



**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. 50/17**

**Date to Members: 15/12/2017**

**Member's Deadline: 21/12/2017 (5.00pm)**

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

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

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

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

## NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

## GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

**Dates and Deadlines for Circulated Schedule**  
**During Christmas Holidays 2017**

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

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

# CIRCULATED SCHEDULE - 15 December 2017

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK17/0360/F</b>	Approve with Conditions	Rushmead Lane Marshfield South Gloucestershire SN14 8JF	Boyd Valley	Marshfield Parish Council
2	<b>PK17/2957/O</b>	Refusal	The Shant Crown Road Kingswood South Gloucestershire BS15 1PR	Kings Chase	None
3	<b>PK17/3073/F</b>	Approve with Conditions	Orchard Cottage Huckford Lane Winterbourne South Gloucestershire BS36 1AP	Westerleigh	Westerleigh Parish Council
4	<b>PK17/3641/F</b>	Approve with Conditions	18 Sunnyvale Drive Longwell Green South Gloucestershire BS30 9YH	Longwell Green	Oldland Parish Council
5	<b>PK17/4140/F</b>	Approve with Conditions	Overndale School 19 Chapel Lane Old Sodbury South Gloucestershire BS37 6NQ	Cotswold Edge	Sodbury Town Council
6	<b>PK17/4244/F</b>	Approve with Conditions	Ruxleigh Farm Sheepfair Lane Marshfield South Gloucestershire SN14 8NA	Boyd Valley	Marshfield Parish Council
7	<b>PK17/4656/F</b>	Approve with Conditions	2 Nelson Road Staple Hill South Gloucestershire BS16 5HX	Staple Hill	None
8	<b>PK17/4668/CLP</b>	Approve with Conditions	16 Cleeve Avenue Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
9	<b>PK17/4690/F</b>	Approve with Conditions	92 Church Farm Road Emersons Green South Gloucestershire BS16 7BE	Emersons	Emersons Green Town Council
10	<b>PK17/4991/CLP</b>	Approve with Conditions	17 Kelston Grove Hanham South Gloucestershire BS15 9NJ	Hanham	Hanham Parish Council
11	<b>PK17/5166/CLP</b>	Approve with Conditions	Almaza Shorthill Road Westerleigh South Gloucestershire BS37 8QN	Westerleigh	Westerleigh Parish Council
12	<b>PK17/5247/CLP</b>	Refusal	109 Quakers Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
13	<b>PT17/4276/F</b>	Approve with Conditions	Severn Road Hallen South Gloucestershire BS10 7SE	Almondsbury	Almondsbury Parish Council
14	<b>PT17/4664/F</b>	Approve with Conditions	Land At Severn Road Hallen South Gloucestershire	Almondsbury	Almondsbury Parish Council
15	<b>PT17/4357/RVC</b>	Approve with Conditions	47 Hortham Lane Almondsbury Bristol South Gloucestershire BS32 4JJ	Almondsbury	Almondsbury Parish Council
16	<b>PT17/5089/CLP</b>	Approve with Conditions	43 Wades Road Filton Bristol South Gloucestershire BS34 7EB	Filton	Filton Town Council

**CIRCULATED SCHEDULE NO. 50/17 – 15 DECEMBER 2017**

<b>App No.:</b>	PK17/0360/F	<b>Applicant:</b>	Messrs Richard And Hagen Friend
<b>Site:</b>	Rushmead Lane Marshfield South Gloucestershire SN14 8JF	<b>Date Reg:</b>	30th January 2017
<b>Proposal:</b>	Conversion of an existing barn to form 2no. dwellings with access and associated works.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	377472 174759	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd March 2017



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 100023410, 2008. **N.T.S.** **PK17/0360/F**

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

This application has been referred to the circulated schedule for determination as objections have been received from local residents.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the conversion of a redundant barn in Marshfield into 2no. three-bedroom dwellings.
- 1.2 The barn building itself is a long, low form consisting of eight steel portal frames arranged in seven bays, all under a corrugated sheet roof. The north elevation is rendered, the east is clad in Cotswold stone, the south is finished in Bradstone, and the west has been left as block. Of the seven bays, the four to the east create one vast open space, but the three to the west are partitioned into rooms over two floors, the lower of which is subterranean. A partly enclosed piece of land sits to the south of the building.
- 1.3 In terms of constraints, the site is located outside of any defined settlement boundary and is therefore in the open countryside. The site falls within the Cotswolds Area of Outstanding Natural Beauty (AONB). 3 Castle Cottages to the west forms the boundary of a Site of Nature Conservation Interest, but neither it nor the site are located within the designation.
- 1.4 Amended plans have been received following negotiations which reduce the north elevation fenestration, clarify the proposed method of discharge for the specified sewage treatment plant, include an off road turning area, and are consistent with the submitted bat survey. Re-consultation on these has taken place.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework (NPPF) March 2012
- 2.2 Development Plans

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

CS1 High Quality Design  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS34 Rural Areas

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

PSP1 Local Distinctiveness  
PSP2 Landscape

PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
 Design Checklist SPD (Adopted) 2007  
 Residential Parking Standards SPD (Adopted) 2013  
 Revised Landscape Character Assessment SPD (Adopted) 2014

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

- 3.1 None relevant

### 4. **CONSULTATION RESPONSES**

- 4.1 Marshfield Parish Council  
 No objection

- 4.2 Other Consultees

Lead Local Flood Authority  
 Informative regarding soakaway recommended

Environmental Protection  
 Investigative/remedial land contamination condition recommended

Highway Structures  
 No objection

Landscape Officer  
 Landscape scheme condition recommended

Ecology Officer  
 Condition submission of lighting design strategy, restrict construction to 1 April – 31 August, and compliance with bat survey recommended

Sustainable Transport  
 Condition parking and manoeuvring to be completed in accordance with approved drawing.

### **Other Representations**

- 4.3 Local Residents  
 Three comments of objection have been received that raise the following points:  
 - is the existing door in the west elevation to be infilled?

- overlooking neighbour's garden; request windows in north elevation to be 1.7m high and obscured
- request working hours restrict to 08:00-17:00 Monday to Friday
- no details of how surface water runoff and foul sewage will be dealt with
- development may affect private water supply to other properties
- alleged sewage pollution
- increase traffic generation on narrow, single lane to main network
- possible conflict with pedestrians and opposing vehicles harming highway safety
- request construction traffic management plan
- owls seen on site
- asbestos contamination risk on site
- concern of risk of damage to neighbouring drive as a result of excavation and building works
- cladding will overhang neighbouring land; encroachment needs to be agreed
- scaffolding likely needed on neighbouring drive; must be agreed first

## 5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the conversion of an existing barn into 2no. residential dwellings. The site is located within the open countryside and AONB in Marshfield.

### 5.2 **Principle of Development**

The locational strategy for the district is set out in policies CS5 and CS34. Both of these policies seek to direct new residential development in the first instance to the existing urban areas and defined rural settlements. As the site is outside of a defined settlement, the proposal would conflict with the locational strategy. Certain forms of residential development that conflict with the general locational strategy may be considered. PSP40 identifies residential development that may be acceptable but limits this to: rural exception sites; rural workers dwellings; replacement dwellings; and, the conversion or reuse of existing rural buildings as dwellings. The last of which is proposed.

5.3 In terms of the appropriateness of the site for residential development, the proposal is a rural exception and would normally be acceptable (and be subject to other consideration, such as AONB). However, at present the authority cannot demonstrate a 5-year supply of deliverable housing land. As a result, settlement boundaries represent a restriction on development and in accordance with paragraph 49 of the National Planning Policy Framework (NPPF) cannot be afforded full weight. Instead, the application should be assessed against the presumption in favour of sustainable development.

5.4 The presumption in favour of sustainable development is set out in paragraph 14 of the NPPF. In relation to decision-taking, the presumption has two sections to it. The first refers to timely decision taking where proposals accord with the development plan; this element does not apply here. The second is used where the development plan is out-of-date. It is split into two limbs stating that planning permission should be granted unless –



- (1) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal, or
  - (2) that specific guidance in the NPPF indicate permission should be refused.
- 5.5 The first limb is referred to as the ‘tilted’ balance. When this is applied, the planning balance is tilted heavily in favour of planning permission being granted as the ‘test’ is whether the harm of development would *significantly and demonstrably* outweigh the benefit. The second limb is the more traditional approach to decision-taking where the impacts of the development are balanced against the provisions of planning policy. Proposal would have to demonstrate that specific guidance in the NPPF, or indeed extant policies in the Development Plan, did not imply that planning permission should be refused before they could benefit from the tilted balance.
- 5.6 Therefore the proposal must be assessed against the specific policy in relation to the site constraints.
- 5.7 AONB  
Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty of AONBs. Such designations have the highest status of protection in relation to landscape and scenic beauty. Policies CS9 and PSP2 reflect national policy stating that in the designated AONB, its conservation and enhancement will be given great weight.
- 5.8 The Marshfield Plateau landscape character area is described in the Landscape Character Assessment SPD as “a gently sloping agricultural plateau dissected by two shall river valleys”. The landscape strategy seeks, amongst other things, to:
- restore, conserve and manage the drystone wall and/or hedgerow framework; and,
  - protect tranquillity including retention of dark skies.
- 5.9 The barn itself fronts Rushmead Lane. Though not attractive, it is constructed from similar stone to the Castle Cottages which creates a degree of unit with these neighbouring properties which is only spoiled by the close proximity of the large barn to the north. To the back of the building the land dips away to the northwest down to the Broadmead Brook. Drystone walls are a significant landscape feature in the area.
- 5.10 It is noted that the Council’s Landscape Officer is unsupportive of the design, but it is considered that the scheme represents a modern interpretation of all the key characteristics of the architecture in the immediate area. It is acknowledged that from the lane, the exposure of the property’s principal elevation, as part of excavation works required to create sunken terraces, would increase its prominence but these will be somewhat enclosed and there is limited visibility of the structure and excavations outside the site. Officers therefore do not find the sunken terraces would be out of place or harmful to the appearance of the area, either in more distant views or nearer from the lane. The large amount of corrugated steel to the elevations would be appropriate to the industrial agricultural character of the neighbouring site, and

- once weather, the timber cladding would not be too dissimilar in colour from the stonework of dwellings nearby. As regards the proposed fenestration, the windows on the principal, southern elevation would be set back 30cm from the façade and eaves, and they would be augmented by brise soleil, balconies and cladding. Window recession and the additional materials would significantly reduce the general impact of the glazing and reflected sunlight, and provide further simple articulation to the building.
- 5.11 As mentioned before, Cotswold drystone walls are a significant landscape feature in the locality. Maintenance and extension of the existing boundary wall is welcomed but it is considered that any repairwork or construction should be in a similar style to ensure that the character is retained; this will be secured by condition. New native tree planting, recommended in line with Policy CS1(6), would take a while to become established but once achieved, it would aid the integration of the new dwellings into its rural setting of houses amongst mature landscaping; this will be amalgamated with the hard landscaping condition.
- 5.12 It is concluded that, subject to an effective landscaping scheme, the proposed development would have an acceptable design and effect on the landscape and scenic beauty of the site and its setting. It is therefore necessary to return to paragraph 14 of the NPPF. As specific policies do not indicate that the development should be restricted, the tilted balance as outlined in paragraph 5.5 applies. Officers return to this matter later in the decision. Next, other potential impacts must be considered to see whether they would *significantly and demonstrably* outweigh the benefits, in order to decide whether planning permission should be granted or not at the end.
- 5.13 **Residential Amenity**  
The proposed dwelling is not considered to have a significant material impact on any nearby occupier. Whilst Officers note concerns and requests expressed with regard to the loss of privacy, the door in the west elevation is to be infilled and in view of the significant change in level between the barn and the neighbour's rear garden, there would be little if any loss of privacy for these occupiers resulting from the proposed development.
- 5.14 Each proposed dwelling contains three bedrooms. The amenity land proposed for each is ample to provide a good standard of amenity to the future occupiers.
- 5.15 The effects of site redevelopment would be of limited duration therefore, despite other requested times, hours of construction will be controlled via a standard condition.
- 5.16 **Drainage**  
Officers can appreciate that local residents are worried that their water supply will be affected and the package sewerage treatment plant proposed will cause effluent pollution. However, the Council's Drainage Officer has given careful consideration to the proposal and such issues, and raises no objection to the development. Therefore, Officers have no reason to doubt the adequacy and technical competence of the drainage scheme to be provided for the site. An informative note will advise the applicant about the design of the plant's soakaway.

5.17 **Access and Parking**

Revised plan Site Location Plan & Block Plan 2305-PL01 rev B shows appropriate parking provision and manoeuvrability on site. A condition will therefore be imposed requiring the development to be carried out in accordance with the approved details.

5.18 Officers have noted the comments made by local residents regarding increased traffic generation, potential user conflict and the request for a construction management plan. However, the Highway Officer raises no objection to the development on any of these bases.

5.19 **Ecology**

Neighbours have commented that they have seen owls on site. A Preliminary Ecological Appraisal by TP-Ecology (November, 2016) was submitted with the application. Its findings are summarised below:

*Habitats:*

- Tall ruderal vegetation – the southern half of the site
- Semi-improved grassland – generally species poor
- Hedgerow – privet along the road boundary
- Building – Rushmead Barn is an open single storey building with a cellar

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

- Bats – the walls of the barn were in good condition with no cracks suitable for roosting. The gable wall of the west elevations was open providing flying access. There are windows along the southern wall allowing plenty of light in the building and the roof is unlined and constructed with metal. Four droppings were found scattered around this larger room. In a smaller room, approximately 30 droppings were recorded and in the toilet another 25 were found. Droppings have been sent for DNA analysis, but the building is a confirmed bat roost. Habitat on site has low foraging and commuting value to bats, but the surrounding habitat is more suitable. Three further bat surveys were recommended in the report, in line with current guidance, which will inform a mitigation licence application.
- Great crested newt (GCN) – there is only one pond (475m away) within 500m of the development site. The habitats on and around the site are of moderate value to GCN. The closest potential record of GCN is over 1km away.

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

- Nesting birds – no birds were observed to be using the barn for nesting. No birds were recorded on site during the survey. Records included horse sparrow, blackbird, great tit, pied wagtail, swallow, robin, blue tit and starling. The area also has a high population of corn bunting, which are Red-Listed and in decline nationally. Appropriate mitigation and enhancements were recommended.

*Badger Act 1992:*

- No evidence of badger was observed during the survey, although it is thought they are likely to be in the area.

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

- None were observed but the habitat was thought to be suitable. Appropriate mitigation and enhancements were recommended.

- 5.20 Subsequent survey results were submitted to the local planning authority, presented in a Bat Survey Report by TP-Ecology (July 2017). The surveys were carried out in line with best practice guidelines and found the building is being used as a transitional roost for low numbers of lesser horseshoe bat (*Rhinolophus hipposideros*) and one brown long-eared bat (*Plecotus auritus*). It is also being used by moderate numbers of common pipistrelle (*Pipistrellus pipistrellus*) as a day roost. No evidence of maternity or hibernation roosts were identified during the surveys. A replacement roost was therefore designed within the scheme as a separate stand-alone building to accommodate equivalent numbers of the same species currently on site. However, the Council's Ecology Officer recommended the submitted plans relating to the compensatory roost provisions for lesser horseshoe bats match. An updated location and site plan has been provided for review.
- 5.21 In Britain, all bats are protected under the Wildlife & Countryside Act 1981 (as amended by the CROW Act 2000) and the EC Habitats Directive 1992, implemented in Britain by the Habitat Regulations 2010. Furthermore, some bats are priority species nationally, being listed on the UK Biodiversity Action Plan and under Section 41 of the NERC Act 2006 as a species of principal importance for biodiversity in Britain; as well as being included on South Gloucestershire's own Biodiversity Action Plan.
- 5.22 As a European Protected Species (EPS), a licence under Regulation 53/56 of the 2010 Habitat Regulations is required for development to be lawful.
- 5.23 Judicial reviews have directed that surveys for bats cannot be left to planning conditions; and there where bats are present, planning authorities should be applying the same 'tests' to which licence applications are subject to under Regulation 53/56 of the Habitat Regulations 2010.
- 5.24 Satisfying these 'tests' necessitates providing the detailing of a mitigation strategy prior to determining the application. The three 'tests' are:
- *For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment;*
  - *There is no satisfactory alternative to the work specification;*
  - *The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.*
- 5.25 The first 'test is satisfied in that development is regarded as being of 'overriding public interest' of an 'economic nature'.

- 5.26 Regarding the second '*no satisfactory alternative*' test, the building subject to the conversion is a steel-framed building with skylights that will be integrated within the new design. The location of droppings within the building indicates the bats were using the smaller rooms to roost and the large open area within the building for light sampling before fully emerging. There is no opportunity to keep the roost *in situ* or create a roof void in the larger section of the building. Furthermore, a separate building will be provided for the sole use of bats associated with the existing building. It will be locked and is excluded from use for any other purpose than a bat roost. Therefore, this 'test' is considered to be satisfied.
- 5.27 Regarding the third '*favourable status*' test, it is considered that the replacement provisions described in Chapter 4 Assessment, Mitigation, Compensation and Enhancement of the TP-Ecology Bat Survey Report (July 2017) should enable lesser horseshoe, brown long-eared and pipistrelle bats to continue to roost on site; and that, subject to the mitigation, compensation and enhancement measures being implemented in full (including monitoring), it is considered that development would not be '*detrimental to the maintenance of the species at a favourable status in their natural range*'.
- 5.28 In summary, the Ecology Officer is happy that the proposed mitigation, compensation and enhancement satisfies the three tests, subject to the imposition of conditions requiring a lighting design strategy to be submitted and agreed, restrict construction activity from April-September, and require the details provided in Chapter 4 Assessment, Mitigation, Compensation and enhancement of the Bat Survey Report (July 2017), and shown on the submitted plans to be implemented. A European Protected Species Licence will be required for the development to proceed and agree the mitigation and compensation measures proposed. Monitoring is an essential part of this licence and must be completed once the development has been completed.
- 5.29 **Environmental Protection**  
The historic use of the site for agricultural purposes, and land to the north of the site as a former quarry/filled ground may have caused contamination which could give rise to unacceptable risks to the proposed development. Conditions will therefore be imposed to ensure that the appropriate investigations and, if necessary, remediation is undertaken to satisfactorily deal with any contamination risks on the site.
- 5.30 Neighbours believe there is a potential for asbestos material to be present. It is therefore considered that an informative will be attached relating to asbestos identification, management and removal. In this context, officers conclude that there are no contamination risks that cannot be mitigated.
- 5.31 **Other Matters**  
Neighbours at 3 Castle Cottages have particular concerns about the scaffolding required to undertake the work, the potential for physical damage to their property from construction, and encroachment upon their land once the development is complete. However, these are all civil not planning matters.

5.32 **Consideration of likely impact on Equalities**

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

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

5.34 **Overall Planning Balance**

The Council cannot currently demonstrate a 5-year supply of deliverable housing sites. Therefore, relevant policies for the supply of housing should not be considered up-to-date; and planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or where specific policies indicate development should be restricted. Such policies include those relating to an AONB.

5.35 The proposal would provide some economic benefits during the construction period and form the contribution made to the local economy by future occupiers. In social terms, there would be a contribution to the supply of housing in an area where the Council has still not achieved a 5-year housing land supply. Although only accessible by private car, future occupants would contribute towards the viability of services and facilities in nearby Marshfield. Environmentally, habitat enhancement and landscaping can be secured by condition which will be advantageous eventually.

5.36 Although Officers have found conflict with some aspects of national guidance and development plan policies relating to landscape and land contamination, taking account of mitigating planning conditions, it is not considered that the adverse effects of the proposal overall would significantly and demonstrably outweigh the benefits.

5.37 Therefore, application of the “decision-taking” element of the NPPF paragraph 14 points to the conclusion that permission should be granted.

**6. CONCLUSION**

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

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

## 7. RECOMMENDATION

7.1 It is recommended that planning permission be **GRANTED** 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. A) Desk Study - Previous historic uses(s) of the site; and land to the north of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably competent person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
- B) Intrusive Investigation - Where potential contaminants are identified under (A), prior to the commencement of development, an investigation shall be carried out by a suitably competent person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures. (Note (A) and (B) may be combined if appropriate).
- C) Verification Strategy - Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

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

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

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

For further advice on contaminated land investigations, the applicant can contact Environmental Services on (01454-868001).

#### Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework. This is required prior to commencement of development as there is the potential for contamination from the site's previous agricultural use and a former quarry/filled ground to the north.

3. Prior to occupation, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - a. Identify those areas/features on site that are particularly sensitive for to bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.



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

Reason

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

4. Where ecological surveys have identified the presence of roosting bats, no activities that could result in disturbance (such as demolition, roof stripping, excavations or building works or associated operations) shall be carried out between the dates of 1st October and 31st March in any year. Any works undertaken during the specified periods should only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.

Reason

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

5. The development shall proceed in strict accordance with the details provided in Chapter 4 Assessment, Mitigation, Compensation and Enhancement of the Bat Survey Report dated July 2017, and the following plans (PL01 - 2305 Rev B; PL04 - 2305 Rev B). Any deviation from these plans must be submitted to the local planning authority for approval in writing.

Reason

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

6. Prior to the commencement of development, and within 3 months from the date of the decision, a scheme of soft and hard landscape to be submitted for approval that shall include details of all existing trees and hedgerows on the land showing those to be removed and those to be retained, including measures for their protection during the course of the development. The drawing to show proposed planting including plant density and times of planting, boundary treatments and areas of hard-standing. Also specification notes covering topsoil depths, cultivation, planting, irrigation, and landscape maintenance covering a 5 year establishment period to help ensure the planting thrives. Development shall be carried out in accordance with the agreed details.

Reason

To enhance the setting of the development and contribute to the amenity of the wider landscape and the public realm, and to accord with Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework. This scheme is required prior to commencement in view of the area's AONB designation.

7. The building hereby permitted shall not be occupied until the off street parking and manoeuvring area have been completed in accordance with the approved plans. Thereafter, these areas shall be kept free of obstruction, satisfactorily maintained and available for these uses.

