



**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. 24/17

Date to Members: 16/06/2017

Member's Deadline: 22/06/2017 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

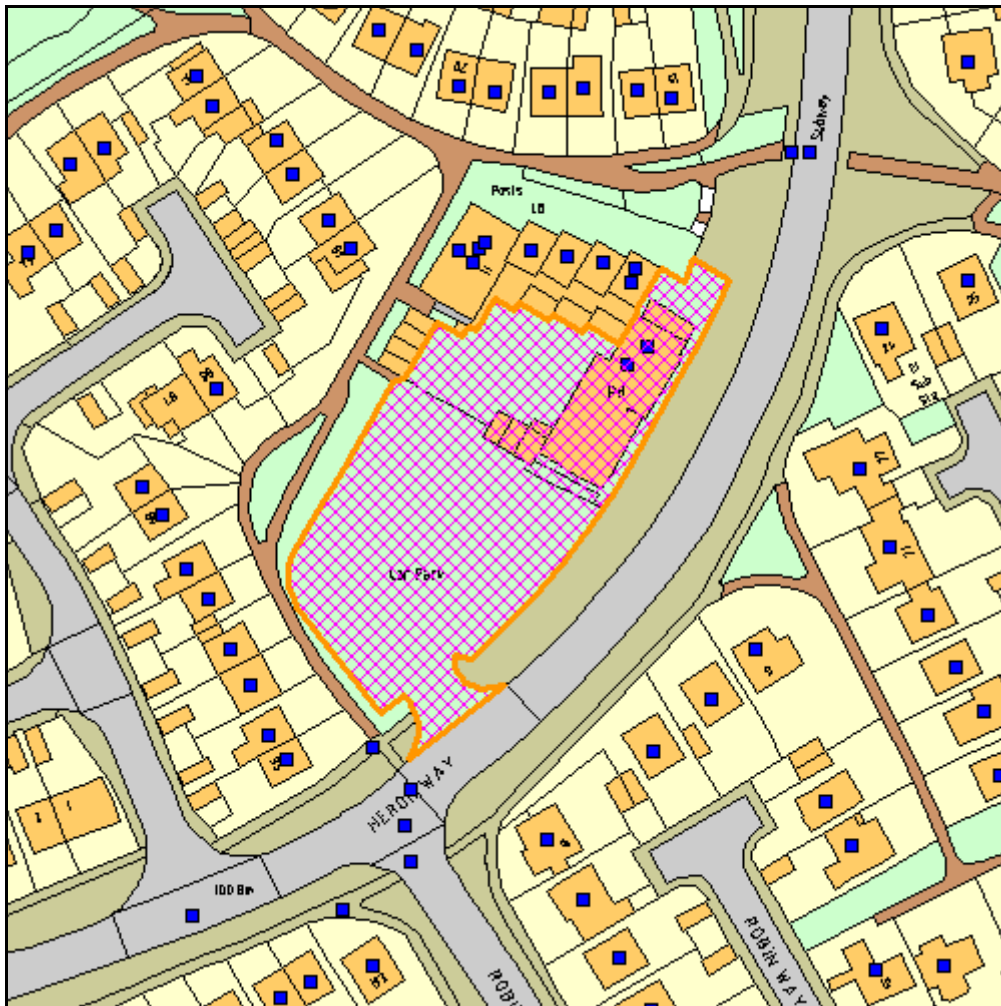
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE 16 - June 2017

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/5906/O	Refusal	Tern Inn 1 Heron Way Chipping Sodbury South Gloucestershire BS37 6XW	Chipping	Dodington Parish Council
2	PK17/0402/F	Approve with Conditions	Land Adjacent To 18 Beaconlea Hanham South Gloucestershire BS15 8NX	Hanham	Hanham Parish Council
3	PK17/0927/F	Approve with Conditions	81A High Street Marshfield Chippenham South Gloucestershire SN14 8LT	Boyd Valley	Marshfield Parish Council
4	PK17/0928/LB	Approve with Conditions	81A High Street Marshfield Chippenham South Gloucestershire SN14 8LT	Boyd Valley	Marshfield Parish Council
5	PK17/1036/F	Approve with Conditions	1 Paddock Close Emersons Green South Gloucestershire BS16 7BD	Emersons	Emersons Green Town Council
6	PK17/1226/O	Approve with Conditions	Land To The Rear Of Holmelea House Tanhouse Lane Yate South Gloucestershire	Ladden Brook	Iron Acton Parish Council
7	PK17/1449/F	Approve with Conditions	31 Kingston Drive Mangotsfield South Gloucestershire BS16 9BQ	Rodway	None
8	PK17/1733/F	Approve with Conditions	3 The Croft Oldland Common South Gloucestershire	Oldland	Bitton Parish Council
9	PK17/1754/F	Approve with Conditions	The Bungalow 94A Yew Tree Drive Kingswood South Gloucestershire BS15 4UD	Rodway	None
10	PK17/1937/F	Approve with Conditions	59 Hatherley Yate Bristol South Gloucestershire BS37 4LU	Dodington	Yate Town
11	PT17/0681/PDR	Approve with Conditions	87A Bakers Ground Stoke Gifford South Gloucestershire BS34 8GD	Stoke Gifford	Stoke Gifford Parish Council
12	PT17/1042/F	Approve with Conditions	79 Wallscourt Road Filton South Gloucestershire BS34 7NP	Filton	Filton Town Council
13	PT17/1879/F	Approve with Conditions	5 Langthorn Close Frampton Cotterell South Gloucestershire BS36 2JH	Frampton Cotterell	Frampton Cotterell Parish Council
14	PT17/1902/F	Approve with Conditions	46 Oakleaze Road Thornbury South Gloucestershire	Thornbury North	Thornbury Town Council

CIRCULATED SCHEDULE NO. 24/17 – 16 JUNE 2017

App No.:	PK16/5906/O	Applicant:	Mr M Lewis
Site:	Tern Inn 1 Heron Way Chipping Sodbury Bristol South Gloucestershire BS37 6XW	Date Reg:	25th October 2016
Proposal:	Demolition of public house and erection of 26no. dwellings (Class C3) and cafe (Class A3) (Outline) with access, scale and layout to be determined. All other matters reserved.	Parish:	Dodington Parish Council
Map Ref:	372108 181521	Ward:	Chipping Sodbury
Application Category:	Major	Target Date:	19th January 2017



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 100023410, 2008. N.T.S. PK16/5906/O

Reasons for Referring to the Circulated Schedule

This application has been referred to the Circulated Schedule because representations have been received from local residents that are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The proposal relates to part of the Heron Way Local Centre, which is located on Heron Way within the Raysfield Park Estate, Chipping Sodbury. The estate was developed in the late 1960's by Heron Homes and is affectionately known as 'The Birds Estate'; all roads within the estate being named after birds. The Local Centre originally comprised a row of 4no. shops with maisonettes above, a public house i.e. The Tern Inn, with managers accommodation above; a service yard to the rear of the shops and pub, and a car park accessed off Heron Way. The shops have more recently been the subject of changes of use and now comprise a hairdressers, dog grooming parlour, a hot food takeaway and an office. The application site includes the pub, the service yard and the car park.
- 1.2 Outline planning consent is sought, with access, scale and layout to be determined at the outline stage; with landscape and appearance to be reserved matters; for the 'Demolition of the public house and erection of 26no. dwellings (Class C3) and a Caf' (Class A3).' The proposed scheme would comprise 6 x 2 bed flats; 20 x 1 bed flats and the Caf'. The existing access from Heron Way would be utilised to access the site, with rights of way retained to the former shops and pub site.
- 1.3 Both the Tern Inn pub and main Car Park have recently been listed by the Council as Assets of Community Value (ACV's). Determination of the application was put on hold to take account of the protracted ACV procedure, to resolve ownership issues and to allow the applicant to revise the scheme.
- 1.4 The application is supported by the following documents:
- Planning Design and Access Statement
 - Community Facility Statement
 - CAMRA Public House Viability Test

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
The National Planning Practice Guidance 2014
Planning (Listed Buildings and Conservation Areas) Act 1990

2.2 Development Plans

The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013
CS1 - High Quality Design
CS2 - Green Infrastructure

CS4A – Presumption in Favour of Sustainable Development
 CS5 - Location of Development
 CS6 - Infrastructure and Developer Contributions
 CS8 - Improving Accessibility
 CS9 - Managing the Environment and Heritage
 CS13 - Non-Safeguarded Economic Development Sites
 CS14 - Town Centres & Retail
 CS16 - Housing Density
 CS17 - Housing Diversity
 CS18 - Affordable Housing
 CS23 - Community Infrastructure and Cultural Activity
 CS24 - Green Infrastructure, Sport and Recreation Standards
 CS30 - Yate and Chipping Sodbury

