centre, the greater influx of visitors to the area will have a positive impact on the vitality and viability of the town centre, providing additional customers for local businesses. Overall the economic benefits for the town and the castle are considered to be positive.
- 5.5 Paragraph 19 of the NPPF states that significant weight should be placed on the need to support economic growth through the planning system. Given the location of the site outside of the settlement boundary of Thornbury, it is also pertinent to consider paragraph 28 of the NPPF, which supports economic growth in rural areas in order to create jobs and prosperity, and supports sustainable rural tourism. There is easy access to the centre of Thornbury from the site and so the extension of the hotel can be considered to be sustainable economic growth in a rural area, and this weighs in favour of the proposal. Policy PSP28 of the emerging Policies Sites and Places Development Plan Document allows for the intensification of existing economic uses provided that the development is within the curtilage of the existing site, it is reasonably necessary for the purposes of the business use and is clearly for the same purpose, the nature of the development would not have an adverse effect on shopping facilities in nearby settlements and must be of a scale consistent with its rural location. Information has been submitted regarding the need for the development to ensure the long term restoration and repair of the grade I listed castle, and so the criteria of policy PSP28 are considered to be met.
- 5.6 Policy E11 of the Local Plan permits new tourist accommodation provided that the development does not have unacceptable environmental impacts, does not prejudice the amenities of neighbouring occupiers, and does not give rise to unacceptable levels of traffic.

- 5.7 Whilst the economic benefits of the development are significant, it is noted that the site is also significantly environmentally sensitive. Thornbury Castle is a grade I listed building. There is also a Scheduled Ancient Monument (SAM) within the site and it is situated within Thornbury Conservation Area. The gardens are a grade II Registered Park and Garden. Policy CS9 seeks to protect and manage South Gloucestershire's environment and its resources in a sustainable way and new development will be expected to, among others, ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance; conserve and enhance the natural environment and conserve and enhance the character, quality, distinctiveness and amenity of the landscape. Policy L10 and L11 are also relevant at this site, as Thornbury Castle has significant archaeological potential and encompasses a Scheduled Ancient Monument (SAM). Policies L12 and L13 of the Local Plan seek to preserve and enhance the setting and the special character of the listed building and the Conservation area. 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, and the greater the asset, the greater the weight to be afforded to the impact when considering the planning balance.

Accordingly, whilst the economic benefit of the scheme certainly attracts weight in favour of allowing the proposal in principle, the remainder of this report concentrates on the likely impact to what is a highly sensitive environmental site.

5.8 Design and Heritage

Thornbury Castle, listed at Grade I, is a fortified castle, the principal part of which was built between circa 1511 and 1521 for Edward, 3rd Duke of Buckingham, with 19th century restoration and alterations by Anthony Salvin, and 20th century alterations. The halt to the building programme in 1521 left the outer court unfinished, and the ranges have remained in ruins since the 16<sup>th</sup> century. In the 19th century there was some masonry consolidation and alterations to the building fabric, including blocking up of doors and window openings, and inserting internal partitions. The north end of the west range was roofed, the walls plastered and a new floor added. Most of the towers were roofed and converted to various uses as outhouses.

- 5.9 The proposals take the form of utilising the existing unfinished west range for new kitchen facilities associated with a function room for events. The north range will be conserved and left as a ruin, although the existing central gateway within this range will become the entrance to a car park. North of the hotel is the former Tudor Kitchen Court. Within this area extra bedroom accommodation and a spa/swimming pool complex with café facilities is proposed. This incorporates the north wall of the castle as part of the new building. Outside the north wall a large car park is also proposed with a pedestrian access way through an existing opening in the north wall. A disabled car park and electric sub-station proposed on the site of the Scheduled Ancient Monument (SAM) have since been removed from the proposal during the course of the application at the request of officers, with the disabled parking relocated within the main car park.



- 5.10 The proposed function suite within the west range occupies the area of the building that is known to have been roofed in the 19th and early 20th century and parts of the structure still survive. The proposal is to introduce a new roof structure supported off timber columns supported in turn by a new raised floor structure which is designed to be level with the brick-filled opening on the east side. The roof will oversail the walls above the function room and the windows blocked with brick are to be reopened. The single storey part of the west range has, until recently been extensively covered in vegetation. The proposal is to insert a series of rooms and corridors along the length of the building, with toilets, kitchens, plant rooms, laundry, workshops and bin stores being provided, with a low roof barely visible over the wall tops. The turrets on the east and west of the building are proposed to be used for stores or an area for external plant.
- 5.11 The area of the site on which the spa and additional bedrooms are proposed currently has a neglected, back of house appearance with large areas of gravel hardsurfacing. The proposal is to introduce two new features to the site, an additional accommodation block and a new spa facility with indoor swimming pool and restaurant. As shown in the plans originally submitted, the two were to be constructed as a predominantly linear block, running parallel to the northern curtain wall, with access from a newly created parking area in the northern field. The building is extended west and abuts the end wall of the North Range, incorporating the eastern most tower and absorbing a later 19th century structure.
- 5.12 This scheme represents the largest new development of the castle since the 16th century, eclipsing the 19th and 20th century restorations, conversions and extensions. It is a site of outstanding national historic and architectural interest and is deservedly protected by the grade I listings, scheduled monument status, conservation area designation and Registered Park and Garden designation. Its conversion to a hotel has allowed much of the historic fabric to remain publicly accessible although lack of maintenance over a prolonged period has resulted in the deterioration of the fabric, notably the outer courtyard which was never originally completed in the 16th century. The hotel use has been operating below expectations due to the limited accommodation and facilities on offer and this, coupled with the backlog of repairs to the fabric, is affecting the viability of the site. Notwithstanding this, the scheme as originally submitted was considered to represent overdevelopment beyond what is identified as necessary for viability purposes within the submitted supporting documents. Amendments were negotiated to reduce the scheme to an acceptable scale, with the most significant change being the reduction in the monotonous expanse of the spa/bedroom building when viewed from the north, and alterations to the roof form to appear less cluttered.
- 5.13 Central to the assessment 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”*. When considering the impact of proposals, in line with paragraph 132 of the NPPF, on the significance of a designated heritage asset (in this case, a number of exceptional heritage assets), great weight should be given to the asset’s

conservation and that the more important the asset the greater the weight should be. Furthermore due to the authenticity of the existing historic fabric 'any *harm or loss should require clear and convincing justification*'. The applicant has submitted a Public Benefits Statement and a business case to demonstrate that a smaller, less intensive scheme with a smaller financial return would not be sufficient enough to restore and maintain other parts of the castle which have previously been neglected. Subject to a condition requiring a detailed Schedule of Works including method statements and specifications to be submitted and implemented in accordance with triggers to be agreed, then it is considered that the proposal would secure the optimum viable use of the heritage asset in support of its long term conservation, in accordance with the NPPF. A large number of alterations to the details were requested by the listed building officer in order to ensure that the proposed development was of a high enough quality not to detract from or cause harm to the significance of the grade I listed castle, and the Listed Building officer and Historic England now have no objection to the revised plans subject to the aforementioned Schedule of Works condition, as well as conditions securing large scale details covering specific aspects of the proposal, such as the restoration/re-glazing of each mullioned window, wall junctions and the tower bedroom roof structure.

#### 5.14 Archaeology

Following the removal of any development within the SAM area during the course of the application, during the course of the application, the Archaeology officer has no objection in principle to the proposal. Officers requested that a detailed ground disturbance and foundation plan was submitted, however this has not been forthcoming. Notwithstanding this, the Archaeology officer has had extensive discussions with the applicant on site with regards to the proposed ground disturbance to take place across the site. It is clear that even with the submission of a foundation plan, there will be large areas of the site where the archaeology cannot be preserved through design, and the development will destroy the archaeology (notably the area proposed for the new spa). Archaeology in these areas will require full recording as part of a condition, and other areas will require a watching brief during the construction works. Subject to this condition, the application is acceptable in terms of policy L11 of the Local Plan.

#### 5.15 Landscape and Vegetation

The gardens of Thornbury Castle are a grade II listed Registered Park and Garden, and so the impact of the development on the significance and character of the surrounding gardens must be assessed. The design of the car park is compact but allows space for a number of trees within the car park area and also on its boundary. There is a native hedge around the car park which will help to screen the parked cars. There is a planting bed in front of the entrance gate, but there is a concern that this planting could have a suburbanizing effect on the wall if the planting is ornamental. Native planting may help to integrate the car park with the wall, and this can be conditioned as part of a landscaping scheme. This condition will also ensure that the south of the spa building is softened by planting, for example robust climbers or espalier fruit trees. The removal of the existing leylandii is welcomed and its replacement with 1.8 metre high yew hedging will enhance the setting of the castle.

- 5.16 With regards to the kitchen court garden, the Landscape officer has recommended that the proposed Mediterranean style contemporary furniture, olive trees and large containers are replaced with landscaping which better reflects the Tudor period. Once again this will be secured with a landscaping condition. During the course of the application it was requested that the post and rail fence surrounding the horse chestnut tree to the west of the car park is removed, as it represents an out of character boundary treatment. This has not been done however the applicant has advised that the fence is to minimise danger to visitors, and the alternative would be to significantly prune the tree. On balance, the retention of the post and rail fence as part of the proposal was not considered to be so harmful that permission should be refused.
- 5.17 The majority of protected trees proposed for removal at the site are category C trees. The Tree Officer requested an Arboricultural Method Statement and Watching Brief was submitted to support the application, and this has been received. There is no objection to the development from an arboricultural perspective.
- 5.18 Transport and Waste  
A large car park is proposed to serve the new function room and the additional bedrooms, and will replace the existing informal car park within the Kitchen Court. Concerns were raised by the Transport officer with regards to the location of the disabled parking, which routed guests through the service entrance rather than having the experience of arriving at the main gates. Amendments to move the disabled parking into the main car park with access provided to the castle by raising the ground level providing a ramp have been received, and subject to a condition ensuring the surface is bound to ensure disabled access, there is no objection to this proposal.
- 5.19 An objection on the associated Listed Building consent application raised concerns about an increase in vehicular movements from the site, particularly from coaches waiting outside with their engine running and causing disruption to traffic. Tracking information has been received to demonstrate that both refuse vehicles and coaches can gain access to the site and turn within it, so this is unlikely to be an issue.
- 5.20 Ecology  
Paragraph 118 of the NPPF states that LPAs should aim to conserve and enhance biodiversity when considering proposals. If significant harm resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.
- 5.21 The site is composed of amenity grassland, scrub, ruderal vegetation, allotments, a vineyard, buildings, hardstanding and a series of Grade 1 listed walls. An Ecological Assessment was carried out in June 2015 by Ecology Solutions in order to assess the suitability of the site for protected species, and an emergence and activity survey was carried out also which did not record any evidence of bats within the site. Sub-optimal weather conditions during the surveys lead to a further emergence and activity survey being carried out in July 2015.

Clarification was sought by the Ecology officer as to the number of surveyors, their qualifications, their position within the site and the coverage of and timings of the survey. An assessment of the potential of the north and west range to support roosting bats was also requested by the Council in June 2016, immediately following the submission of the application.

5.22 Ecology Solutions submitted further information in July 2016, however this information did not fully answer the queries previously raised by the Ecology officer, specifically the timings of the survey and their positions within the site. The reason for this is due to confirmation from Ecology Solutions that two surveyors were on site, which is less than would be expected to assess a site of this size. A survey of the north and west range for bat potential was not forthcoming.

5.23 Ecology Solutions submitted a further addendum in November 2016. It advised that transects were walked within the site to assess the north and west range walls. From this assessment, Ecology Solutions stated the following:

*There are very few gaps between the stones, with in general the mortar being intact and maintained, and any gaps being superficial and not deep enough to support roosting bats.*

5.24 This statement prompted the Council's Ecologist to undertake a site visit in order to understand the assessment that had been made, and this visit revealed a large number of features with the potential to support roosting bats. These walls provide potential roosting opportunities for both summer and winter roosting by bats. In the absence of this information, the Ecology officer recommended that the application is refused due to insufficient information, contrary to policy CS9 of the Core Strategy, policy L9 of the Local Plan and the National Planning Policy Framework.

5.25 The applicant has queried whether or not the necessary surveys could be conditioned on the decision notice. Bats are afforded full protection under the European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992') implemented in Britain by the Habitat Regulations 2012 (as amended); and the Wildlife & Countryside Act 1981 (as amended). Furthermore, some bats are priority species nationally under Section 41 of the NERC Act 2006 as a species of principal importance for biological diversity in Britain; and included on South Gloucestershire's own Biodiversity Action Plan.

5.26 As European Protected Species (EPS), any planning application affecting bats or their roosts requires a licence under Regulation 53/56 of the Habitat Regulations 2012 (as amended) for development to be lawful. Judicial review in 2009 (Woolley v East Cheshire Borough Council) directed that, to fully engage with the Directive, where European Protected Species such as bats are present planning authorities should apply the same 'tests' to which EPS licence applications are subject to under Regulation 53/56 of the Habitat Regulations 2012 (as amended), although Morge (FC) v Hampshire County Council (2011) later directed that this should be with a 'lighter touch' than for EPS licences. This has also been supported more recently by Bagshaw v Wyre Borough

Council (2014). Satisfying these three EPS 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.