Reason

To ensure that there are adequate parking facilities to serve the development in the interests of highway safety, and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

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

Reason

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

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

Received 26.01.2017:

Design and Access Statement

Planning Statement

Preliminary Ecological Appraisal

Structural Report

Existing Floor Plan & Elevations (2305-PL02)

Received 15.06.2017:

Proposed Ground Floor & SE Elevation (2305-PL03 Rev A)

Proposed NW Elevations & Sections (2305-PL05 Rev A)

Received 06.07.2017:

Bat Survey Report

Received 22.09.2017:

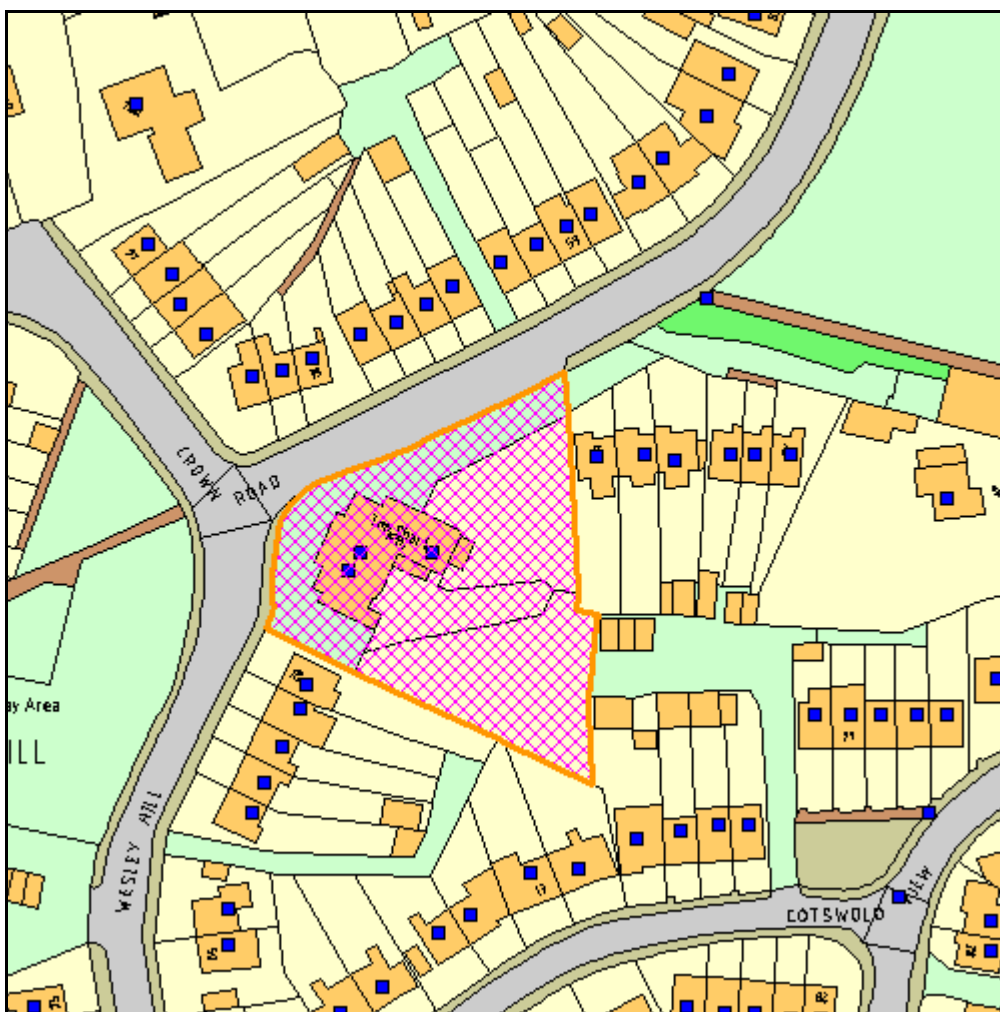
Site Location Plan & Block Plan (2305-PL01 Rev B)

Received 13.10.2017:  
Basement & Mezzanine Floor Plans & Elevations (2305-PL04 Rev B)

Reason  
For the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 50/17 – 15 DECEMBER 2017**

<b>App No.:</b>	PK17/2957/O	<b>Applicant:</b>	The Shant Building Company Ltd
<b>Site:</b>	The Shant Crown Road Kingswood Bristol South Gloucestershire BS15 1PR	<b>Date Reg:</b>	11th July 2017
<b>Proposal:</b>	Demolition of public house and erection of 10no. dwellings (Outline) with access to be determined. All other matters reserved.	<b>Parish:</b>	None
<b>Map Ref:</b>	364831 174615	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Major	<b>Target Date:</b>	26th September 2017



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 100023410, 2008. **N.T.S.** **PK17/2957/O**

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

The application has been subject to recommendations contrary to the findings of this report. Under the current scheme of delegation the application is required to be referred to circulated schedule as a result.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks outline consent to demolish an existing public house and to erect 10no semi-detached dwellings. Access is the only matter under consideration within this application, with all other matters reserved.
- 1.2 The existing property is a public house dating from around the start of the 20<sup>th</sup> century. The building has rendered elevations to the most part and a gabled roof and half-dormers.
- 1.3 The existing site is served by a number of parking spaces on Crown Road accessed via a level-crossing. Additionally there are number of spaces to the side of the property on Wesley Hill.
- 1.4 The site area equates to around 0.21 hectares and is brownfield in nature.
- 1.5 Information has been received considering the impact with regard to:
  - Planning policy context
  - Sustainability
  - Ecology
  - Indicative layout
  - Loss of the Public House
- 1.6 The subject site is situated within the built up area of Kingswood in an area characterised by post war housing.
- 1.7 The application has been revised slightly to provide more suitable access arrangements following officer advice.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### 2.2 Development Plans

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

CS1 High Quality Design  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density

CS17 Housing Diversity  
CS18 Affordable Housing  
CS33 Housing Opportunity

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Development Related Transport Impact
PSP16	Parking Standards
PSP19	Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP34	Public Houses
PSP39	Residential Conversions, Sub-Divisions and HMO
PSP42	Custom Build Dwellings
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (adopted) August 2006  
Residential Parking Standards SPD (adopted) December 2013

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK17/2131/PND – Withdrawn – 01/06/2017 – Prior notification of the intention to demolish The Shant Public House
- 3.2 K5379 – Approval – 29/04/1987 – New overflow car park and erection of a single garage.

**4. CONSULTATION RESPONSES**

- 4.1 Unparished Area  
No Comment Available

4.2 Other Consultees

Transport Officer  
No objection to the revised access arrangements

Lead Local Flood Authority  
No objection in principle but suggests the attachment of conditions

Ecological Officer  
No objection to the proposal and suggests that the introduction of wildlife boxes is not worthwhile given the lack of suitable habitats nearby

Waste Management  
Suggests provision of bin collection points but no other concerns – *this is an issue for consideration under the reserved matters*

### Wessex Water

Advises they are contacted as development if permitted may affect sewers

### Archaeological Officer

No objection but recommends a condition

### Community Infrastructure

The following table shows the amount of space required to make the development acceptable:

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount provided on site (sq.m.)	Shortfall in provision (sq.m.)	contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal recreational open space	276	0	276	£6,964.25	£12,275.73
Natural and semi natural open space	360	0	360	£5,033.81	£8,350.60
Outdoor sports facilities	384	0	384	£19,269.35	£5,832.19
Provision for children and young people	60	0	60	£10,088.63	£10,606.28
Allotments	48	0	48	£441.70	£563.20

### Housing Enabling

Based on the information provided in the outline planning application for x 10 properties and the indicative plan showing a gross internal area of 1000sqm, with access to be determined and all other matters reserved, there is no requirement for affordable housing. Should the planning officer grant approval for the application, the Enabling Team would request that a planning condition be applied that restricts the gross internal area to 1000sqm (or 1000m squared).

### Other Representations

#### 4.3 Local Residents

22 comments have been received from local residents; 12 of which are objections; 5 are in support; and 5 neither object nor support the application. Some of the comments are repeat entries by the same individuals. Due to the number of comments received it has not been possible to provide response to each individually but the following points are the main themes raised:

#### **Objection:**

- Loss of the attractive '100 year old' pub building with a nice outdoor area
- Could a better scheme not be achieved by conversion rather than demolition

- Pubs in worse condition have been brought back into use
- Potential for a 'micro-pub' to be included in the scheme
- Would result in the loss of green space in the area
- There are bats in the area and there is no provisions to support them
- Safety of school children in the area
- General highway safety concerns
- Concerns over the boarding up of the site and no pavement being left to the front for pedestrians
- Lack of parking provision for the development proposed
- Concerns over the impact on highway safety, particularly in relation to rat-running taking place
- Disruption of the school run as none of the pub car parking will remain
- No trees remain as they have all been removed prior to the submission of the application
- Distances shown in supporting statements are not reasonable walking distances
- Lack of community engagement
- Concerns over the impact on residential amenity

**Support:**

- Residential use of the site would be more beneficial than the commercial use
- There are a number of other pubs nearby
- The proposals are in keeping with the area
- The pub when operating had become a hotspot for antisocial behaviour and had a chequered past

**Other comments:**

A number of comments have been received neither objecting nor supporting the proposal

- Questions whether the proposal will share the access to the garaging to the east of the site
- Scaffold has been erected on site when no permission has been granted and as a result concerns have been raised with regard to development taking place without consent
- Due to the scaffold on site, youths have accessed the property requiring the police to investigate
- One party questions the SUDS provisions – *it should be noted that this would be determined as a reserved matter*. In addition the commenter asks whether there would be any 3 storey parts
- Comments raise concern over traffic during construction and asks that if permission is granted the times at which HGVs access is outside school times

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

The proposal site is located within the built up settlement of Kingswood. Policy CS5 establishes the locational strategy for development.



The site has not been specifically identified within the development plan however due to its location the site would be considered a suitable position for development subject to site specific consideration.

- 5.2 Policy CS16 of the Core Strategy (2013) states that housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services; such as the case with the subject site. The policy continues to state that development should be informed by the character of the local area and contribute to the high quality design objectives set out in Policy CS1; improving the mix of housing types in the locality; and providing adequate levels of public open space, semi-private communal open space and private outdoor space. Policy CS17 requires that new housing development provide a wide variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households. Paragraph 17 of the NPPF (2012) requires, within its core principles, that planning departments should actively manage growth patterns so as to make the fullest possible use of public transport, walking, cycling; and focus significant development to locations which are or can be made sustainable.
- 5.3 Policy PSP34 of the Policies Sites and Places DPD provides the LPA's policy on Public Houses and the conversion of. This states that development proposals for the change of use, redevelopment and/or demolition of a Public House will be acceptable where the proposal does not constitute the loss of, or would compromise the viability, of a service of particular value to the local community; **or** it can be demonstrated that use as a Public House is no longer viable; and the proposed alternative use will not detrimentally affect the vitality of the area and the character of the street scene; and significant external heritage assets features are retained.
- 5.4 Paragraph 49 of the NPPF (2012) states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the authority cannot demonstrate the five year supply of deliverable housing sites. As the property is situated in the settlement boundary and the other policies do not seek to restrict the supply of housing, housing policies would attract full weight in the consideration of this application. That said the test for substantial and demonstrable harm identified in paragraph 14 of the NPPF is applied and permission should be granted unless the harm of permitting development would outweigh the benefits. The proposal would represent a modest contribution to this housing land supply and is therefore a material consideration in the determination of this planning application.
- 5.5 The proposal is for outline consent to erect 10 semi-detached dwellings and associated works with access to be determined and all other matters reserved. Consequently the main issues to deliberate are whether the proposal would be suitably situated; whether access provisions would be acceptable; whether the loss of the pub and residential development of the site is acceptable; and whether the proposal would be considered sustainable development, making best use of the land available.

### Loss of the Public House

#### 5.6 *Loss of the Community Asset*

The UK since the turn of the 20th century has witnessed a decline in the number of local public houses. This all boils down to the fact less people are visiting pubs. As a result planning policies are geared towards supporting this industry, which is considered to be a valuable community asset. National policy included in the NPPF paragraph 70 is consistent with this aim in stating: *“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, **public houses** and places of worship) and other local services to enhance the sustainability of communities and residential environments.”* proposals should also *“guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.”*

#### 5.7 Policy PSP34 is in accordance with these aims and only allows the conversion of public houses in two situations:

1. The proposal does not constitute the loss of, or would compromise the viability, of a service of particular value to the local community
2. Or it can be demonstrated that use as a Public House is no longer viable; and the proposed alternative use will not detrimentally affect the vitality of the area and the character of the street scene; and significant external heritage assets features are retained.

#### 5.8 The above noted, as previously stated paragraph 17 of the NPPF requires development to be focused on previously developed land. As a brownfield site within the settlement boundary the proposal site would be considered to accord with this aim and a balance must be struck between the benefit of the provision of housing over the loss of the community asset.

#### 5.9 A statement on the loss of the public house has been received in support of the application in addition to comments made in the planning statement. This suggests the public house ceased trading in April 2017 when under the ownership of Enterprise Inns PLC (The UK’s largest pub company). The statement also suggests that the viability of the pub contributed to the closure. It appears as though redevelopment was considered but the suitability of this was questioned by Enterprise due to viability and the costs of redevelopment and no such scheme was taken forward. Comments have been received concerned with the loss of the pub building. Prior to closure the property had been managed by a number of different parties and is understood to have had a chequered history during this time. During the marketing period it is stated no interest was shown as a commercial business and the property was subsequently sold as a development opportunity to the current applicants.

#### 5.10 Comments from a number of residents have suggested that the property had fallen into disrepute and disrepair over its final years of trading; this gives indication that the pub was declining and of the chequered history noted within the planning statements. Loss of the pub could positively affect others in the area through former patrons going elsewhere. Nevertheless the property is unoccupied and therefore the development proposal is not considered to affect

the viability of the asset. Consequently the proposal could be considered to accord with the first test of PSP34 and there would be no requirement to demonstrate the facility is no longer fit for purpose. Furthermore the property is not designated as a locally listed building neither is it listed on the register of Assets of Community Value and the value as a non-designated heritage asset is diminished. On this basis the proposal is considered to accord with the provisions of the PSP policy and NPPF.

- 5.11 In addition to the above consideration, information has been provided with regard to other public house facilities in the area. The report indicates that there are 8 other pubs and restaurants within 1km of the proposal site. This equates to a maximum average walking time of 12 minutes, however there is one other alternative pub within 300m which would be considered a reasonable walking distance. PSP11 establishes what may be considered a reasonable walking distance to a pub, this is 800 metres. 5 of the 8 locations identified in the planning statement would be within this catchment area and therefore it could be demonstrated that there are satisfactory alternative within walking distance. Further to this it must be considered that some of the residential units closer to the site would be closer to the alternative provisions than the distances provided within the supporting statements.
- 5.12 The proposed use is residential and the surrounding locality is residential in nature. On this basis the proposal is consistent with the predominant use, and assuming an appropriate design could have an acceptable impact on the street scene and any significant heritage assets are not lost. As previously noted, the property is not subject of any statutory or non-statutory designations in terms of heritage assets registers or as community assets and its demolition must be considered in the context of the loss of a non-designated heritage asset. It is acknowledged that the property does have a degree of period charm, however the property is currently vacant and if it remained as such, undoubtedly the property would further deteriorate, which in turn would have a negative impact on the appearance of the area. Whilst the design impact on the loss of the pub must be deliberated, this is a consideration that will be applied if an application for Reserved Matters were submitted. It should be noted that any such design would be expected to form a focal point for the locality to replace the dominating presence of the pub. It should also be noted that the indicative layout does not allow for such a design.
- 5.13 As design, scale and layout are to be determined under reserved matters and no detailed designs have been put forward it is not possible to provide any meaningful assessment of this impact. Design would be assessed under the reserved matters application but for the purposes of this application the proposal could also be seen as consistent with the second test for the loss of the pub. It is however noted that an alternative scheme has been provided for evidence purposes by the council's Urban Design Consultant. This has provided a more regimented arrangement than that on the indicative plans. In addition it would introduce a larger landmark building to replace the pub. This would be considered more consistent with the character of the area. Further assessment of the alternative scheme is provided in the housing section below.

- 5.14 Overall the proposal, is seen to largely accord with the provisions of the aforementioned policy PSP34 and the provisions of the NPPF. The demolition of the pub would however only be acceptable on the basis that it will in fact be developed for residential purposes.
- 5.15 Sustainable Transport and Parking Provision  
The proposal would be giving 10no 3 bedroom dwellings. The original submission had only provided 20 parking spaces, however due to the number of dwellings some visitor space was required in order to accord with the residential parking standard and PSP16; this equated to 0.2 spaces per unit and overall requires an additional 2 parking spaces. This has now been provided and there is no objection from the Transportation department with regard to parking provision. The proposal is now considered to be consistent with the Residential Parking Standards SPD and PSP16. A number of comments have been received objecting to the proposal on the grounds of parking, some of which make reference to people formerly using the pub car parking spaces during school drop off and pick up and now the fencing is up, they are no longer able to access this. It should be made clear the proposal site is private property and as a result this use may be in breach of non-planning legislation. Furthermore as the proposal will be meeting the parking standard, parking provision (or the lack of) could not substantiate a reason for refusal.
- 5.16 The current application is for outline consent with access being the only consideration to be determined. Objection was received from the transport officer due to the location of the 4no parking spaces for plots 4 and 5. This was due to the location of the junction between Crown Road and Wesley Hill. Due to the proximity of the junction there was potentially for conflict and confusion between those accessing the parking spaces and other road users at the junction. Subsequently amendments were sought and have been provided. These parking spaces have been relocated and no longer present a problem in terms of highway safety. This was the principal concern of the transport officer and following the revisions to location and number of spaces, he no longer holds any objection to the proposal.
- 5.17 Comments have been received objecting to the proposal on the grounds of highway safety. The comments largely point towards the fact there are a number of schools in the area and that Crown Road and Wesley Hill forms a crucial route for pupils and parents, as well as a pick up and drop of point. The comments suggest that the proposal would worsen the situation and create highway safety issues. The existing site has a permitted commercial use and was served by around 20 parking spaces. The proposal is residential in nature and would provide a similar amount of parking, the majority of which will be located away from the highway in a forecourt to the centre of the site. Additionally as the use is residential it is expected to result in fewer trips relative to the number of parking spaces on the site. Furthermore a number of the parking spaces that were available were accessed by crossing over the pedestrian walkway and perpendicular to the road. This would be seen to create greater concerns over the safety of pedestrians than that of the proposal. On the basis that there is unlikely to be an increase in the number of trips from the site, the proposed use is more conducive to the safety of pedestrians and there is thought to be a reduction in the amount of conflict

- created between accesses and the pedestrian walkway, the proposal is seen to improve highway safety and no objection is raised to this.
- 5.18 One comment has noted that due to the fencing erected around the site, pedestrians are no longer able to walk past the site safely. It should again be made clear that the proposal site is private and they are entitled to fence off this private area for the purposes of development. Consequently this is not seen as relevant to the planning consideration.
- 5.19 Comments have also been received questioning the impact of HGV's accessing the site during development. Whilst not in entirely in objection to the proposal, the commenter wishes to ensure that HGV's do not create conflict, particularly around school drop off and pick up times. Were planning permission granted a condition could be applied requiring the submission of management plan that includes restricted delivery times to prevent this from being an issue. Nevertheless development in a residential location such as this is expected to take place from time to time, assuming this is appropriately controlled there is no planning objection to this impact.
- 5.20 Housing and Sustainable Development  
The proposal seeks to demolish the existing public house in order to facilitate the erection of 10no semi-detached open market properties. The indicative layout suggests the proposal will be 1000m<sup>2</sup> in gross internal area. Current policy on affordable housing CS18 has been tested at appeal on a number of occasions and has not been found consistent with paragraph 31 of the NPPG on the matter. The NPPG states contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1,000 square metres (gross internal area). On this basis the proposal appears to have been geared to fall below this threshold.
- 5.21 As the proposal would only provide semi-detached open market houses, it could not be seen to be providing a mix of housing for differing households as required by Policy CS17. The NPPF also promotes a mix of housing in order to provide a mixed and sustainable community. This mix must take into account the existing mix of housing nearby which tends to be 3 bedroom terraced properties. As a result the case officer has investigated possible alternative schemes with a consultant urban designer. This investigation has found, without significantly increasing the overall footprint of the development; that an additional 4 units could be provided by providing a number of apartments. In terms of access which is under consideration within this application, the proposal would remain relatively unchanged.
- 5.22 As mentioned in the principle of development section one of the core principles of the NPPF is to make the fullest possible use of public transport, walking, cycling; and focus significant development to locations which are or can be made sustainable. The proposal is for 10 units which would be considered a major planning application. As such it is seen as a significant development as outlined above.

5.23 Policy CS16 seeks to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services. The proposal site is situated in the settlement of Kingswood, which is one of the best established settlements in the South Gloucestershire Area. The area has excellent transport links and an extensive range of services available. Consequently, the proposal site would be considered one of the most sustainable locations in the district and therefore particular attention should be paid to the efficient use of the land. Thus the identification of an alternative more efficient scheme suggests that the proposal fails this principle policy consideration and that an alternative more efficient proposal (also with a greater mix of housing) could be provided. Therefore whilst no weight can be given to the alternative scheme itself, it does demonstrate a more efficient use of the land can be achieved. Significant negative weight will be attached to this consideration. The increase in density is almost entirely tied with the provision of a mix of housing types, rather than increasing the land coverage of the proposal. Further to this point, it is noted that paragraph 50 of the NPPF promotes the mix of house type and tenure in order to provide inclusive, sustainable and mixed communities. In addition paragraph 64 of the NPPF states "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. It is considered that this is relevant to the consideration of whether the site is used efficiently, and takes the opportunities to best respond to delivering the best mix of housing to an area. When taking these policy directives identified in PSP16, 17 and the NPPF as a whole and the potential for an alternative more efficient scheme, it suggests that by increasing the density it would also allow a greater mix of properties. In turn, due to the increase in the number of units, it would enact the requirement for affordable housing provision, which consecutively would further increase the mix of individuals and families within the community; thereby providing a more mixed, inclusive and sustainable community in line with the Core Planning Principles of the NPPF.

5.24 Design

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and is well integrated and connected with to the wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.

5.25 The current application is outline with only access to be determined, all other matters will be determined under an application for reserved matters. However an indicative layout has been provided in association with as Design and Access Statement. This has suggested how the site would accommodate the 10no units proposed. While no full assessment of this layout will be provided at this stage it is worthwhile considering how the form of development would fit with the existing form of development in the area. The area is occupied predominately by post war terraced housing, arranged in a strong linear format.

- The proposal would erect 10 dwellings within the broadly triangular site. This would have a far more sporadic form of development as can be witnessed nearby. It is acknowledged that plots 5 and 6; and plots 1 and 2 would tie in with the terraces to the south and east of the site, however this is as far as this goes, the remaining units would fail to respect the grain of development in the area. Additionally by virtue of the semi-detached nature of the buildings, they would fail to match the prevailing house type in the area, which is almost entirely terraced.
- 5.26 CS1 requires that form, scale, height and massing are informed by the site and its context. The supporting statements suggest the properties will be 2 storey; this is the general scale of properties in the area and this scale would be considered an appropriate for its context.
- 5.27 Overall, whilst no detailed design has been provided in order to meaningfully assess the proposals impact on the visual amenity of the site and its context, it has been found to deteriorate the character of the area as a result of its proposed layout. The layout is therefore considered to be contrary to the provisions of Policy CS1 of the Local Development Plan and the provisions of the NPPF (2012).
- 5.28 Residential Amenity  
Policy PSP8 of the adopted Local Plan gives the Council's view on residential amenity. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.
- 5.29 *Privacy, Overbearing and Loss of Light*  
The proposal is for 10no residential units. The scale and design of which are to be determined under the application for reserved matters. That said an indicative layout has been provided which also suggests the proposals would be two storey. There are properties in relatively close proximity to some of the units proposed, however these would have a similar orientation to the dwellings that could potentially be affected. As a result it is not thought the development would give rise to any unacceptable loss of privacy and would likely be considered acceptable in this respect. Additionally as no primary living accommodation windows are oriented towards the development it is unlikely to give rise to harmful impacts with regard to overbearing and the associated loss of light.
- 5.30 *Private Amenity Space*  
From the indicative layout it would appear as though a few of the properties would be substandard in terms of the guidelines identified in PSP43 (private amenity space), however the policy only requires that the provision is averaged across the development, meaning some can be larger and some smaller. According to the indicative layout there would be an average provision of around 70m<sup>2</sup>; this is in excess of the requirements over the whole of the site. Additionally there is an area of green space and a play area situated directly opposite the existing pub building. As a result it is unlikely objection would be raised to this.