The South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Trees and landscape
 L5 - Open Areas within the Existing Urban Areas and Defined Settlement Boundaries.
 L9 - Species Protection
 L11 - Archaeology
 EP2 - Flood Risk and Development
 EP6 - Contaminated Land
 T8 - Parking Standards
 T7 - Cycle Parking
 T12 - Highway Safety
 E3 - Criteria for Assessing Proposals for Employment Development within the Urban Area
 RT11 - Retention of Local Shops, Parades, Village shops and Public Houses
 RT12 - Use of Upper Floors in Town, Local and Village Centres.
 LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
 LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
 The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
 Affordable Housing SPD Adopted Sept. 2008.
 South Gloucestershire Council Residential Parking Standards (SPD) Adopted Dec. 2013.
 Waste Collection: guidance for new developments (SPD) Adopted Jan. 2015

2.4 Emerging Plan

Proposed Submission : Policies, Sites & Places Plan June 2016

PSP1 - Local Distinctiveness
 PSP2 - Landscape
 PSP3 - Trees and Woodland
 PSP5 - Undesignated Open Spaces within Urban Areas and Settlements
 PSP6 - Onsite Renewable & Low Carbon Energy
 PSP8 - Residential Amenity

- PSP11 - Development Related Transport Impact Management
- PSP16 - Parking Standards
- PSP17 - Heritage Assets and the Historic Environment
- PSP19 - Wider Biodiversity
- PSP20 - Flood Risk, Surface Water and Watercourses
- PSP21 - Environmental Pollution and Impacts
- PSP32 - Local Centres Parades and Facilities
- PSP34 - Public Houses
- PSP35 - Food and Drink Uses
- PSP43 - Private Amenity Space Standards

3. **RELEVANT PLANNING HISTORY**

- 3.1 SG6970/Bap 2 - Erection of four shops with maisonettes over and public house.
Approved 2nd August 1966
- 3.2 N3384 - Provision of footpath (33 metres in length).
Approved 17 March 1977
- 3.3 N3384/1 - Provision of door opening from lounge to patio.
Approved 16 June 1977
- 3.4 P85/2156 - Erection of single-storey side extension to form family room in public house.
Approved 11 Sept 1985
- 3.5 P96/2200 - Construction of pitched roof over managers accommodation and mono pitched roof to perimeter of flat roof.
Approved 25 Sept 1996

Other relevant history

- 3.6 SG6970/Bap 1 - erection of 546 dwellings and garages, construction of new pedestrian and vehicular accesses (Plots 69-614 inc.). In accordance with schedule to be approved.
Approved 19th July 1966
- 3.7 For planning purposes, the application site was previously administered by Gloucester County Council and subsequently by Northavon District Council when part of Avon County Council. More recently the site has been within the South Gloucestershire Council area. Planning permission for the original Raysfield Park Estate was granted by Gloucester County Council (see SG6970/Bap 1) in 1966. From the records available to the Council it is evident that the 'Local Centre' was developed separately from the housing estate and was the subject of a separate planning consent i.e. SG6970/Bap 2 and is clearly shown as such on historic plans. An historic aerial photograph submitted by Doddington Parish Council shows the site in the 1960's when the shops were already built and the car park laid out prior to the construction of the pub.

4. CONSULTATION RESPONSES

There have in total been 3 formal rounds of consultation and the following is a summary of the responses received:

4.1 Doddinton Parish Council

The Parish Council strongly object on the following grounds:

- Displacement of cars onto Heron Way causing increased dangers on a popular Route to School particularly at school drop off and pick-up times related to nearby Raysfield School.
- A vehicle tracking diagram is required to demonstrate how rubbish would be collected and how emergency vehicles would access the proposed flats and existing shops and maisonettes.
- Density and scale would not be in-keeping with surrounding area which is made up of 2-storey 3 and 4 bedroom semi-detached and detached dwellings.
- 3-storey proposal would have a negative impact on the street scene.
- Lack of drainage information.
- Balconies would exacerbate overbearing nature of scheme.
- No disabled parking or access for disabled people.
- The site is not part of the Chipping Sodbury Town Centre.
- The pub is still active and is not a former public house as described in the application documents.
- The Community Statement is inaccurate – there are no other pubs nearby.
- The Tern Inn is home to several darts teams, pool and cribbage teams and there are no other venues within the local vicinity.
- There has been no investment in the Tern Inn for a number of years.
- The shop units have recently been considerably improved and are now developing into thriving local businesses. The proposal would adversely affect the viability of these businesses.
- Where would shop owners and staff park?
- Loss of valuable community facilities.
- Loss of service yard.
- The proposed café would not meet the current needs that are met by the pub and would not be viable without car parking.
- The pub and car park are listed as Assets of Community Value (ACV's).
- There is no demand for a café.
- The indicative plans/images are misleading.
- The car park was laid out and established before the pub was built (see 1960's photo).

Yate Town Council

Object on the following grounds:

- Not in-keeping with surrounding estate and street scene.
- Loss of privacy for neighbouring dwellings due to overlooking from 3-storey flats.
- Sustainability of the existing retail outlets and maisonettes would be adversely affected by loss of parking provision and service area.
- Access to retail outlets lost.

- Adverse impact on the community hub.
- Loss of car park will displace cars onto Heron Way on a bend with limited visibility.
- Poorly located bin collection area.
- The site is in Doddington Parish not Chipping Sodbury as stated in the submission. The Chipping Sodbury Town Centre DPD is not therefore relevant.
- The Tern Inn is not a former pub, it is still active.
- The pub is a key focal point for residents of 'The Birds' Estate.
- The existing car park is heavily used by parents accessing the nearby Raysfield Schools.

4.2 Other Consultees

Arts and Development Officer

No comment

Police Community Safety Officer

No objection subject to the applicant considering at the detailed design stage matters of security and safety most notably excessive permeability, location of cycle store, windowless elevations, .

Lead Local Flood Authority

Insufficient information: It is not clear how the site can be drained. Application Form states surface water will be disposed by sustainable drainage system. However, there is no surface water sewer or watercourse available. Wessex water have stated in their planning consultation response, dated 02/11/16 that no surface water will be permitted to discharge to the foul sewer. Officers require a surface water drainage strategy to show how the site will be drained.

Children and Young People

No response

Environmental Protection

No objection. The historic use of the car park of the site as 'unknown filled ground may' have caused contamination which could give rise to unacceptable risks to the proposed development. A condition would be required to ascertain if the site is contaminated and if so, to secure appropriate measures in mitigation.

Housing Enabling

The following comments are in relation to a revised description of development. This outline planning application now seeks outline planning consent for the demolition of public house and erection of 26 dwellings (previously 28 dwellings) and café with matters of access, scale and layout to be determined with all other matters reserved.

Affordable Housing is sought in line with the policy CS18 of the Council's adopted Core Strategy Development Plan Document. In summary this application generates an affordable housing requirement of the following which

is to be provided on site at nil public subsidy and in line with the heads of terms set out below:

- Social Rent
3 x 1 bed 2 person flats @ 50m² (one of which to be provided as a wheelchair unit @ 58m²)
4 x 2 bed 4 person flats @ 70m²
- Shared Ownership
2 x 2 bed 4 person flats @ 70m²

New Communities

The proposed development generates the need for following financial contributions, which would need to be secured by a S106 Agreement, towards:

Off-site POS provision/enhancement	-	£42,167.81p
Off-site POS maintenance	-	£26,780.76p

Avon Fire and Rescue

No response

Urban Design Officer

In terms of use, the NPPF (para 69 & 70), and policies CS23 & PSP34 clearly promote plan making and decisions that guard against the unnecessary loss of such local facilities to the detriment of mixed-uses and subsequent sustainability of local communities. I defer to my DM colleagues in determination of whether sufficient evidence has been presented in accordance with CS24 (and appropriate NPPG paragraphs). I however would once again note that this is a highly visible location and nearby other facilities including a school with consequent passing pedestrian and vehicular traffic, so would advocate the replacement of the pub (should its loss be deemed acceptable) with, as a minimum another appropriate ground floor local centre use, be that a cafe or retail outlet etc. Otherwise in terms of access and layout the proposals fail to provide details and or principles and parameters that provide for sufficiently high quality development in accordance with NPPF para 58, Core Strategy policy CS1 (1,2,5,6,7,8 & 9). Thus, unless appropriate amendments are received to the layout and clear parameters and principles set out the D&A statement, in accordance with the above comments the application should be refused.