- 5.27 The applicant has submitted examples of cases which they consider demonstrate that conditions are appropriate. Regarding the Cheshire East v Rowland Homes Ltd (2014) judicial review, this is considered to be at odds with Natural England's standing advice and Circular 06/2005, both of which require surveys in advance of planning permission. Freeths, which are regarded as the national experts on European Protected Species and wildlife case law, are of the view that the aforementioned Morge case is the preferable authority on the need for survey data rather than the Rowland Homes case. The applicant has cited that other planning authorities have utilised conditions to secure bat surveys, however that does not set a precedent and South Gloucestershire Council will continue to assess the ecological impacts of development consistent with acknowledged case law which concurs with advice provided by Freeths.
- 5.28 It is therefore concluded that conditions are not appropriate to ensure that EPS will not be harmed by the development. It is considered that the harm to bats is likely to be significant as the grade I listed walls appear to offer multiple opportunities for both summer and winter roosting, and may either result in loss of habitat or direct physical harm to the bats during the period of construction.
- 5.29 In order to ensure that the measures in this case are proportionate and reasonable, a second ecological opinion was sought by the Council in January 2017, and this second opinion confirmed the Ecology officer's initial assessment. Paragraph 119 of the NPPF states that the presumption in favour of sustainable development (as described within paragraph 14) does not apply to development that requires appropriate assessment under the Birds or Habitats Directives. The application is therefore recommended for refusal on the grounds that the development has the potential to cause significant harm to bats, which are protected under the Habitats Directives, implemented in Britain by the Habitat Regulations 2012 (as amended); and the Wildlife & Countryside Act 1981 (as amended).
- 5.30 Residential Amenity  
An objection on the associated listed building consent has raised concerns of increase noise pollution from events at the Castle. Given the existing use as a hotel which hosts events, it is unlikely that there will be any significant increase in noise levels. The proposed development is an adequate distance from the closest residential dwelling and officers do not consider there to be an issue with privacy or overbearing structures.
- 5.31 Environmental Impacts  
There are no known environmental issues at the site. The Lead Local Flood Authority have been consulted and have requested that a Sustainable Urban Drainage System is conditioned on the decision notice in the event the application is approved. It is considered that the drainage concerns raised in a public comment on the listed building application can be adequately addressed by this condition, and the LLFA is not aware of any flood issues in the area.

### 5.32 Planning Balance

Paragraph 19 of the NPPF states that significant weight should be placed on the need to support economic growth through the planning system. It is also relevant to consider paragraph 28 of the NPPF, which supports economic growth in rural areas in order to create jobs and prosperity, and supports sustainable rural tourism. It is also considered that the proposal would secure the optimum viable use of this sensitive and important heritage asset, providing opportunities for its long term conservation, in accordance with paragraph 134 of the NPPF. The benefits of this rural economic growth in a sustainable location coupled with the benefits of securing the future of the grade I listed castle are acknowledged, and the recommendation has not been taken likely given the economic impact that delays may have on the castle as a viable business. Notwithstanding this, the Council has a statutory duty to consider the significant potential for the development to harm bats, which are a European Protected Species. The use of conditions to avoid a refusal has been considered, however as the surveys will determine whether the development is acceptable in principle or not, it would not be appropriate to do so .

5.33 On balance, it is recommended that the application is refused, because there is not sufficient information to ensure that the development, if approved, would not be harmful to bats. This would be contrary to policy CS9 of the Core Strategy, policy L9 of the Local Plan, the National Planning Policy Framework and the Habitat Regulations 2012 (as amended).

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That planning permission is **REFUSED** for the reasons on the decision notice.

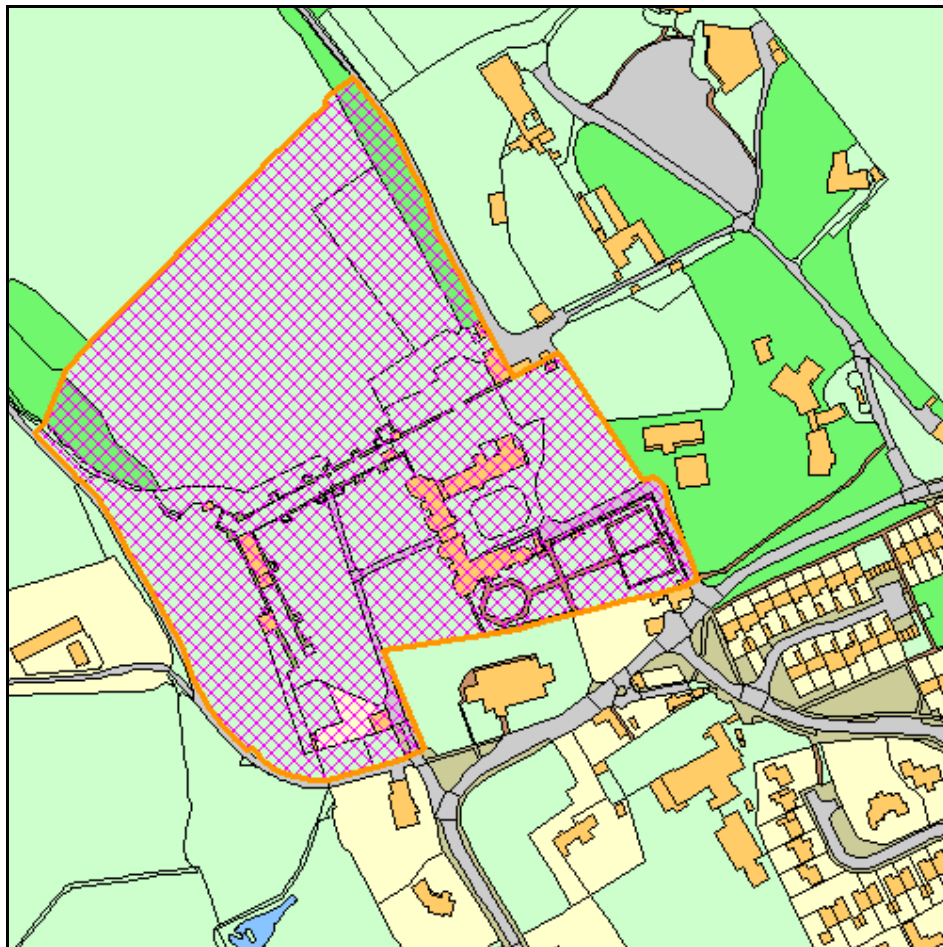
**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 862217**

## **REFUSAL REASON**

1. The proposal has potential to cause significant harm to bats. Bats are a European Protected Species, afforded full protection under the European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992') implemented in Britain by the Habitat Regulations 2012 (as amended); and the Wildlife & Countryside Act 1981 (as amended). The Ecological Appraisal by Ecology Solutions submitted in June 2016, the subsequent letter dated 26th July 2016 and the Addendum Briefing Note dated November 2016 do not contain sufficient information to ensure that the development, if approved, would not be harmful to bats. This is contrary to policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework, and is also contrary to the Habitat Regulations 2012 (as amended).

**CIRCULATED SCHEDULE NO. 06/17 – 10 FEBRUARY 2017**

<b>App No.:</b>	PT16/2639/LB	<b>Applicant:</b>	Luxury Family Hotels
<b>Site:</b>	Thornbury Castle Castle Street Thornbury South Gloucestershire BS35 1HH	<b>Date Reg:</b>	10th June 2016
<b>Proposal:</b>	Erection of extension to provide 15no. additional hotel rooms, spa, restaurant and function room. Relocation of car park and 'back of house' functions and associated works	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363385 190721	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd August 2016



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 100023410, 2008. N.T.S. PT16/2639/LB



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

This application appears on the Council's Circulated Schedule procedure alongside the associated application for full planning permission (PT16/2637/F) which received comments from the Town Council to the contrary of the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application site relates to Thornbury Castle, which is a grade I listed building. The castle is currently operating as a hotel, which is part of the Luxury Family Hotels group.
- 1.2 There is also a Scheduled Ancient Monument (SAM) within the site and it is situated within Thornbury Conservation Area. The gardens are a grade II Registered Park and Garden.
- 1.3 The castle is located outside of the established settlement boundary of Thornbury in the open countryside, however it is not situated within the Bristol/Bath Green Belt.
- 1.4 The development proposed consists of a number of extensions to provide 15 no. new hotel rooms, a spa, a restaurant and a function room. The car park is to be relocated, as well as the 'back of house' service functions and associated works.
- 1.5 A significant number of amendments have been submitted during the course of the application in response to officer requests for amended plans and more information relating to the impact on the heritage assets. A period of re-consultation was carried out, and the most recent set of amendments were received on 17<sup>th</sup> January 2017.
- 1.6 The associated application for full planning consent is currently pending consideration by the Local Planning Authority (PT16/2637/F).

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Planning (Listed Buildings and Conservation Areas) Act 1990
- 2.2 Development Plan  
  
South Gloucestershire Local Plan (Adopted) January 2006  
L13 Listed Buildings  
  
South Gloucestershire Core Strategy (Adopted) December 2013  
CS1 High Quality Design  
CS9 Managing the Environment and Heritage

### 3. RELEVANT PLANNING HISTORY

- 3.1 PT16/5627/TCA No Objection 07/11/2016  
Works to fell various trees as detailed on the tree plan and work schedule. Situated in the Thornbury Conservation Area.
- 3.2 PT16/2637/F Pending Consideration  
Erection of extension to provide 15 no. additional hotel rooms, spa, restaurant and function room. Relocation of car park and 'back of house' functions and associated works
- 3.3 PT16/024/SCR EIA Not Required 08/06/2016  
Erection of extension to provide 15no additional hotel rooms, spa, restaurant and function room. Relocation of car park and 'back of house' functions and associated works
- 3.4 PT13/2603/LB Approve with conditions 02/12/2013  
Internal alterations to convert existing staff rooms into guest accommodation in the attic space of the West range. (Re-submission of PT13/0908/LB)
- 3.5 PT13/1639/TCA No Objection 26/06/2013  
Works to fell 1no. Lawson Cypress tree situated within Thornbury Conservation Area.
- 3.6 PT13/0019/TCA No Objection 11/02/2013  
Works to various trees identified on the site plan/schedule of works received 3 January 2013 situated within Thornbury Conservation Area.
- 3.7 PT08/1132/LB Approve with conditions 07/08/2008  
Internal and external alterations to provide 2 No. additional guest rooms and alterations to 1 No. existing guest room. Alterations to provide additional kitchen facilities.
- 3.8 PT01/3243/REP Withdrawn 25/11/2008  
Alteration to existing walls and erection of roof to facilitate the provision of banqueting hall and associated facilities, construction of vehicular and pedestrian access road, construction of car park. (renewal of permission reference P94/1646).
- 3.9 P96/2456/L Approve with conditions 11/02/1997  
Conversion of part of North Range to two hotel bedrooms. Erection of pitched roof over North Range  
*This consent has not been implemented.*
- 3.10 P95/1028/L Approve with conditions 11/05/1995  
Roof repairs, replacement windows, internal alterations
- 3.11 P94/1647/L/ P94/1646 Approve with conditions 07/02/1996  
Alteration to existing walls and erection of roof to facilitate the provision of banqueting hall and associated facilities. Construction of vehicular and pedestrian access road. Construction of car park.

*This consent has not been implemented.*

- 3.12 P92/1193/ P92/1194/L Approve with conditions 12/08/1992  
Change of use of part of north range from hotel staff bedrooms to form two hotel guest bedrooms. Erection of pitched roof over all of north range (in accordance with the plans received by the council on 6th February 1992 together with the additional details received on 21st July 1992)  
*This consent has not been implemented.*

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

- 4.1 Thornbury Town Council  
No objection, subject to approval by listed building officer, Historic England and ecology and tree officers.

4.2 Other Consultees

Listed Building and Conservation

No objection in principle to revisions, conditions recommended.

Ecology

Refuse based on insufficient information.

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

Suggestions made for slight changes. Does not raise any further issues at this point and are content for the application to be determined in line with any comments submitted by your conservation officer.

#### **Other Representations**

- 4.3 Local Residents  
Two letters of objection have been received stating the following:

- Access is narrow and not wide enough for coaches, causing traffic disruption
- Increased noise pollution
- Electricity sub-station will cause noise and spoil beauty spot
- Car park spoils place of great beauty and history
- Castle needs to be preserved not expanded for profit
- Knock on effects for flood risk down stream

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The main issue to consider in this application is the impact of the proposed works on the special architectural and historic significance of the listed building.

### 5.2 Consideration of Proposal

Thornbury Castle, listed at Grade I, is a fortified castle, the principal part of which was built between circa 1511 and 1521 for Edward, 3rd Duke of Buckingham, with 19th century restoration and alterations by Anthony Salvin, and 20th century alterations. The halt to the building programme in 1521 left the outer court unfinished, and the ranges have remained in ruins since the 16<sup>th</sup> century. In the 19th century there was some masonry consolidation and alterations to the building fabric, including blocking up of doors and window openings, and inserting internal partitions. The north end of the west range was roofed, the walls plastered and a new floor added. Most of the towers were roofed and converted to various uses as outhouses.