- 5.31 Overall the proposal is not thought likely to give rise to any unacceptable harm to the amenity of neighbouring occupiers and the proposal site would be capable of providing sufficient private amenity space for the size of the dwellings proposed, therefore it is unlikely objection would be raised to amenity consideration.
- 5.32 Ecology  
The proposal has been supported by an ecological report considering the impact on bats in the area. Comments were sought from the LPA's ecological officers. The comments indicate that an internal and external search of the building was conducted and no historic or current evidence of bats were found. It was concluded that the building has negligible potential for roosting bats and no further survey work is required. In addition, due to the urban nature of the surrounding area, there is no suitable habitat for foraging and commuting bats. Due to the limited opportunities for bats in the area, it was not considered worthwhile providing new roosts or features for bats. On this basis there would be no objection raised in relation to ecology.
- 5.33 Drainage and Flood Risk  
The proposal is currently outline with only access to be determined. The property is not in a flood risk area and is thought to be capable of accommodating suitable SUDS provision, however this would be determined at the reserved matters stage. Comments have been received questioning the provision, however this is not considered relevant to the outline planning application.
- 5.34 Other Matters  
One comment has noted that the proposal would not affect arboriculture as all of the trees were removed prior to the submission of the application. With regard to this it should be noted that no permission is required for the removal of trees on private property so long as the trees are not subject to a Tree Preservation Order or would exceed 7.5 cm in diameter at its base and is situated in a conservation area. As a result this comment is not considered relevant to the planning assessment.
- 5.35 Another comment has suggested the scheme could benefit from a 'micro-pub' and this could be included. The purpose of this assessment is to consider the application at hand against the local and national planning policies. The loss/retention of a pub has been considered under policy CS23 earlier in this report.
- 5.36 A respondent has suggested that the distances identified in the planning statement would not be reasonable walking distances and challenges the suitability of the location. PSP11 has established what are considered to be reasonable walking or cycling distances for a public house. This is quoted as 800m and 5 of the 8 sites identified in the planning statement would fall within this area. On this basis the planning statement quotes appropriate distances for the alternative provisions and a number would be seen as being as within reasonable walking distances.



- 5.37 Comments have also suggested that there has been a lack of community engagement. The developer has no duty to provide such engagement in a scheme of this scale. The community will have been notified of the application in line with the Council's statement of community involvement.
- 5.38 Lastly a number of individuals have identified that scaffold has been erected on site. The scaffold is all situated within the site boundary and as a result no permission would be required for its erection. It is noted that regular checks should take place to ensure the scaffold is safe.
- 5.39 Planning Balance  
The proposal would represent a modest contribution to housing supply. However as the property is situated within a settlement boundary, the policies for the supply of housing are considered to be up to date and full weight can be given to housing related policies within the adopted local plan.
- 5.40 As stated earlier in the report, the property is situated in the heart of a well-established settlement, on the east fringe of Bristol. This area benefits from an extensive range of services and is extremely well connected to public transport, pedestrian walkways and the wider road network. On this basis the property is considered to be in one of the most sustainable locations in the South Gloucestershire district. Furthermore information has been sourced which indicates that a greater density could be achieved on site without causing any significant harm to the quality of the proposal. On this basis the proposal fails to demonstrate an efficient or best use of land in such a highly sustainable location and significant negative weight should be attached to this consideration. In addition to the proposal failing to make efficient use of the land, the proposal is for 10no, 3 bedroom semi-detached dwellings. Policy CS17 requires that developments provide a mix of housing types for individuals and families with differing demands. The area is predominately occupied by terraced post war housing that is thought to provide 3 bedrooms per unit on average. As the proposal would be giving a very similar house type to that prevailing in the area, it would fail to promote a mix of housing.
- 5.41 As stated earlier in the report positive weight could be given to the provision of 10 residential units in a sustainable location. Modest weight has been applied to this benefit, however on balance the significant negative weight attached to the inefficient use of land in a sustainable location, and the proposal not providing a mix of house types in line with CS16 and CS17 and that in turn is not supporting a mixed and inclusive community, overall the proposal would not be considered to be sustainable development and permission should be refused.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 That the application is **REFUSED** for the reasons outlined on the decision notice.

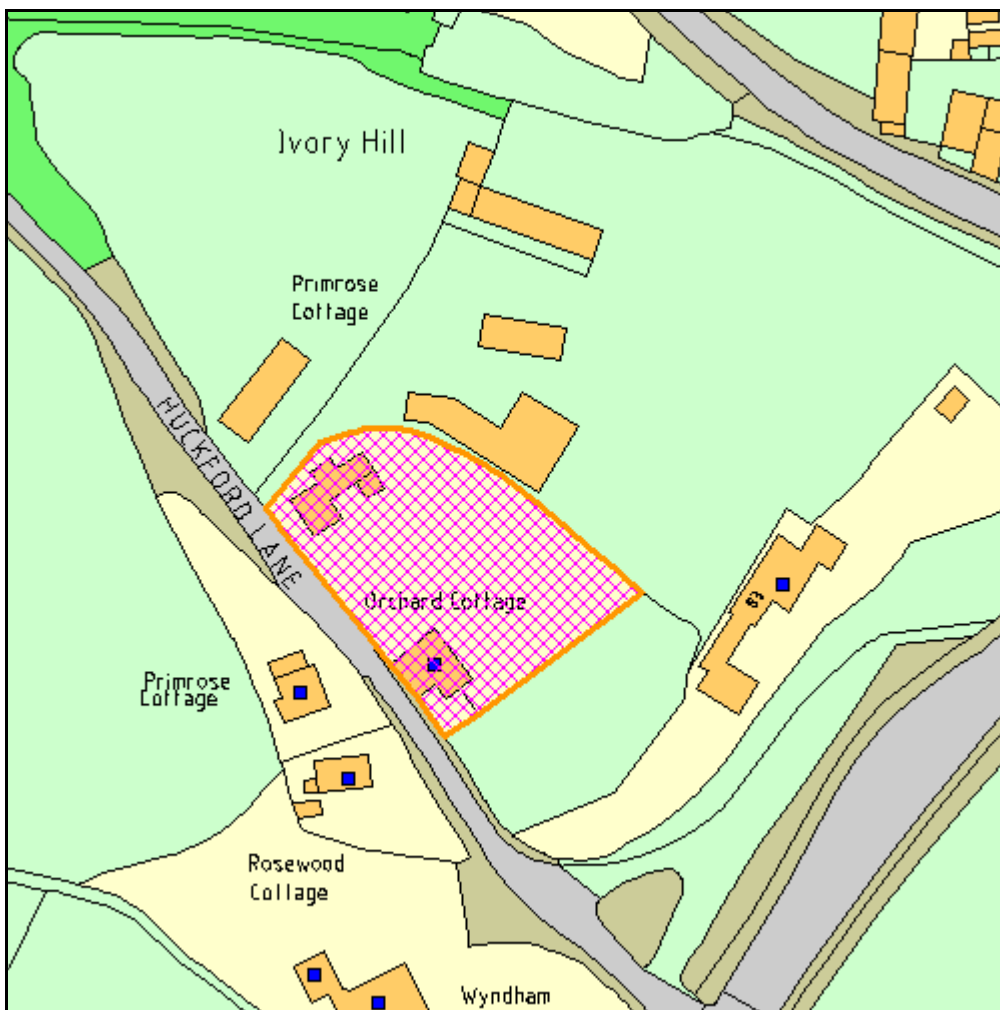
**Contact Officer: Hanni Osman**  
**Tel. No. 01454 863787**

## **REASONS FOR REFUSAL**

1. The proposal has not been found to make good or efficient use of the land in a highly sustainable location and evidence has demonstrated that a more efficient scheme could be provided with a greater number of units, this would also bring a better mix of housing type and tenure to suit the individual requirements of varying households. As a result the proposal has been considered to fail the provisions of CS1, CS16, CS17, CS29 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and that outlined in the National Planning Policy Framework (2012).

**CIRCULATED SCHEDULE NO. 50/17 – 15 DECEMBER 2017**

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



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 100023410, 2008. **N.T.S.** **PK17/3073/F**

## **REASON FOR REFERRING TO CIRCULATED SCHEDULE**

Members may recall that this application appeared on last weeks circulated schedule. This was subject to the review of any further comments received during the re-consultation period. 1no. objection was received which raises points which were not previously considered. As such, this application is referred again to ensure members are aware of these concerns.

### **1. THE PROPOSAL**

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

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

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

## 2. **POLICY CONTEXT**

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

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

- 2.2 Development Plans

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

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

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

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

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

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

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

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

*Condition 1*

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

*Reason:*

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

### 4. **CONSULTATION RESPONSES**

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

- 4.7 Environmental Protection  
No objection subject to contamination conditions.

### **Other Representations**

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

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

1no. objection was received to the revised plans. These are summarised as follows:

- Parking and transportation issues
- Expansion of business use
- Paddock is not identified separately to residential curtilage of Orchard Cottage
- Environmental issues as a result of the erection of the single garage

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The main issue to consider is the location of the development being situated within the Green Belt, outside of a settlement boundary and therefore within the open countryside. Both local and national planning policy aim to protect the countryside from inappropriate development. Planning law requires that planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration, but it is guidance, it is not law and does not render the adopted local plan null and void. It is therefore up to the decision maker to decide what weight should be given to the NPPF policies in so far as they are relevant to the proposal.
- 5.2 As the proposal is for 1no. new dwelling relevant housing policies must also be applied to the assessment. South Gloucestershire Council does not have a five year land supply and therefore relevant housing policies are 'out of date'. The NPPF states that where this is the case then paragraph 14 of the NPPF will take precedence. This section declares there to be a presumption in favour of sustainable development and for *decision takers this means (unless material considerations indicate otherwise)...* As a consequence of the lack of deliverable five year land supply of housing, certain adopted local policies are 'out of date' and therefore do not hold their previous full weight. This is a material consideration.

- 5.3 *Residential Development in the Countryside*  
Policies CS34 of the Core Strategy sets the vision for the rural areas within South Gloucestershire. The policy aims to protect, conserve and enhance rural areas, from inappropriate development. The application site is located between the Winterbourne and Coalpit Heath settlement boundaries and is within part of the open countryside. The previous application (ref. PK17/0143/F) concluded that the dwelling would be isolated and unsustainable.
- 5.4 Since this decision the Council has adopted the Policies, Sites and Places Plan. PSP40 sets out that residential development within the countryside, could be acceptable in a number of circumstances. These include; rural housing initiatives, rural workers dwellings, replacement dwellings, and the re-use of disused buildings. It goes on to state that in all of the circumstances, development proposals will be acceptable where they do not have a harmful effect on the character of the countryside, or the amenities of the surrounding area. The proposal would not comply with these exceptions.
- 5.5 Having said this, given the Councils lack of 5 year housing land supply, and in the context of paragraph 14; the presumption is in favour of sustainable development. The key consideration therefore is whether the development would accord with paragraph 55 of the NPPF. This states that in order to promote sustainable development, housing should be located where it would enhance or maintain the vitality of rural communities. It goes on to state that housing development in rural areas should not be promoted where such development would not lead to isolated homes within the countryside.
- 5.6 A recent judgement (*Braintree District Council v Secretary of State for Communities and Local Government [2017] EWHC 2743*) the dictionary definition of 'isolated' was turned to, meaning 'far away from other places, buildings or people; remote'. This was also echoed in a recent appeal decision in another part of South Gloucestershire (ref. APP/P0119/W/17/316992). The Inspector also found that whilst the development would be reliant on the private motor car, future occupants were within an acceptable cycling distance to nearby facilities, and would likely utilise such.
- 5.7 The application site is located within a group of 5 houses, and the proposed dwelling would increase this to 6. It would be located 160 metres from the nearest bus stop, which provides a regular service (no.47) to Yate/Chipping Sodbury, and 320 metres from the opposite bus stop which provides regular services into Bristol. Furthermore, the site is between 1-2 miles to services and facilities within Winterbourne, 1.2 miles to services and facilities within Coalpit Heath and 0.8 miles to the East Fringe of Bristol Urban Area.
- 5.8 The recently adopted PSP11 expects that residential development proposals are located on:
- i. safe, useable walking and, or cycling routes, that are an appropriate distance to key services and facilities, and then,
  - ii. where some key services and facilities are not accessible by walking and cycling, are located on safe, useable walking routes, that are an



appropriate distance to a suitable bus stop facility which connects to destinations with key services and facilities.

5.9 In this context, it is felt that the development would not be isolated or unsustainable. Access to services and facilities could be gained through walking or cycling, or alternatively regular bus facilities. Moreover, weight is given that the dwelling is located within a group of properties and that the site comprises previously developed land and is used as part of the existing residential curtilage for Orchard Cottage.

5.10 *Green Belt*

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

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

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

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

5.13 This application now proposes a single storey dwelling to replace the workshop and store. This would have an increased maximum height of 0.8 metres and an increased footprint of 32m<sup>2</sup>. It is noted that the dwelling would be somewhat larger, however, it would remain in a similar location close to the rear boundary and would be enclosed by hedging and trees (to be retained) from the wider landscape. A residential curtilage and shared parking area are proposed. Whilst this would more established, this land is already used as part of the residential curtilage and parking for Orchard Cottage. It is noted that the properties would be separated by a 1.8 metre timber fence, no objection is raised to such given that this could be erected under permitted development. Given these instances, it is felt that the development would not be inappropriate. Having said this, it is recommended that the removal of householder permitted development rights is conditioned for the proposed dwelling. This is to ensure that any further development proposed can be assessed by the local planning authority.

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

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

- 5.15 The garage would be attached to the south west (side) elevation of Orchard Cottage, it would be set back by approx. 5 metres from the main front building line of the property and would be a relatively modest structure. It would not impact on views or visibility to the wider landscape particularly given it would remain subservient to the two storey property and would be enclosed by trees and hedging. It is not felt that this would comprise a disproportionate addition to the original property. Officers are also mindful of the 'fallback position', in which the applicant could build a structure with a larger footprint using their intact permitted development rights.

- 5.16 With regard to the assessment above, and in conclusion, it is felt that the development would not constitute inappropriate development in the Green Belt. Having said this, conditions are recommended to ensure the development is executed to Officers expectations.

5.17 Design and Landscaping

The clearance of the existing dilapidated buildings is considered to be beneficial to the visual amenity of the site and attracts some weight in favour of the proposal. The proposed dwelling would comprise a single storey, it would largely follow the footprint of the existing workshop. Plans show it would have 2 front gable features, and materials would comprise a mix of render, natural pennant stone and double roman tiles. The surrounding area generally has a mixed character, however, it is noted that the existing property uses influences from Orchard Cottage and surrounding dwellings. A condition is recommended that samples of materials are submitted and approved prior to the relevant stage of development. This is in the interest of visual amenity and to ensure the highest quality of design.

- 5.18 In terms of the single garage, it is proposed that it would be rendered and would have concrete roof tiles. Whilst this is considered to match the existing property, a condition is recommended to ensure this is the case.

- 5.19 Given the rural landscape to which the dwelling relates, it is considered appropriate for a hard and soft landscaping scheme to be conditioned also, to ensure that traditional boundary treatments such as pennant sandstone walls are proposed, as these were identified as a significant landscape feature within this area in the Landscape Character Assessment SPD (Adopted) November 2013.

5.20 Environmental Issues

It is considered that the removal of a noise generating use near to an existing residential dwelling weighs in favour of the proposal, and can be considered a benefit of the scheme. The use of the site as a workshop may have caused contamination which could give rise to unacceptable risks to the proposed

- development, and so in the event the application is approved, it is recommended by environmental health colleagues that a pre-commencement condition is issued, to ensure that this potential is investigated, and if any contamination is found, mitigating measures are carried out.
- 5.21 Neighbouring occupiers have commented that the single garage would be opposite their property and that noise and light disturbance would occur. Whilst these comments are acknowledged, and that some change may be noticeable, it is not thought that the use of a residential single garage would have a harmful environmental impact on these occupiers.
- 5.22 In terms of drainage, the Lead Local Flood Authority have been consulted. They have raised no objection but suggest that informative are placed on the decision notice in relation to soakaways and Environment Agency 3<sup>rd</sup> generation Flood Maps.
- 5.23 Vegetation  
The site is subject to an area wide Tree Protection Order. An Arboricultural report has been submitted in support of the application and shows the existing hedgerow will be retained. The tree officer has raised no objection. A condition is recommended that the development proceeds in accordance with the measures detailed in the report.
- 5.24 Transport and Parking  
The previous proposal ref. PK17/0143/F was refused partly due to the lack of parking provision for Orchard Cottage. Comments of neighbouring occupiers to revised plans raised concerns regarding the lack of proposed parking at the site. However, this scheme has made amendments to ensure that both existing and proposed dwellings have sufficient parking provision. Orchard Cottage is a 3-bedroom house and plans show that it would have up to 3 parking spaces provided; 1no. on a shared drive, 1no. in the single garage and 1no. to the front of the garage. The proposed dwelling would have 2 bedrooms, and it is proposed that the shared drive would provide it with 2no. parking spaces. This provision is in compliance with the Councils Residential Parking SPD, and transportation colleagues have not raised an objection to any of the proposed arrangements.
- 5.25 Neighbouring occupiers raised concerns with the intensification of the use of Huckford Lane. These comments are understood, however, transportation colleagues have not raised an objection to an additional dwelling in this location.
- 5.26 It is noted that no cycle parking is proposed for the new dwelling. In accordance with PSP16 the dwelling should provide 2 secure and undercover cycle storage spaces. A condition is recommended to ensure these are provided prior to occupation.
- 5.27 As such, no objection is raised to these matters. A condition is recommended to ensure the parking is provided prior to occupation of the development.

### 5.28 Residential Amenity

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

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

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

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

### 5.30 Other Matters

Comments received from local residents stated that the development could result in the expansion or development of a business use. This application is for the erection of a dwelling and a single garage. There is no evidence before Officers that it would involve the expansion of a business.

### 5.31 Planning Balance

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

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

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

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

7.1 That planning permission is **APPROVED** subject the conditions below.

**Contact Officer:** Lucy Paffett  
**Tel. No.** 01454 863436

### **CONDITIONS**

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

Reason

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

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

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

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

Reason

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

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

Reason

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

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

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

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

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

Reason

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

**CIRCULATED SCHEDULE NO. 50/17 – 15 DECEMBER 2017**

<b>App No.:</b>	PK17/3641/F	<b>Applicant:</b>	Ms Erica Cross
<b>Site:</b>	18 Sunnyvale Drive Longwell Green Bristol South Gloucestershire BS30 9YH	<b>Date Reg:</b>	30th August 2017
<b>Proposal:</b>	Demolition of existing conservatory and erection of a two storey side and a single storey side/front extension to form additional living accommodation. Demolition of boundary wall and erection of a replacement 1850mm high timber fence.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	366773 171050	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	19th October 2017



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

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

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the demolition of an existing conservatory and the erection of a two storey side and single storey side/front extension. The proposal also involves the demolition of a boundary wall and the erection of a replacement 1850mm high timber fence. The application relates to no. 18 Sunnyvale Drive, Longwell Green.
- 1.2 The application site consists of a modern, detached property set within a moderately sized corner plot. The site is located within the urban fringe area of Longwell Green.
- 1.3 Revised plans were requested and received by the Local Planning Authority on 25<sup>th</sup> October 2017. The amendments involve a reduction in the ridge height of the single storey extension, as well as alterations to the proposed fenestration and timber fence. As the alterations to the scheme did not change the scope of the development, a further round of consultation was not undertaken following the submission of revised plans.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

#### **2.2 Development Plans**

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

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility

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

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

#### **2.3 Supplementary Planning Guidance**

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

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

#### **3.1 K1088/60**

ERECTION OF 14 HOUSES AND GARAGES (Previous ID: K1088/60)

Approved: 07.03.1983

#### **3.2 PK02/0679/F – 9 Sunnyvale Drive**

Erection of two storey side extension to form kitchen with additional bedroom and ensuite bathroom above.

Approved: 26.04.2002

### **4. CONSULTATION RESPONSES**

#### **4.1 Oldland Parish Council**

No objection. However, some confusion exists regarding the description of the 'boundary wall' and 'replacement' thereof with a fence. The siting of this wall and fence is inconsistent.

#### **4.2 Other Consultees**

##### **Sustainable Transport**

##### *Initial comments*

The proposed development will increase the bedrooms within the dwelling to five. The block plan submitted shows that the existing double garage and parking to the rear will be unaffected by this development.

Subject to a condition that at least three parking spaces are permanently maintained within the site boundary, there is no transportation objection to the proposed development.

##### *Further comments*

Since making my earlier transportation comments on this planning application, I have been made aware that the proposed boundary fence will not be in the same position as the existing wall but will be moved forward towards the edge of the public highway. Given the height of the proposed fence, I have concerns that this will block pedestrian visibility for drivers exiting the parking for this dwelling. I would therefore request that the location of this fence is either relocated back to the line of the existing wall or at least a 2m by 2m pedestrian visibility splay is provided.

#### **Other Representations**

#### **4.3 Local Residents**

2 comments of objection have been lodged against the application. The main concerns raised are summarised below:

- Proposed extension would cause loss of outlook and overlooking.
- Proposed two storey extension would impact upon amount of light entering neighbouring rooms.
- Proposal represents over-development of site and is not in keeping with the original design of the estate.
- Boundary fence would obscure visibility when exiting site.
- Boundary fence is of inappropriate material and would not be in keeping with original open plan design of estate.
- Plans shown to neighbours differ from submitted plans.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application seeks permission for the erection of a two storey side extension, a single storey front/side extension, and a new boundary fence. Policy PSP38 of the Policies, Sites and Places Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity, transport and loss of trees and vegetation. The development is acceptable in principle but will be determined against the analysis set out below.

### 5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.3 Due to the siting of the proposed extensions and the corner plot nature of the site, the proposed additions would be readily visible within the immediate streetscene. As such, it is acknowledged that the implementation of the proposal would have an impact upon the character and distinctiveness of the locality.

5.4 Overall, it is considered that the proposed extensions can be accommodated at the site without the plot appearing cramped or over-developed. It is also considered that the overall scale and massing of the proposed two storey extension sufficiently respects the proportions of the host dwelling. The setting back of the front elevation from that of the host, and the stepping down in ridge height, are considered to create a degree of subservience between the proposed two storey extension and the host dwelling. In terms of the overall scale and massing of the proposed extensions, the development is considered acceptable.

5.5 However some issues with the design of the originally submitted proposal were identified. The first issue related to the proposed en-suite window, to be located at a first floor level at the street-facing elevation of the two storey extension. Due to the ridge height of the proposed single storey extension, the proposed en-suite window was significantly reduced in size.

- It was considered that a window of this size would appear as an incongruous feature, and that the wide area of blank wall to the side of the window would detract from the appearance of the property. A further identified issue related to the proposed fence, as it was also considered that, due to its siting along the site boundary, the proposed fence would appear as an overly prominent feature within the streetscene.
- 5.6 Following discussions with the applicant, the scheme was amended. The ridge height of the single storey extension has been reduced to allow for a larger ensuite window to be inserted. This window is considered to reflect the appearance of existing windows to a greater extent. The proposed fence was also moved back from the boundary, reducing its prominence within the streetscene.
- 5.7 On balance, it is considered that following revisions to the scheme, an acceptable standard of design has been achieved. Whilst the retention of the existing boundary wall would retain the original character of the estate, it is noted that similar boundary fences to that proposed are present at nearby properties. As such, it is not considered that the demolition of the boundary wall and erection of a replacement fence would cause significant harm to visual amenity.
- 5.8 Whilst the concerns raised regarding the impact of the development on the character of the locality have been taken in to account, it is not considered that the development would cause any significant harm to visual amenity. Overall, the proposal is considered to satisfy design criteria set out in policy CS1 of the Core Strategy, and PSP38 of the Policies, Sites and Places Plan.
- 5.9 Residential Amenity  
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.10 When considering the impact of the proposal on the residential amenity enjoyed by the occupiers of neighbouring properties, the main properties under consideration are the properties immediately to the north of the application site at no's. 16 and 17 Sunnyvale Drive, and the property immediately to the east at no. 19.
- 5.11 The concerns raised regarding potential overlooking have been taken in to account. It is noted that 3 new windows would be located on the north-facing (rear) elevation of the host dwelling, and that the windows would directly face the neighbouring property to the north. However revised plans indicate that the 3 windows will be obscurely glazed. As such, it is not considered that the insertion of the windows will result in a significant loss of privacy at neighbouring properties through overlooking.

As the proposed first floor window at this elevation has the potential to cause the greatest degree of overlooking, the obscure glazing of this window will be secured by condition. With regard to any overlooking on to neighbouring properties to the east, it is not considered that the proposed east-facing first floor window would create a significantly greater degree of overlooking than the existing first floor window at this elevation.