Landscape Officer

There is no in principal objection with regards to Policies L1 and CS1. From the limited information submitted it would appear that the site is being overdeveloped and there is not enough space for planting and open spaces to help integrate the development within the street scene or for it to reflect the character of the surrounding area.

Tree Officer

There are concerns for the trees around the site, in particular the Council owned tree adjacent to 86 Kestrel Close. With regard to the site plan it appears that there would be plenty of room to carry out the development without

harming the tree, provided that the Root protection area has fencing placed to prevent any accidental damage. An Arboricultural report for this site to include Tree protection plan for the trees is required.

Ecology Officer

No objection

Transportation D.C.

Following our earlier highway comments, the application is recommended refusal on the following highway grounds,

‘Due to the scale and the layout, the proposed development would infringe on to the parking and service yard that currently serve the existing local centre. The proposal does not incorporate sufficient parking and manoeuvring spaces for all new community centre and proposed residential units and their visitors, as well as the existing users of the local centre including the customers/service vehicles associated with the existing shops/retail units. If implemented as proposed, this development has the potential to displace vehicles on to the road thereby adding to on-street congestion and it has further potential to cause obstructions to visibility splays from the site access on to the public highway. The cumulative impact of the above is considered to be ‘severe’ in relation to the scale of development proposed and detrimental to the travelling public’.

Officers previously confirmed that should the application be approved a financial contribution of £10,000.00p would need to be secured by a legal agreement, towards the cost of a Traffic Regulation Order to control parking in the vicinity of the site.

Sustainability Officer

No response

Waste Engineer

Overall the layout looks workable however a vehicle tracking plan will be required to show that a refuse collection vehicle can safely turn around. The bin store provision is smaller than normally required at 1 bin per flat however it is noted that many of the properties are single bed flats and as such, may be expected to produce less waste than average.

Wessex Water

No objection

Wales and West Utilities

Standard response – Wales and West pipelines or plant should not be built over or enclosed.

There is no such apparatus within the development site.

Other Representations

4.3 Luke Hall M.P.

Object on the following grounds:

- The Tern Inn is a vital community asset.
- The pub is home to a variety of sports teams and clubs and with no alternatives in close proximity, is a true focal point for the community.
- Not in-keeping with local character and history.
- Adverse impact on residential amenity due to overlooking and loss of privacy.
- Insufficient parking will lead to increased risks to road safety on a busy and congested main road.
- Loss of community facilities contrary to NPPF guidance.
- Loss of community car park will have adverse highway implications, particularly at school drop off and pick up times.
- Loss of the car park would adversely affect the economic well-being of the local businesses.
- Loss of the pub would be contrary to the PSP policy for safeguarding of public houses.
- The Tern Inn has been a social hub for decades.
- The pub and car park are integral community assets.

4.4 Councillor Claire Young

Object on the following grounds:

- The proposal does not meet the criteria set out at Policy PSP34 for the protection of pubs.
- The Tern Inn provides a service of particular value to the community.
- There are no alternative pubs within 800m walking distance.
- The pub is home to several darts, pool and crib teams and there are no suitable alternative venues locally.
- The loss of parking would prejudice the viability and vitality of the area.
- Contrary to PSP34 the pub is still active.
- Whilst the site is brownfield, it is not redundant.
- Overdevelopment.
- Would cause significant traffic hazards on a busy road near a school.

4.5 Petitions

2no. petitions have been received each resisting the proposal. The first petition contains 439 names and merely resists the demolition of the Tern Inn. The second petition contains a further 99 signatures and seeks to save the Tern Inn and Car Park.

The first petition is a printed list of names and general addresses only with no signatures; 114 of the 'names' are listed as anonymous, which somewhat devalues this petition.

4.6 The Bristol Pubs Group (CAMRA)

Initial Response - Object to the loss of The Tern Inn. The Tern Inn is a community pub which is well supported by its local population and is accessible by the bus route along Heron Way and by foot.

The nearest pub to The Tern is to the north-west - Stanshawes Court in Sundridge Park, Yate. The distance between these two pubs is at least 900 metres if measured by footpaths, and even further if using the roads illuminated by street lighting. In Chipping Sodbury, the nearest pub would be The Horseshoe in the High Street, but further away again by any practical walking route. On page 4 of the Community Facility Statement, the Beaufort Hunt is claimed to be 0.8 Km away. We must make clear that could only be "as the crow flies". The walking distance is at least 1.4 Km and requires crossing a dual carriageway.

Planning policy CS23 states that community facilities should be retained unless either:

- a) The use has ceased and there is no longer a demand; or
- b) The facility is no longer fit for purpose; and
- c) Suitable alternative provision is available within easy walking distance [800m] to the required standard.

As this pub is currently trading, well-supported and so far from other pubs, none of these conditions apply. Demolition of a pub requires according to planning policy PSP34, that:

- a) The proposal(s) does not constitute the loss of, or would compromise the viability, of a service of particular value to the local economy; or
- b) It can be demonstrated that use as a Public House is no longer viable; and
- c) The proposed alternative use will not detrimentally affect the vitality of the area and the character of the street scene; and
- d) Significant external heritage assets features are retained.

As already mentioned above, the nearest other pub is at least 900 metres away from this pub which is surrounded by relatively dense housing. In addition a takeaway food shop stands just yards away from the pub, along with other shops. Two such businesses work hand in hand and may sometimes rely on each other in order to survive. We therefore feel point (a) is therefore not complied with.

Paragraph 7.85 of PSP34 states:

"To determine that a pub is no longer viable, the following evidence will need to be provided:

- i. that the public house has been vacant for a continuous period of at least two years; and
- ii. it has been continuously marketed for the duration of the vacancy, through appropriate marketing outlets, e.g not marketing avenues focused on residential or non-public house use."

With this pub currently trading, the second point (b) obviously does not apply. The details in the plans are to be questioned in relation to point (c). We understand the pub has been standing for possibly 50 years. Regarding point (d), we ask if the pub's free-standing sign, etc will be retained if housing replaces the pub. We have also noticed a small but interesting point in the reaction of local people to this planning application; the many objections have come from

people of both sexes. This emphasises the importance of pubs as places supporting social cohesion.

In conclusion, we strongly encourage the planning officer advise the proposed loss of this pub be refused.

As a result of the final consultation a subsequent response was received which inter alia stated the following:

Since our previous comments, we wish to add further expressions of concern, following changes proposed since. Our comments should be read in conjunction to those we previously submitted, remaining an objection to the proposed loss of the pub.

The owner should consider the reasons why the pub is not drawing in customers and counteract that. Regarding times when the pub "has closed on occasion when no suitable tenants have been prepared to take the operation forward" in the revised Design & Access statement, this raises a question from us. Have there been restrictions by anyone such as the owner, on what can and cannot be done to promote the pub, such as activities, advertising, hours of opening, or the range of consumables to offer? No attempt is made to draw in passers-by such as drivers using Heron Way. Most publicans would display at least a blackboard on a space outside, to promote its drinks, events or foods.

A pub of this capacity could easily handle other activities to attract customers. The property has separate rooms. Suggestions could start with art displays, attracting interest groups, jumble sales, maybe a day centre, or children's play classes to appropriate carers. Some of the surrounding land proposed for housing could have basic landscaping for a beer garden with a play area.

Regarding the condition of the property, we will not claim to be surveyors. However, the property certainly does not appear to be in a state of dilapidation. Inside at first sight, the pub looks generally like any other average pub. Some basic housekeeping such as tidying up, cleaning or painting may improve its looks, but there is no obvious sight of structural problems in its public areas.

There has been a proposal to replace the pub with a café with and accommodation. Doing so would not be in line with the National Planning Policy Framework (NPPF). Having a café would not be guarding against the unnecessary loss of the community's ability to meet its day-to-day needs. A café would not itself be a place for consuming alcoholic drinks. Neither is a café usually associated with place to a play pool, darts, cards, board games, or even skittles, etc. Cafes generally only trade in the daytime. Local people returning from work, wanting a Saturday night out or wanting to play pool would no longer have their facility as a meeting place available for this. However, there is nothing to stop the pub offering coffee, tea, sandwiches cakes, etc. - is there? It already offers rolls.