5.3 The proposals take the form of utilising the existing unfinished west range for new kitchen facilities associated with a function room for events. The north range will be conserved and left as a ruin, although the existing central gateway within this range will become the entrance to a car park. North of the hotel is the former Tudor Kitchen Court. Within this area extra bedroom accommodation and a spa/swimming pool complex with café facilities is proposed. This incorporates the north wall of the castle as part of the new building. Outside the north wall a large car park is also proposed with a pedestrian access way through an existing opening in the north wall. A disabled car park and electric sub-station proposed on the site of the Scheduled Ancient Monument (SAM) have since been removed from the proposal during the course of the application at the request of officers, with the disabled parking relocated within the main car park.

5.4 The proposed function suite within the west range occupies the area of the building that is known to have been roofed in the 19th and early 20th century and parts of the structure still survive. The proposal is to introduce a new roof structure supported off timber columns supported in turn by a new raised floor structure which is designed to be level with the brick-filled opening on the east side. The roof will oversail the walls above the function room and the windows blocked with brick are to be reopened. The single storey part of the west range has, until recently been extensively covered in vegetation. The proposal is to insert a series of rooms and corridors along the length of the building, with toilets, kitchens, plant rooms, laundry, workshops and bin stores being provided, with a low roof barely visible over the wall tops.

The turrets on the east and west of the building are proposed to be used for stores or an area for external plant.

- 5.5 The area of the site on which the spa and additional bedrooms are proposed currently has a neglected, back of house appearance with large areas of gravel hardsurfacing. The proposal is to introduce two new features to the site, an additional accommodation block and a new spa facility with indoor swimming pool and restaurant. As shown in the plans originally submitted, the two were to be constructed as a predominantly linear block, running parallel to the northern curtain wall, with access from a newly created parking area in the northern field. The building is extended west and abuts the end wall of the North Range, incorporating the eastern most tower and absorbing a later 19th century structure.
- 5.6 This scheme represents the largest new development of the castle since the 16th century, eclipsing the 19th and 20th century restorations, conversions and extensions. It is a site of outstanding national historic and architectural interest and is deservedly protected by the grade I listings, scheduled monument status, conservation area designation and Registered Park and Garden designation. Its conversion to a hotel has allowed much of the historic fabric to remain publicly accessible although lack of maintenance over a prolonged period has resulted in the deterioration of the fabric, notably the outer courtyard which was never originally completed in the 16th century. The hotel use has been operating below expectations due to the limited accommodation and facilities on offer and this, coupled with the backlog of repairs to the fabric, is affecting the viability of the site. Notwithstanding this, the scheme as originally submitted was considered to represent overdevelopment beyond what is identified as necessary for viability purposes within the submitted supporting documents. Amendments were negotiated to reduce the scheme to an acceptable scale, with the most significant change being the reduction in the monotonous expanse of the spa/bedroom building when viewed from the north, and alterations to the roof form to appear less cluttered.
- 5.7 Central to the assessment 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”*. When considering the impact of proposals, in line with paragraph 132 of the NPPF, on the significance of a designated heritage asset (in this case, a number of exceptional heritage assets), great weight should be given to the asset’s conservation and that the more important the asset the greater the weight should be. Furthermore due to the authenticity of the existing historic fabric *‘any harm or loss should require clear and convincing justification’*. The applicant has submitted a Public Benefits Statement and a business case to demonstrate that a smaller, less intensive scheme with a smaller financial return would not be sufficient enough to restore and maintain other parts of the castle which have previously been neglected. Subject to a condition requiring a detailed Schedule of Works including method statements and specifications to be submitted and implemented in accordance with triggers to be agreed, then it is considered that the proposal would secure the optimum viable use of the heritage asset in support of its long term conservation, in accordance with the

NPPF. A large number of alterations to the details were requested by the listed building officer in order to ensure that the proposed development was of a high enough quality not to detract from or cause harm to the significance of the grade I listed castle, and the Listed Building officer and Historic England now have no objection to the revised plans subject to the aforementioned Schedule of Works condition, as well as conditions securing large scale details covering specific aspects of the proposal, such as the restoration/re-glazing of each mullioned window, wall junctions and the tower bedroom roof structure.

5.8 Ecology

Whilst ecology issues are predominantly assessed under the remit of the full planning application, the Council must still act under its wider statutory duty to consider the Habitat Directive 2012 (as amended). Attention should be paid to the Conservation (Natural Habitats, &c.) Regulations 1994, s3(4) which states "*Without prejudice to the preceding provisions, every competent authority in the exercise of any of their functions, shall have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions*". The impact on protected species is therefore considered to be a material consideration in the determining of this application for listed building consent.

5.9 As part of the full planning application (PT16/2637/F), an objection from the Ecology officer has been raised on the grounds of insufficient information. The applicant has queried whether or not the necessary surveys could be conditioned on the decision notice. Bats are afforded full protection under the European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992') implemented in Britain by the Habitat Regulations 2012 (as amended); and the Wildlife & Countryside Act 1981 (as amended). Furthermore, some bats are priority species nationally under Section 41 of the NERC Act 2006 as a species of principal importance for biological diversity in Britain; and included on South Gloucestershire's own Biodiversity Action Plan.

5.10 As European Protected Species (EPS), any application affecting bats or their roosts requires a licence under Regulation 53/56 of the Habitat Regulations 2012 (as amended) for development to be lawful. Judicial review in 2009 (Woolley v East Cheshire Borough Council) directed that, to fully engage with the Directive, where European Protected Species such as bats are present planning authorities should apply the same 'tests' to which EPS licence applications are subject to under Regulation 53/56 of the Habitat Regulations 2012 (as amended), although Morge (FC) v Hampshire County Council (2011) later directed that this should be with a 'lighter touch' than for EPS licences. This has also been supported more recently by Bagshaw v Wyre Borough Council (2014). Satisfying these three EPS 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.

5.11 The applicant has submitted examples of cases which they consider demonstrate that conditions are appropriate. Regarding the cited Cheshire East v Rowland Homes Ltd (2014) judicial review, this is considered to be at odds with Natural England's standing advice and Circular 06/2005, both of which require surveys in advance of consent being granted. Freeths, which are

regarded as the national experts on European Protected Species and wildlife case law, are of the view that the aforementioned Morge case is the preferable authority on the need for survey data rather than the Rowland Homes case. The applicant has cited that other planning authorities have utilised conditions to secure bat surveys, however that does not set a precedence and South Gloucestershire Council will continue to assess the ecological impacts of development consistent with acknowledged case law which concurs with advice provided by Freeths.

5.12 It is therefore concluded that conditions are not appropriate to ensure that EPS will not be harmed by the development. It is considered that the harm to bats is likely to be significant as the grade I listed walls appear to offer multiple opportunities for both summer and winter roosting, and may either result in loss of habitat or direct physical harm to the bats during the period of construction.

5.13 The application for listed building consent is therefore recommended for refusal on the grounds that the development has the potential to cause significant harm to bats, which are protected under the Habitats Directives, implemented in Britain by the Habitat Regulations 2012 (as amended); and the Wildlife & Countryside Act 1981 (as amended).

5.14 Other Issues

Objections received relating to traffic, noise pollution and flood risk have been addressed in the officer report for the full planning application (PT16/2637/F).

## 6. CONCLUSION

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

## 7. RECOMMENDATION

7.1 That listed building consent is **REFUSED**.

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 862217**

## REASONS FOR REFUSAL

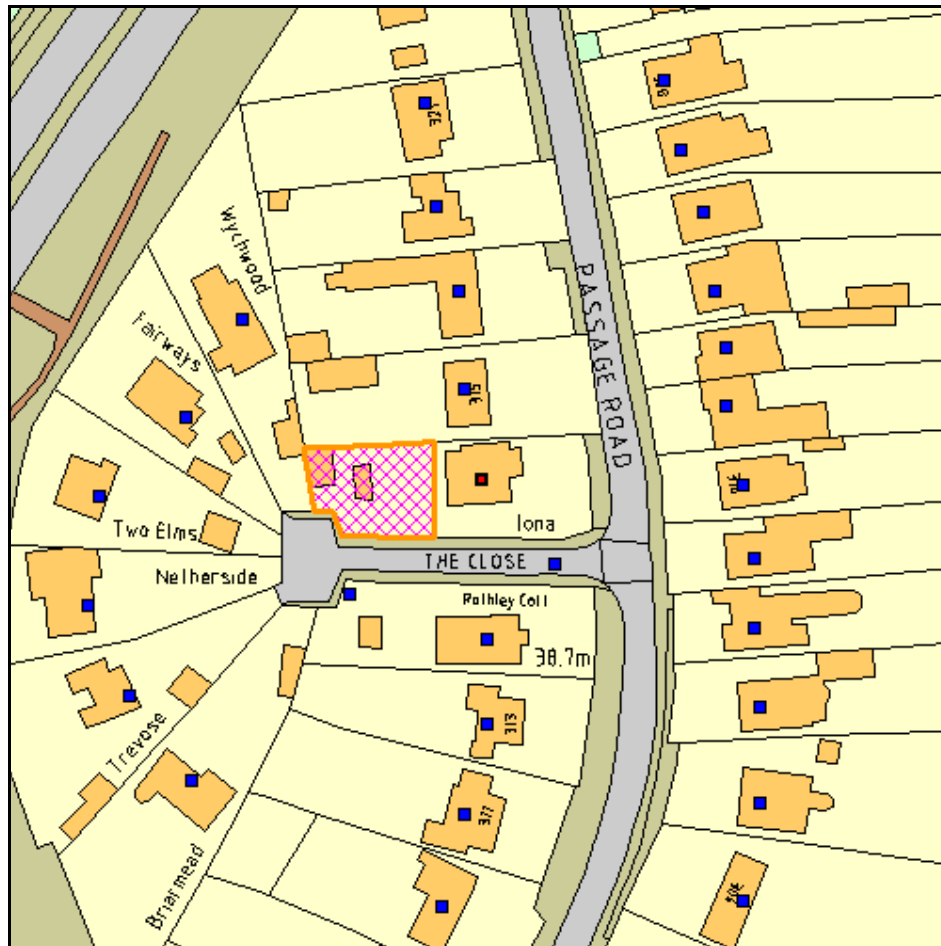
1. The proposal has potential to cause significant harm to bats. Bats are a European Protected Species, afforded full protection under the European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992') implemented in Britain by the Habitat Regulations 2012 (as amended); and the Wildlife & Countryside Act 1981 (as amended). The Ecological Appraisal by Ecology Solutions submitted in June 2016, the subsequent letter dated 26th July 2016 and the Addendum Briefing Note dated November 2016 do not contain sufficient information to ensure that the development, if approved, would not be harmful to bats. This is contrary to policy L9 of the South Gloucestershire Local Plan

(Adopted) January 2006, policy CS9 of the South Gloucestershire Core Strategy  
(Adopted) December 2013 and the National Planning Policy Framework, and is also  
contrary to the Habitat Regulations 2012 (as amended).



**CIRCULATED SCHEDULE NO. 06/17 – 10 FEBRUARY 2017**

<b>App No.:</b>	PT16/5428/F	<b>Applicant:</b>	Mr Clive Shorney
<b>Site:</b>	Land Adjacent To Iona The Close Almondsbury South Gloucestershire BS10 7TF	<b>Date Reg:</b>	7th October 2016
<b>Proposal:</b>	Erection of 1no detached dwelling with access and associated works.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	357012 180125	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st December 2016



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 100023410, 2008. **N.T.S.** **PT16/5428/F**

## **THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a detached two-storey 4-bed dwelling on land adjacent to Iona, The Close, Almondsbury. During the course of the application, a revised proposal has been submitted to remove a first floor Juliet balcony from the proposed east elevation, install roof lights on the proposed north elevation. In addition, there are some slight changes to relocate the proposed dwelling further away from the northern boundary by approximately 0.5 metres. A change has also been made to the proposed access, which would be adjacent to the existing garage instead of to the front of the proposed dwelling. The existing detached garage would be retained for the dwelling proposed and an additional off-street parking space would be provided.
- 1.2 The application site comprises of the existing garden, garage and parking area associated with Iona. The recent site visits revealed that the application site has already been sold and separated from Iona. The locality and the Close are residential in character although the neighbouring dwellings take a variety of forms. Officers also noted that a contemporary design two-storey detached dwelling has been recently constructed, and it was approved under PT15/2509/F.

## **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 (Adopted) January 2006 (saved policies)  
L1 Landscape Protection and Enhancement  
H4 Development in residential curtilages  
T12 Highway safety  
  
South Gloucestershire Local Plan Core Strategy (Adopted) December 2013  
CS1 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 Urban Area
- 2.3 Supplementary Planning Guidance  
Residential Parking Standards SPD (Adopted)  
South Gloucestershire Design Checklist (Adopted)

## **3. RELEVANT PLANNING HISTORY**

The site has been subject to the following planning appeals in the past.