- 5.12 The concerns raised regarding overbearing and overshadowing impacts have been taken in to account. With regard to increased overbearing and loss of outlook from neighbouring windows, it is not considered that the proposed two storey extension would have any unacceptable impacts. When applying the 45 degree rule from the east-facing windows at the immediate neighbour to the north, the proposed extension would not obscure outlook.
- 5.13 It is acknowledged that due to its siting to the south of no. 17, the proposed two storey extension would block the path of sunlight in to neighbouring windows and on to the neighbouring rear garden. However given the depth of 4.2 metres, this would only be during a small part of the day. Whilst there would be a degree of harm to residential amenity, it is not considered that the identified harm would be of such severity as to substantiate a reason for refusing the application.
- 5.14 Given the scale of the development, it is also not considered that the proposal would cause unacceptable levels of disturbance to immediate neighbours through increased noise, odours, fumes or vibration. However given the proximity of the proposed two storey extension to the immediate neighbour to the north, a condition will be attached to any decision restricting working hours during the construction period.
- 5.15 It is noted that the proposal would result in the loss of some outdoor private amenity space. However it is considered that sufficient space would be retained on-site following the implementation of the development.
- 5.16 Subject to the aforementioned condition regarding working hours, the proposal is considered to accord with policies PSP8 and PSP38 of the Policies, Sites and Places Plan.
- 5.17 Transport  
The concerns raised regarding the impacts of the proposed fence on highway safety have been taken in to account. It was considered that, as originally proposed, the replacement fence would significantly obscure visibility when exiting the on-site parking spaces. Following discussions with the applicant, the proposed fence was set back from the highway, allowing for greater visibility to be achieved. Whilst the proposed fence would reduce visibility to some extent, given the residential nature of the road, it is not considered that this would have a significant impact on highway or pedestrian safety.
- 5.18 With regard to on-site parking provision, the number of parking spaces required is based on the number of bedrooms provided within a property. Whilst submitted plans indicate that only 4 bedrooms would be provided following development, it is noted that the proposed 'changing-room' currently

accommodates a bedroom. As the room could easily be converted in to a bedroom in the future, it will be counted as a bedroom when assessing the minimum parking requirements for the development. On this basis, the number of bedrooms within the property would increase from a total of 4 to 5 as a result of the development. Policy PSP16 of the Policies, Sites and Places Plan outlines that properties containing 5+ bedrooms must provide a minimum of 3 on-site parking spaces.

5.19 As has been outlined by the transport officer, a detached double garage and external parking spaces would be retained on-site. As such, the minimum parking requirement would be met. However given the increase in living accommodation, a condition will be attached to any decision, requiring a minimum of 3 parking spaces to be retained on-site.

5.20 Trees and Vegetation

The proposal would not result in the loss of any trees or vegetation that contribute significantly to the character of the locality.

5.21 Equalities

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

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

5.23 Other Matters

The concerns raised regarding the differences between plans shown to neighbours and those submitted as part of this planning application have been taken in to account. However the Local Planning Authority are required to base their decision on the plans submitted. Furthermore, a full round of consultation has been undertaken, which has provided consultees with the opportunity to comment on the submitted application. As such, the fact that there are differences between plans shown to neighbours and those subsequently submitted is not considered to have a bearing on the assessment of the 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 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

2. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor windows on the rear (north) elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being a minimum of 1.7m above the floor of the room in which it is installed.

Reason

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

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

Reason

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

4. The off-street parking facilities (for all vehicles, including cycles) shown on the plan (CROSS251017SOS) hereby approved shall make provision for the parking of a minimum of 3 vehicles (measuring at least 2.4m by 4.8m), and shall be provided within 1 month of the extension hereby approved being substantially complete.

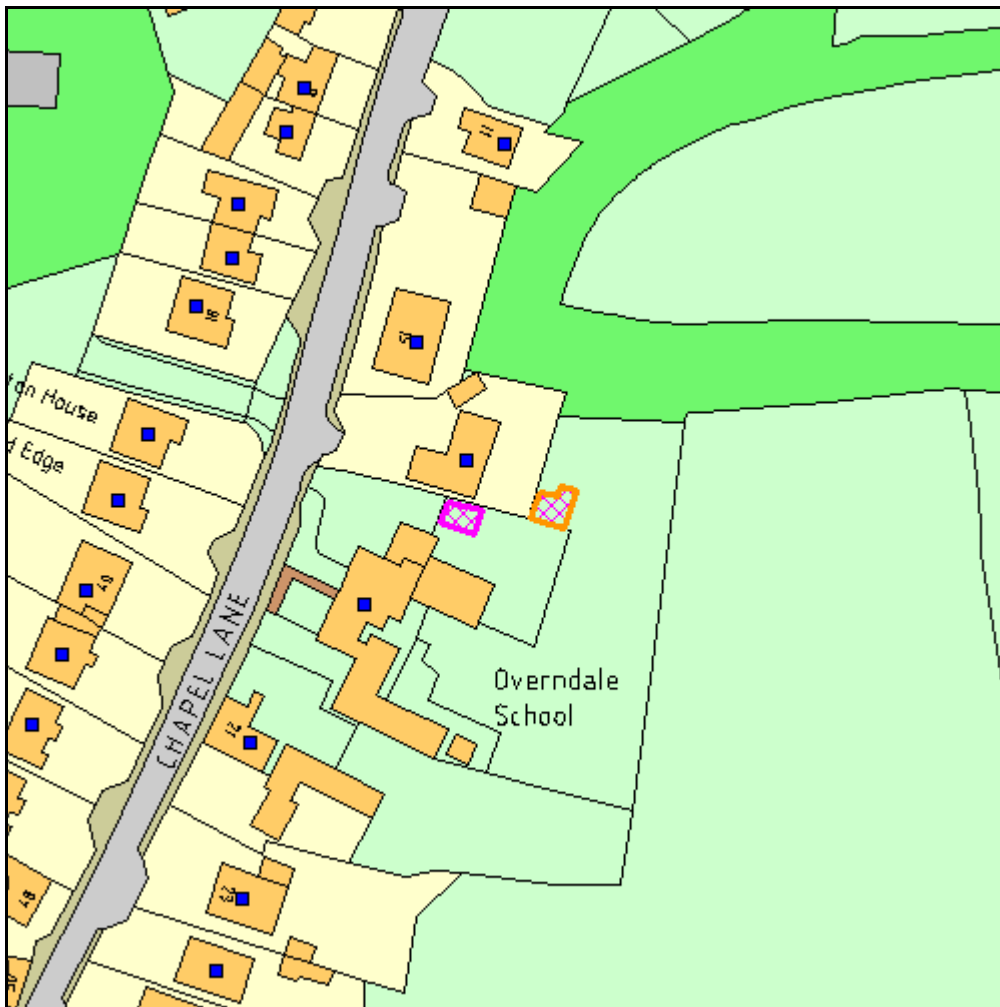
#### Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.



**CIRCULATED SCHEDULE NO. 50/17 – 15 DECEMBER 2017**

<b>App No.:</b>	PK17/4140/F	<b>Applicant:</b>	Mr Paul Winstanley
<b>Site:</b>	Overndale School 19 Chapel Lane Old Sodbury Bristol South Gloucestershire BS37 6NQ	<b>Date Reg:</b>	25th October 2017
<b>Proposal:</b>	Construction of sheltered covered area and construction of a log cabin and associated works.	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	375292 181387	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th December 2017



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

## **1. THE PROPOSAL**

- 1.1 This application seeks planning permission to erect a sheltered covered area and construction of a log cabin and associated works, which include the modest relocation of an existing modest (6 foot by 8 foot) shed. The works are all located on or directly adjacent to the hard surfaced play area to the northeast of the existing buildings.
- 1.2 This is a grade II listed building in Chapel Lane, currently used as a private school. The site is located within part of the settlement boundary of Old Sodbury which is washed over with the Green Belt and is also part of the Area of Outstanding Natural Beauty (AONB).

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

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

### **2.2 Development Plans**

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

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green belt
PSP8	Residential Amenity
PSP17	Heritage Assets and the Historic Environment

### **2.3 Supplementary Planning Guidance** Design Checklist SPD (Adopted) 2007

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK16/5012/F  
Change of use of first and second floor from class rooms to residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1985 (as amended)  
Status: pending

3.2 PK17/0661/LB Internal and external works to include erection of entrance porch and upgrading of ceilings and floors, renewal of rainwater pipe to front elevation, removal of chimney stack. Installation of external side door and rendering to front elevation.  
Status: pending

3.3 PK17/0660/F  
Construction of a porch  
Status: pending

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

4.1 Sodbury Town Council  
No objection

4.2 Other Consultees

4.3 Conservation and Listed Building Officer  
No objection.

4.4 Sustainable transport  
No objection

4.5 Drainage LLFA  
No objection

4.6 Highway Structures  
No comment

4.7 Historic England  
No comment

#### **Other Representations**

4.8 Local Residents

One respondent raised concerns about the following matters;

- Concerns that the fences close to the proposal have not been maintained since they were erected and this should be the case given the commercial use. The structural integrity of this fence should not be relied upon
- Suggests putting the structures elsewhere, possibly under permitted development rights.
- Writer believes that the rear fence is part of his boundary – concern that he will not be able to maintain the concrete posts
- A replacement shed in its current position would suffice, rather than relocating the existing shed.
- Owners fence is 1.8 metres not 2m as stated in the application details.
- Concern that there is no need for a Staff rest area.
- Site is in the AONB so objects to any planned structure but suggests the applicants look to use permitted development rights.

- Concern that this could become a smoking shelter and passive smoke could unavoidably encroach on my property.
- Concerns about not understanding the need for the shelters.
- Concern applicants did not consult the writer.
- The area can be seen from a vantage point on the A432, especially during the winter months.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of development

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

### 5.2 Green Belt

Development in the Green Belt is inappropriate development. However there are exceptions to this and it is considered that this proposal falls under two criteria. Firstly the cabin which is intended as being a staff rest area fits into the category of being the extension or alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original building is one of the exceptions. Secondly the open sided shelter is considered to be the provision of appropriate facilities for outdoor sport/recreation which again is appropriate development so long as it preserves the openness of the Green Belt.

The log cabin has a floor area measuring 3.5m by 2.5m and an overall height of 2.39m, giving it a volume of 20.13m<sup>3</sup>. The relocation of the existing shed by some 0.5m to facilitate the cabin location closer to the fence is considered de-minimus. This new cabin is a small proposal which has negligible increase on the scale of the original building. Whilst it is acknowledged that there have been extensions to this site at ground floor level, taking the site as a whole this modest structure adds limited volume and has limited overall impact in relation to the wider site. This is therefore considered to be appropriate development.

The shelter with a roof area of 11.7m<sup>2</sup> does not rise above the surrounding fence level and would be read from a distance as being part of the fencing. The shelter would have a dual use of facilitating storage of outdoor toys and to shelter children from adverse weather. Overall officers consider these to be extensions to the school and it is therefore appropriate development.

Weight is given in its favour for reason of being appropriate development in the Green Belt.

5.3 Assessment of Impact on Heritage Asset

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

5.4 The proposal has no impact on the physical fabric of the building and limited impact on the setting of the building. The shelter is neatly located in the corner of the playground and has no impact on the setting of the listed building. The wooden cabin is located some 20m from the listed structure and being low in level and located directly next to an existing shed and fencing has negligible impact on the setting of the rear/side of this listed building which has already been extended in single storey form. Officers find the proposal acceptable in appearance and in terms of its minimal impact on the listed building. The proposal therefore maintains the setting of the heritage asset.

5.5 Transportation

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

5.6 Impact on residential use

The shelter will be on the existing hard surfaced playground area. The existing playground is located to the side of the neighbouring house at 17 Chapel Lane and extends further rearwards. The shelter will be located directly to the side of that house and it is acknowledged that there are what appear to be secondary windows in that side elevation. The shelter however is not considered to materially alter the use of the play ground and it would have no visual impact from the street or from the neighbours as the shelter will remain below the height of the neighbouring fence. The structure is to be constructed with its own structural integrity and therefore not lean on the boundary fence.

The log cabin is said to be intended for use as a staff rest room. The proposal has limited overall height of 2.39m, is 3.5m long and is some 13m from the rear elevation of the neighbouring house. As such it would have no overbearing impact on that house.

The neighbour has raised concerns that the fences forming part of the boundary should not be relied upon for the commercial use proposed and that building too close the fences will prevent ongoing maintenance. Maintenance is a civil matter and is not something relevant to this decision. Whilst there may be less space to be able to maintain fences this is not an unusual scenario and is not a reason to withhold planning permission. There is also concern from the neighbour that the structures may become smoking shelters and as such become a source of pollution to the neighbour. This is not the intended use and given their location within a school this is unlikely to either be the case or for that to be on such a level as to cause harm to the neighbours amenity.

## 5.8 Landscape

The proposals are located within the existing grounds of the school which is also part of the AONB. The NPPF requires that that great weights is given to conserving the landscape and scenic beauty of the AONB. In this case these low level structures are small and would be viewed against the existing fencing from a view point some considerable distance from the site. The roofs would be green mineral felt and the other surfaces constructed in timber posts or planks. Given the small scale of the building, the limited view of the proposals from outside of the site, and being within a children's play area it is not considered necessary to restrict the use of colour on the timberwork of these structures should this be desired. This is not considered to affect the AONB and as such the natural beauty of the AONB is preserved.

## 5.9 Other matters

The neighbour is concerned that there is no need for a staff room and that the reasons for the application are not explained. The applicant does not need to justify the proposal but it is clear having visited the site that there is little space for staff to get away from the class rooms or office areas in the premises and as the upper floors of the property are currently subject of a planning application to convert to ancillary residential use there is even less underused space. The neighbour considers that the proposals should be carried out under Permitted development but in fact permitted development rights are limited in relation to schools and these structures would not be permitted development as they are located within the grounds of a listed building.

## 5.10 Equalities

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

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

## 6. **CONCLUSION**

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

(Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

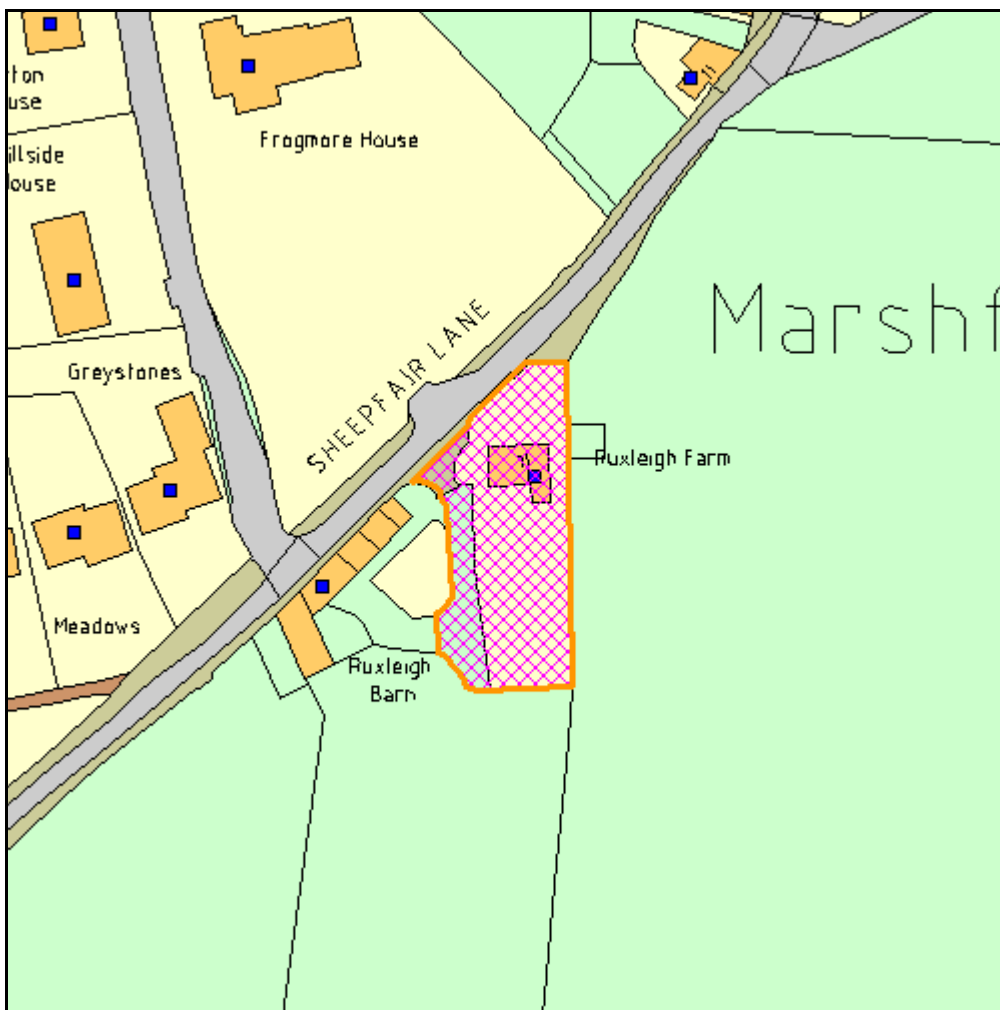
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 50/17 – 15 DECEMBER 2017**

<b>App No.:</b>	PK17/4244/F	<b>Applicant:</b>	Mr Robert Caddick
<b>Site:</b>	Ruxleigh Farm Sheepfair Lane Marshfield Chippenham South Gloucestershire SN14 8NA	<b>Date Reg:</b>	2nd October 2017
<b>Proposal:</b>	Installation of 1no dormer and balcony to south elevation. Replacement roof to rear lean-to extension. Re-location of existing chimney and addition of chimney to south elevation. Repositioning of front porch.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	377801 173558	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	24th November 2017



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

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

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the installation of 1no dormer and balcony to south elevation, the installation of a replacement roof to rear lean-to extension, the re-location of an existing chimney and the addition of a chimney to the south elevation. The proposal also involves the repositioning of a front porch. The application relates to Ruxleigh Farm, Sheepfair Lane, Marshfield.
- 1.2 The application site consists of a large, detached dwelling set towards the front of a large plot. The application site is located within the Marshfield Conservation Area, the Cotswold Area of Outstanding Natural Beauty and the Bristol and Bath Green Belt.
- 1.3 Revised plans were requested and received by the Local Planning Authority on 21<sup>st</sup> November 2017. The revisions made to the scheme involved the removal of a proposed garage and a newly proposed parking area from the scheme. It was considered that the alterations to the scheme triggered a further round of consultation, which was run from 23<sup>rd</sup> November 2017 to 7<sup>th</sup> December 2017.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings

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

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

#### 3.1 **PK03/2212/F**

Erection of detached garage/store and alterations to external layout and change of use of land to residential curtilage (Amendment to previously approved scheme PK00/1985/F).

Refused: 01.10.2003

#### 3.2 **PK02/0950/F**

Erection of detached garage and store. (Amendment to previously approved scheme PK00/1985/F)

Refused: 09.05.2002

#### 3.3 **PK00/2078/CA**

Demolition of obsolete agricultural building

Approved: 13.06.2001

#### 3.4 **PK00/1985/F**

Conversion of barn to form 1 no. dwelling and erection of garage/store.

Approved: 24.08.2001

#### 3.5 **P93/2228**

Erection of two storey side and rear extensions to provide kitchen, dining room, drawing room and living room with two bedrooms above. Erection of front porch (in accordance with amended plans received by the council on 18 april 1994).

Approved: 22.06.1994

#### 3.6 **P93/1797**

Erection of two storey side and rear extension to provide dining room, kitchen, utility room and drawing room with two bedrooms. Bathroom and ensuite above. Erection of single storey rear extension to provide a conservatory. Erection of double attached garage and front porch.

Refused: P93/1797

## 4. CONSULTATION RESPONSES

### 4.1 Marshfield Parish Council

*Original proposal*

No objection

*Amended proposal*

No comments received

### 4.2 Other Consultees – Original Proposal

Conservation

Proposed detached garage and parking arrangements to front of main dwelling would cause harm to the historic character and heritage significance of the Marshfield Conservation Area.

Landscape Officer

The garage would cause harm to the open valley landscape. With regard to the proposed parking area, the parked cars would be seen in front of the house when approaching from the north down Sheepsfair lane and would be detrimental to the visual amenity of the cottage.

Archaeology

No objection

Sustainable Transport

No objection

Tree Officer

No comment

### 4.3 Other Consultees – Amended Proposal

Conservation

No objection

Landscape Officer

No objection

Archaeology

No further comments

Sustainable Transport

No comment

Tree Officer

No comment

## **Other Representations**

### 4.4 Local Residents – Original Proposal

A total of 5 comments, raising objection to the proposed development, were received in relation to the development as originally proposed. The main concerns raised are summarised below:

- The proposed garage design would fail to preserve or enhance the character and appearance of the conservation area, and the proposed height would become an imposing and visually dominating feature in the sensitive landscape setting of this part of the conservation area.
- The proposed detached garage would be on Green Belt land within the AONB and would be unacceptable for this reason.
- The proposal now up for consideration should not be built on green belt land and should be built on land closer to the original house and should be only single story to build higher would in my view put the new building "out of scale" with the original dwelling. It should only be for a single garage.
- Removal of stone walls is contrary to conservation guidelines. They should be maintained and retained. Garage resembles a separate dwelling. Balcony would appear out of place in a rural setting.

### 4.5 Local Residents – Amended Proposal

One comment was submitted in relation to the amended proposal, during the further round of consultation. This comment raised objection to the amended proposal, with the main concerns raised summarised below:

- The revised block plan is incorrect. Parking area is within the Green Belt (AONB).
- Previous planning officer stopped work on previously built garage.
- I am against any intrusion into Green Belt Land.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application seeks permission for numerous alterations to an existing dwellinghouse. Extension and alterations to existing properties is managed through policy PSP38 of Policies, Sites and Places Plan. This policy is generally supportive subject to an assessment of design, amenity, transport, and trees/vegetation. However, the site is located within the Green Belt and any development must accord with the principles of Green Belt policy to be acceptable.

## 5.2 Green Belt

Policy CS5 and CS34 of the Core Strategy support the protection of the Green Belt from inappropriate development. The NPPF also attaches great importance to the Green Belt – with development in the Green Belt generally being considered inappropriate. However, there are limited categories of development within the Green Belt that are not considered to be inappropriate. One of the exception categories is the extension of a building provided that it does not result in a disproportionate addition over and above the original size of the building, as is set out in Paragraph 89 of the NPPF.

- 5.3 It is noted that the host dwelling has been extended through a number of previously approved extensions. Whilst the current proposal seeks to make a number of alterations to the dwelling, it does not seek to significantly alter the size of the dwelling. As the size of the host dwelling would not be significantly altered, the proposal is considered to fall within the predefined exception category for development in the Green Belt.

## 5.4 Design and Visual Amenity and Conservation

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. As the site is located within the Marshfield Conservation Area, any development must also preserve or enhance the character and appearance of the conservation in order to accord with the provisions of policy CS9 of the Core Strategy and PSP17 of the Policies, Sites and Places Plan.

- 5.5 As originally proposed, the development was not considered acceptable in design or conservation terms. It was considered that the proposed garage, in terms of its siting, scale and design, would not sufficiently respect the character and distinctiveness of the locality and would cause a degree of harm to the character and appearance of the conservation area. It was also considered that proposed removal of a section of boundary wall, and the parking of cars in front of the host dwelling, would have an adverse impact on the conservation area.

- 5.6 Following negotiations, the proposed garage and altered parking arrangements have been omitted from the scheme. As such, the proposal only seeks to make alterations to the host dwelling. Overall, it is not considered that the proposed alterations would detract from the character or appearance of the host dwelling, and that the character and appearance of the Marshfield Conservation Area would be preserved. Whilst the concerns raised regarding the proposed balcony have been acknowledged, it is not considered that this feature would have a significant impact on the character and appearance of the dwelling or the immediate locality. On balance, the proposal is considered to comply with policies CS1 and CS9 of the Core Strategy, and policies PSP17 and PSP38 of the Policies, Sites and Places Plan.