It is also highly unlikely forthcoming residents would want the café open beyond about 6pm within the building in which they would be living. In addition, cafes tend to commonly appeal to people shopping or passing by. They generally

would only want a break for about 20 - 30 minutes, rather than a few hours. With so few shops nearby, uptake of a cafe's use would be very limited. Who would want to take on the running of this cafe? This leads us to wonder if such a facility would be viable.

The CAMRA Public House Viability Test mentions the pub not having been put up for sale since 2010. In order not to lose this as a going concern, there is the option to put the property back on the market. Although not always the case, in the past seven years, there have been some positive cases in pubs reopening and turned around nationally. Some microbreweries have been opening their own tap-houses (outlets to sell their beers), with others seeking to expand their small estates.

Please also remember to consider the NPPF's "Planning Planning Guidance Annex 1: Implementation". Paragraph 216 states that decision-makers should give weight to relevant policies in emerging plans. Policy PSP34 is amongst the Proposed Submission: Policies, Sites and Places, which we understand is just awaiting approval by the Secretary of State to enable its adoption. This planning application does not meet this policy.

4.3 Local Residents

In total, 3no letters/e-mails of support and 309 objections have been received.

Of the 3no letters/e-mails of support, the following is a summary of the comments made in favour of the scheme:

- The pub is an eyesore.
- There is a need for housing.
- The Tern Inn and Car Park are dilapidated.
- The pub is not viable.
- The brownfield site should be used for housing.

Of the 310 letters/e-mails of objection, the concerns raised can be summarised as follows:

- Loss of pub (195).
- Loss of the car park (159)
- The existing pub is a viable business,
- The proposed 3-storey developments are not in-keeping with the street scene, which is all 2-storey.
- Adverse effect on neighbouring residential amenity due to overbearing impact and loss of privacy from overlooking from windows and balconies.
- Adverse impact on house values.
- The pub is home to a number of darts, pool and cribbage teams.
- The pub is active with live music being staged at weekends.
- The loss of the car park will significantly increase on-street parking on Heron Way on a bend in the road; particularly at school drop off and pick up time.
- The access on the bend is dangerous.
- There is not enough school places locally.
- Parents use the car park when dropping off and picking up children attending nearby Raysfield School.

- Loss of car park will have an adverse impact on the adjoining businesses.
- The pub should be revamped for some other commercial use.
- Additional pressure on local services – doctors etc.
- Too many houses already.
- Overdevelopment.
- Insufficient parking provision for either the flats or the existing shops.
- There are pre-school, infants and primary schools nearby.
- Increased noise from additional residents and traffic.
- Increased use of access
- The pool team is in the 1st Div. of the Bristol Pool League and there are both male and female darts teams.
- Insufficient amenity space.
- Not in the interests of the Local Community, the pub and car park are ACV's.
- Disturbance during construction phase.
- The parking and bin storage areas must be retained for the shops.
- The development will damage the adjacent Conifer Hedge.
- The area does not fall within the Draft Chipping Sodbury Town Centre DPD.
- There is no need for flats in the area.
- Loss of light due to 3-storey development.
- Issue of conflict between cars turning left into the site and cars reversing out of spaces near the access.
- The schools are over-subscribed.
- This is not a Town Centre location.
- There are limited local facilities.
- The pub and car park are part of the original development.
- The estate is open plan.
- There is no noise nuisance from the existing pub.
- Lack of security/lighting.
- There are no cycle lanes on Heron Way.
- Cannot be compared to Riverside in Yate, the Tern is a local pub.
- Raysfield School has a large catchment area so parents drive their children to school and utilise the car park in the Local Centre.
- The social housing element will increase crime and disorder.
- Insufficient waste storage provision.
- The nearest alternative pubs are too far away and require walking through unlit areas.
- The Community Statement provides inaccurate information regarding distances to alternative pubs.
- There is a spring below the pub requiring a pump in the cellar.
- Not enough bins.
- Lack of green infrastructure.
- There was a requirement placed on the original developer to provide a pub and shops.
- The pub does sell real ale.
- There have been no 'no parking' signs in the Car Park,
- A caf  would not be viable.
- A caf  would be a magnet for younger people to loiter.

- There are enough cafes in the vicinity.
- A cafe would not be suitable for pool, darts or cribbage teams or live music.
- There would be a lack of parking for the cafe.
- A cafe would not serve alcohol.
- The pub was built as a central meeting place when the estate was built.
- The car park was already present and marked out before the pub was built.
- The car park was purchased as a car park separate from the pub.
- The cafe would not be open at night like the pub is.
- The pub could act as a cafe during the day.
- The residents of the estate originally petitioned for school, shops, car park and pub.
- The pub should be re-furbished.

JMS Planning on behalf of freehold owners of nos. 3,4,5,6,7,8,9,10,11,11a and 12 Heron Way and Grant Murray who is freehold owner of part of the application site.

- There is a garage in the centre of the site in different ownership. The scheme could not be implemented.
- There are existing rights of way at all times with or without vehicles, across the car park to nos. 3,5,7,9 and 11 Heron Way. This includes the right to deliveries to the existing units and customer pickups in the service area. These rights of way would be adversely affected by the proposed allocated parking area adjacent to the proposed bin store.
- The pub has not been marketed.
- The pub and car park are in common ownership so there is scope to improve the facilities at the pub.
- Loss of community facility.
- Contrary to NPPF para. 70 and Core Strategy Policy CS23.
- A cafe would not mitigate the loss of the pub.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para. 14 of the NPPF states that decision takers should approve development proposals that accord with the development plan without delay; where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

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

5-Year Land Supply

- 5.2 The Council's Annual Monitoring Review (AMR) reveals that the Council cannot currently demonstrate a 5-year housing land supply. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which

- would make a positive contribution, to the housing supply within South Gloucestershire; as such para. 14 of the NPPF is therefore engaged.
- 5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to most of the policies therein.
- 5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants' to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.6 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.
- 5.7 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and paragraph 47 requires the need to 'boost significantly the supply of housing'.
- 5.8 Core Strategy Policy CS16 seeks efficient use of land for housing. It 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.
- 5.9 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.

Analysis

- 5.10 Members will be aware that at this stage, South Gloucestershire Council cannot demonstrate that it has a five-year supply of deliverable housing land. As such, Paragraph 14 of the NPPF is the starting point for the consideration of this planning application. In this instance, the NPPF makes a presumption in favour of approving sustainable development provided that the benefits of doing so (such as the provision of new housing towards the 5yr HLS) are not

significantly and demonstrably outweighed by adverse impacts. Notwithstanding this position, the site is located within the urban area and is a brown field site, on this basis alone new residential development is acceptable in principle.

- 5.12 There is a presumption in favour of approving this application. However, it is necessary to consider the benefit of this proposal against any adverse impacts and weigh these factors in the balance with the benefits. The issues for consideration are discussed as follows:

Scale and Design

- 5.13 Whilst the layout and scale of the proposal is to be determined at this outline stage, the detailed design and appearance of the scheme would be a matter for a subsequent reserved matters application, should outline consent be granted. The design details and images submitted by the applicant therefore remain at this stage, only indicative.
- 5.14 As regards the position of the respective blocks and their scale, these are for determination at this outline stage and could not be altered in any subsequent reserved matters application if outline consent is forthcoming.
- 5.15 The scheme as proposed shows 3 x 3 storey blocks to the front of the site, facing Heron Way, and a 2.5-3 storey and a 2 storey block to the rear, all arranged around a central parking area. The existing access from Heron Way is shown utilised with parking to either side. The northernmost block on the site frontage would contain a 'Community Caf', otherwise the scheme comprises 6 x 2 bed flats and 20 x 1 bed flats. The applicant has confirmed that the scale parameters to be used in the development are as follows:

2 storey – 6m to eaves, 9m to ridge (max)
2.5 storey – 7.5m to eaves, 10.5m to ridge 9 (max)
3 storey - 9m to eaves, 12m to ridge (max).

The length and width of the respective perimeter blocks would be as shown on the scaled Site Layout Plan. It is within these 3 dimensional envelopes that the buildings would be erected.

- 5.16 Concerns have been raised about the scale and density of the development proposed, most notably the 3-storey element, which is not considered to be in-keeping with the rest of the Raysfield Park Estate, which is essentially open plan in character and comprising 2-storey detached and semi-detached houses based on the Radburn principle of open plan development.
- 5.17 In terms of density, both the NPPF and Core Strategy Policy CS16 seek to make efficient use of land in the urban area. Officers are satisfied that the proposal would make efficient use of the site for housing in what is a sustainable location, indeed it is inconceivable, given the on-site parking requirements, how more housing could be accommodated than that proposed.