- 3.1 PT08/1756/F Erection of 1 no. dwelling with associated works. (Resubmission of PT07/1287/F) Refused and subsequently dismissed for the following reasons:
- a. *The proposal would introduce a form of development out of keeping with the general pattern of development within the locality which is characterised by larger standard size plots. The proposal would therefore result in a cramped form of development detrimental to the visual amenities of the locality and contrary to Planning Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.*
  - b. *The proposal is likely to lead to future pressure for front and side boundary treatments which would appear prominent within, and detrimental to the street scene. The proposal is therefore considered to be contrary to Planning Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Guidance.*
  - c. *The application fails to provide any mitigation measures to offset the impact of the proposal on the Bristol north fringe highway network. The proposal is therefore considered to be contrary to Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.*
- 3.2 PT07/1287/F Erection of 1 no. dwelling with associated works. Refused and subsequently dismissed for the following reasons:
- a. *The proposal would introduce a form of development out of keeping with the general pattern of development within the locality which is characterised by larger standard sized plots. The proposal would therefore result in a cramped form of development detrimental to the visual amenities of the locality and contrary to planning policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*
  - b. *It is considered that the proposed dwelling house by reason of its design and the materials proposed would be out of keeping with the character of development within the locality and detrimental to the visual amenities of the area. The proposal is therefore considered contrary to Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*
  - c. *The proposal does not allow any private amenity space to serve the existing dwelling and is likely to lead to future pressure for front and side boundary treatments which would appear prominent within, and detrimental to the street scene. The proposal is therefore considered to be contrary to Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*

It should be noted that the following application has been recently approved for a detached dwelling opposite the application site.

- 3.3 PT15/2509/F Erection of 1no. detached dwelling and associated works at Rothley Cottage. Approved 06.08.2015

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

4.1 Almondsbury Parish Council  
No response received

##### Other Consultees

4.2 Lead Local Flood Authority  
No objection

4.3 Transportation Development Control  
No objection to the revised proposal.

4.4 Ecology Officer  
No objection subject to condition seeking enhancement to the local biodiversity.

4.5 Highway Structure  
No objection, advised the responsibility for maintenance for any highway structure.

4.6 Archaeology Officer  
No objection subject to condition seeking an archaeological watching brief.

##### **Other Representations**

4.7 Local Residents  
Eight no. petition objection letters have been received and the local residents raise the following concerns:

- Not at all in keeping with the area, which comprises of mainly detached 1930 built bungalows and dormer houses
- There have been several unsuccessful applications to squeeze another residential property on this plot, yet another classic case of garden grabbing
- Another revised version of previous application PT08/1756/F and PT07/1287/F.
- Cramped form of development, detrimental to the street scene and visual amenity of the location.

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

5.1 The application stands to be assessed against the above listed policies and all material considerations. On 27<sup>th</sup> March 2012 the National Planning Policy Framework (NPPF) was published. The policies in this Framework are to be applied from this date with due weight being given to the saved policies in the South Gloucestershire Local Plan 2006 (SGLP) subject to their degree of consistency with this Framework. It is considered that the Local Plan policies as stated in this report are broadly in compliance with the NPPF.

5.2 The Annual Monitoring Report (December 2016) shows that South Gloucestershire Council does not currently have a five year housing land supply. As such paragraph 49 of the NPPF is engaged and Policy CS5 is considered out of date. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF goes on to state that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Notwithstanding the above, the adopted development plan is the starting position. As the application is situated within an existing settlement boundary, therefore the adopted Core Strategy and the adopted Local Plan supports the proposal in principle. All issues relating to impact on residential amenity, the design, highway safety and other environmental issues are discussed below.

5.3 Residential Amenity

The application site lies to the west of Iona and to the south of 315 Passage Road. It was formerly part of the garden for Iona and has now been separated. Therefore the closest residential properties would be Iona, 315 Passage Road, Wychwood and UMBERLEIGH, which is a recently constructed dwelling lying opposite to the application site.

5.4 Impact on Iona:

The proposed new dwelling will be located to the west of Iona and there is an existing garden fence separately the proposed dwelling and Iona. Iona has its own garden to the east. Although the primary garden area of Iona would be facing Passage Road, it is considered that the garden area is functional and safe, reasonable sized to the Iona. As such, it is not considered that the proposal would result in a cramped form development to Iona. Regarding the siting of the proposed dwelling, the original first floor Juliet balcony has been removed and there would be a reasonable distance between Iona and the side elevation of the proposed dwelling, there would not be any unreasonable overbearing or overlooking impact upon Iona.

5.5 Impact on 315 Passage Road:

The local resident has an objection to the proposed scheme. The site has been subject to 2 no. planning applications in the past and both of them have been dismissed by the Planning Inspector. The 2007 proposal was to erect a 1.5 storey detached dwelling and the 2008 proposal was to erect a single storey dwelling. In the 2007 appeal, the Planning Inspector states that the scale and siting of the new dwelling would have an imposing impact on the outlook and environs of the neighbouring property, no. 315 Passage Road given the close proximity of the new property to the northern boundary of the site (about 2.2 metres). The 2008 proposal, the Planning Inspector considered that the proposal would appear to be cramped due to its limited size.

5.6 The current proposal would be different from the previous scheme in terms of its scale and design. Although the dwelling would be higher than the previous proposal, it would sit further away from the northern boundary by between approximately 3.8 to 4.9 metres, instead of 2.2 metres which was previously

proposed. In addition, the proposed dwelling is also slightly further away from the adjacent property, and it would be approximately 7.7metres from the north eastern corner of the site (and approximately 10.98 metres to the corner of the neighbouring dwelling). Furthermore, the proposed dwelling has also been carefully designed in order to avoid any direct overlooking upon the neighbouring property. Whilst there is a degree of overbearing and overshadowing impact upon No. 315 given its scale and location and the proposed dwelling would be visible from this neighbouring property, it is considered the potential adverse impact, on balance, would not be significant to be detrimental to the living conditions of the neighbouring property to warrant a refusal of this application given that there would be a reasonable 'gap between the new dwelling and Iona. It is considered that the proposal has addressed the previous refusal reasons by relocating the new dwelling further away from the northern boundary. Nevertheless, it is considered that it would be necessary to impose a condition restricting new openings or windows in the rear elevation of the new dwelling in order to protect the amenity of the neighbouring property.

5.7 Impact on Wychwood

The proposal would retain the existing garage and the new dwelling would be approximately 20 metres from the frontage of Wychwood. As such it is considered that the proposed dwelling would cause an unreasonable adverse impact, in terms of overlooking or overbearing impact upon this neighbouring property.

5.8 Impact on Umberleigh

Umberleigh is a two-storey detached dwelling and located opposite to the application site. The proposed dwelling would share similar frontage of the Iona. It is considered that there would be reasonable distance between two dwellings and the siting is acceptable. The impact upon the residential amenity of Umberleigh deems to be acceptable.

5.9 Design and Visual Amenity

In the previous appeal decisions, the Planning Inspector has considered that the erection of 1 no. dwelling on this site would represent a cramped form development and as such would be detrimental to the character and appearance of the area. The Close is characterised by a group of residential properties with a mix of different styles and forms. Although the proposed dwelling, in terms of its design and scale, would be different from other properties within the locality, it is considered that the new dwelling has retained some traditional architectural features which would be in harmony with surrounding properties. Paragraph 60 of the National Planning Policy Framework states that planning policies and decision should not attempt to impose architectural styles or particular tastes, as such, the design of the proposed dwelling is considered acceptable.

5.10 Regarding the 'cramped' nature of the development, the current proposal would allow a reasonable amenity space of a maximum of 5 metres deep between the proposed dwelling and the boundary. The emerging Local Plan- Proposed Submission: Policies, Sites and Places, Plan advises that an outdoor amenity space of 70 square metres for a 4 bed dwelling would be reasonable.

Although the emerging plan is currently given limited weight, it is considered that the proposal would meet this guidance. Whilst the proposed dwelling would not provide a similar sized amenity space like other properties in the Close, it is considered that the site layout for the scheme has achieved good quality of standard, and would not result in a cramped form development. In addition, Iona would also retain a reasonable sized amenity space, which is approximately 204 sq metres and this would be above the suggested size in the emerging PSP. As such, the proposal would not cause an unacceptable adverse impact upon the character and appearance of the area.

#### 5.11 Transportation

During the course of the application, a revised proposal was submitted to demonstrate that there would be 2 no. off-street parking spaces within the curtilage. The agent has subsequently submitted an amended scheme, which is to provide one off-street parking and relocate the access adjacent to the existing garage. The Highway Officer has considered that the provision of off-street parking is acceptable given that both existing garage and off-street parking space are adequate in size, and this is in accordance with the Residential Parking Standards SPD. Regarding the proposed access, the Highway Officer has no objection as this would not cause any highway safety issues given its location.

- 5.12 Officers noted that the previous Planning Inspector's consideration regarding the potential incremental damage that could be caused to the 'north fringe' in terms of traffic congestion. Since the determination of the previous planning applications in 2007 and 2008, there have been a number of fundamental changes regarding the Development Plan. In particular, the introduction of a number of new neighbourhood allocations and the Cribb Patchway New Neighbourhood is one of them. Also, legislation was introduced in 2010 to allow the Council to set a Community Infrastructure Levy (CIL), which means that councils will be able to raise funds from developers carrying out building projects in their area for spending on infrastructure such as new schools, open space, or public transport. The Council has subsequently adopted the CIL & S106 Supplementary Planning Document in March 2015. In previous applications, the Highway Authority sought a financial contribution to provide any mitigation measures to off-set the impact on the Bristol North Fringe Highway network, given the introduction of the new neighbourhoods and CIL, it is considered that such financial contribution would not be justified for the proposal for the erection of 1 no. additional dwelling in this instance.

#### 5.13 Ecological Issues

No ecological information has been submitted with this application, and it is noted that there are records for bats and hedgehog in close proximity to the application site. Officers however consider that the potential impact on these species would not be significant subject to a condition seeking an installation of bat and bird boxes in order to enhance the biodiversity of the site.

5.14 Archaeological Issues

The site lies within an area of archaeological potential as evidenced recently by nearby excavations. Despite the presence of a shed and garage on the site it is considered that the construction of a new dwelling, which will be sited to the east, has the potential to impact on undisturbed archaeological deposits and therefore a condition is imposed to seek an archaeological watching brief is undertaken during all ground works.

5.15 Removal of permitted development rights

As discussed in the preceding paragraphs, the site is situated within the close proximity to the adjacent residential properties, it is considered that it would be necessary to remove some of the householder permitted development rights to safeguard the amenity of the neighbouring residents.

5.16 The Planning Balance

As set out above, the proposal would provide a positive contribution in meeting the shortfall identified in respect of the five-year housing land supply. Paragraph 49 of the National Planning Policy Framework 'NPPF' is relevant and this application must now be considered in line with the 'presumption in favour of sustainable development set out in Paragraph 14 of the NPPF. Officers consider that the proposal would comply with the policies set in the adopted Core Strategy and the saved policies of the adopted Local Plan. As such it is considered that the development is acceptable and on this basis is representative of sustainable development.

5.17 The proposal is for the erection of 1 no. new dwellings and the benefits of new housing to the housing supply is given a modest weight. It is considered that the proposal represents a sustainable development in terms of the NPPF three strands (social, economic and environmental). Whilst it is acknowledged that a degree of impact would occur in respect of the residential amenity of the neighbouring properties and the general character and appearance of the locality, officers consider that these are not to a degree where it would significantly and demonstrably outweigh the benefit; which is the provision of new housing, and that there are no significant or demonstrable harms that outweigh the benefit such that the presumption in favour should be resisted. On this basis, officers consider that there is moderate weight in favour of granting planning consent in respect of this application.

**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 2016) and the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.



## 7. RECOMMENDATION

7.1 That planning permission is granted subject to the following conditions:

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

### CONDITIONS

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

Reason

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

2. Removal of Permitted Development Rights

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, C, and E) 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 protect the residential amenity of the neighbouring dwellings and to comply with the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) and saved Policy H4 of the South Gloucestershire Local Plan (Adopted).

3. Restrictions on fenestration

No windows, dormers or rooflights other than those shown on the plans hereby approved shall be inserted at any time in the first floor north or east elevation of the dwelling hereby approved.

Reason

To prevent unacceptable overlooking and loss of privacy for neighbouring dwellings and to comply with the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) and saved Policy H4 of the South Gloucestershire Local Plan (Adopted).

4. Archaeological Watching Brief (Pre-commencement condition)

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 a pre-commencement condition to avoid any unnecessary irreversible damages to the archaeological interests of the site.

5. Boundary Treatment

Notwithstanding the submitted plans,, details of boundary treatments shall be submitted to the Local Planning Authority for approval prior to the installation of any boundary treatment of the site. Development shall be carried out in accordance with the agreed details prior to the first occupation of the dwelling hereby approved.

Reason

In the interests of the character of the site and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

6. External Materials

Notwithstanding the submitted details, prior to the commencement of the relevant part of the development hereby approved, samples and details of the roofing and all 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 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

7. Installation of Bat box and Bird box

Prior to the first occupation of the development hereby approved, details of the location and type of bat box and bird box shall be submitted to and approved in writing by the Local Planning Authority, and the approved bat and bird boxes shall be installed prior to the first occupation of the approved development.

Reason

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

8. Provision of off-street parking spaces

Notwithstanding the submitted proposed ground floor plan, Drawing No 106 Rev B, the off-street parking facilities shall provided in accordance with the proposed site layout plan and garage elevation, Drawing No. 105 Rev D, before the new dwelling is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with the Residential Parking Standards SPD (Adopted), Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) and T12 of the South Gloucestershire Local Plan (Adopted).