- 5.7 Landscape  
Policy PSP2 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable where they conserve and where appropriate enhance the quality, amenity, distinctiveness and character of the landscape.
- 5.8 As originally proposed, it was considered that the proposed garage and altered parking arrangements would have an adverse impact on the immediate rural landscape. Following the removal of the aforementioned elements from the proposal, it is not considered that the development would have a significant impact on the surrounding landscape, and as such the proposal complies with policy PSP2 of the Policies, Sites and Places Plan.
- 5.9 Residential Amenity  
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.10 On balance, it is not considered that the proposed alterations to the dwelling give rise to any issues regarding overbearing, overshadowing or overlooking. Furthermore, the proposal would not result in the loss of any outdoor private amenity space at the site. Given the scale of the development, it is not considered that the implementation of the proposal would cause unacceptable disturbance to neighbours during the construction period. For the reasons outlined above, the proposal is considered to accord with policies PSP8 and PSP38 of the Policies, Sites and Places Plan.
- 5.11 Transport  
By virtue of the nature of the proposed works, it is not considered that the proposal would have any material impact on on-site parking provision or highway safety.
- 5.12 Trees and Vegetation  
The proposal would not result in the loss of any trees or vegetation that contribute significantly to the character of the locality.
- 5.13 Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations.

It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

5.15 Other Matters

The concerns raised regarding the location of an existing parking area have been taken in to account. However as the application only seeks permission for alterations to the host dwelling, this is not considered to have a bearing on the assessment of the 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 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

**7. RECOMMENDATION**

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

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

**CONDITIONS**

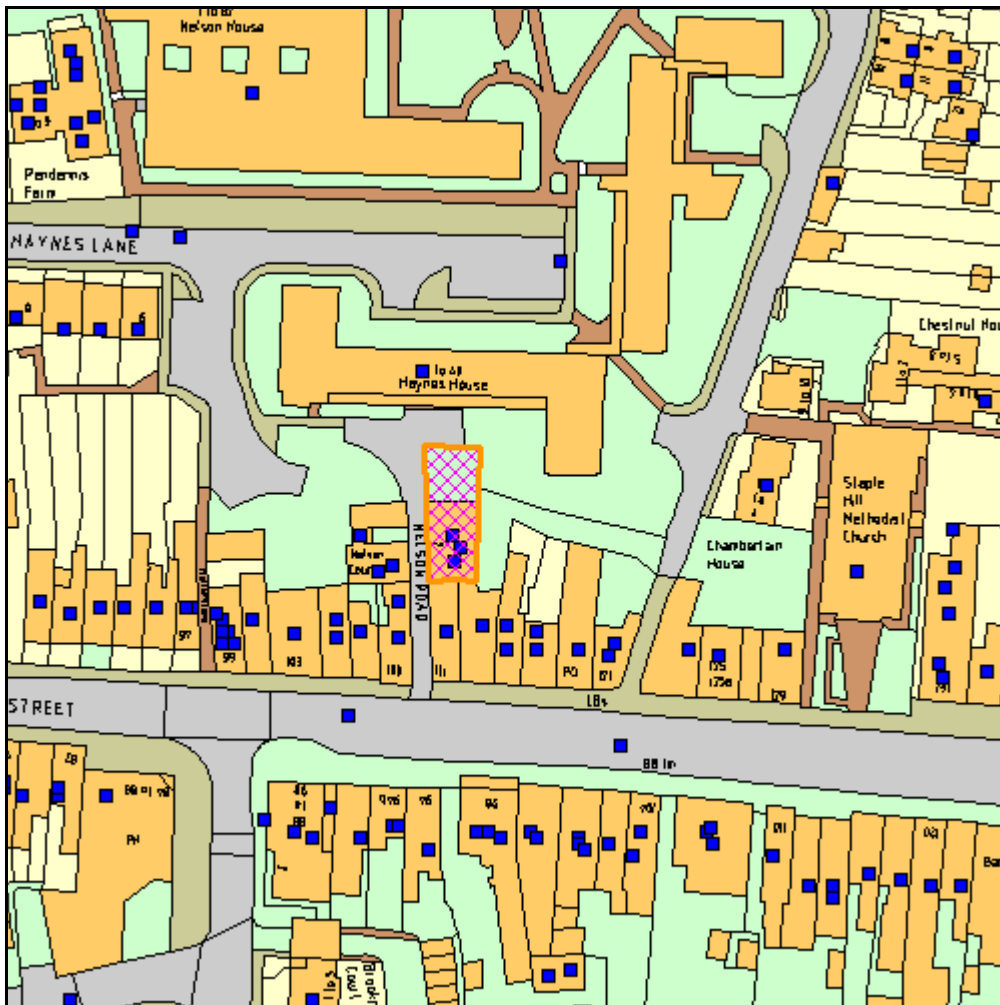
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 50/17 – 15 DECEMBER 2017**

<b>App No.:</b>	PK17/4656/F	<b>Applicant:</b>	Mr D Plummer
<b>Site:</b>	2 Nelson Road Staple Hill South Gloucestershire BS16 5HX	<b>Date Reg:</b>	1st November 2017
<b>Proposal:</b>	Erection of side extension to form 3 bay parking area with first floor flat above and associated works.	<b>Parish:</b>	None
<b>Map Ref:</b>	364782 175961	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Minor	<b>Target Date:</b>	27th December 2017



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

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

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to erect 1no. side extension to form a 3 bay parking area with a first floor flat above and associated works. It is located in Nelson Road, Staple Hill.
- 1.2 The site is located within the built up residential area of Staple Hill. Haynes House, a large block of flats, is located to the north of the application site.
- 1.3 The site is currently used as parking provision for an office located to the north of the proposed extension. It is located very close to a parking area which serves Haynes House.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### 2.2 Development Plans

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

CS1 High Quality Design  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS18 Affordable Housing  
CS23 Community Infrastructure  
CS24 Open Space Standards  
CS29 Communities of the East Fringe of Bristol Urban Area

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

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP39 Residential Conversions and Sub-Divisions  
PSP42 Custom Build Dwellings  
PSP43 Private Amenity Space Standards

#### 2.3 Supplementary Planning Guidance

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

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

- 3.1 K1142/2 Approval 06.12.1991  
Demolition Of Existing Buildings And Erection Of Offices (B1)  
(Previous ID: K1142/2)

### 4. **CONSULTATION RESPONSES**

- 4.1 Parish Council  
The area is unparished

- 4.2 Other Consultees

Highway Structures  
No Comment

Lead Local Flood Authority  
No objection

Transport Officer  
No objection but notes that:

- While Nelson Road is not considered suitable for an increase in vehicular traffic, it has been used for some time to serve this location
- There is no car parking onsite, although provision of parking would be resisted as the access road is considered inadequate
- The site is in a highly sustainable location, just off of Staple Hill High Street
- Due to the sustainability of the site, the lack of parking is considered acceptable, and the impact of the development is not considered significant enough to justify a refusal.

The transport officer recommends a condition that one cycle storage/parking area is provided for the dwelling.

#### **Other Representations**

- 4.3 Local Residents  
One objection received relating to parking, lack of light and visual amenity.

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

- 5.1 Principle of Development  
Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development.

- 5.2 The location of the site lies within the East Fringe of Bristol Urban Area, and would be considered a suitable location for development and would be acceptable in principle. Additional weight is given in view of the current five year housing land supply position. This would add one unit to the housing supply, however the weight is tempered by the very modest nature of the addition. Consequently the main issues to deliberate are the design and appearance of the dwelling and the impact on the character of the area; the impact development may have on the amenities of neighbouring occupiers and the proposal's impact on transport and parking provision. The proposal is subject to the consideration below.
- 5.3 Design and Visual Amenity  
The proposal consists of the erection of a side extension, to form an open-fronted parking area below, and 1no. flat above. It would sit atop an area of hardstanding currently used for office parking. The existing building is constructed using stone with brick quoin, and has timber style uPVC window fittings. The roof is constructed using roof tiles. The materials used in the proposed extension would largely match, although the plans show that the new extension would be rendered at the northern end, and to the rear. The roof of the extension would be gabled to the side.
- 5.4 The extension would be hidden from Staple Hill High Street by virtue of its position, although it would be visible from the walkways and public areas of Haynes House, as well as from within the car park. The surrounding area does not have a very uniform street scene, being made up of numerous sizes and styles of building. The extension would be considered acceptable in terms of visual amenity.
- 5.5 Overall, it is considered that the proposed development would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to largely accord with policies CS1 of the Core Strategy.
- 5.7 Residential Amenity  
Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers.
- 5.8 The extension is to be built atop an existing area of hardstanding within a car park. The only residential properties nearby are those within Haynes House to the North and Nelson Court, to the South West. Due to the separation distance between the proposed development and the residential properties, it is not considered that there would be an overbearing or overshadowing impact as a result of the development.
- 5.9 It should be noted that 3no. windows are located in the front elevation, 1no. window is located in the side elevation, and 1no. window is located in the rear elevation of the upper floor. The front and side windows would look over the car park, and would not cause any loss of privacy to nearby occupiers. The rear window would look over the outdoor space located within Haynes House; however, this is already overlooked by the existing flats. It is not considered

- that the development would have a negative effect on the privacy of neighbouring occupiers.
- 5.10 While there is no private amenity space provision for the new dwelling, it is located within Staple Hill and is located close to areas of public open space. The space standards set out within PSP43 state that a 2+ bedroom flat should have 5 square metres of private outdoor amenity space and private shared communal space. While there is a negative impact which stems from the lack of private amenity space, it is not considered severe enough to refuse this application. Additionally, the proposed flat is of an ample size, and is considered to be likely to have access to an adequate amount of sunlight. It is considered that the living conditions of the occupier would not be harmed by lack of space or light.
- 5.11 The subject property is located within a built up residential area and given the scale and location of the proposed development will not result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupiers. However, due to the number of residential properties within close proximity, standard working hours conditions will be added to the decision notice.
- 5.12 Sustainable Transport and Parking Provision  
The proposal would sit atop an existing area of hardstanding, currently used for parking associated with the existing office. 3no. parking spaces would remain, due to the void beneath the proposed flat.
- 5.13 Access to the flat would be along Nelson Road, a very narrow road measuring 3m in width. The transport officer has commented that this is not suitable for increased vehicular traffic, although it is noted that it has been used for years to serve Haynes House and other residential properties. The scheme does not provide any parking on site for the proposed flat. Therefore, it is not considered that there would be any increase in traffic movement along the unsuitable access road.
- 5.14 Although the fact that the flat would have no parking means that it does not accord to the guidelines set out in the South Gloucestershire Parking Standards SPD, the site is located within a highly sustainable location. The site is located very close to Staple Hill high Street, which contains numerous shops, public transport routes and places for amenity and employment. In this case, it is not considered that the lack of a parking space is significant enough to refuse the application, due to the sustainability of the location. Therefore, there is no objection on transport grounds. However, a condition will be added to ensure that 1no. cycle parking/storage area is provided onsite for the new dwelling.
- 5.15 Planning Balance  
Currently South Gloucestershire are unable to provide an up to date 5 year housing land supply. Therefore according to paragraphs 14 and 49 of the NPPF, there is a presumption in favour of sustainable development, unless material considerations indicate otherwise and the negative impact of allowing development would significantly and demonstrably outweigh the benefit of allowing the development. The proposal site is within a defined settlement and

would be considered a suitable location for residential development. Furthermore the proposal would represent a modest contribution to the housing land shortfall and positive weight would be attached to this. Overall the modest negative weight attached to the transport and residential amenity considerations in this case have not been found to outweigh the benefit of permitting development.

5.16 Consideration of likely impact on Equalities

The application would have a neutral impact on equalities.

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

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

**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**

**CONDITIONS**

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

Reason

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

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

Reason

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

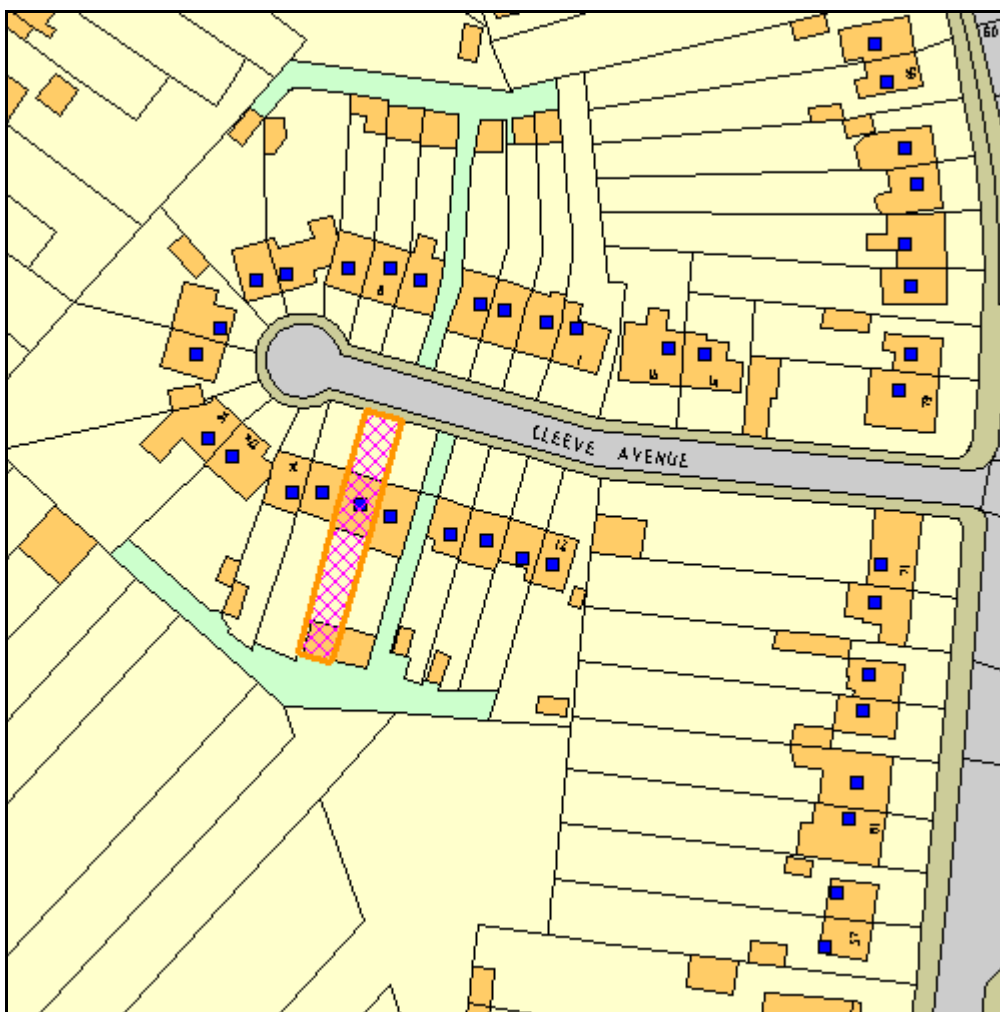
3. The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 Mondays to Fridays, and 08.00 to 13.00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: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

Reason

To minimise disturbance to neighbouring properties and to accord with the provisions of the NPPF.

**CIRCULATED SCHEDULE NO. 50/17 – 15 DECEMBER 2017**

<b>App No.:</b>	PK17/4668/CLP	<b>Applicant:</b>	Mr Spencer Halliday
<b>Site:</b>	16 Cleeve Avenue Downend Bristol South Gloucestershire BS16 6BT	<b>Date Reg:</b>	25th October 2017
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed installation of a rear dormer to facilitate loft conversion	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365088 177066	<b>Ward:</b>	Downend
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	18th December 2017



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

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

### **1. THE PROPOSAL**

- 1.1. The applicant is seeking a formal decision as to whether the proposed installation of 1no rear dormer at 16 Cleeve Avenue Downend would be lawful.
- 1.2. The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

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

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

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

- 3.1. None relevant.

### **4. CONSULTATION RESPONSES**

- 4.1. Downend And Bromley Heath Parish Council  
"No objection."

#### **Other Representations**

- 4.2. Local Residents  
No comments received.

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

Location and Block Plan  
Drawing no. 00  
Received by the Council on 24<sup>th</sup> October 2017



Existing Ground Floor Plan  
Drawing No. 01  
Received by the Council on 4<sup>th</sup> October 2017

Existing First Floor Plan  
Drawing No. 02  
Received by the Council on 4<sup>th</sup> October 2017

Existing Loft Floor Plan  
Drawing No. 03  
Received by the Council on 4<sup>th</sup> October 2017

Existing Elevations  
Drawing No. 04  
Received by the Council on 4<sup>th</sup> October 2017

Proposed Ground Floor Plan  
Drawing No. 05  
Received by the Council on 4<sup>th</sup> October 2017

Proposed First Floor Plan  
Drawing No. 06  
Received by the Council on 4<sup>th</sup> October 2017

Proposed Loft Floor Plan  
Drawing No. 07 Rev. a  
Received by the Council on 4<sup>th</sup> October 2017

Proposed Elevations and Section a-a  
Drawing No. 08 Rev. a  
Received by the Council on 4<sup>th</sup> October 2017

## **6. ANALYSIS OF PROPOSAL**

### **6.1. Principle of Development**

The application for a Certificate of Lawfulness is purely an evidential test that is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the evidence presented. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2. The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015. It should be noted that there is no restriction on permitted development rights at the property.

6.3. The proposed development consists of the installation of 1 no rear dormer. The dormer development would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions and roof alterations subject to the following:

**B.1 Development is not permitted by Class B if –**

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

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

- (b) **Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The height of the proposed dormer would not exceed the highest part of the roof.

- (c) **Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway;**

The proposed dormer would be located to the rear of the property, as such would not extend beyond any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway.

- (d) **The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**

- (i) **40 cubic metres in the case of a terrace house, or**
- (ii) **50 cubic metres in any other case**

The property is a terraced house. Volume calculations extrapolated from the Proposed Elevations and Section a-a Drawing No.08 indicate that the total increase in roof space of the original dwelling would be 21m<sup>3</sup>.

- (e) **It would consist of or include –**

- (i) **the construction or provision of a verandah, balcony or raised platform, or**
- (ii) **the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposal does not include the construction or provision of a verandah, balcony or raised platform.

- (f) **the dwellinghouse is on article 2(3) land**

The host dwelling is not on article 2(3) land.

**B.2 Development is permitted by Class B subject to the following conditions—**

- (a) **the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**
- (i) Submitted plans indicate that the proposed dormers will be finished in materials to match the finish of the existing roof.
- (b) **the enlargement must be constructed so that –**
- (i) **other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
    - (aa) **the eaves of the original roof are maintained or reinstated; and**
    - (bb) **the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and**
  - (ii) **other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The dormer would be approximately 40cm from the outside edge of the eaves of the original roof; and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse. The eaves are maintained.

- (c) **any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –**
- (i) **obscure-glazed, and**
  - (ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

No windows are proposed to the side elevations.

## **7. RECOMMENDATION**

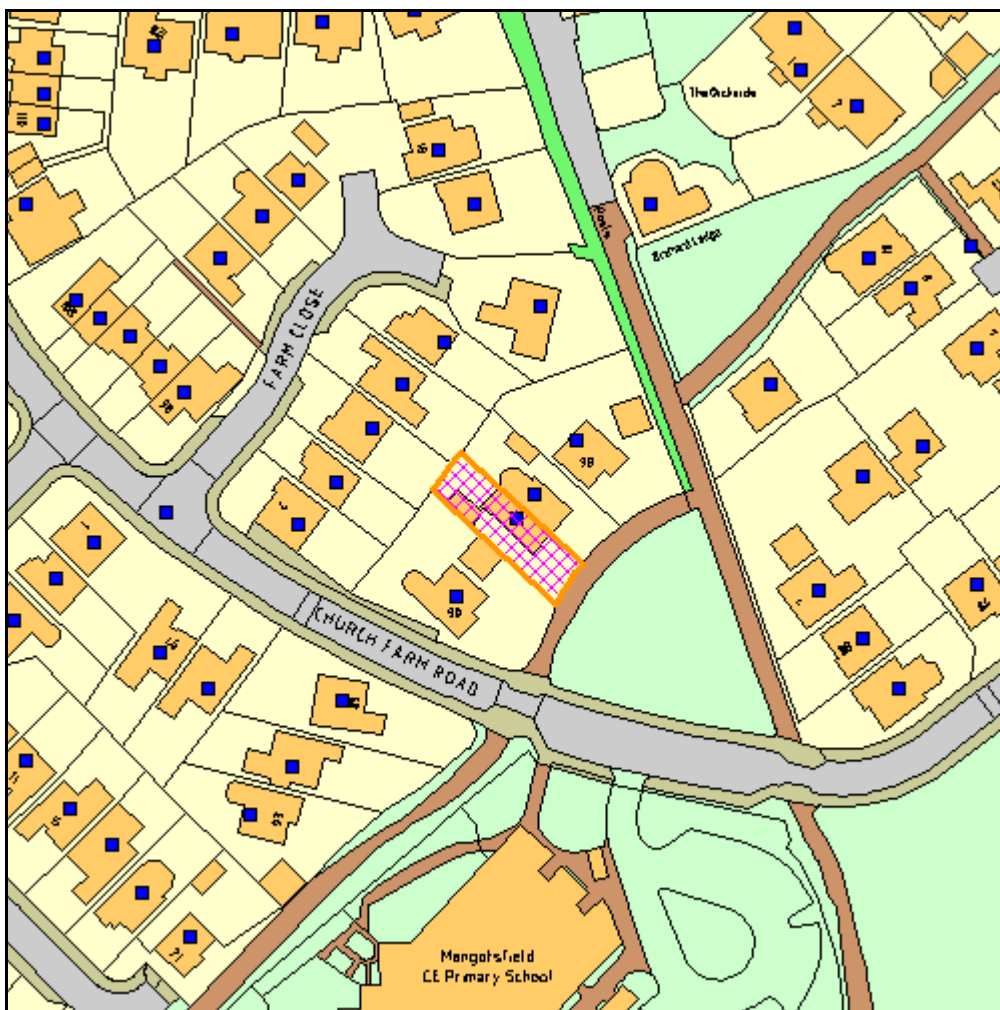
7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed installation 1 no rear dormer would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**Contact Officer: David Ditchett**  
**Tel. No. 01454 863131**

**CIRCULATED SCHEDULE NO. 50/17 – 15 DECEMBER 2017**

<b>App No.:</b>	PK17/4690/F	<b>Applicant:</b>	Mr Davis
<b>Site:</b>	92 Church Farm Road Emersons Green Bristol South Gloucestershire BS16 7BE	<b>Date Reg:</b>	26th October 2017
<b>Proposal:</b>	Demolition of existing garage. Erection of two storey side extension and single storey side and rear extension to form annex ancillary to the main dwelling.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	366909 176633	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	21st December 2017



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 100023410, 2008. **N.T.S.** **PK17/4690/F**

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

This application appears on the Circulated Schedule as a result of a consultation response received, raising concerns on certain aspects of the proposal.

### **1. THE PROPOSAL**

- 1.1 The application is for the demolition of an existing garage and the erection of a two storey side extension and single storey side and rear extension to form annex ancillary to the main dwelling.
- 1.2 The property is a semi-detached, volume built, dwelling located on a small cul de sac within the Emersons Green.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance
- 2.2 Development Plans  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS8 Access/Transport  
  
South Gloucestershire Policies, Sites and Places Plan (Adopted)  
November 2017  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP43 Private Amenity Standards
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Parking Standards SPD

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

- 3.1 PK09/0038/F – Conservatory. Approved 23/2/09

### **4. CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council  
No Objection subject to the approval of the South Gloucestershire Council Transport Officer regarding the provision of appropriate sized parking spaces.