- 5.18 It is acknowledged that the Raysfield Park Estate displays a uniformity of character, whereby all of the houses are two-storey detached or semi-detached and distinctly open plan, so typical of the Radburn Estates of the 1960's and 1970's. It is however noted that the Local Centre was developed separately from the rest of the estate and its existing appearance is anomalous in that the retail units and maisonettes are arranged in a 3-storey block. In this respect the buildings as proposed, despite being highly visible within the Heron Way street scene, would not necessarily look out of place in this context. There are examples of other recent three-storey developments in the wider vicinity e.g. Normandy Road and on balance, officers raise no objections to the proposed scale of development.
- 5.19 Concerns raised by the Council's Urban Design Officer about permeability, and the security issues raised by the Police, can be adequately addressed at the detailed design stage under reserved matters.
- 5.20 Furthermore, officers raise no objection to the proposed mix of housing type i.e. 1 and 2 bed flats, as this would accord with NPPF para.50 which promotes a mix of housing types to widen opportunities for home ownership and create sustainable, inclusive and mixed communities. This policy stance is replicated in Core Strategy Policy CS17.
- 5.21 On balance therefore officers have no objections per se to the proposed scale, design and density of development.

Loss of the Public House

- 5.22 The 'Tern Inn' is a long established public house that has served the needs of the local community since it was built. Its importance as a valued community asset was recently acknowledged by the Council when it was listed as an Asset of Community Value (ACV) and this is considered to be a material consideration in the determination of this planning application.
- 5.23 As an ACV the pub cannot be demolished without planning permission and other permitted development rights are removed which would involve the change of use from an A4 Public House to other 'A' use classes. Importantly the pub cannot be sold without the local community having the opportunity to bid for the asset. The ACV status does not however compel the owner to sell the listed asset and neither does it create any restriction on what the owner can do with the property while they own it. The ACV status would not prevent the owner from closing the pub if he wishes to do so; indeed it is understood that the existing pub lease was not renewed when it expired on the 11th June 2017.
- 5.24 In promoting healthy communities, NPPF para. 70 considers that in order 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;

- 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;
 - Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
 - Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 5.25 Core Strategy Policy CS23 confirms, inter alia, 'existing community infrastructure will be retained, unless it can be demonstrated that:
3. the use has ceased and there is no longer a demand; or
 4. the facility is no longer fit for purpose; and
 5. suitable alternative provision is available within easy walking distance to the required standard.
- 5.26 The supporting text to Policy CS23 at paragraph 10.81 confirms that community and cultural infrastructure covers a wide variety of services and facilities which can include: "*Local pubs and clubs*".
- 5.27 Subsequent paragraph 10.84 states: "*Where the redevelopment of an existing community facility is proposed for another use, the developer should clearly demonstrate that the use has ceased. In doing so it should be demonstrated that a reasonable amount of time has lapsed for an alternative agency or organisation to re-establish the use, or an alternative community use, or the facility no longer provides for the needs of its users to modern day standards and alternative suitable provision is available within a reasonable walking distance. Distances should be measured along suitable walking routes (easy walking distance is considered to be approximately 800m).*"
- 5.28 Policy CS13 is to some extent relevant as it seeks to protect small employment sites. Proposals for the change of use of such sites will not be allowed unless it can be clearly demonstrated that all reasonable attempts have failed to secure a suitable economic development re-use. Where these circumstances occur, then priority will be given to alternative uses in the following sequence:
1. A mixed use scheme.
 2. A residential only scheme.
- 5.29 Although the Proposed Submission: Policies, Sites and Places Plan (June 2016) is not yet adopted, it is now at an advanced stage, having been the subject of Examination in Public (EIP) and now being the subject of the Main Modifications consultation. It is not envisaged that emerging Policy PSP34 which relates to Public Houses would alter, and as such the policy can be afforded increasing weight.

5.30 Policy PSP34 states that:

The Council supports the retention of Public Houses.

Development proposals for the change of use, redevelopment and/or demolition of a public House will be acceptable where:

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

5.31 The supporting text at para. 7.83 states that:

‘In many local communities, the public house provides a valuable meeting place and indeed, may provide the sole meeting place for local residents. Consequently, this policy is aimed at guarding against the loss of public houses, except where it is not capable of being viably operated, or marketing demonstrates that continuation as a public house is unrealistic.’

5.32 Para. 7.85 goes on to say:

To determine that a pub is no longer viable, the following evidence will need to be provided:

- i. That the public house has been vacant for a continuous period of at least two years; and
- ii. It has been continuously marketed for the duration of the vacancy, through appropriate marketing outlets, e.g. not marketing avenues focused on residential or non-public house use.

5.33 In response, and to justify the loss of the existing pub, the applicant’s agent has submitted a Community Facility Statement, which is supported by a CAMRA Public House Viability Test. In short, the applicant submits that:- The pub has been struggling to retain viability for a significant period of time and has closed on occasion when no suitable tenants have been prepared to take the operation forward. The lack of demand for the Tern Inn to operate as a pub has been established over time. The local provision of public houses is sufficient to absorb the existing local demand. The site has only offered very limited employment. The continued use of the site to provide employment opportunities is ruled out due to it not being viable to operate as a public house.

5.34 The statement goes on to say that the Tern only opens in the evening as it cannot afford to staff the lunchtime trade and nor is it able to offer food. The area is well served by public houses with another five being present within a ten to fifteen minute walk of the site e.g. :-

The Beaufort Hunt 0.8Km
The Royal Oak 1.0Km

The Squire Inn 1.0Km
Portcullis Hotel 1.1Km

The applicant also submits that the Midway Social Club and Community Centre on Shire Way provides alternative facilities which exceed those offered by the Tern Inn approximately 1.2Km from the site. There has been a lack of realistic market interest in the continued operation of the Tern Inn. There would be no loss of facility to the Local Community if the pub is closed.

- 5.35 In order to mitigate the loss of the pub the applicant now proposes a replacement 'Community Caf' facility.
- 5.36 Officers have considered the above but do not concur with the applicant's assessment of the situation. In the first instance the pub has operated as such since at least the early 1970's. It was built as part of the Local Centre to serve the specific needs of the residents of the Raysfield Park Estate. The applicant's acquired the pub in December 2010 as a separate entity since when it has, save for short breaks between unsuitable tenants, operated as a pub continuously. Although now closed, the pub was open at the time this application was submitted and was still open when recently declared an ACV.
- 5.37 From the very many letters and e-mails received objecting to this planning application, the vast majority (195) object to the loss of the pub, hardly anybody supports the pubs' loss. There is clearly a demand for the pub, as evidenced by the regular use of the pub by a variety of clubs and organisations. The pub is known to have more recently, regularly advertised its live music nights, in the Pub and Club News. Whilst the building does have a somewhat tired appearance and would benefit from some investment to make it more viable, the building is still considered to be fit for purpose.
- 5.38 There is no evidence submitted to suggest that, since the applicant has owned the Tern, the building has been marketed as a public house. Officers do not consider that a reasonable amount of time has elapsed to re-establish the pub as a viable business.
- 5.39 There can be many reasons why a pub is not successful and like many similar pubs the Tern has been subject to the recent recession, the smoking ban, competition from supermarkets and tighter drink drive laws. Nevertheless, the latest tenant appears to have been more successful than his predecessors and as the country emerges from recession there is every possibility, given the clear demand for the facility, that the Tern Inn has a future.
- 5.40 In terms of alternative provision, both local residents and officers question the applicant's submission. In the first instance the Midway Social Club is not a reasonable comparison to The Tern as it is a private members club able to offer drinks at reduced prices.
- 5.41 As regards the other pubs listed by the applicant, these all lie within Chipping Sodbury High Street. In order to accurately assess the accessibility of these pubs, the case officer has walked from The Beaufort Hunt to the Tern Inn via Hounds Road, under the underpass and along the footpath behind the school. Even at a brisk pace this took 20 minutes and a return journey via Liliput Park