9. Construction Hours

The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 Mondays to Fridays, and 08.00 to 13.00 Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

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

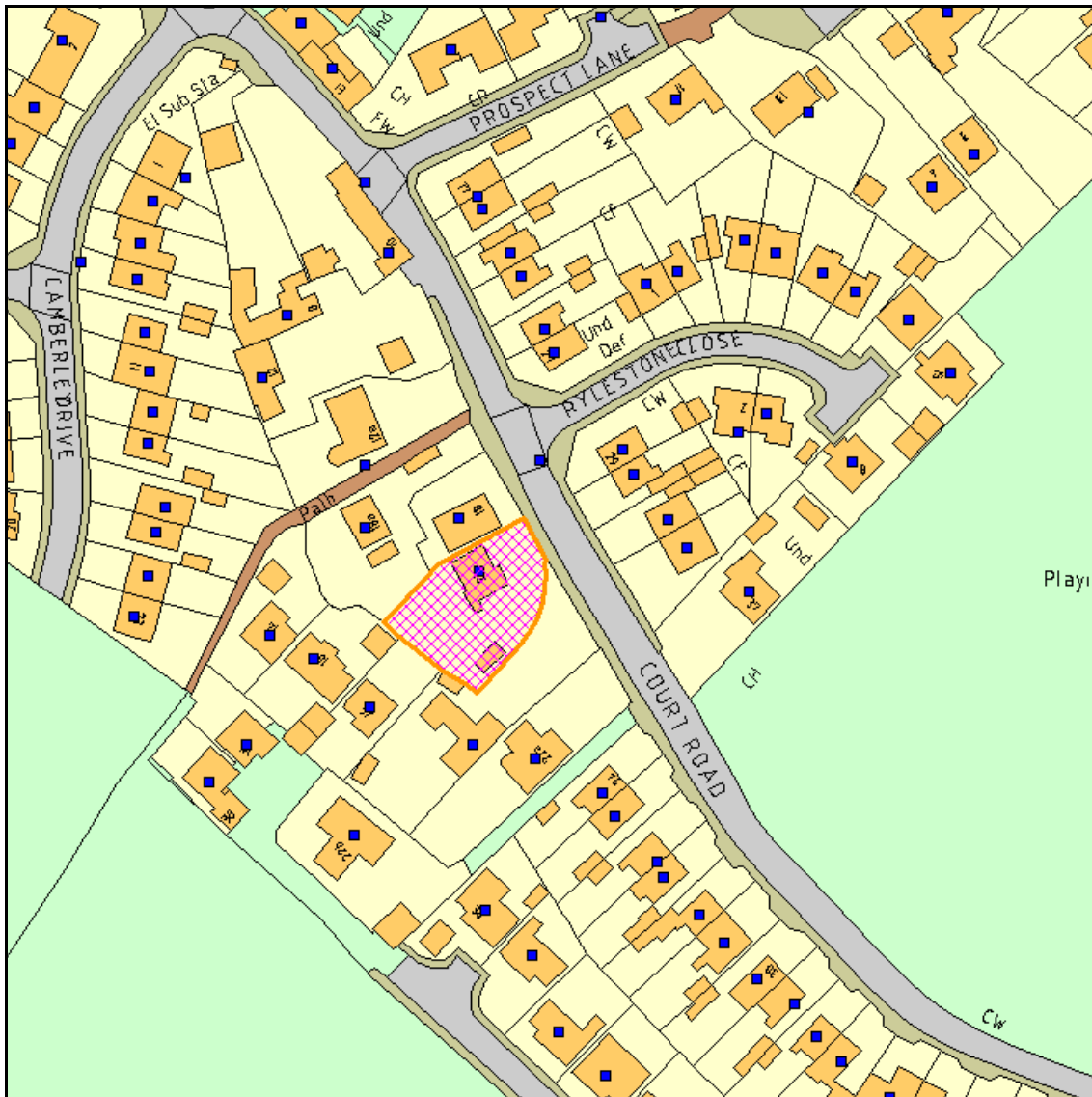
Site Location Plan, Existing Block Plan, Site Layout Plan and Garage Elevations, Drawing No. IONA/01, IONA/02 and IONA/04, received on 29/9/2016  
Revised Proposed Site Layout Plan and Garage Elevation, Drawing No IONA/05 Rev D, received on 30 January 2017  
Revised Proposed Elevations and Floor Plans, Drawing No. IONA/06 Rev B, IONA/07 Rev B, IONA/08 Rev B, received on 2 December 2016, and  
Proposed North Elevations and Section Drawing, Drawing No. IONA/14, received on 2 January 2017.

Reason

The application has been assessed on the basis of the submitted plans and to safeguard the historic interests of the site and the amenity of the locality, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013, and the provisions of the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 06/17 – 10 FEBRUARY 2017**

<b>App No.:</b>	PT16/6147/F	<b>Applicant:</b>	Mr Mathew Hemmings
<b>Site:</b>	20 Court Road Frampton Cotterell South Gloucestershire BS36 2DE	<b>Date Reg:</b>	17th November 2016
<b>Proposal:</b>	Demolition of existing garage. Erection of two storey front, two storey rear extensions and installation of 1no front and 1no rear dormers to facilitate loft conversion. Erection of 1 no detached dwelling and associated works.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365805 181677	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	10th January 2017



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 100023410, 2008. N.T.S. PT16/6147/F

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

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the demolition of an existing garage, the erection of two storey front, two storey rear extensions and the installation of a front and rear dormer to facilitate a loft conversion. In addition, the erection of a new detached dwelling with associated works is also proposed.
- 1.2 The application site relates to a modest, detached bungalow situated within the village of Frampton Cotterell. Except No. 18, this side of Court Road is characterised by two storey, detached properties varying in style and set well back within their plots. Those to the northeast directly opposite the application site are two storey, uniform, semi-detached dwellings.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

NPPF	National Planning Policy Framework 2012
PPG	Planning Practice Guidance
THS	Technical housing standards – nationally described space standard 2015

#### **2.2 Development Plans**

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

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

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

H4	Development within Existing Residential Curtilages
T7	Cycle Parking
T12	Transportation Development Control Policy for New Development

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP37	Internal Space and Accessibility Standards for Dwellings
PSP38	Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007  
Residential Parking Standard SPD (Adopted) 2013  
Waste Collection: guidance for new development SPD (Adopted) 2015

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

- 3.1 None relevant.

### 4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Objection:  
Overdevelopment of the site.  
Loss of privacy for neighbours.

4.2 Other Consultees

Highway Structures

No objection:

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

Lead Local Flood Authority

No objection.

Sustainable Transport

No objection.

### **Other Representations**

- 4.3 Local Residents  
Two letters of objection have been received from local residents. The points raised are summarised as:

*Residential Amenity:*

- Proposed extensions to main house will block outlook, light, overshadow and overlook No. 18 Court Road.
- Only 1 bathroom window is obscured; all should be.
- Box bush, leylandii hedge and beech tree on boundary should be retained.
- Coping stones on boundary wall should be replaced with taller ones or the boundary wall should be increased in height. This work should take place before building work commences.

*Parking:*

- Increased on-street parking

*Drainage:*

- How will the new property be connected to mains sewer?

*Other:*

- Spelling mistakes on plans; No. 20 Coart Road.
- Telegraph pole support wire running through the application site should remain.

## 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 relevance here is the resulting design and impact on the character of the existing property and area in general. Impact on the residential amenity of neighbours and of the existing and future occupants is also considered, as is the impact of the development on parking and highway safety.

5.2 It is acknowledged that South Gloucestershire Council does not have a five year land supply and as such, NPPF paragraph 49 is engaged and Policy CS5 is considered out of date. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. NPPF paragraph 14 states that decision takers should approve development proposals that accord with the development plan without delay. However, where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. Notwithstanding the above, the starting point for the assessment is the adopted development plan, but decision takers must also assess the application in light of the presumption in favour of sustainable development.

5.3 The NPPF promotes sustainable development and great importance is attached to the design of the built environment. It emphasises this by stating *good design is a key aspect of sustainable development and expects high quality and inclusive design for all development, including individual buildings.* Among others, the NPPF expects development to *add to the overall quality of the area... respond to local character and history, and reflect the identity of surroundings... [and be] visually attractive as a result of good architecture.* It goes on to state that *permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*

5.4 The creation of a new dwelling within the residential curtilage of No. 20 Court Road and the established settlement boundary is considered to accord with the principle of development. This counts in its favour and whilst the provision is limited to only one dwelling, it would still make a contribution and weight is accordingly awarded. The proposal and the impacts are discussed in more detail below.

5.5 Design and Visual Amenity

The settlement pattern along this southwestern part of Court Road is linear, but only loosely so. Properties tend to be situated at roughly uniform distances from the road and benefiting from large rear gardens. However, the character of the street is for the most part defined by the application site and No. 18 Court Road at the forefront. The application site is also single storey and has a large side garden which is not a common feature here.

5.6 The proposed development is for the erection of two storey front, two storey rear extensions and installation of front and rear dormers to the main house. In addition, the demolition of a small, single storey, detached garage to the south of the existing dwelling will be demolished to facilitate the erection of a new dwelling. Another access to serve the new property is to be positioned to the south.

5.7 *Main house extensions*

With regard to the proposed extensions to the existing house, these would comprise two storey front, two storey rear extensions and front and rear dormers. At ground floor, high level windows would be located on the side elevations and banks of full height doors at the front and rear. Materials would include double roman concrete tiling, cedar cladding and white painted render finish. The overall design, scale and massing of the proposed extensions are considered acceptable and appropriate to the character of the host dwelling and the area in general.

5.8 *New dwellinghouse*

The proposed new dwelling would have a matching, contemporary style to the main house, post extension. The proposed 4 bed dwelling would follow the building line along this road and be of the same height to No. 20 Court Road. It would be finished in cedar cladding and white painted render with double roman concrete tiles to match materials on No. 20. For the most part openings would be located in the front and rear elevations with the exception of high level windows in the sides.

5.9 The application site and the new dwelling would have parking provisions to the front which include turning areas and integral garages for both. Access to the rear is to the side of either property.

5.10 Residential Amenity

*Main house extensions*

No. 18 Court Road is situated to the northwest of the site, next to the main house. This property has a single first floor window in its southeast elevation. Concern has been expressed that the proposed two storey front, rear extensions of the main house could impact the outlook, amount of daylight entering and overshadow next door. The main house would be increased in height by about 0.5 metres and extended to follow the neighbour's footprint, except projecting an additional metre to the rear.

5.11 By virtue of the location, the neighbouring first floor side window already looks out onto a blank elevation. However, pitching the main roof away from No. 18 reduces the overall effect compared to if the existing gable had been raised.



It is recognised that neighbours would look out onto a roofslope and there would be a change to the amount of sunlight entering the room around mid-morning, but Officers consider that sufficient levels of natural light or outlook will be maintained, if not improved under the existing situation.

- 5.12 Two rooflights, serving a landing area, are proposed in the northwestern roofslope of the main house and number of high level windows in the northwest elevation would serve a mixture of primary living accommodation and circulation spaces. The same neighbour has expressed concern regarding loss of privacy. Circulation spaces, such as landing areas, are not considered to be primary living accommodation and high level windows would satisfactorily mitigate any impact resulting from primary living areas. It is therefore considered that there would be no adverse impact on residential amenity over and above the existing situation.
- 5.13 Houses to the front are separated by Court Road and properties to the rear are a sufficient distance away at about 25 metres plus for there to be no resulting inter-visibility.
- 5.14 The proposed new dwelling would be about 1.2 metres to the south of the main house. A number of small high level windows serving a mixture of primary living accommodation and circulation space are proposed in the northwest elevation. Such window types are considered sufficient to protect the amenity of both existing and future occupants.
- 5.15 As part of the proposal, the garden for No. 20 will be divided and about 173 sq metres would remain to serve this house, appropriate for this family size home.
- 5.16 *New dwellinghouse*  
The existing bungalow will be separated by a path providing access to the rear of the proposed new dwelling. Three high level windows, serving primary living accommodation, are to be located in the opposing bungalow elevation facing the side of the new dwelling. Again given the types of windows to be used, it is considered that there would be no adverse impact on residential amenity of future occupiers.
- 5.17 The orientation of the existing and proposed properties is an important consideration. The new house would be situated to the south of the bungalow. It would extend an additional 4 metres beyond the bungalow's rear building line, but the first floor would be pitched away from the existing occupiers. It is recognised that there would be changes for these occupiers, especially around mid-morning, but the sun would then move around and their respective garden would still benefit from its westerly aspect. It is therefore considered that there would be no adverse issues of overshadowing or overbearing resulting from the development.
- 5.18 Like the neighbouring bungalow, the application site would be separated from houses across by Court Road. It is considered that there is sufficient distance between properties to the front for them not to be affected by inter-visibility.