#### Sustainable Transportation

The site currently has a detached garage to the rear which is accessed via a driveway which runs alongside the dwelling providing parking for at least two vehicles. The proposed development will demolish the garage and remove at least one vehicular parking from the driveway to facilitate the erection of a two storey side extension. If permitted this development would create a one bed stand-alone 'annexe'.

Vehicular parking for a residential dwelling is assessed on the number of bedrooms available. A dwelling with up to four bedrooms needs to provide a minimum of two parking spaces within its site boundary. Each space needs to measure a minimum of 2.4m wide by 4.8m deep.

Although the plans submitted show two parking spaces, I have concerns that there is inadequate space to provide parking as submitted which will comply with the Council's minimum requirements and be accessible, both safely and independently and which will not involve multiple turning manoeuvres. My concerns can be overcome if a scaled block plan is submitted which shows the actual on site dimensions of the space in front of the dwelling. The plan also needs to adequately show that a vehicle can access both spaces independently and manoeuvre out on to the Church Farm Road in one smooth movement.

Without this information this development would be recommended for refusal as it removes existing vehicular parking while enlarging the dwelling and fails to demonstrate that adequate vehicular parking complying with the Council's minimum parking standards can be provided.

Further details were subsequently requested and received. Further response from the Council's Highways Officer was as follows:

A revised plan has now been submitted which shows that two parking spaces which comply with the Council's residential parking standards can be provided within the site boundary.

The only amendment I would request is that any boundary wall is removed along the whole frontage to enable a vehicle to enter and leave the site without hindrance.

All parking areas to have a permeable bound surface and be satisfactorily maintained as such thereafter.

A suitable condition to ensure that the annexe is kept ancillary to the main dwelling and is not sublet or sub-divided at any time.

Subject to the above, there would be no transportation objection raised.

Highways Structures  
No comment

## **Other Representations**

### 4.2 Local Residents

One letter has been received as follows:

- Concern over lack of room to access the side of the adjacent garage, with two down pipes and fascia board that would need maintaining
- Clarification sought that the parking space to the front of the house would be of sufficient size.

- Concern over future status of shared boundary once garage is removed, although it appears that agreement may now have been reached in terms of provision of a fence.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy CS1 of the South Gloucestershire Local Plan (Adopted) 2013 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area. Additional development plan policies indicate that they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

### 5.2 Residential Amenity

The concerns raised by the neighbouring property, above, are noted. Access across land for the purposes of maintenance would be a civil issue, however, notwithstanding this, revised plans received have reduced the width of the extension by a further 200mm, leaving a gap of approximately 500mm between the extension and the neighbouring garage. Shared boundary treatments would also be a civil matter for agreement between the two parties. It is not considered that the extension itself would materially impact upon the amenities of nearby occupiers, given its size design orientation and location. Given the above, it is considered that the proposals are acceptable.

### 5.3 Design / Visual Amenity

The scale and design of the proposals is considered to adequately integrate with the existing dwelling and surrounding area, and is therefore not considered to give rise to material or significant impact upon the streetscene. Sufficient private amenity space would remain within the property.

### 5.4 Transportation

Off street parking will be provided to the side and front of the dwelling. The level and size of the parking proposed complies with the Council's off-street parking requirements and it is demonstrated that adequate space exists to provide acceptably sized spaces. There are no transportation objections to the proposals on this basis.

### 5.5 Equalities

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



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

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposals are of an appropriate standard in design and are not out of keeping with the context of the area and surrounding properties. Furthermore the proposal would not materially or significantly harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact and sufficient parking space can be provided. As such the proposal accords with Policies H4 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted, subject to the conditions recommended.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.  
  
Reason  
To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.
3. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 92 Church Farm Road.

Reason:

In the interests of highway safety and residential amenity and to accord with Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, PSP8, PSP16 and PSP43 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017, and the National Planning Policy Framework.

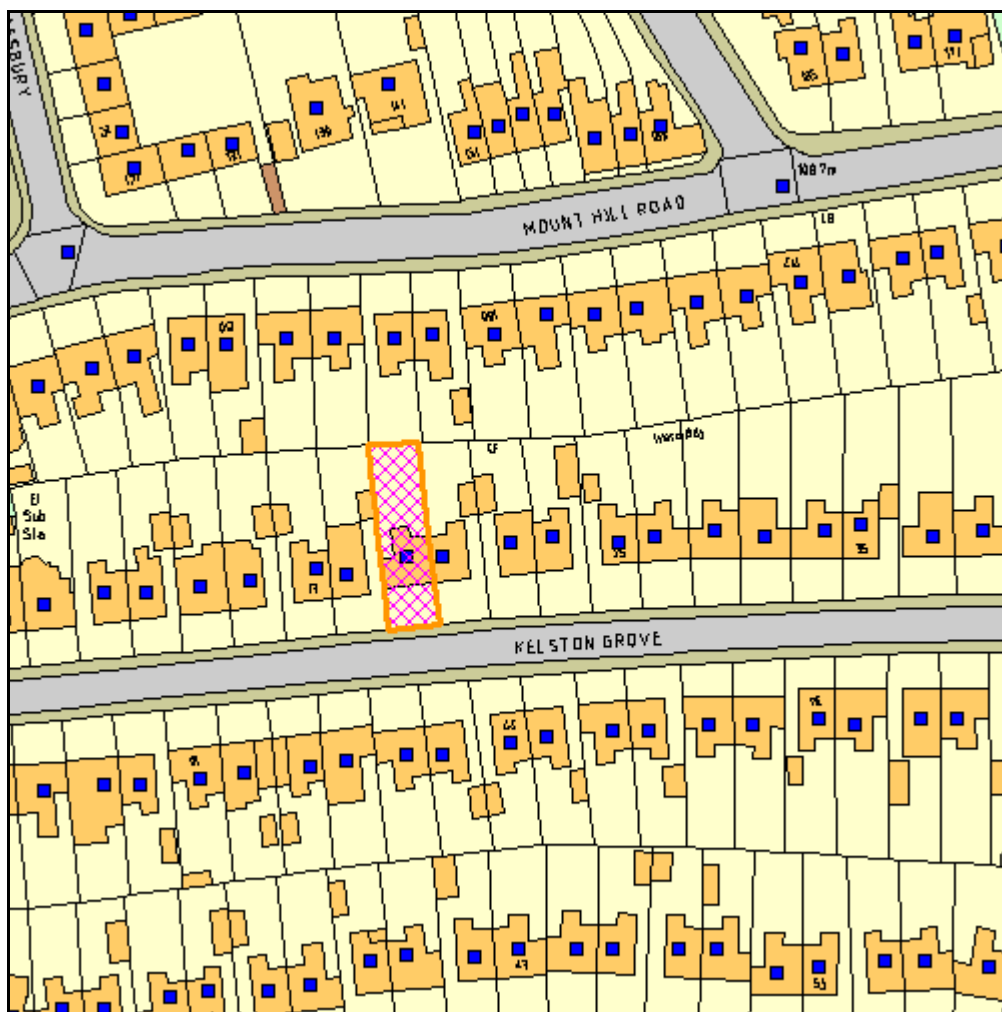
4. The off-street parking facilities shown on the plan hereby approved shall be provided, in a permeable bound surface , within 1 month of the extension hereby approved being substantially complete , and thereafter retained for that purpose.

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. 50/17 – 15 DECEMBER 2017**

<b>App No.:</b>	PK17/4991/CLP	<b>Applicant:</b>	Mr And Mrs Cozens
<b>Site:</b>	17 Kelston Grove Hanham Bristol South Gloucestershire BS15 9NJ	<b>Date Reg:</b>	14th November 2017
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed installation of a rear and side dormer to facilitate loft conversion	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	365107 172632	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	20th December 2017



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 100023410, 2008. **N.T.S.** **PK17/4991/CLP**

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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of 1no rear and 1no side dormer at no. 17 Kelston Grove, Hanham would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

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

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

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

- 3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council  
No response received.

#### **Other Representations**

- 4.2 Local Residents  
No comments received

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

- 5.1 Site Location Plan  
Proposed Section  
Existing Gf And Ff Plan  
Existing Elevations  
Proposed Elevations  
Proposed Gf And Ff Plan

## 6. ANALYSIS OF PROPOSAL

### 6.1 Principle of Development

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

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015. It should be noted that there is no restriction on permitted development rights at the subject property. As such permitted development rights are intact and exercisable.

6.3 The proposed development consists of the installation of a 1no rear and 1no side dormer. This development would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions and roof alterations subject to the following:

### **B.1 Development is not permitted by Class B if –**

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

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

- (b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The height of the proposed dormer windows would not exceed the highest part of the roof, and therefore the proposed development meets this criterion.

- (c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway;**

The proposal involves the installation of roof lights to the front elevation of the dwelling. However the roof lights would not extend beyond the plane of the existing roof slope which forms a principal elevation of the dwellinghouse and fronts the highway. Furthermore, the proposed dormer windows would be located to the rear and side of the property, and as such would not extend beyond any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway. As such the proposal meets this criterion.

- (d) The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**
- (i) 40 cubic metres in the case of a terrace house, or**
  - (ii) 50 cubic metres in any other case**

The property is a semi-detached house and the proposal would result in an additional volume of no more than 50 cubic meters.

- (e) It would consist of or include –**
- (i) the construction or provision of a verandah, balcony or raised platform, or**
  - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposal would include none of the above.

- (f) The dwellinghouse is on article 2(3) land**

The host dwelling is not on article 2(3) land.

**B.2 Development is permitted by Class B subject to the following conditions—**

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

Submitted plans indicate that the proposed dormers will incorporate a hung tile or render finish. These are considered acceptable.

- (b) the enlargement must be constructed so that –**
- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
    - (aa) the eaves of the original roof are maintained or reinstated; and**
    - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge or the eaves; and**

- (ii) **other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The rear and side dormers would be over 200mm away from the eaves of the original roof. Additionally, the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (c) **any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –**
  - (i) **obscure-glazed, and**
  - (ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

The proposal does involve the insertion of a window into the side elevation of the dwelling; however, the plans show that this will be obscure glazed and non-opening.

#### Roof lights to front elevation

The proposal also involves the installation of roof lights to the front elevation of the property. The roof lights meet the criteria set out in Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015, and as such constitute permitted development.

## **7. RECOMMENDATION**

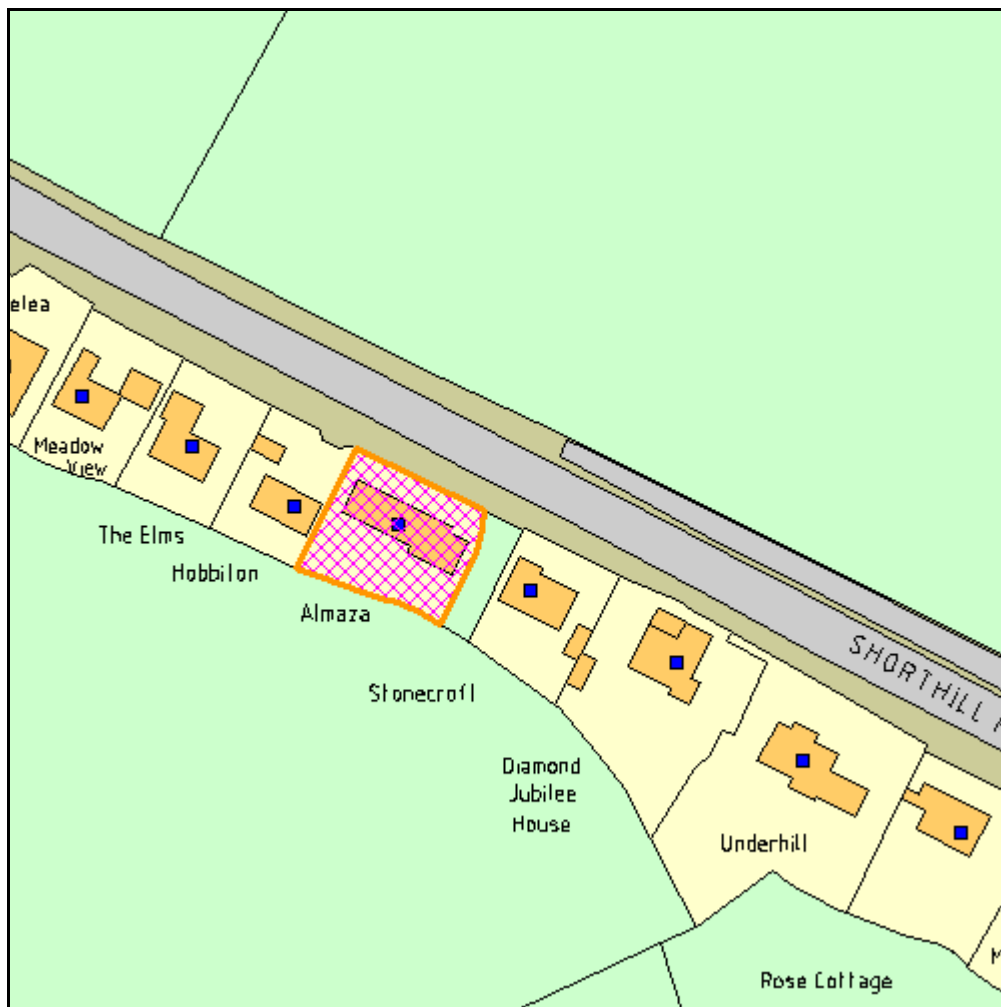
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed installation of 1no rear and 1no side dormer would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**

**CIRCULATED SCHEDULE NO. 50/17 – 15 DECEMBER 2017**

<b>App No.:</b>	PK17/5166/CLP	<b>Applicant:</b>	Sarah Kemp
<b>Site:</b>	Almaza Shorthill Road Westerleigh Bristol South Gloucestershire BS37 8QN	<b>Date Reg:</b>	15th November 2017
<b>Proposal:</b>	Application for a certificate of lawfulness proposed for conversion of existing garage to form additional living accommodation	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	370186 179582	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	3rd January 2018



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed garage conversion at Almaza Shorthill Road Westerleigh would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

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

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

- 3.1. PT04/2761/F  
Approve with Conditions (23.09.2004)  
Erection of single storey rear extension to form office, toilet and replacement conservatory.
- 3.2. P86/2573  
Approve Full Planning (26.11.1986)  
Erection of single storey rear extension to form entrance porch and enlarged kitchen.
- 3.3. N7654  
Approve with Conditions (10.09.1981)  
Erection of single storey side extension to provide granny flat and double domestic garage. Erection of front entrance porch. Demolition of existing single garage.

### **4. CONSULTATION RESPONSES**

- 4.1 Dodington Parish Town Council  
None received.

Westerleigh Parish Council

“Westerleigh Parish Council has no objection to this application.”

Sustainable Transport

None received.

Public Rights of Way

“Rights of Way have no objection to this application.”

Open Spaces Society

None received.

**Other Representations**

4.2 Local Residents

No comments received

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

5.1 Site Location and Block Plans

Drawing No. PG NO 01

Received by the Council on 6<sup>th</sup> November 2017

Existing Floor Plans

Drawing No. PG NO 01

Received by the Council on 6<sup>th</sup> November 2017

Existing Elevations

Drawing No. PG NO 02

Received by the Council on 6<sup>th</sup> November 2017

Proposed Floor Plans

Drawing No. PG NO 03

Received by the Council on 6<sup>th</sup> November 2017

Proposed Elevations

Drawing No. PG NO 04

Received by the Council on 6<sup>th</sup> November 2017

**6. ANALYSIS OF PROPOSAL**

6.1 Principle of Development

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

balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2015). It should be noted that there is no restriction on permitted development rights at the property.
- 6.3 The proposed development consists of the conversion of an existing garage. The external alterations proposed include the removal of a window from the side elevation; the insertion of glazed doors in place of a window to the rear elevation; the relocation of the front door to where a garage door is currently; and the removal of a second garage door and replacing it with a window. This development would fall within Schedule 2, Part 1, Class A, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

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

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

The proposed works would have no impact on the total area of ground covered by buildings.

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

The height of the converted garage would not change as a result of the proposal.

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

The height of the eaves of the converted garage would not change as a result of the proposal.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**

- (i) forms the principal elevation of the original dwellinghouse; or**
- (ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The proposal would not involve the enlargement of the dwellinghouse.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
  - (ii) exceed 4 metres in height;**

The proposal would not involve the enlargement of the dwellinghouse.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
  - (ii) exceed 4 metres in height;**

Not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
  - (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The proposal would not involve the enlargement of the dwellinghouse.

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

The proposal would not involve the enlargement of the dwellinghouse.

- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**
  - (i) exceed 4 metres in height,**
  - (ii) have more than a single storey, or**

- (iii) have a width greater than half the width of the original dwellinghouse; or**

The proposal would not involve the enlargement of the dwellinghouse.

- (k) It would consist of or include—**
  - (i) the construction or provision of a verandah, balcony or raised platform,**
  - (ii) the installation, alteration or replacement of a microwave antenna,**
  - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
  - (iv) an alteration to any part of the roof of the dwellinghouse.**

The proposal does not include any of the above.

**A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—**

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**

The application site does not fall on article 2(3) land.

**A.3 Development is permitted by Class A subject to the following conditions—**

- (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

The proposals would be finished in materials to match the existing.

- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—**
  - (i) obscure-glazed, and**
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

Not applicable.

- (c) Where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not applicable.

## 7. **RECOMMENDATION**

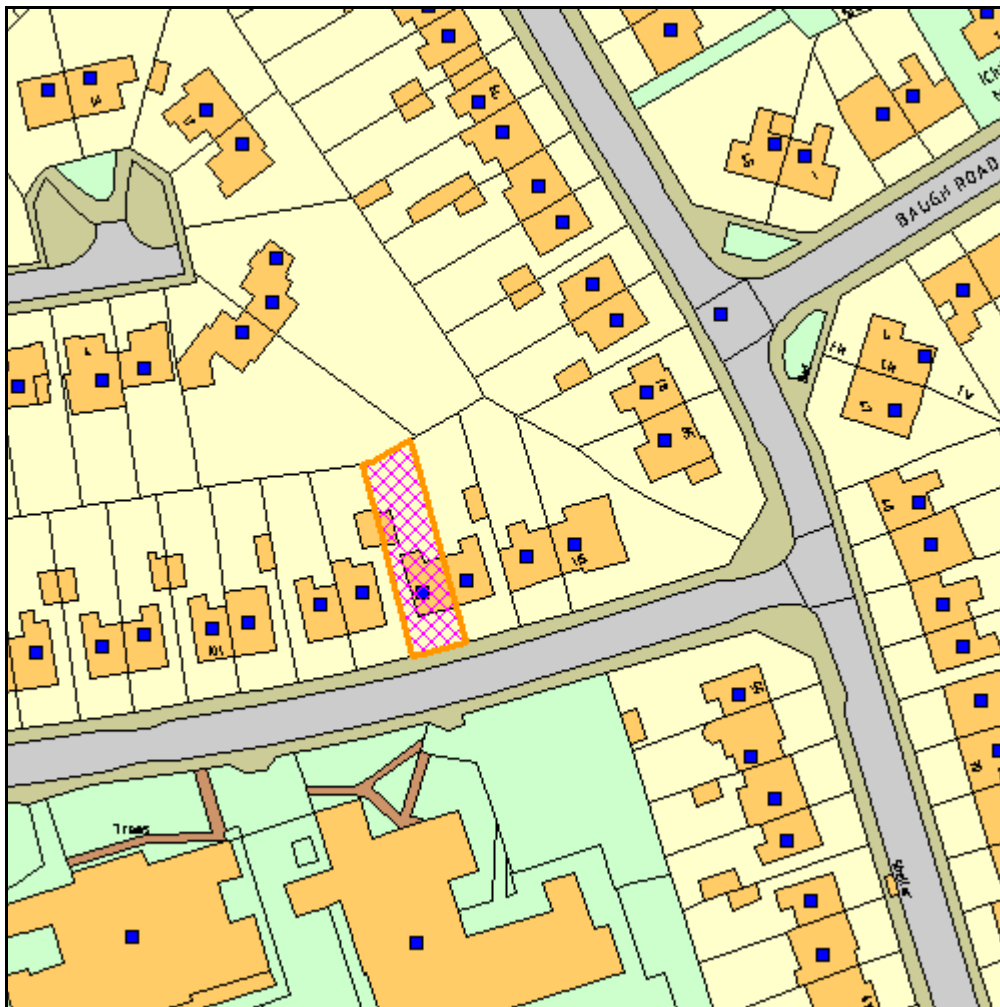
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed garage conversion would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: David Ditchett**  
**Tel. No. 01454 863131**

**CIRCULATED SCHEDULE NO. 50/17 – 15 DECEMBER 2017**

<b>App No.:</b>	PK17/5247/CLP	<b>Applicant:</b>	Mr & Mrs Brader
<b>Site:</b>	109 Quakers Road Downend Bristol South Gloucestershire BS16 6NJ	<b>Date Reg:</b>	15th November 2017
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed installation of a rear and side dormer to facilitate loft conversion	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365305 177977	<b>Ward:</b>	Downend
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	4th January 2018



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposal to install a rear and side dormer to facilitate a loft conversion at 109 Quakers Road, Downend would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning Act 1990 (As Amended) 1990 section 192  
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

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

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

- 3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No objection.
- 4.2 Sustainable Transport  
No comment.

#### **Other Representations**

- 4.3 Local Residents  
No comments received.



## 5. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 5.1 Received by the Council on 9th November 2017:  
The Location Plan  
Existing & Proposed Elevations

## 6. ANALYSIS OF PROPOSAL

### 6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully, without the need for planning permission. Accordingly there is not consideration of planning merit, the application is based on the facts presented. This submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to the householders under Schedule 2, Part 1 Class B of the GPDO (2015).

- 6.3 The proposed development consists of the installation of a rear and side dormer to facilitate a loft conversion. This development would be within Schedule 2, Part 1 Class B of the GPDO (2015), which allows additions or alterations to the roof of a dwellinghouse provided it meets the criteria detailed below:

### 6.4 Assessment of Evidence

Schedule 2 Part 1 Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof subject to meeting the following criteria:

#### **B.1 Development is not permitted by Class B if –**

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

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

- (b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The proposal would not exceed the height of the highest part of the existing roof.

- (c) Any part of the dwellinghouse as a result of the works, extend beyond the plane of any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway;**

The proposal would not extend beyond the plane of any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway.

- (d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than –**
- (i) 40 cubic metres in the case of a terrace house, or**
  - (ii) 50 cubic metres in any other case**

The site consists of a semi-detached property. The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres. Cubic content of the proposed dormers combined was calculated at 86.47 cubic metres, therefore the proposal would not comply with the criteria.

- (e) It would consist of or include —**
- (i) the construction or provision of a verandah, balcony or raised platform, or**
  - (ii) the installation, alteration or replacement of a chimney, flu or soil and vent pipe;**

Not applicable.

- (f) The dwellinghouse is on article 2(3) land.**

The host dwelling is not on article 2(3) land.

**B.2 Development is permitted by Class B subject to the following conditions—**

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

The materials used will be of a similar appearance to the existing dwelling.

- (b) the enlargement must be constructed so that –**
- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
    - (aa) the eaves of the original roof are maintained or reinstated; and**
    - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measure along the roof slope from the outside edge of the eaves; and**

- (ii) **other than in the case of an enlargement which joins the original roof to the roof of a side or rear extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The proposal would maintain the original eaves, be greater than 0.2 metres from the outside edge of the eaves of the original roof and would not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (c) **any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be-**
  - (i) **Obscure-glazed, and**
  - (ii) **Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is to be installed.**

The proposed window on the side elevation would be obscure glazed and non-opening.