- took 18 minutes. These alternative facilities are clearly in excess of 1 mile from The Tern. Furthermore, using either route, there are extensive stretches that are unlit at night and therefore unsuitable for the elderly or lone females to walk.
- 5.42 The Tern currently doesn't open until 4.00pm on weekdays, 1.00pm on weekends and does not at present offer any food for sale. There is therefore potential to expand the business.
- 5.43 The applicant proposes to replace the pub with a 'Community Caf' and submits that such a replacement facility would satisfy Policy CS23. Little information is provided as to the nature of the 'Community Caf' as no end user has been identified and no opening hours proposed. No support for a caf' was received from the local community or Parish Council and it is quite evident that a caf' would not be a comparable facility to the existing pub. The Cafe would not be licensed and as such it is inconceivable how it could cater for the existing sports clubs which frequent the Tern; their demands are more likely to be associated with the drinking of a good pint rather than a frothy latte. Much the same could be said for the live music activities.
- 5.44 The applicant states that an enhanced food offer in The Tern has "proven to be unsuccessful and is a clear indicator of the site being unviable to remain as a public house" yet advocates that a caf' would be viable, which to officer opinion is a contradiction.
- 5.45 Having regard to all of the above, officers conclude that none of criteria 3, 4 or 5 of Policy CS23 are met and neither are criteria 1, 2 and 3 of PSP34 met. Furthermore the proposal is considered to result in the unnecessary loss of a valued facility which would reduce the community's ability to meet its day-to-day needs contrary to NPPF para. 70.
- Loss of the Car Park
- 5.46 From the information available, officers are satisfied that the car park started life as an integral part of the Local Centre and its purpose was to serve the local community rather than being specifically attached to the pub or shops. It is understood that the car park is an area of made ground which was laid out as the car park prior to the erection of the pub, as evidenced by an aerial photograph submitted by the Parish Council.
- 5.47 The applicant appears to accept that the car park existed at the time the Local Centre was constructed but submits that it has never been a public car park and since it fell into separate ownership in 1985 the use therefore changed to a nil use at that time. Officers however disagree as planning permissions run with the land regardless of ownership. There has never been a planning permission to change the use of the car park.
- 5.48 The applicant submits that the occupiers of the shops, maisonettes and the pub, have no rights to park in the main 'car park'. Several land registry documents have been submitted to demonstrate that all of the occupiers of the retail, pub and residential units retain rights of way across the car park to access their designated parking areas and to service the respective units from

- the separate service yard, which is separated from the main car park by a low wall.
- 5.49 The applicant, submits (see Public House Viability Test para.8) that the area of land is not a public car park and was, until 2016, in separate ownership. The applicant also claims that the owner of the site has made it clear by way of public notices that the car park is not available for public use and those notices have been in place at the site since 1985.
- 5.50 This claim is however strongly refuted by local residents and Council officers alike. Officers have visited the site on a number of occasions and did not see any such signs until the applicant erected signs and a gate in Jan. 2017. There was and still is, a sign on the low wall bounding the service yard advising no parking within the yard but otherwise the car park has been open and available for use by the public since its inception.
- 5.51 This is confirmed by a series of aerial photographs from the Council archives spanning a period from 1991 to 2015. Furthermore, the area is annotated as 'car park' on a number of the Land Registry documents submitted by the applicant's agent herself. Officers are therefore firmly of the view that the car park has always been a public car park for local community use, to be used in association with the Local Centre in general and was always intended as such
- 5.52 The Tern Inn and Car Park are currently in the same ownership and although the occupants of the pub may not have a right to park in the car park themselves, patrons of the pub would do so and so there is arguably a functional and physical link between the car park and the pub. Nevertheless the pub and car park are listed as separate ACV's.
- 5.53 The value of the car park to the local community has, like the pub, been recently acknowledged by the council and listed (at the same time as the pub) as an ACV. In this respect much the same applies to the car park as to the pub in that the ACV listing is a material consideration in the determination of this planning application. The car park cannot be sold without the local community having the opportunity to bid for the asset. As for the pub, the owner is not compelled to sell the listed asset and neither does it create any restriction on what the owner can do with the property while they own it. The ACV status does not prevent the owner from closing the car park to the public if he wishes to do so; indeed a gate and signs were erected in January 2017 to this end. There are no planning conditions or legal agreements that require the car park to be kept open to the public at all times. So closure of the car park would not be in breach of planning control.
- 5.54 Given that the car park is part of the Local Centre and has for many years served the local community, its loss to the proposed housing scheme must, as for the pub, also be considered in the light of NPPF para.70 and Core Strategy Policy CS23. Furthermore NPPF para. 74 is considered relevant as far as the loss of the car park is concerned. In this respect para. 74 resists the loss of such facilities unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 5.55 If the car park is lost, no alternative facility would be available to serve the community and in officer opinion none of the above criteria listed in NPPF para. 74 are met by the proposal which is also considered to be contrary to Policy CS23.

Impact on the Local Centre

- 5.56 Officers consider that both the pub and the car park are integral parts of the Local Centre. Without the pub or car park, the Local Centre would to all intent and purposes cease to exist thus significantly compromising the local community's needs.
- 5.57 Core Strategy Policy CS14 seeks to protect and enhance the vitality and viability of existing centres in recognition of their retail, service and social functions. The policy states that development in local centres/parades will be primarily to meet local needs only and of a scale appropriate to the role and function of the centre/parade and where it would not harm the vitality and viability of other centres. In this instance the proposal would have a significant adverse impact on the vitality and viability of the Local Centre to function as such, in fact it would virtually seek to exist if this application is approved. This is further reason to refuse the scheme.

Landscape

- 5.58 Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape.
- 5.59 The landscaping of the site remains to be determined as a reserved matter should the outline consent be granted. Given the developed nature of the site, officers do not consider that the site is an open space that contributes to local character (Policy L5).
- 5.60 There are no large trees within the site; there is however a large conifer hedge on the southern and western boundaries of the site which is in fact owned and maintained by the Council. This hedge provides excellent screening of the site and there are no proposals for its removal.
- 5.61 A wide verge along Heron Way would also remain, this contains a number of trees which help to screen the site to a limited degree. The submitted plans show some landscaping within the site with a number of trees within the car park area but at this stage this is only indicative; a full landscape scheme would be secured at the reserved matters stage should outline consent be granted.
- 5.62 There are no in principle objections in relation to Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Transportation Issues

5.63 The Residential Parking Standards (Appendix A) are minimum standards and for this development the requirement is as follows:

- 1 space per one bedroom dwelling
- 1.5 spaces per two bedroom dwelling
- Visitor spaces at 0.2 per dwelling (rounded to the nearest whole number).

The parking requirement for the proposed Caf^a is listed under saved policy T8 of the South Gloucestershire Local Plan. These are maximum standards based on the floor space of the Caf^a unit i.e. 1 space per 5 sq.m. dining area, which at this stage is not precisely known.

5.64 The submitted Site Layout Plan now shows tracking details and confirms that the scheme would provide 26 allocated spaces, 7 visitor spaces and 3 spaces for community use. The existing car park and service yard would be lost and in order to take account of this officers consider that should outline consent be forthcoming, a financial sum of £10,000.00p towards the implementation of traffic regulation orders to control on-street parking, would need to be secured by an appropriate legal agreement.

Parking

5.65 The number of parking spaces proposed is 36no. in total. Whilst the proposed car parking is considered acceptable for the new development, officers remain concerned that:

a) all existing parking for the existing shops and the flats above them would be lost as the result of this and

b) there is no alternative parking provision made for the shops or flats above.

The parking arrangement at the site entrance with the main road is not appropriate. Additional vehicular manoeuvring to and from these spaces in proximity to the site entrance have the potential to cause conflicts with pedestrians and vehicular movement at the entrance.

Turning for Service Vehicle

5.66 The auto-track details as submitted on the revised Site Layout Plan shows a slightly larger turning area but the space seems tight particularly in the context of the overhang of the vehicle. Whilst the transportation officer is prepared to accept the proposed turning area for refuse vehicles; concern is raised that servicing of the existing shops would remain problematic. Assuming that the proposed service/delivery vehicles are allowed to use this turning space on the site and to serve the shops from this position, there is concern that any service vehicle at this location would sterilize part of the residential parking as

loading/unloading can take anything up to an hour. Meanwhile the residents may not be able to use their parking spaces.

5.67 A highway objection is therefore recommended as follows:

‘Due to the scale and the layout, the proposed development would infringe on to the parking and service yard that currently serve the existing local centre. The proposal does not incorporate sufficient parking and manoeuvring spaces for all new community centre and proposed residential units and their visitors, as well as the existing users of the local centre including the customers/service vehicles associated with the existing shops/retail units. If implemented as proposed, this development has the potential to displace vehicles on to the road thereby adding to on-street congestion and it has further potential to cause obstructions to visibility splays from the site access on to the public highway. The cumulative impact of the above is considered to be ‘severe’ in relation to the scale of development proposed and detrimental to the travelling public’.