- 5.19 To the south, the closest property is No. 22 Court Road. This house is rear on to the application site, but their front garden and driveway abut the side. This property has several windows in its front elevation. In the new house, a first floor bedroom window and a bathroom dormer are proposed in the rear elevation and three high level windows in the side serving primary living accommodation. The neighbour is concerned that all these windows would affect privacy. Both bathroom windows will need to be obscure glazed and non-opening below a certain height to ensure the privacy of these neighbours and this will be secured by condition. On balance it is considered that given the distance and angle between the bedroom window and the neighbour's closest first floor windows, there would be no unacceptable levels of overlooking or inter-visibility. Neither would the high level side windows be considered to materially impact the existing levels of privacy afforded. To the west, houses to the rear would be a sufficient distance away at about 20 metres to not suffer any adverse effects.
- 5.20 As noted earlier, the garden of No. 20 will be split to form the respective gardens for the existing and proposed houses. Sufficient garden space at 123 sq metres would be provided to the rear of the new dwelling.
- 5.21 It is noted that during construction, disruption is likely to occur as a result of building operations and as such, due to the residential nature of the plot, a condition is recommended in order to control the hours of working for noisy operations.
- 5.22 Sustainable Transport  
The proposed extensions at No. 20 would create an extra bedroom, making 4 in total. A dwelling of this size would require 2 off street parking spaces. A new garage is included as part of the proposals, however, for it to be counted as a parking space it would need to have internal measures of 6 x 3 metres for a single garage or 6 x 5.6 metre for a double. However, the driveway to the front of the property shown on the submitted plans is of adequate size to park 2 vehicles. Bin and cycle storage would also be provided. The access for the existing dwelling will remain unchanged.
- 5.23 The proposed new dwelling is also a 4 bed requiring 2 off street parking spaces. The proposed integral garage is not large enough to be classed as a parking space, but again adequate space for 2 vehicles is provided on the driveway to the front of the dwelling. Bin and cycle storage would also be provided. The separate access provided for the new dwelling is acceptable although specifications to drop the kerb will need to be obtained from the Council's Streetcare Department. An informative will be attached to the decision notice reminding the agent.
- 5.24 Concern has been raised that the development will increase parking on the street. The proposed development generates the demand for 4 parking spaces. It has been shown above that the application site can accommodate 4 vehicles on site and the access is acceptable. This clearly weighs in its favour. It is therefore considered that the provision of 4 parking spaces would meet the needs arising from the property and would not generate additional traffic to the extent it would create congestion on the highway network that a transportation

objection could be raised or sustained. Planning has no jurisdiction with regard to where and how others use or misuse the highway.

5.25 Drainage

The Council's Drainage Engineer raises no objection to the scheme. One neighbour has asked how the new property will be connected to the mains sewer. This is not a matter that can be considered under the remit of a planning application or taken into consideration in any planning assessment which is made against adopted national and local planning policies. It is a matter of complying with the Building Regulations and possibly contacting the sewerage undertaker.

5.26 Other Matters

Other comments raised, but not discussed in the main body of the report, have been addressed below:

*Retain planting and raise boundary wall*

One local objector has requested the retention of the boundary planting and the raising/improvement of the stone wall. If the boundary planting is affected or work is planned for the wall, this is something for both owners to discuss as a civil matter which falls outside the remit of a planning report.

*Spelling mistakes*

A local resident has pointed out a spelling mistake in a road name on the submitted plans. Given Officers are still able to ascertain what the road name is, the planning assessment has been made based on the submitted details.

*Retain telephone pole wires*

Concern has been expressed about construction work potentially affecting an overhead power line. This is not a planning matter, but one to be discussed with whomever is responsible for the equipment.

5.27 Overall Conclusion

The proposal is for a single detached dwelling to be located within an existing built up area. Given the lack of five year land supply, some weight can be given to the contribution that this one dwelling would bring. The Parish have expressed an opinion that the proposal would be overdevelopment of the site. The above has shown that the existing garden is large enough to be successfully divided into two reasonable sized plots, the design is acceptable as is the impact on residential amenity, and sufficient off street parking can be achieved on site. The proposal is therefore not considered to amount to overdevelopment.

5.28 On balance giving appropriate weighting to the positive versus the negatives of the scheme, the benefits of this new dwelling within the settlement boundary are considered to outweigh any perceived harm and the proposal is considered acceptable and recommended for approval.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **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 The application be **APPROVED** subject to the conditions listed 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. Hours of operation

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

Reason

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

3. New house first floor bathroom windows

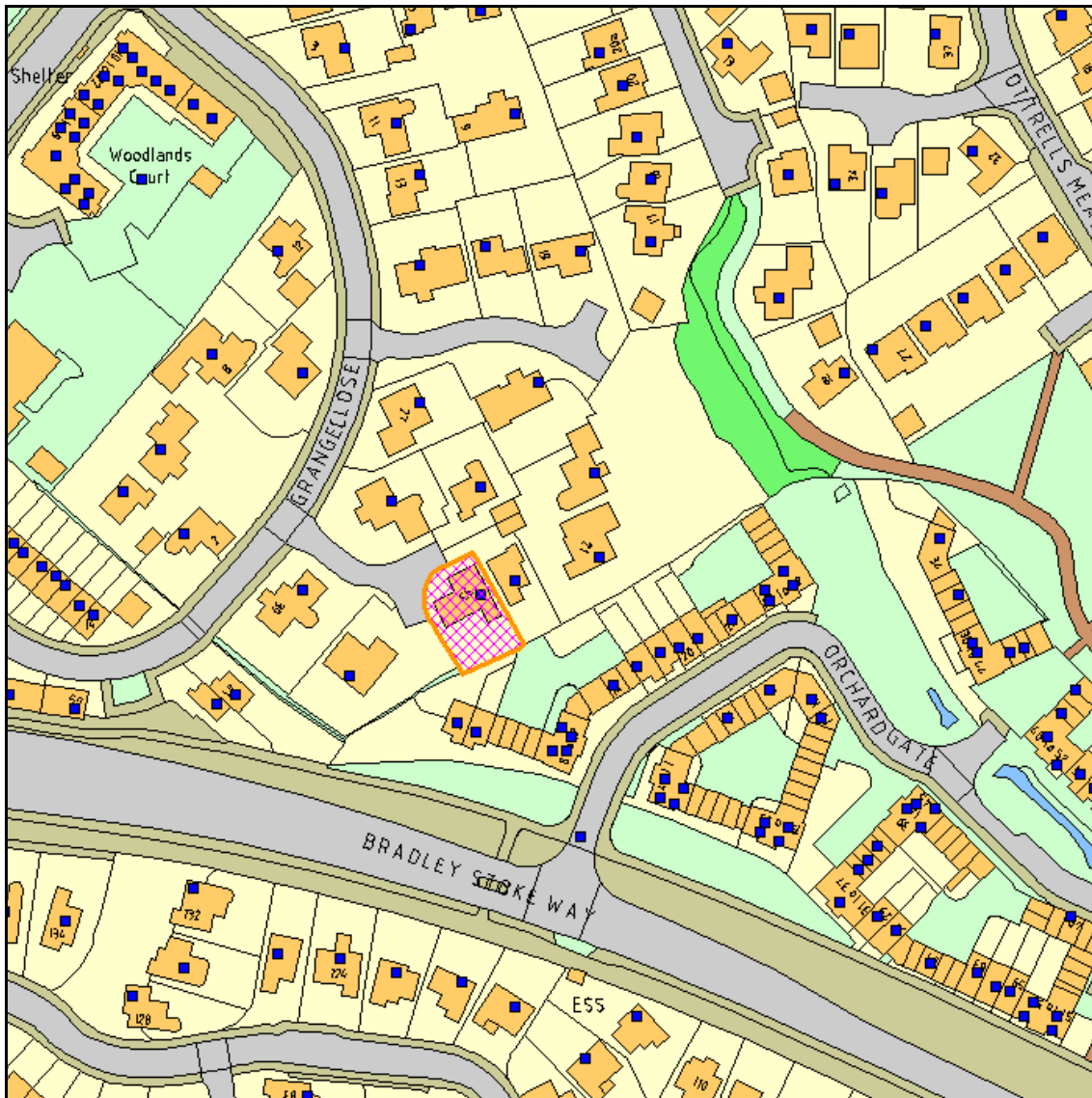
Prior to the use or occupation of the new house hereby permitted, and at all times thereafter, the proposed first floor dormer bathroom windows on the southwest rear elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the windows being above 1.7m above the floor of the room in which they are installed.

Reason

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

**CIRCULATED SCHEDULE NO. 06/17 – 10 FEBRUARY 2017**

<b>App No.:</b>	PT16/6595/F	<b>Applicant:</b>	Mr Hoa Tang
<b>Site:</b>	35 Grange Close Bradley Stoke Bristol South Gloucestershire BS32 0AH	<b>Date Reg:</b>	8th December 2016
<b>Proposal:</b>	Replacement of garage door with window to facilitate garage conversion. Erection of a first floor side extension to form additional living accommodation.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	361141 182879	<b>Ward:</b>	Bradley Stoke North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	30th January 2017



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

This report appears on the Circulated Schedule following a comment from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission to replace their garage door with a window to facilitate a garage conversion and to erect a first floor side extension to form additional living accommodation.
- 1.2 The application relates to a modern detached two storey dwellinghouse situated within the established settlement of Bradley Stoke.
- 1.3 After reviewing the Council's records, Officers can confirm that from the information available, the property's permitted development rights are intact and exercisable. The installation of a window to facilitate a garage conversion is therefore considered to be 'permitted development' under the terms of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and as such, would not require planning permission or consideration under this application.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework  
Planning Policy Guidance

#### 2.2 Development Plans

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

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage

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

H4 Residential Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy for New Development

#### 2.3 Emerging policy: South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

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

#### 2.4 Supplementary Planning Guidance

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

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

- 3.1 P87/0020/23 RM Approved 15.04.1987  
Residential and ancillary development on approximately 1.5 hectares (3.65 acres) to include erection of 26 detached dwellings. Construction of new vehicular and pedestrian access and estate roads with related garaging and parking facilities (in accordance with the amended plans received by the council on 24TH march 1987) (details following outline) (to be read in conjunction with P84/20/1).
- 3.2 P84/0020/1 Approved 03.12.1986  
Residential, shopping & employment development inc. Roads & sewers and other ancillary facilities on approx.1000 acres of land.

### 4. **CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
No objection.

- 4.2 Other Consultees

Sustainable Transport  
No objection.

#### **Other Representations**

- 4.3 Local Residents

A local resident has commented upon this application, summarised as:  
- Plans show 3 parking spaces, but only 2 on site. Previous inconsiderate parking has blocked access to No. 31 Grange Close.

### 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 resulting impact on the appearance of the host property and the character of the area, the impact on the residential amenity of existing/future occupants and closest neighbours and impact on highway safety and on-street parking.

The proposal is considered to accord with the principle of development and this is discussed in more detail below.

- 5.2 Design and Visual Amenity

The existing dwellinghouse is a modern two storey property of yellow brick with red roof tiles. It benefits from brown uPVC windows and doors, a rear conservatory and a single garage attached to the side of the property. The application site is located within a modern estate of similar modest detached dwellinghouses of varying designs.



- 5.3 The proposed development would be the erection of a first floor side extension above the existing garage to provide additional living accommodation in the form of a large master bedroom and en-suite and storage at first floor with changes allowed under permitted development to the ground floor.
- 5.4 In terms of the design, scale, massing and materials that would be to match the existing property, the scheme is considered acceptable and appropriate to the character of the house and the area in general.
- 5.5 Residential Amenity  
The proposed extension would be above an existing garage. Openings are proposed in the front and rear elevations only and such there would be no adverse impacts on neighbours directly opposite or to the rear over and above the existing situation. Although the development would bring a double storey closer to neighbours to the west, at No. 37, the distance would still be sufficient and would not significantly alter the existing outlook or light levels afforded to this neighbour. The proposal is considered to accord with adopted policy and can be recommended for approval.
- 5.6 Sustainable Transport  
The proposal would increase the dwelling from a 4 bed to a 5. South Gloucestershire Council's minimum parking standards states a 5 bed dwelling requires 3 off-street parking spaces. Although the existing garage is to be converted, 3 off-street parking spaces are to be provided as detailed on submitted plan 698-P4. A condition ensuring this parking is provided prior to the extension being occupied is, therefore, considered reasonable.
- 5.7 Comment has been received from a local resident expressing concerns regarding potential inconsiderate parking blocking access to his property. The level of parking to be provided is in accordance with the Council's minimum standards and as such, is considered acceptable. Planning has no jurisdiction with regard to where and how others use or misuse the highway.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

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

**CONDITIONS**

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

Reason

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

2. Parking

The off-street parking facilities shown on the plan Site Location and Block Plan - 698-P4 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.

**CIRCULATED SCHEDULE NO. 06/17 – 10 FEBRUARY 2017**

<b>App No.:</b>	PT16/6630/F	<b>Applicant:</b>	Mr J Fletcher
<b>Site:</b>	Dunrovin 48 Down Road Winterbourne Down Bristol South Gloucestershire BS36 1BZ	<b>Date Reg:</b>	22nd December 2016
<b>Proposal:</b>	Demolition of existing bungalow. Erection of 2no detached dwellings, access and associated works.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365193 179637	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th February 2017



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

This report appears on the Circulated Schedule following objections from local residents and from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the Demolition of existing bungalow. Erection of 2no detached four bed dwellings, access and associated works. The application site relates to No. 48 Down Road, Winterbourne.
- 1.2 During the course of the application details were requested to show that the position of a telecommunication pole and lighting column would not affect the proposal. These were received and accepted by the Council. In addition, for aesthetic reasons given the location of the development chimneys were added to the proposed new dwellings to remain more in-keeping with the character of the area.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
Planning Policy Guidance
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
H4 Residential Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy for New Development
- 2.3 Emerging policy: South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016  
PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages
- 2.4 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007  
Residential Parking Standard SPD (Adopted) 2013  
Waste Collection: Guidance for New Developments (Adopted) January 2015

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

3.1 No planning history for the site

#### **Planning history for 50 Down Road:**

- |     |             |  |
|-----|-------------|--|
| 3.2 | PT08/1922/F | Demolition of existing dwelling to facilitate erection of 2 no. dwellings with garages and associated works.         |
|     | Approved    | 10.10.08   |
| 3.3 | PT07/1307/F | Demolition of existing dwelling to facilitate erection of 2 no. detached dwellings with garages and associated works |
|     | Refused     | 14.6.07  |

### 4. **CONSULTATION RESPONSES**

#### 4.1 Winterbourne Parish Council

Objection. Members feel that 2 semi-detached houses would be more appropriate on this site and would avoid future maintenance problems.