## **7. RECOMMENDATION**

- 7.1 That a certificate of Lawfulness for Proposed Development is **refused** for the following reason:

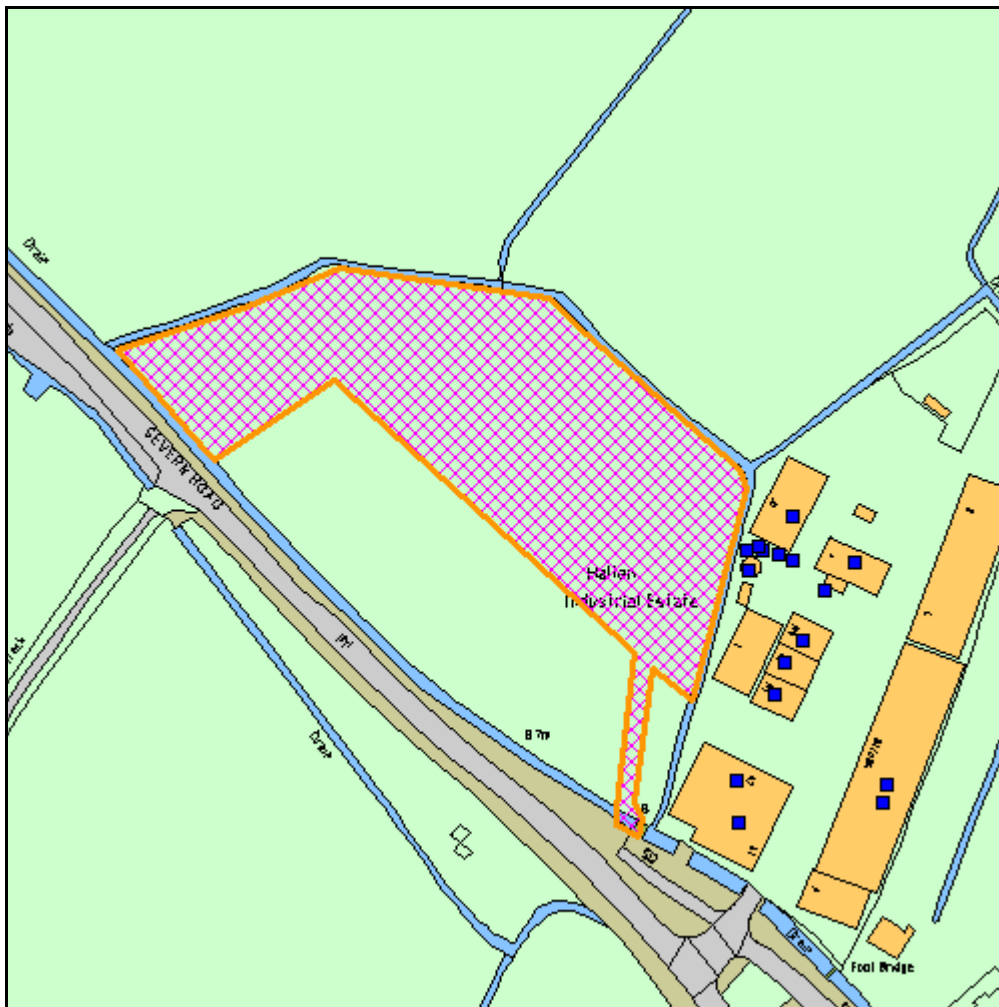
The evidence provided has been insufficient on the balance of probabilities to demonstrate that the proposed rear dormer falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015. This is because there is evidence to suggest that the cubic content of resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres. Therefore, the proposal in contrary to paragraph B.1 (d) of Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

**Contact Officer: James Reynolds**  
**Tel. No. 01454 864712**

**CIRCULATED SCHEDULE NO. 50/17 – 15 DECEMBER 2017**

<b>App No.:</b>	PT17/4276/F	<b>Applicant:</b>	GFP II Ltd
<b>Site:</b>	Severn Road Hallen South Gloucestershire BS10 7SE	<b>Date Reg:</b>	2nd October 2017
<b>Proposal:</b>	Installation of gas fuelled capacity mechanism embedded generation plant to support the National Grid and associated works.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	354608 181083	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	24th November 2017

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## 1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a gas fuelled generation plant of 40MW, to support the National Grid, and associated works. This would be to facilitate the provision of standby electricity as part of a programme, in conjunction with the National Grid, to provide additional safeguards against security of supply and provide balance during unexpected periods of high demand. The facility will operate through a series of gas fuelled engine generators and the site will consist of a series of generators in engine containers, numbering 29, and associated infrastructure including welfare room, substation and transformers, the site would be surrounded by palisade fencing, with acoustic fencing within the site. The site benefits from permission for a 20MW facility on a similar footprint. The proposed development area has been extended slightly top enable the electrical output to double in size and includes a balancing pond to aid flood mitigation. Upon implementation, the only vehicle movements to the site would be limited to visiting engineers on a daily basis and service contractors during maintenance periods.
- 1.2 The site is located within part of a field (approx. 0.6 ha) off Severn Road, Hallen, immediately to the east of Hallen Industrial Estate. The site is located within the Severnside Enterprise area and is within Flood Zone 3a. A Flood Risk Assessment, Noise Assessment and Ecological Survey have been submitted in support of the application.

## 2. POLICY CONTEXT

### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013.

CS1 High Quality Design

CS3 Renewable and Low Carbon Energy Provision

CS4a Presumption in Favour of Sustainable Development

CS12 Areas Safeguarded for Economic Development

CS35 Severnside

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

PSP2 Landscape

PSP6 On Site Renewable and Low Carbon Energy

PSP18 Statutory Wildlife Sites

PSP19 Wider Biodiversity

PSP21 Environmental Pollution and Impacts

PSP26 Enterprise Areas

### 3. RELEVANT PLANNING HISTORY

- 3.1 The site is located within the area covered by the 1957 ICI Consent, which permits a range warehousing and industrial uses as part of the wider Severnside development area – this is reflected in the adopted policy relating to Severnside.
- 3.2 PT16/5049/F - Erection of electricity generation plant in sound proof containers (sui generis). Approved 2/11/16
- 3.3 PT17/4664/F - Battery storage facility with associated infrastructure, landscaping and access onto Severn Road Currently under consideration. (This application is located towards the front of the same field as this application).

### 4. CONSULTATION RESPONSES

- 4.1 Almondsbury Town Council  
Objection - 1. Possible flooding and lack of drainage in the area;  
2. Potential interference with existing drainage in the current flood alleviation area of Hallen Marsh.

Environmental Protection (Noise)

No objections in principle. Standard construction informative recommended

Environmental Protection

No objections in principle. Ground investigation condition recommended

Environment Agency

No objections in principle, provided that the LPA is satisfied that the requirements of the sequential test are met and conditions and informatives relating to Flood Risk are recommended

Lead Local Flood Authority

No objection in principle. Recommend detailed drainage condition

Lower Severn Drainage Board

The applicant is working in line with the Lower Severn IDB's strategy for the area. Provided the board's recommendations are met then Land Drainage Consent will be forthcoming. We require no conditions to the application.

Sustainable Transportation

No comments received

Ecology

Initial concerns were raised regarding the nature and level of the initial Ecological Survey and Assessment. Subsequently further information has been submitted. Additional response is awaited from the Council's Ecologist and English Nature.

## **Other Representations**

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The NPPF states that there is a presumption in favour of sustainable development and that proposed development that accords with up to date policy should be approved. Policy CS35 of the Core Strategy states that land at Severnside (in which the application site is located) will be safeguarded for distribution and other extensive employment uses, including energy generation. This reflects the longstanding planning permissions which date from 1957 and 1958 which are extant. This is a material consideration in this proposal. Policy CS3 states that low carbon energy generation will be supported where they would not cause significant or demonstrable harm to residential amenity and weight will be given to providing a secure and reliable energy generation capacity. The wider public benefit arising from reliable energy generation does therefore attract some weight. Supporting a continued shift towards renewable sources of energy, away from oil, coal and nuclear provision, does also attract some weight. The facility would utilise available electricity and gas connections at this site. Of note and material consideration is the granting of existing permission reference PT16/5049/F for the erection of an electricity generation plant in sound proof containers. This is in the same field as the current application, this application however covers a slightly larger footprint. Of further note, is an additional application ref. PT17/4664/F for a battery storage facility with associated infrastructure, landscaping and access onto Severn Road, that application is located towards the front of the same field, as this application and is also currently under consideration. In conclusion this proposal accords with policy CS35, which reflects the historic employment/industrial consent on this land; and energy generation is one of the uses supported in principle. The proposal is therefore subject to detailed development control considerations below.

### **5.2 Visual Amenity**

The site is located within the level and low lying Pilning Levels landscape character area. It is within the Severnside enterprise area, including the Chittering Industrial Estate to the west and Western Approach Distribution Park to the north. There are a number of industrial and warehouse type structures visible throughout the landscape including the gas works, the waste transfer station buildings and stock piles, electricity pylons and the Severnside Energy Recovery Centre to the north east. There is a small Industrial Estate to the immediate east of the site. Accordingly the relatively modest proposal would fit into this context.

- 5.3 There are rough pasture fields with rhines and hedgerows between the industrial infrastructure which help to retain a semi-rural character to the area. Due to the level topography the proposed plant will not be highly visible in the wider landscape. A landscape condition requiring landscaping is however recommended along the Severn Road and southern and western boundaries,

in order to soften the boundary and provide some screening and cover in these directions.

5.4 Local Amenity

The site is within Severnside enterprise area, immediately adjacent to an industrial estate and set within the context of other industrial uses. The proposals have been assessed by the Council's Environmental Protection Officers in terms of their potential environmental and local amenity impacts. The scheme is remote from any residential properties. It is considered that the nature and location of the scheme is acceptable in this instance, and there are no objections on this basis. The site is sufficiently remote to avoid any significant or material local amenity impact. The proposals are therefore considered acceptable in terms of their assessment with environmental criteria.

5.5 Drainage/Flood Risk

This site has a historic consent for a range of uses. Moreover the site is identified as such by adopted policy CS35, which expressly includes energy generation. A strategic flood risk assessment took place as part of the preparation of the Core Strategy. In these circumstances, and notwithstanding the flood risk of the site it is not considered there is a further requirement for the sequential test to be applied. This accords with the advice in paragraph 104 of the NPPF. A site specific Flood Risk Assessment has been undertaken and provided with the proposals as has a Conceptual Drainage Strategy. This shows that measures have been taken to safeguard against the impact of flooding – particularly in relation to the control room and switch room which are raised structures. It is further noted that the use will not normally involve people to be on site thereby reducing risk of harm from flooding.

5.6 There are no objections to the proposals from the Council's Drainage Officer, however a condition is recommended to secure further detailed on site surface water drainage control.

5.7 Transportation

Given the anticipated number of vehicle movements generated by the proposal, and the location and nature of the site, it is not considered that there would be significant transportation issues or local highways impact. The proposed access is the same as that previously agreed under ref. PT16/5049/F, referred to above. A Construction Management Plan condition is recommended to address the construction phase traffic and this reflects the requirements of the previous approval for the site.

5.8 Ecology

Initial concerns were raised regarding the nature and level of the initial Ecological Survey and Assessment. Subsequently further information has been submitted. Additional response is awaited from the Council's Ecologist and English Nature.



## 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 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

- 7.1 1) That authority be delegated to the Director of Planning, Transportation and the Strategic Environment to grant planning permission, subject to the conditions set out below and upon further consultation with the Council's Ecologist and English Nature:
- i) there are no ecological objections to the proposals
  - ii) any required additional ecological conditions and mitigation measures are incorporated into the decision notice

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. A) Desk Study - Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably competent person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.  
  
B) Intrusive Investigation - Where potential contaminants are identified under (A), prior to the commencement of development, an investigation shall be carried out by a suitably competent person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what

mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures. (Note (A) and (B) may be combined if appropriate).

- C) Verification Strategy - Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
- D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

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

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

#### Reason

To prevent pollution, contamination and flooding, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. Some elements of this condition require investigations to be undertaken prior to commencement of development in order to properly assess the likely risk of ground contamination, and to allow appropriate mitigation to be made in the event it is found.

- 3. Prior to the commencement of the development hereby approved a Construction Management Plan shall be submitted to the Local Planning Authority for written approval. This plan must include measures to ameliorate the effects of vehicular movements to and from the site. It must define vehicular access route and incorporate strategies to prevent spoil being transferred onto the adjoining highway network and thereafter be implemented in accordance with the approved details.

Reason

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

This is a pre-commencement condition to ensure that highways matters are incorporated into the development at an early stage.

4. Prior to the commencement of development a scheme of landscaping, requiring a new mixed native hedge, including a number of standard trees, to be planted along the Severn Road between the existing vegetation and also on the southern and western boundaries of the site on the outside of the palisade fence shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

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

This is a pre-commencement condition to ensure that the visual amenity of the site is considered, addressed and incorporated at an early stage within the overall development of the site.

5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) [Amber Planning October 2017] and the following mitigation measures detailed within the FRA:

Finished floor levels, as specified on page 14 section 4.4.3 of the FRA, to be set no lower than 600mm above existing ground levels. That is floor levels should be set no lower than 7.00 metres above Ordnance Datum (AOD).

Reason

To reduce the risk of flooding to the proposed development and future occupants 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.

This is a pre-commencement condition to ensure that adequate detailed drainage provision is incorporated within the development at an early stage.

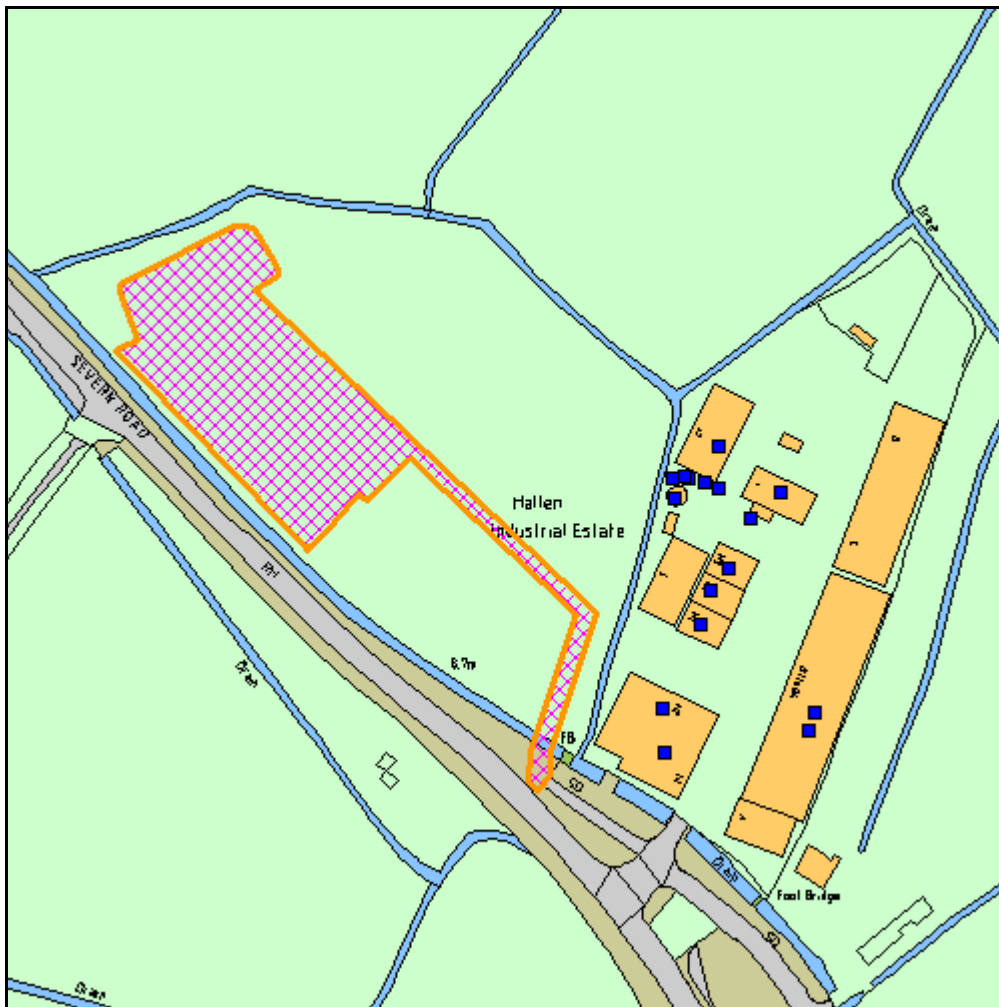
6. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

Reason

To comply with 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. 50/17 – 15 DECEMBER 2017**

<b>App No.:</b>	PT17/4664/F	<b>Applicant:</b>	FPC Industry And Enterprise Ltd
<b>Site:</b>	Land At Severn Road Hallen Bristol South Gloucestershire BS10 7RZ	<b>Date Reg:</b>	27th October 2017
<b>Proposal:</b>	Battery storage facility with associated infrastructure, landscaping and new access onto Severn Road	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	355003 180040	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th December 2017



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## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for a battery storage facility with associated infrastructure, landscaping and access onto Severn Road. This would be to facilitate the storage and provision of energy reserves as part of a programme, in conjunction with the National Grid, to provide additional safeguards against security of supply and provide balance during unexpected periods of high demand in a short timescale. The capacity of the site would be between 16MW – 20MW. The plant would provide electricity to the network when there is a surge in demand, or lack of supply, the plant would only operate therefore on an occasional basis. The site infrastructure would consist of transformers, switchroom, control room and battery units. The site would be surrounded by 2.4 metre security fencing. The only traffic generated to the site, following construction, would be routine maintenance visits by a field service engineer, approximately once a fortnight.
- 1.2 The site is located within the part of a field (approx. 0.53 ha) off Severn Road, Hallen, immediately to the east of Hallen Industrial Estate. The site is located within the Severnside area and is within Flood Zone 2 and 3. A Flood Risk Assessment and Ecological Survey have been provided with the application

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013.

CS1 High Quality Design  
CS3 Renewable and Low Carbon Energy Provision  
CS4a Presumption in Favour of Sustainable Development  
CS12 Areas Safeguarded for Economic Development  
CS35 Severnside

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

PSP2 Landscape  
PSP6 On Site Renewable and Low Carbon Energy  
PSP18 Statutory Wildlife Sites  
PSP19 Wider Biodiversity  
PSP21 Environmental Pollution and Impacts  
PSP26 Enterprise Areas

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

- 3.1 The site is located within the area covered by the 1957 ICI Consent, which permits a range warehousing and industrial uses as part of the wider Severnside development area – this is reflected in the adopted policy relating to Severnside.
- 3.2 PT16/5049/F - Erection of electricity generation plant in sound proof containers (sui generis). Approved 2/11/16
- 3.3 PT17/4664/F – Installation of gas fuelled capacity mechanism embedded generation plant to support the National Grid and associated works. Currently under consideration. (This application is located to the rear and north of the same field as this application).

### **4. CONSULTATION RESPONSES**

4.1 Almondsbury Town Council

No comments received

Environment Agency

No objections in principle, provided that the LPA is satisfied that the requirements of the sequential test are met and conditions and informatives relating to Flood Risk are recommended

Strategic Economic Development

No objection

Environmental Protection

No objections in principle. Ground investigation condition recommended

Lead Local Flood Authority

The Lower Severn Internal Drainage Board (LSIDB) are the land drainage authority for this area, and as such, until the surface water drainage strategy has been agreed with them, we are unable to comment further.

Lower Severn Drainage Board

The applicant is working in line with the Lower Severn IDB's strategy for the area. Provided the board's recommendations are met then Land Drainage Consent will be forthcoming. We require no conditions to the application.

Sustainable Transportation

Additional information is required. Further details on the suitability of the access arrangements for the construction and setting phase of the development. The size of vehicles used for construction and setting up the site and the frequency of movements over the busiest days. Swept paths of the largest vehicles accessing the development off Severn Road within the application site boundary. The access route is narrow with tight bends.

### Ecology

Initial concerns were raised regarding the nature and level of the initial Ecological Survey and Assessment. Subsequently further information has been submitted. Additional response is awaited from the Council's Ecologist and English Nature.

### Highways Structures

No comment

## **Other Representations**

### 4.3 Local Residents

One letter of objection has been received, raising the following points:

- This development is planned for land that sits wholly within the greenbelt
- The proposed development will lead to more traffic on an already dangerous stretch of road.
- The proposed development is likely to increase localised flooding and sits within the highest level of flood threat area (3).
- There is no local bus service to this area for the workforce and visitors.
- There is a lack of local housing available for workers at this site.
- The site is a habitat to many different species of wildlife, which any proposed building work is bound to disrupt.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The NPPF states that there is a presumption in favour of sustainable development and that proposed development that accords with up to date policy should be approved. Policy CS35 of the Core Strategy states that land at Severnside (in which the application site is located) will be safeguarded for distribution and other extensive employment uses, including energy generation. This reflects the longstanding planning permissions which date from 1957 and 1958 which are extant. This is a material consideration in this proposal. Policy CS3 states that low carbon energy generation will be supported where they would not cause significant or demonstrable harm to residential amenity and weight will be given to providing a secure and reliable energy generation capacity. Although the proposed development does not constitute energy generation, the wider public benefit arising from securing reliable energy provision and supporting a continued shift towards renewable sources of energy, away from oil, coal and nuclear provision, does attract some weight. The application site is not in the Green Belt. Of note and material consideration is the granting of existing permission reference PT16/5049/F for the erection of an electricity generation plant in sound proof containers. This approved development is in the same field as this application, located more to the northern, rear area. Of further note is an additional application, ref. PT17/4664/F for the installation of gas fuelled capacity mechanism embedded generation plant to support the National Grid and associated works also currently under consideration, again, within the same field and similar to the above approved development, but slightly larger in scale. In conclusion this proposal accords with policy CS35, which reflects the historic

employment/industrial consent on this land; and energy generation is one of the uses supported in principle. The proposal is therefore subject to detailed development control considerations below.

5.2 Visual Amenity

The site is located within the level and low lying Pilning Levels landscape character area. It is within the Severnside enterprise area, including the Chittering Industrial Estate to the west and Western Approach Distribution Park to the north. There are a number of industrial and warehouse type structures visible throughout the landscape including the gas works, the waste transfer station buildings and stock piles, electricity pylons and the Severnside Energy Recovery Centre to the north east. There is a small Industrial Estate to the immediate east of the site. Accordingly the relatively modest proposal would fit into this context.

- 5.3 There are rough pasture fields with rhines and hedgerows between the industrial infrastructure which help to retain a semi-rural character to the area. Due to the level topography the proposed plant will not be highly visible in the wider landscape. A landscape condition requiring landscaping is however recommended along the Severn Road and southern and western boundaries, in order to soften the boundary and provide some screening and cover in these directions.

5.4 Local Amenity

The site is within Severnside enterprise area, immediately adjacent to an industrial estate and set within the context of other industrial uses. The scheme is remote from any residential properties. It is considered that the nature and location of the scheme is acceptable in this instance, and there are no objections on this basis. The site is sufficiently remote to avoid any significant or material local amenity impact. The proposals are therefore considered acceptable in terms of their assessment with environmental criteria.

5.5 Drainage/Flood Risk

This site has a historic consent for a range of uses. Moreover the site is identified as such by adopted policy CS35, which expressly includes energy generation. A strategic flood risk assessment took place as part of the preparation of the Core Strategy. In these circumstances, and notwithstanding the flood risk of the site it is not considered there is a further requirement for the sequential test to be applied. This accords with the advice in paragraph 104 of the NPPF. A site specific Flood Risk Assessment has been undertaken and provided with the proposals. There is no objection from the Environment Agency on this basis. There are no objections to the proposals on drainage grounds, however a Land Drainage Consent from the Lower Severn Internal Drainage Board will be required for any works to the drainage network. It is further noted that the use will not normally involve people to be on site thereby reducing risk of harm from flooding.

5.6 Transportation

Given the anticipated number of vehicle movements generated by the proposal, and the location and nature of the site, it is not considered that there would be significant transportation issues or local highways impact.



The proposed access is the same as that previously agreed under ref. PT16/5049/F, referred to above. A swept path plan has been provided by the applicants to illustrate internal vehicle movements within the site. A Construction Management Plan condition is recommended to address the construction phase traffic and this reflects the requirements of the previous approval for the site.