Impact Upon Residential Amenity

5.68 Residential amenity refers to the quality or character of an area and elements that contribute to the overall enjoyment of an area. In considering residential amenity issues, officers must consider the impact on both existing and future occupiers of existing and proposed dwellings respectively. The health and well-being of residents is often directly related to the level of residential amenity occupants can enjoy. Sustainable development incorporates a social role, which seeks to secure well designed, strong, vibrant and healthy communities (NPPF para. 7).

5.69 Core Strategy Policy CS1 seeks to secure the ‘highest possible standards of site planning and design’ in new development. Paragraph 17 of the NPPF lists the 12 core planning principles which underpin the decision making process. The fifth core principle listed states that planning should:

“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”

The key issues to consider in assessing the impact of a scheme on residential amenity are :

1. Privacy – how would the development proposals affect privacy levels?
2. Overbearing effects – would the scale of development and its proximity to other buildings result in an oppressive environment?
3. Natural light and outlook – would the development provide existing or proposed properties with sufficient outlook and natural lighting levels thereby avoiding significant overshadowing and enclosure?
4. Environmental effects – would the development cause or be exposed to any other environmental effects?

5. Other design guidance – how does the design of the proposal promote a good standard of amenity.

The South Gloucestershire Design Checklist SPD (Adopted) 2007 offers some more high level guidance for design of larger housing schemes. Whilst Policies PSP9 – Residential Amenity and PSP43 – Private Amenity Space Standards of the Proposed Submission : Policies, Sites and Places Plan are still emerging policies to which only varying weight can currently be given, depending on their respective stage of production, they do give some indication as to the likely criteria to be used in the future, when assessing residential amenity issues. Given that the plan has now reached an advanced stage towards adoption, increasing weight can be afforded these policies.

- 5.70 The nearest residential properties to the application site, lie to the north and south of the site. Some concerns have been raised by local residents about loss of privacy from overlooking and overbearing impact. It is however noted that there are already maisonettes above the existing shop units within a 3-storey block and the proposal merely seeks to replicate such development within the site with the majority of this development along the street frontage overlooking Heron Way; there being predominantly only 2-2.5 storey development to the western side of the site. Officers are satisfied that given the distance from the neighbouring properties and proximity of the existing high boundary hedge, that there would be no significant impact on neighbouring residential amenity. Some overlooking of neighbouring gardens is only to be expected in urban areas, especially if the most efficient use of land for housing is to be achieved in accordance with government policy. Nevertheless, some overlooking could be 'designed out' at the detailed design stage, which remains to be determined as a reserved matter.
- 5.71 In terms of amenity space, this would appear to be somewhat limited for future residents. The applicant has indicated this would for most part be provided as balconies, the details of which would again need to be considered at the reserved matters stage.
- 5.72 In as much as can be considered at the outline stage, there are no objections on residential amenity grounds.

Drainage Issues

- 5.73 The site lies in Flood Zone 1 and is not prone to flooding although some residents have highlighted the presence of a spring below the pub. Drainage is for most part now controlled by Building Regulations. Whilst Wessex Water have raised no objection, the Council's Drainage Engineer will require a drainage strategy to be submitted; this can be secured by condition should outline consent be granted.
- 5.74 Subject to a condition to secure the drainage strategy there are no in principle objections on drainage grounds. The proposal therefore accords with Policies EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policies CS5 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

Environmental Issues

- 5.75 Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this could be adequately mitigated by imposing a condition to limit the hours of construction. There have been no past mining activities in the immediate area and as such the site is not within a Coal Referral Area.

Ecology

- 5.76 The site is not covered by any statutory or non-statutory nature conservation designations. The existing buildings on the site offer negligible bat roosting potential. There are no objections to the proposal on ecological grounds.

Affordable Housing

- 5.77 This outline planning application now seeks outline planning consent for the demolition of public house and erection of 26 dwellings (previously 28 dwellings) and café with matters of access, scale and layout to be determined with all other matters reserved.

35% Affordable Housing is sought in line with the policy CS18 of the Council's adopted Core Strategy Development Plan Document. In summary this application generates an affordable housing requirement of the following which is to be provided on site at nil public subsidy and in line with the heads of terms set out below:

- Social Rent
3 x 1 bed 2 person flats @ 50m² (one of which to be provided as a wheelchair unit @ 58m²)
4 x 2 bed 4 person flats @ 70m²
- Shared Ownership
2 x 2 bed 4 person flats @ 70m²

Affordable Housing Requirements

Affordable Housing is sought in line with the policy CS18 of the Council's adopted Core Strategy Development Plan Document. The Affordable Housing and Extra Care Housing SPD provide further guidance on this policy.

The affordable housing heads of terms include:

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF.
Based on a scheme of 26 dwellings 35% will generate a requirement for 9 affordable homes.
- Tenure split of 73% social rent, 5% affordable rent and 22% intermediate housing, as identified by the West of England Strategic Housing Market Assessment (SHMA) 2009.

As the above SHMA will generate 0.5 affordable rent tenure Enabling will seek a tenure split of 73% social rent and 27% intermediate housing i.e. 7 social rent and 2 shared ownership.

- A range of affordable unit types to meet housing need based upon the findings from the SHMA 2009 as shown below.

The outline planning application proposes a mix of one and two bed flats and 1 x 2 bed FOG. In order to meet SHMA identified need a mix of house types i.e. 2 & 3 bedroom properties should also be provided however based on this proposed flatted scheme the following is required:

- Social Rent

3 x 1 bed 2 person flats. (Two to be provided @ 50m² and a one as wheelchair property @ 58m²)

4 x 2 bed 4 person flats @ 70m²

- Shared Ownership

2 x 2 bed 4 person flats @ 70m²

- 8% of the affordable housing to meet wheelchair accommodation standards. The Council's has developed a wheelchair specification, for more information see Wheelchair specification

Based on 9 affordable homes there will be a requirement for 1 wheelchair accommodation. As matters of layout are to be determined as part of this outline application it will be necessary to ensure prior the determination of this outline application that the wheelchair unit can be satisfactorily provided on site and in accordance with the Council's wheelchair specification e.g. size of unit, suitable access to private amenity space, car parking area etc. I would suggest the wheelchair property is provided as a ground floor flat 1 bedroom flat within a block that is providing 2 bed flats in order to meet the required size standards which is 58m² for a 1 bed wheelchair property.

- Affordable housing is to be delivered without any public subsidy.

- The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.

- Affordable housing should be distributed across the site in clusters of no more than 6 units. No more than 6 affordable flats should share an entrance and communal areas. Registered Providers would generally expect flats within a single block to be of the same tenure.

Careful consideration must be given as to how the above required affordable housing tenure mix will be provided on site and designed in light of clustering restrictions i.e. no more than 6 flats should share an entrance and the need to ensure flats within a single block are of the same tenure.

- Design and specification criteria: All units to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 will be signed, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Part 2 of Secured by Design, and

compliance of RP design brief. Agent to confirm that above standards will be met.

- Delivery is preferred through the Council's list of Approved Registered Providers. The Council works in partnership with Registered Providers to deliver affordable housing to development and management standards. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.
- Phasing: Affordable housing to be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement, with a detailed assessment on a site by site basis.
- The Council will define affordability outputs in the S.106 agreement, without any further information regarding sales values the affordability standards are as follows:
 - social rents to be target rents, set in accordance with the Direction on the Rent Standard 2014
 - shared ownership: no more than 40% of the market value will be payable by the purchaser The annual rent on the equity retained by the RP should be no more than 1.5% of the unsold equity
 - service charges will be capped at an appropriate level to ensure that the affordable housing is affordable
- Social rented to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.
- Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

Officers attach significant weight to the provision of affordable housing.

5.78 Community Services

Using current average occupancy data and the proposed number of dwellings, officers estimate the proposed development of 26 dwellings (consisting of 6no. two bed flats and 20no. one bed flats) would generate a total population increase of 39 residents.

It is reasonable to expect the future residents of the proposed development to require access to a range of open spaces. Set out below are S106 requests based on the above dwelling mix and expected future population.

Off-site POS provision/enhancement	-	£42,167.81p
Off-site POS maintenance	-	£26,780.76p

Contributions towards off-site enhancements are only sought when there is evidence of a local shortfall in either quantity and/or quality/capacity to meet the

additional demand arising from the new development and the policy requirements for open space are not being provided for on site.