#### 4.2 Other Consultees

##### Sustainable Transport

No objection in principle as likely to conform to parking standards but request clarification that any vehicles parked on-site can successfully gain access to the public highway given the presence of a telecommunication pole and lighting column situated in the highway verge adjacent to the property.

##### *Updated comments*

*Officers are satisfied that appropriate access can be achieved*

##### Lead Local Flood Authority

No objection

##### Highway Structures

No objection:

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected. OR, If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.

#### **Other Representations**

#### 4.3 Local Residents

Four letters of objection have been received by the Council. The points raised are:

- Plot 1 is tall in comparison with Plot 2 and neighbouring properties, situation compounded by being on a slope and Plot 1 will be the tallest house at the top end of the slope, being overbearing to all houses especially neighbouring. The increase span brings it closer to the boundary of 46 Down Road highlighting the height difference
- Access area for parking and turning is probably insufficient. No safe parking available outside as the road is too narrow
- Plot 1 will affect the only window from a permanent home office in 46 Down Road
- Noise concerns whilst work is underway
- Ensure dimensions of double garages are sufficient to accommodate two cars plus storage of bicycles and general outdoor equipment
- Statement regarding access being unchanged is incorrect. A single access will be replaced by at least two
- No street view plan of the rear of the property to show how access to parking and garages would be achieved off Church Road
- Statement regarding amount of parking that can be achieved on site is misleading
- For last 17 years the property has been served by only one car and so this development will increase the traffic on this already congested narrow street by up to six times
- Can the developer complete the work in a timely manner building work for the two properties next door granted in 2008 has taken over 8 years and is still not complete
- No visitor parking along Church Road – will cause problems

## 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 relevance here is the resulting design and impact on the character of the area in general. Impact on the residential amenity of neighbours and of the existing and future occupants is considered, as is the impact of the development on parking and highway safety.

5.2 It is acknowledged that South Gloucestershire Council does not have a five year land supply. As such, paragraph 49 of the NPPF is engaged and Policy CS5 is considered out of date. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF goes on to state that proposals that accord with the development plan should be approved without delay, and where relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Notwithstanding the above, the adopted development plan remains the starting point for assessment and furthermore, the application must be assessed in light of the presumption in favour of sustainable development as set out in the following report.

- 5.3 The NPPF promotes sustainable development and great importance is attached to the design of the built environment. It emphasises this by stating *good design is a key aspect of sustainable development* and expects *high quality and inclusive design for all development, including individual buildings*. Among others, the NPPF expects development should *add to the overall quality of the area... respond to local character and history, and reflect the identity of surroundings...* [and be] *visually attractive as a result of good architecture*. It goes on to state that *permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*.
- 5.4 The erection of 2no. detached two-storey dwellings to replace a one single storey dwelling within an established settlement boundary is considered to accord with the principle of development. This counts in its favour and whilst the provision is limited to only two dwellings, it would still make a contribution and weight is accordingly awarded. The proposal and its impact is discussed in more detail below.
- 5.5 Design  
The application site is currently occupied by a single storey dwellinghouse of little architectural merit. It fronts onto Down Road, Winterbourne but its vehicular access would be off Church Road to the rear. The character of the area is decidedly mixed with differing styles of property and materials used being particularly evident along Down Road, including single and two-storey dwellings. Directly opposite the proposed site is an attractive and stylish stone fronted Edwardian type villa; whilst immediately next door to this property is a modern red brick property with very little architectural merit. Given the topography of the land properties on the opposite side of Down Road look down on those to the south. A comment from a local resident has questioned the resulting height of the larger of the two proposed new dwellings citing that the slope of the road would mean it would be higher than its immediate neighbours. Both two and single storey properties are evident along this road and although the property would be quite high it would not be too large and not out of keeping with the immediate area.
- 5.6 To the rear where the site backs onto Church Road the overall character is one dominated by small cottages or respectful infill development. It is noted that the site next door at No 50 Down Road, was granted permission for the demolition of that dwelling and the erection of two properties in 2008. This is a material consideration in the assessment of this application. This application is also for two dwellings (and garages) which would both be at the maximum of the size the respective plots could achieve. The properties are of a fairly simple design with a bedroom at loft level achieved by a large rear dormer and rooflights to the front and a single storey addition to the rear; each property would have 4 bedrooms. The lack of chimneys on the proposed dwellings was discussed given that their presence is common in this part of Winterbourne and revised plans have added chimneys for aesthetic reasons. This is considered appropriate and would assist the successful integration of the dwellings to the street scene.

- 5.7 The varying scales of the submitted plans has made precise measurements difficult but in general terms both houses would achieve a width of around 7 metres. Plot 1 would be slightly larger than Plot 2 house measuring about 13.5 metres in total length compared with about 12 metres. Eaves heights would be around 5 metres and overall ridge height around 8 metres, but again the slope of the hill has to be taken into account. The submitted Street View drawing shows how the new properties would fit into the street scene and indicates the houses would not clash with the existing pattern. The Design and Access Statement indicates the construction materials will complement nearby properties with concrete interlocking tiles for the roof and local random stone for the walls. This will assist a successful integration to this part of Winterbourne, and a condition will be attached to the decision notice for samples to be submitted to the LPA for approval.
- 5.8 The NPPF encourages and supports innovative design that is visually attractive as a result of good architecture. Designs should not attempt to impose architectural styles or particular tastes, and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. This is not, however, at the cost of local distinctiveness. It is acknowledged that this part of Winterbourne has seen changes in the style of the built form, but the proposed new dwellings would in some ways, complement the two dwellings granted permission in 2008. Their overall footprints are also more indicative of the cottages on Church Road. Overall and in conclusion to the above, it is considered on balance that the design, layout and scale of the development is acceptable and would not have a harmful impact on the character or distinctiveness of the site or the locality.
- 5.9 Residential Amenity  
The application site relates to the site of a single storey modern bungalow which would be demolished to facilitate the proposed development. The dwellings would follow the building line created by the two properties to the east. Plot 2 would be adjacent to the western most dwelling and no openings are proposed in the opposing side elevation. Similarly, Plot 1 would be next to No 46 Down Road, a detached cottage style individual property, set at a slight angle to the highway. Concern has been expressed by a neighbour that the new dwelling would impact on a home-office window within this property. It is not clear if this comment relates to a ground or first floor room. Nevertheless, the sites are separated by fencing of about 1.8 metres in height and by mature planting and it is considered that although there would be changes, the degree of impact on this neighbour by a new dwelling would not be sufficient to warrant the refusal of the application.
- 5.10 Although the new dwellings would have windows at first floor level, this is not an unusual situation in such a built up area and there can be no objection to the scheme on this basis.
- 5.11 Proposed residential amenity space for the two dwellings would both fall short of the recommended amount proposed in the emerging PSP DPD. This document suggests a four bed house should have 70 sq metres of private amenity space. In this case Plot 1 would have a rear garden of about 65 sq metres and Plot 2 a rear garden of about 50 sq metres.



It is however, firstly acknowledged that this policy has not yet been adopted and therefore carries limited weight and secondly the amount of development and the resulting amenity space can be compared to the adjacent site. Although the houses next door were originally 3 bedroom properties, they have the potential for converting their respective loft spaces to create another room, as has been done here, therefore resulting in similar size houses on similar sized plots. On this basis, given the current and existing situations, it would appear reasonable to conclude that the amount of amenity space would be acceptable.

5.12 The above has indicated that the new dwellings would not have a negative impact on the amenity of neighbours and weight is given in favour of the property for this reason.

5.13 Sustainable Transport

The proposed dwellings would result in two 4no. bed dwellings plus the erection of a double garage for each. Vehicular access to the site would be off Church Road. During the course of the application confirmation was requested that the existing telecommunication pole and lighting column would be unaffected. With this confirmed the assessment assured that the required amount of off-street parking that conforms to the adopted policy can be achieved on site.

5.14 A comment received by the Council has expressed concern that the proposed double garage would not meet the adopted standards. It is acknowledged that the plans imply that the garages would not quite reach the internal measurements of 5.6 metres by 6 metres. However, parking standards dictate two off-street parking spaces are required for a 4 bed property. One vehicle plus storage would be possible in the garage plus a further vehicle can be accommodated to the front of the garage. In this way, adopted off-street parking standards are met.

5.15 A number of comments have mentioned the narrow lane and the potential for a large increase in vehicle movement over the previous/current situation. The narrowness of Church Lane is recognised as an existing situation but which the on-site parking provision for the future occupants would not add to. It is to be expected that two properties as opposed to one would result in an increase in vehicle movement. The previous situation of very few vehicle movements from a property is the more unusual one, particularly given the location of Winterbourne where public transport is limited and journeys by private car are to be expected. Notwithstanding the above, a condition will be attached to the decision notice to ensure the parking is provided prior to the first occupation of the dwellings.

5.16 Other matters

One neighbour has asked if the developer can complete the development in a timely manner. The LPA has no authority over the time a development takes to build out, only that if granted permission the development must be begun within 3 years of the decision date.

Comment has been received regarding the potential for noise and disturbance and a standard construction sites condition will be attached to the decision notice to ensure good on-site working practices are maintained.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

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

Reason

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

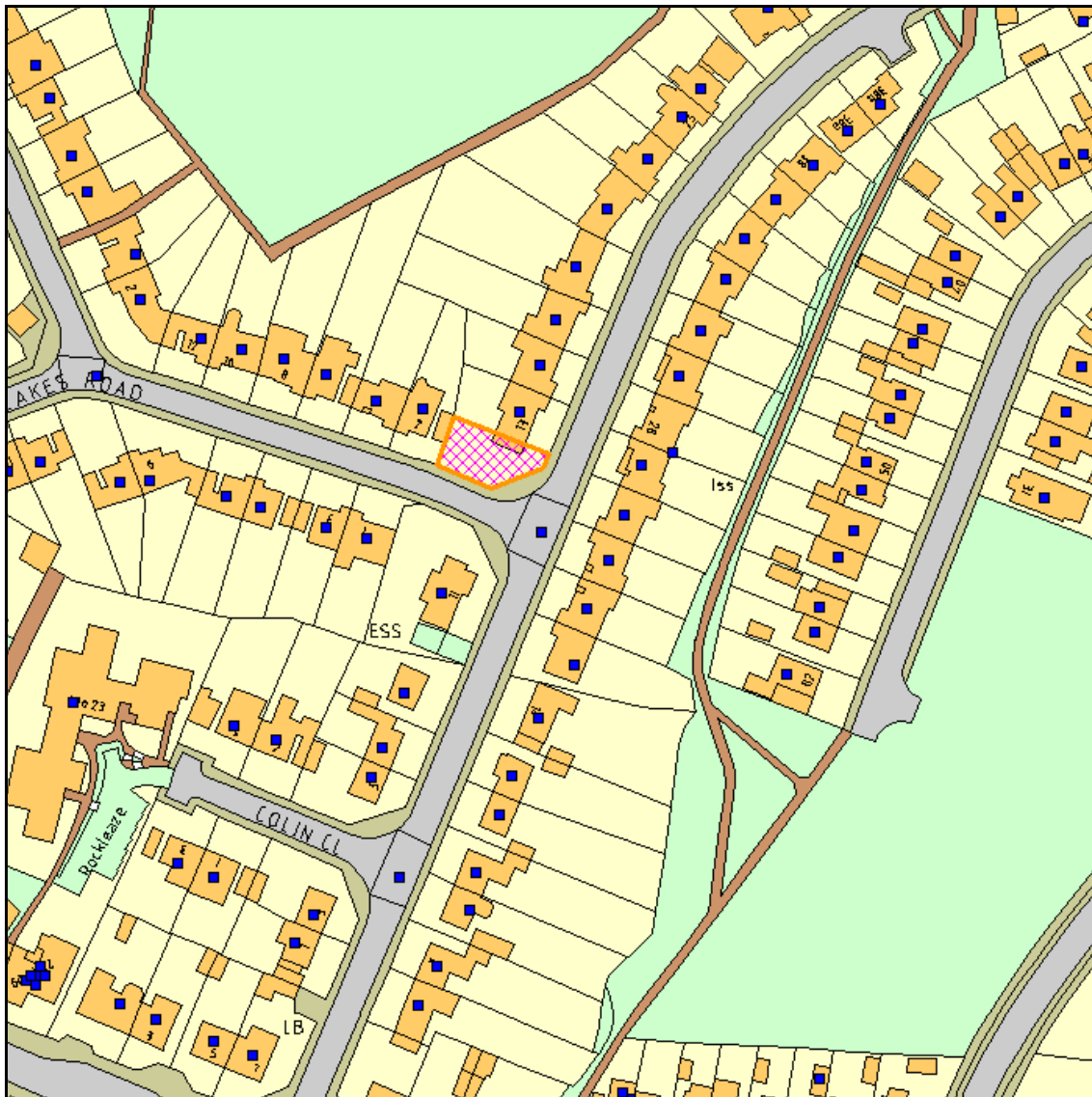
4. The off-street parking facilities (for all vehicles, including cycles) shown on the plan Block Pan - 016-045-07 Rev A hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

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.