#### 5.7 Ecology

Initial concerns were raised regarding the nature and level of the initial Ecological Survey and Assessment. Subsequently further information has been submitted. Additional response is awaited from the Council's Ecologist and English Nature.

### 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 and the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017, set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

7.1 1) That authority be delegated to the Director of Planning, Transportation and the Strategic Environment to grant planning permission, subject to the conditions set out below and upon further consultation with the Council's Ecologist and English Nature:

i) there are no ecological objections to the proposals

ii) any required additional ecological conditions and mitigation measures are incorporated into the decision notice

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

### CONDITIONS

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

Reason

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

2. A) Desk Study - Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably competent person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
- B) Intrusive Investigation - Where potential contaminants are identified under (A), prior to the commencement of development, an investigation shall be carried out by a suitably competent person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures. (Note (A) and (B) may be combined if appropriate).
- C) Verification Strategy - Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
- D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

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

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

To prevent pollution, contamination and flooding, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. Some elements of this condition require investigations to be undertaken prior to commencement of development in order to properly assess the likely risk of ground contamination, and to allow appropriate mitigation to be made in the event it is found.

3. Prior to the commencement of the development hereby approved a Construction Management Plan shall be submitted to the Local Planning Authority for written approval. This plan must include measures to ameliorate the effects of vehicular movements to and from the site. It must define vehicular access route and incorporate strategies to prevent spoil being transferred onto the adjoining highway network and thereafter be implemented in accordance with the approved details.

Reason

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

This is a pre-commencement condition to ensure that highways matters are incorporated into the development at an early stage.

4. Prior to the commencement of development a scheme of landscaping, requiring a new mixed native hedge, including a number of standard trees, to be planted along the Severn Road between the existing vegetation and also on the southern and western boundaries of the site on the outside of the palisade fence shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

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

This is a pre-commencement condition to ensure that the visual amenity of the site is considered, addressed and incorporated at an early stage within the overall development of the site.

5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) [Amber Planning October 2017] and the following mitigation measures detailed within the FRA:

Finished floor levels, as specified on page 14 section 4.4.3 of the FRA, to be set no lower than 600mm above existing ground levels. That is floor levels should be set no lower than 7.00 metres above Ordnance Datum (AOD).

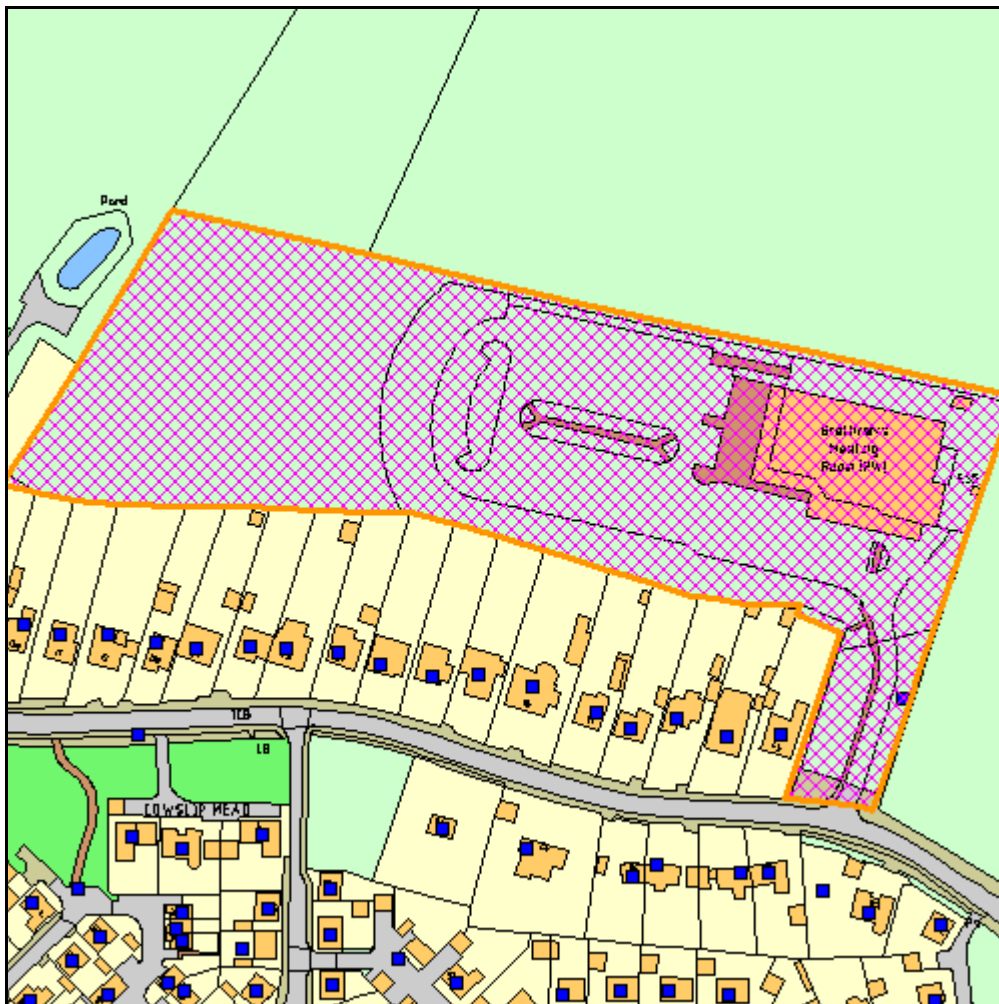
Reason

To reduce the risk of flooding to the proposed development and future occupants 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.

This is a pre-commencement condition to ensure that adequate detailed drainage provision is incorporated within the development at an early stage.

**CIRCULATED SCHEDULE NO. 50/17 – 15 DECEMBER 2017**

<b>App No.:</b>	PT17/4357/RVC	<b>Applicant:</b>	Mr Charlie Leflaive Greenfield Gospel Hall Trust
<b>Site:</b>	47 Hortham Lane Almondsbury Bristol South Gloucestershire BS32 4JJ	<b>Date Reg:</b>	2nd October 2017
<b>Proposal:</b>	Variation of condition 4 attached to planning permssion PT10/2510/F to allow for occasional out of hours events without time limitations, such as extraordinary prayer meetings, crisis support and conference preparation for a maximum of up to twelve times per calendar year.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	362191 184521	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Major	<b>Target Date:</b>	27th December 2017



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 100023410, 2008. N.T.S. PT17/4357/RVC

This application is circulated as a result of the objections of the Parish Council and a neighbour.

## 1. **THE PROPOSAL**

1.1 This application seeks variation of the original planning permission for the use of the Gospel Hall (Class D1) as built and operational under planning application PT10/2510/F. This variation would amend condition four attached to planning permission PT10/2510/F to allow for occasional out of hours events without time limitations, such as extraordinary prayer meetings, crisis support and conference preparation for a maximum of up to twelve times per calendar year.

1.2 Condition four currently reads:

Services shall not take place before 7am Monday- Saturday or 6am on Sundays and the site shall be vacated by 9.30pm Monday- Saturday and 8pm on Sunday.

Reason

In the interests of residential amenity and highway safety and to accord with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

1.3 The site is located in the Green Belt and outside the settlement boundary.

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework March 2012

### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS9 Managing the environment and heritage

CS23 Community Infrastructure and Cultural activity

CS34 Rural Areas

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

Adopted November 2017

PSP1 Local Distinctiveness

PSP2 Landscape

PSP7 Development in the Green Belt

PSP8 Residential amenity

PSP11 Transport Impact management

PSP16 Parking Standards

PSP19 Wider biodiversity

### 2.3 Supplementary Planning Guidance

South Glos design Guide

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

- 3.1 PT13/2071/RVC Variation of condition no. 17 of PT10/2510/F to allow an amended scheme to provide additional external corridor, new store room and garage area. Approved 06.09.2013
- 3.2 PT10/2510/F Demolition of existing buildings and erection of Gospel Hall (Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 with associated car parking and landscaping with new vehicular and pedestrian access Approved 08.04.2011

### **4. CONSULTATION RESPONSES**

4.1 Almondsbury Parish Council  
Objection

1. Feel that the application which states "events without time limitation" is too open ended
2. The Council also feels that it has been provided with insufficient information upon which to base a decision

4.2 Other Consultees  
Archaeology  
No comment

Sustainable transport  
No objection

#### **Other Representations**

4.3 Local Residents

Concern from a local resident in respect of:

Traffic increase and speeding

Breaches of times already

What evidence do they have that they support crisis.

Site used as a drop off and collection point for school.

Other churches have only a handful of services each week and this one is very used.

One anonymous response was also received which cannot be considered.

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

5.1 Principle of Development

The principle of the use was established in application PT10/2510/F and is not in question in this application. What is to be considered in this application is whether or not the use for occasional out of hours events without time limitations, such as extraordinary prayer meetings, crisis support and conference preparation for a maximum of up to twelve times per calendar year is likely to bring about a material harm to neighbours or to highway safety.

The development plan has changed since the Gospel Hall was permitted but policies relating to residential amenity and highway safety remain. These are considered below.

## 5.2 Impact on neighbours

In order to understand the relative impact of changes to the condition an understanding of the site is required. The Hall is located towards the rear of the site as viewed from Hortham Lane with some 60m between the building and the row of extended bungalows sited along Hortham Lane. Approximately half of this space is made up of gardens to the bungalows with 1.8m or more fencing to the boundary with the site. Between the gardens and the hall is an expanse of car parking to the south and west of the hall. Access to the site is gained via the gated access road located to the southeast of the site. The access road is located some 12m from the boundary of the nearest bungalow and this consists of an initial pair of five bar gates approximately ten metres back from the road which appears to stay open once the site is in use and a sliding gate/fence structure approximately level with the rear boundary of the neighbouring bungalow. As such the access and egress and the parking associated with the use is all a reasonable distance from the residential neighbours such that that it should not normally cause material harm to the residential amenity of the nearby residents.

## 5.3 In order to better understand the likely impact of the proposal the applicant was asked to clarify what was intended and the following explanation was received:

### Extraordinary prayer meeting v normal service

A normal service is with all the family and involves, bible readings, prayer, preaching and assembly. These are undertaken within the existing times structure of the condition. An extraordinary prayer meeting will be when something like a national crisis or disaster occurs and the congregation meet to seek intercession by prayer. It would normally involve less than 50 that live nearby and involve only quiet prayer. This is likely to take place at 6.30am as it does on other Gospel Halls in South Gloucestershire and is likely to take place no more than six times per year.

### Crisis support

The Trusts across the UK also provide the buildings for support to emergency services, for shelter, refreshments closer to any incident should any events occur. The hall would provide a meeting point, but would not comprise residential use. Equipment for the global Rapid Relief Team (RRT) is also stored at the premises and may be needed at any time in the event of a disaster. For example, RRT recently assisted at the Grenfell disaster.

### Conference preparation

This would involve probably no more than 10 vehicles and 20 people, preparing chairs, cleaning, refreshments etc. for a large conference. The conference would be on site within the existing condition times.



5.4 Officers consider that the desire to pray or help in the case of disasters is not unusual to a church community and such actions may otherwise occur at other assembly points such as leisure centres or community halls next to residential properties. It is not unreasonable that this activity may occur outside of the hours previously deemed acceptable at this site and the limited number of days of the extended hours is considered a fair balance between the potential impact on the neighbours and the desires of the church community. Further the agent advises that The Trust are fully aware of the responsibility to be good neighbours with reduced noise and activity at early morning and late night. Overall the site is set out such that the use of the site for these uses on such few days a year is reasonable within the scale of the overall development and will not materially affect the residential amenity of the site.

5.5 Highway safety

The information provided demonstrates that the additional times of opening will not cause additional strain to the highway network and will in reality spread out any vehicles accessing the site across a wider time frame. There is no material impact on the use of the site or highway safety resulting from it.

5.6 Relevance of previous conditions

It is appropriate to consider whether it is necessary to reattach conditions from the original application and in this case the following conditions are no longer required as the site has been built out.

Condition 1 was the standard time limit and 2 materials. Condition 5 related to landscape implementation, 7 related to drainage and 8 to Archaeology which are no longer required given the full build out already.

9 related to species protection and is no longer necessary.

Condition 14 is no longer required as it related to the hours of construction of the scheme.

Reapplied are the following conditions:

Condition 3 remains relevant it pertained to the ongoing use as a place of worship

Condition 4 is retained but altered as it is the subject of this application. Condition 6 relates to a landscape maintenance scheme and is retained in altered form.

Condition 10 related to ongoing bat measures and relevant licence.

Condition 11 required car parking to be set out and maintained to the required standards.

Condition 12 related to a travel plan which remains relevant

Condition 13 related to a lighting scheme which was to be carried out and retained.

Condition 14 related to the plans of the scheme and as the current proposal does not change the existing site can be reapplied.

These are duly renumbered 1 to 8.

## 5.7 Consideration of likely impact on Equalities

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

This application is considered to have negligible material impact on the residential amenity of the neighbours and a modest positive impact on the equalities of this religious group. As such the decision is not so finely balanced as to allow the status of the religious group to tip the decision in favour of the application as the application is not recommended for refusal with or without this additional consideration.

## 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 following conditions.

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

## CONDITIONS

1. The development hereby approved shall only be used for purposes directly associated with a place of worship (Use Class D1) and for no other purposes (including any other use within the D1 Use Class) without the prior written consent of the Local Planning Authority.

#### Reason 1

In the interests of highway safety and to accord with the provisions of Planning Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan June 2016 Adopted November 2017

#### Reason 2

Planning permission has only been granted having regard to the very special circumstances associated with this development and any different use would require the further consideration of the Local Planning Authority in order to help safeguard the Green Belt and accord with the provisions of the National Planning Policy Framework March 2012.

#### Reason 3

In the interests of residential amenity and to accord with the provisions of Planning Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan June 2016 Adopted November 2017

2. Services shall not take place before 7am Monday- Saturday or 6am on Sundays and the site shall be vacated by 9.30pm Monday- Saturday and 8pm on Sunday. In addition to this the buildings may be used for extraordinary prayer meetings, crisis support and conference preparation for a maximum of twelve times outside of these hours of use in each calendar year.

#### Reason

In the interests of residential amenity and highway safety and to accord with Planning Policies PSP8 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan June 2016 Adopted November 2017.

3. The landscape maintenance programme detailed on drg no. 523-01A (Landscape Proposals) submitted to and approved in writing as part of planning application PT10/2510/F shall be carried out for a minimum period of 5 years.

#### Reason

To protect the character and appearance of the area and in view of the ecological interests of the site to accord with Planning Policies PSP1, PSP2, and PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan June 2016 Adopted November 2017.

4. All works shall be undertaken in accordance with the recommendations and findings of the 'Application for a License, Bats- Method Statement', submitted to and approved in writing by the Local Planning Authority as part of planning application PT10/2510/F.

#### Reason

In the interests of species protection and to accord with Planning Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan June 2016 Adopted November 2017 .

5. Development shall accord with the revised site layout plan (drg no. BR.11.01 Rev A) submitted to and approved in writing by the Local Planning Authority.

Reason

To accord with Planning Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan June 2016 Adopted November 2017

6. Development shall accord with the Travel Plan (Travel Plan prepared by Key Transport Consultants Ltd) submitted to and approved in writing by the Local Planning Authority as part of planning application PT10/2510/F.

Reason

To minimise the impact of the development and to comply with planning policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan June 2016 Adopted November 2017

7. All external lighting shall accord with those details submitted to and approved in writing by the Local Planning Authority as part of planning application PT10/2510/F.

Reason

To minimise disturbance to occupiers of the neighbouring residential dwellings fronting Hortham Lane and to help safeguard the openness of the Green Belt, all in accordance with Planning Policies PSP7, PSP8 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan June 2016 Adopted November 2017.

8. Development shall be carried out strictly in accordance with the following plans hereby approved:

Location Plan (received 11 June 2013 under PT13/2071/RVC)

Proposed Site Layout; drg no. BR.11.01.O (received 11 June 2013 under PT13/2071/RVC)

Proposed Floor Plan; drg no. BR.11.02.D (received 11th June 2013 under PT13/2071/RVC)

Proposed Elevations; drg no. BR.11.03.G (received 11 June 2013 under PT13/2071/RVC)

Proposed Roof Plan; drg no. BR.11.04.B (received 8 March 2012 under PT13/2071/RVC)

Existing and Proposed Sections; drg no. BR.11.05.C (received 8 March 2012 and as approved under PT12/0847/RVC)

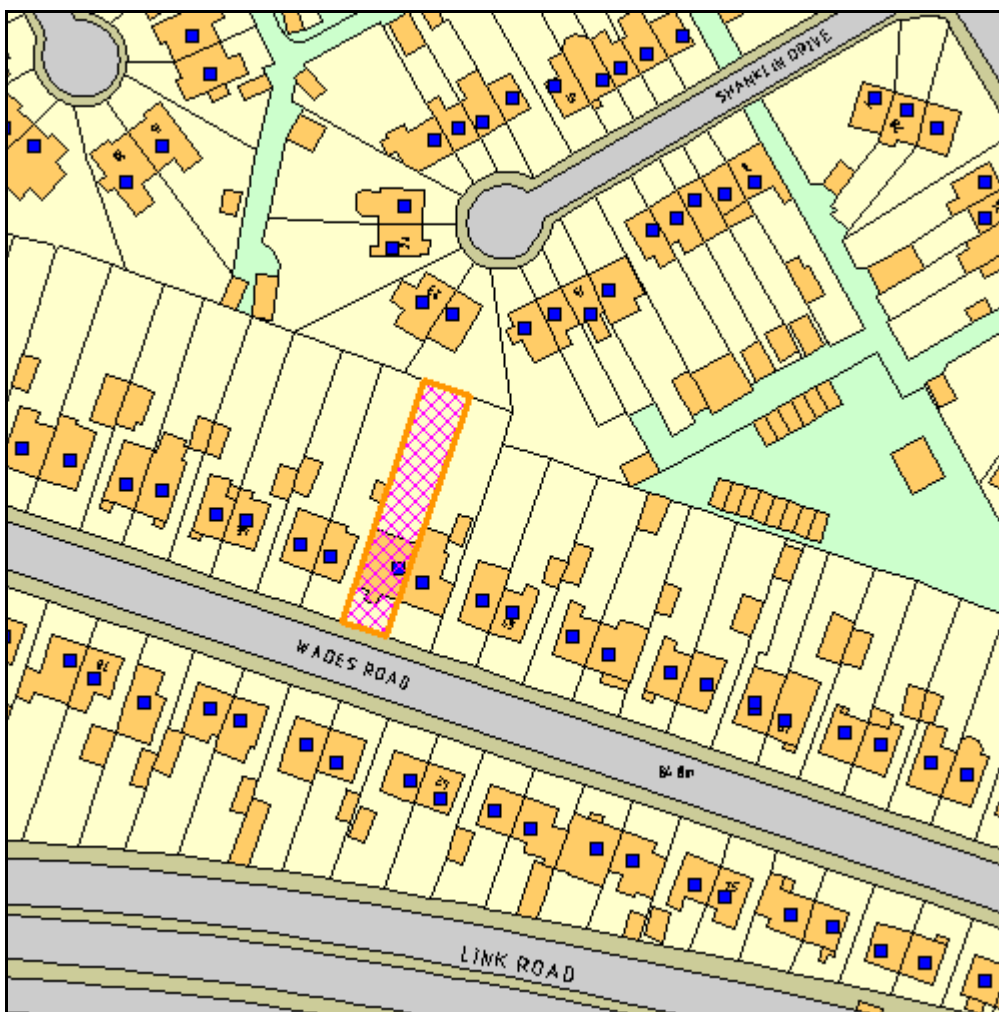
Existing and Proposed Sections; drg no. BR.11.05.C (received 8 March 2012 and as approved under PT12/0847/RVC)

Reason

In order that the development complies with the submitted details to ensure a satisfactory standard of design, to safeguard residential amenity, to help protect the openness of the Green Belt and in the interests of highway safety, all to accord with Planning Policies D1, L1, GB1, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 50/17 – 15 DECEMBER 2017**

<b>App No.:</b>	PT17/5089/CLP	<b>Applicant:</b>	Mr And Mrs Haynes
<b>Site:</b>	43 Wades Road Filton Bristol South Gloucestershire BS34 7EB	<b>Date Reg:</b>	15th November 2017
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed installation of a rear dormer to facilitate loft conversion	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360660 179125	<b>Ward:</b>	Filton
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	27th December 2017



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 100023410, 2008. **N.T.S.** **PT17/5089/CLP**

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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposal to install a rear dormer window to facilitate a loft conversion at 43 Wades Road, Filton would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning Act 1990 (As Amended) 1990 section 192  
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

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

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

- 3.1 PT07/0062/F  
Erection of 2 storey side extension and single storey rear extension to provide additional living accommodation.  
  
Approved: 16<sup>th</sup> February 2007
- 3.2 PT06/3171/F  
Erection of two storey side extension and single storey rear extension to provide additional living accommodation and single garage. Erection of rear conservatory.  
  
Refused: 22<sup>nd</sup> December 2006
- 3.3 P86/2380  
Replacement of flat roof with pitched roof  
  
Approved: 22<sup>nd</sup> October 1986

- 3.4 N960  
Two storey extension to rear of dwelling to provide kitchen and enlarge bedroom.

Approved: 13<sup>th</sup> February 1975

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

- 4.1 Filton Parish Council  
No comments received.

- 4.2 Sustainable Transport  
No comment.

#### **Other Representations**

- 4.3 Local Residents  
No comments received.

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

- 5.1 Received by the Council on 1<sup>st</sup> November 2017:  
Site Location Plan  
Existing & Proposed Plans & Elevations

#### **6. ANALYSIS OF PROPOSAL**

- 6.1 Principle of Development  
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully, without the need for planning permission. Accordingly there is not consideration of planning merit, the application is based on the facts presented. This submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.
- 6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to the householders under Schedule 2, Part 1 Class B of the GPDO (2015).
- 6.3 The proposed development consists of the installation of a rear dormer to facilitate a loft conversion. This development would be within Schedule 2, Part 1 Class B of the GPDO (2015), which allows additions or alterations to the roof of a dwellinghouse provided it meets the criteria detailed below:

6.4 Assessment of Evidence

Schedule 2 Part 1 Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof subject to meeting the following criteria:

**B.1 Development is not permitted by Class B if –**

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

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

**(b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The proposal would not exceed the height of the highest part of the existing roof.

**(c) Any part of the dwellinghouse as a result of the works, extend beyond the plane of any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway;**

The proposal would not extend beyond the plane of any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway.

**(d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than –**

- (i) 40 cubic metres in the case of a terrace house, or**
- (ii) 50 cubic metres in any other case**

The site consists of a semi-detached property and the cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 50 cubic metres.

**(e) It would consist of or include —**

- (i) the construction or provision of a verandah, balcony or raised platform, or**
- (ii) the installation, alteration or replacement of a chimney, flu or soil and vent pipe;**

Not applicable.

**(f) The dwellinghouse is on article 2(3) land.**

The host dwelling is not on article 2(3) land.

**B.2 Development is permitted by Class B subject to the following conditions—**



- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

The materials used will be of a similar appearance to the existing dwelling.

- (b) the enlargement must be constructed so that –**
- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
- (aa) the eaves of the original roof are maintained or reinstated; and**
- (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measure along the roof slope from the outside edge of the eaves; and**
- (ii) other than in the case of an enlargement which joins the original roof to the roof of a side or rear extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The proposal would maintain the original eaves, be greater than 0.2 metres from the outside edge of the eaves of the original roof and would not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be-**
- (i) Obscure-glazed, and**
- (ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is to be installed.**

Not applicable.

## **7. RECOMMENDATION**

- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate, on the balance of probabilities, that the proposed extension would fall within the permitted rights afforded to householders under Schedule 2; Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

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