**CIRCULATED SCHEDULE NO. 06/17 – 10 FEBRUARY 2017**

<b>App No.:</b>	PT16/6641/F	<b>Applicant:</b>	Mr Peter Deacon
<b>Site:</b>	13 St Davids Road Thornbury Bristol South Gloucestershire BS35 2JF	<b>Date Reg:</b>	15th December 2016
<b>Proposal:</b>	Installation of air source heat pump and repositioning of velux window (Retrospective).	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364058 190127	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	6th February 2017



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 100023410, 2008. N.T.S. PT16/6641/F

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

The application is circulated as a result of the neighbour's objection.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the installation of an air source heat pump and for the retention of a roof light in the northeast facing elevation. Planning permission was granted for this new dwelling and it now appears that a mezzanine floor has been inserted within the rear part of the building. This mezzanine does not require planning permission but roof alterations and the air source heat pump require planning permission as shown because planning consent PT15/3642/F removed the permitted development rights to insert rooflights and because the air source heat pump is within one metre of the boundary.
- 1.2 The new window is 2.3m rearwards of a previously approved roof light and approximately one metre higher. This results in it being up to 2m past the rear elevation of the two storey part of the house. The air source heat pump is located in the side garden close to the retaining wall with the neighbour at 2 Blakes Road. This is shown not attached to the retaining wall.
- 1.3 The application site is located in the settlement of Thornbury at the junction of St Davids Road and Blakes Road.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
H4 Development in residential curtilages  
T12 Highway safety  
  
South Gloucestershire Local Plan Core Strategy (Adopted) December 2013  
CS1 Design  
CS3 Renewable and Low Carbon Energy Generation  
CS4a Presumption in favour of Sustainable Development  
CS9 Managing the Environment and Heritage  
CS32 Thornbury  
  
South Gloucestershire Proposed submission Policies, sites and places plan  
June 2016  
PSP8 Residential amenity
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

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

- 3.1 PT16/0726/F Installation of 12no Solar panels to front elevation roof and erection of rear flue. Approved 05.04.2016
- 3.2 PT15/3642/F Erection of 1no. detached dwelling with associated works. (Resubmission of PT15/2434/F) Approved with Conditions 22<sup>nd</sup> October 2015
- 3.3 PT15/2434/F Erection of 1no. detached dwelling with associated works. (Withdrawn)

### **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
No objection subject to neighbouring properties amenities not being adversely affected.
- 4.2 Archaeology Officer  
No comment.
- 4.3 Environmental Protection  
No comment.
- 4.4 Local Residents  
One objection received on the following in grounds:
  - The window overlooks garden at 15 St Davids Road, intrusive and will effect my privacy.
  - Light from the window could light up my garden at night effecting the bedroom at the rear which could keep us awake.
  - Not in accord with the approved plan
  - other such plan in the local area have been refused on these grounds.
  - With reference to the air source heat pump, what size will the unit be, and how noisy will it be?

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

- 5.1 Principle of Development  
This application stands to be assessed against the policies listed in paragraph 2 above, and in the light of all material considerations. It should be noted that in many cases the installation of domestic air source heat pumps are permitted development. This air source heat pump requires permission because it is within one metre of the boundary of the site. . The principle of the installation of equipment to reduce the use of non-renewable energy is strongly supported through a number of policies including Policy CS3 of the South Gloucestershire Local Plan Core Strategy 2013. All issues relating to the design, impact on residential amenity, and highway safety are discussed below. Further, roof lights are also normally permitted development but in this case permitted development rights were removed, such that officers have further control over

the specific design of the building in the interests of the amenity of neighbours and the appearance of the proposal.

#### 5.2 Design and Visual Amenity

The air source heat pump is located within the side garden and close to the retaining wall which holds the neighbours drive up above the level of this site. The site is fenced and vegetated such that it will not be seen from the street. The rooflight faces away from the street scene and will similarly have no impact on the streetscene. It is not considered that the proposed development would detract from the visual amenity of the dwelling or the wider visual amenity of the area and is therefore considered acceptable on design grounds.

#### 5.3 Residential Amenity

The rooflight is subject of an objection from a neighbour and without restriction would look towards the objectors garden some 12m away across a boundary fence and conservatory. More impacted by loss of privacy would be the applicants own house which will in due course be in separate occupation from the new build dwelling. There is a conservatory and garden which without restriction would be in direct and close view from the proposed roof light. There is no material view into the houses themselves. As such officers have sought a means of permanently securing the level of privacy currently available. The agent proposes that a solid obscure glazed panel would be fixed inside the rooflight to a height of 1.8m from finished floor level. As such and subject to an installation and retention condition, the window would not cause a loss of privacy unless someone inside stood directly inside the building with an eye height of 1.8m (5ft 11inches) or more. As such is not considered that the roof light will have any significant impact upon the amenity of neighbouring occupiers.

With regard to the air source heat pump, the proposal is sat on its own pad rather than being attached to the neighbours retaining wall, is on the street side of the property behind hedging and fencing. The proposal is domestic in scale and the information submitted indicates that it is within technical parameters for permitted development. Environmental protection advise that based on the sound power level of the Air Source Heat Pump and the distance of the neighbouring properties there is no objection in terms of noise or vibration. As such is not considered that the air source heat pump will have any significant impact upon the amenity of neighbouring occupiers.

#### 5.4 Transportation

The proposed development will have no impact upon highway safety.

### 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 condition set out below. It shall be noted that a three year time condition is not necessary as the application is retrospective on account of the roof light already having been installed.

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

## **CONDITIONS**

1. The dwelling shall not be occupied until such time as the window restriction details as shown on plan 15-1668-800 rev B received 06/02/2017 are fully installed. These restriction details shall be a permanent part of the building and shall be maintained in position thereafter.

### Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

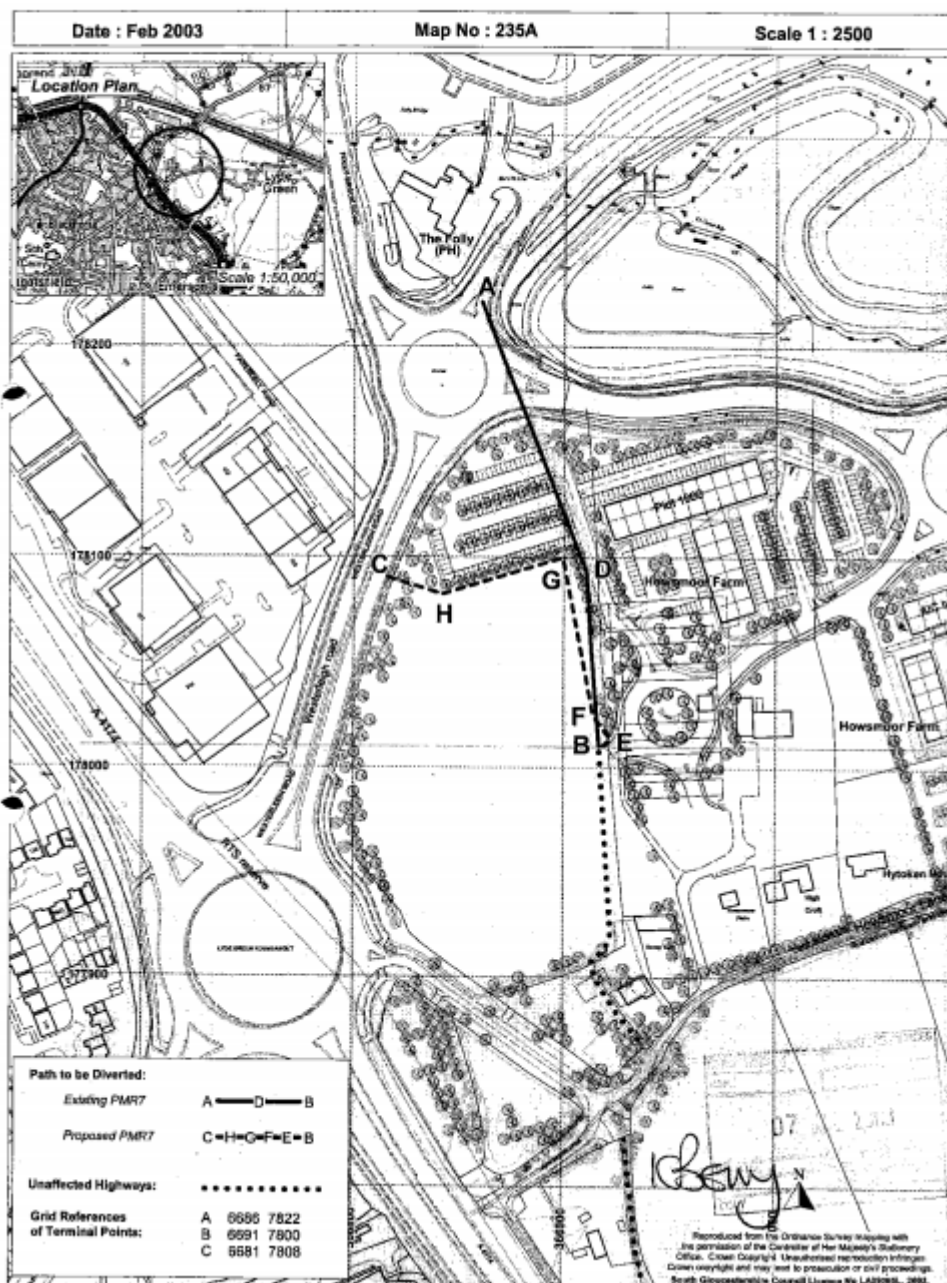


**CIRCULATED SCHEDULE NO. 06/17- 10 FEBRUARY 2017**

<b>App No.:</b>	PT.2250 – Footpath PMR 7 Emersons Green	<b>Applicant:</b>	N/A
<b>Site:</b>	Bristol And Bath Science Park Emerson's Green East South Gloucestershire BS16 7FF	<b>Date Reg:</b>	N/A
<b>Proposal:</b>	Abandon path diversion order 2003 of public footpath PMR/7	<b>Parish:</b>	Emersons Green Council
<b>Map Ref:</b>	366870 178040	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2017

**Town and Country Planning Act 1990 - Section 257**

South Gloucestershire Council Public Path Diversion Order 2003.  
Public Footpath PMR 7 (part) at Emersons Green



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

The Path diversion order {South Gloucestershire Council (Footpath PMR 7, Emersons Green) Public Path Diversion order 2003}, as made and confirmed is no longer required for development and needs abandoning to be able to remove it from records.

### **1. THE PROPOSAL**

1.1 The path diversion order was made on 6 May 2003 under Section 257 of the Town and Country Planning Act 1990 (as amended) for the realignment of footpath PMR/7/10. The order was confirmed as an unopposed order on 1 July 2003. The diversion order is no longer required for the current development and since that time a fresh order has been made diverting this route and the original order needs to be abandoned.

1.2 Abandoning the order as made is required to enable the proposal to be removed from maps pertaining to local land searches.

### **2. POLICY CONTEXT**

2.1 National Guidance Circular 01/2009

2.2 Town and Country Planning Act 1990

The Town and Country Planning (Public Path Orders) Regulations 1993

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

3.1 PK10/2909/FDI South Gloucestershire Council (Footpath PMR 7, Science park at Emersons Green), Public Path Diversion Order 2011 made 21 September 2011 became operative on 24 April 2012.

3.2 PK08/0747/RM Details relating to design, siting, external appearance, landscaping and access for all Phase 1 strategic infrastructure, including roads, services and utilities (Approval of reserved matters to be read in conjunction with planning permission P95/4605). Approved with conditions 6 June 2008

### **4. CONSULTATION RESPONSES**

None required

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

5.1 Principle Matters

A public path diversion order may be made to enable development to be carried out. The order was made in 2003 according to the plans at that time, however the requirements changed and in 2011 a new diversion was made to accommodate the path within the development. The plan showing the 2003 diversion order is still shown on plans pertaining to local land searches which

may be confusing or misleading. In order to remove the 2003 proposal, the order must be abandoned by formal agreement

5.2 The Proposal

To abandon the 2003 path diversion order as made and confirmed as it is no longer needed.

5.3 It is considered that the order should be abandoned to facilitate the removal of the path as per the 2003 from local land search maps.

6. **CONCLUSION**

6.1 The recommendation to abandon the South Gloucestershire Council, (Footpath PMR 7, Emersons Green), Public Path Diversion order 2003 has been taken having regard to it being subsequently superseded and the requirement to remove the order from records that are revealed during local land searches.

7. **RECOMMENDATION**

7.1 That the South Gloucestershire Council, (Footpath PMR 7, Emersons Green), Public Path Diversion order 2003 be formally abandoned and its effect be removed from records required for local land searches.

**Contact Officer: Nicola Chidley**  
**Tel. No. 01454 863784**