Provision/enhancements will be made as close to the development as is feasible and likely to serve the future residents of the proposed development and are likely to be at the following areas of open space or such other open spaces as may be appropriate

Natural and Semi Natural Open Space – Normandy Way Nature Reserve
Outdoor Sports Facilities – QEII Playing Fields
Provision for Children and Young People – Goldcrest Toddler Play Area
Allotments - Goldcrest Road / Robin Way, Chipping Sodbury

CIL Matters

5.79 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015 and this development, if approved, would be liable to CIL charging.

5.80 Planning Obligations

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

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In this instance, it is considered that the planning obligations relating to affordable housing and new communities are required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

5.81 Regulation 123 also limits to 5 (back dated to April 2010) the number of S106 agreements that can be used to fund a project or type of infrastructure, from the point at which the Council commences charging the CIL or after April 2015. CIL charging has commenced and officers have confirmed that the contributions sought would not exceed the threshold of 5 S106 Agreements for the off-site provisions.

The Planning Balance

5.82 The NPPF para. 49, is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. Para. 14 of the NPPF is engaged where relevant policies are out of date such that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It is acknowledged that the Council cannot currently demonstrate a 5-year housing land supply and that Para.14 of the NPPF is therefore engaged.

- 5.83 In determining whether the proposal would be a sustainable form of development, there are three dimensions to consider. The social dimension would be fulfilled by the provision of 26 dwellings that would suit the needs of a variety of potential occupiers. The Council can however currently demonstrate a 4.64 years Housing Land Supply (HLS), which is not significantly below the 5 year threshold, therefore any support that the absence of a 5 year HLS may otherwise lend to the proposal is tempered by the modest degree of the shortfall. However in assessing the overall balance, it is acknowledged that the provision of 9 units of affordable housing weighs significantly in the application's favour.
- 5.84 The site lies in a sustainable location and the proposal would make efficient use of previously developed land in the Established Settlement Boundary. The scheme would provide an alternative but not comparable, Community Facility in the form of a café which can be afforded modest weight in favour.
- 5.85 There would be economic benefits arising from the construction and occupation of the dwellings to which modest weight can also be attached. The contributions towards the TRO and Community Services can only be afforded neutral weight in the final balance as these are a requirement of the development.
- 5.86 The above must be balanced against the negative aspects of the scheme which in this case are significant. In the first instance the scheme would result in the loss of much of the Heron Way Local Centre with little offered in mitigation. More specifically the scheme would result in the loss of the Tern Inn Public House and the Local Centre Car Park, each of which are listed as separate Assets of Community Value. In transportation terms, the residual cumulative impacts of development are 'severe', all of which weighs heavily against the scheme.
- 5.87 In total, these adverse impacts of the proposed scheme, would significantly and demonstrably outweigh the aforementioned benefits and as such the application is not sustainable development and should therefore 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.
- 6.6 The recommendation to refuse outline planning consent has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 The planning permission be REFUSED for the reasons stated below:

Contact Officer: Roger Hemming
Tel. No. 01454 863537

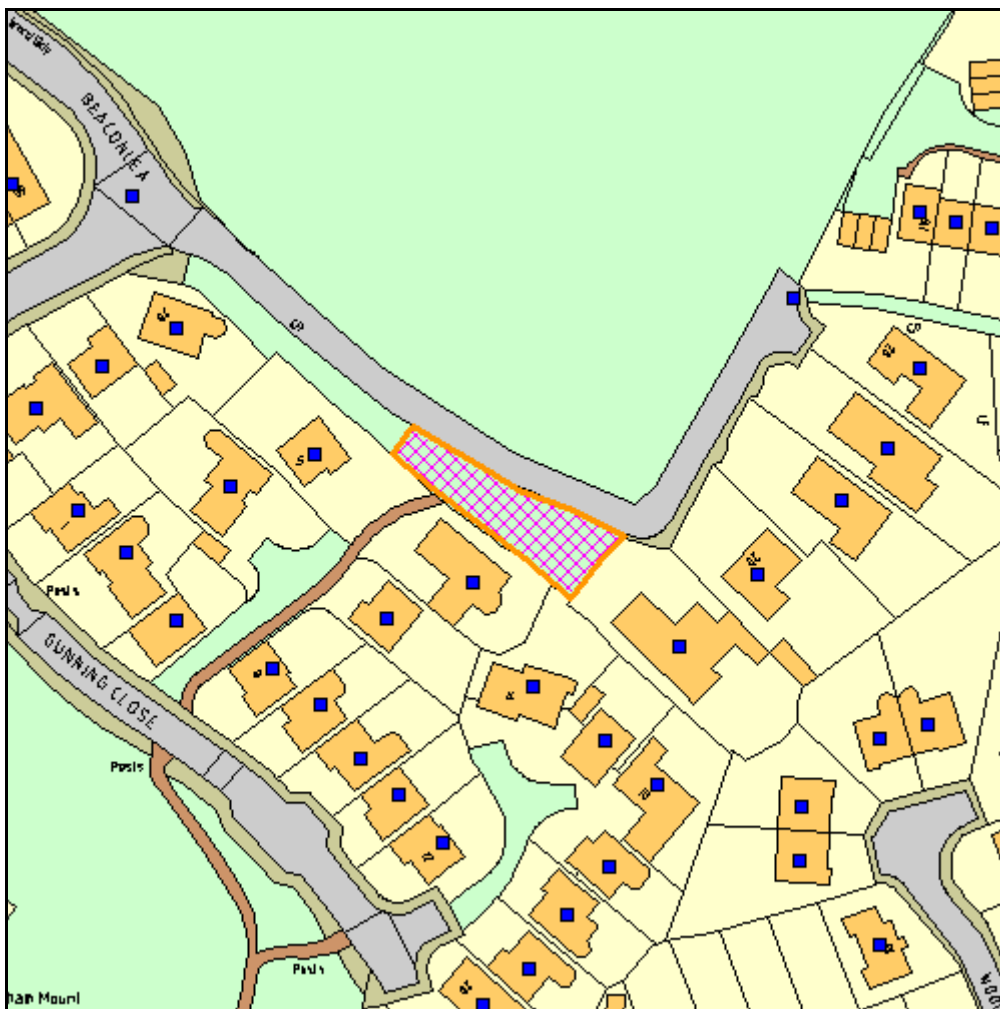
REFUSAL REASONS

1. Due to the loss of the existing public house and car park, the proposal would have a significant adverse impact on the vitality and viability of the Heron Way Local Centre, thus seriously compromising the local community's ability to meet its day-to-day needs, contrary to Policy CS14 of The South Gloucestershire Local Plan Core Strategy adopted Dec. 2013 and the provisions of the NPPF paras, 69 and 70.
2. The proposal would result in the loss of The Tern Inn public house, a listed Asset of Community Value. By reason of there still being a clear demand for the facility which is still fit for purpose and there being no suitable alternative provision available within 800m of the existing site, the scheme would be contrary to Policy CS23 of The South Gloucestershire Local Plan Core Strategy adopted Dec. 2013 and the provisions of NPPF paras. 69 and 70.
3. The proposal would result in the loss of the Local Centre Car Park, a listed Asset of Community Value with no alternative provision, the scheme would be contrary to Policy CS23 of The South Gloucestershire Local Plan Core Strategy adopted Dec. 2013 and the provisions of NPPF paras. 69, 70 and 74.
4. Due to its scale and layout, the proposed development would infringe on to the parking and service yard that currently serve the existing Local Centre. The proposal does not incorporate sufficient parking and manoeuvring spaces for all new Community Centre and proposed residential units and their visitors, as well as the existing users of the Local Centre including the customers/service vehicles associated with the existing shops/retail units. If implemented as proposed, this development has the potential to displace vehicles on to the road thereby adding to on-street congestion and it has further potential to cause obstructions to visibility splays from the site access on to the public highway. The cumulative impact of the above is considered to be 'severe' in relation to the scale of development proposed and detrimental to the travelling public all contrary to Policy CS8 of The South Gloucestershire Local Plan Core Strategy adopted Dec. 2013, Policy T12 of The South Gloucestershire Local Plan Adopt 6th Jan. 2006 and the provisions of the NPPF para.32.
5. In the absence of a Section106 legal agreement to secure contributions towards Off-site Public Open Space provision and maintenance, required to service the proposed development, the proposal is contrary to Policies CS6 and CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
6. In the absence of a Section106 legal agreement to secure an Affordable Housing provision, the proposal is contrary to Policy CS18 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

7. In the absence of a Section106 legal agreement to secure contributions towards Traffic Regulation Orders the proposal is contrary to Policies CS6 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 24/17 – 16 JUNE 2017

App No.:	PK17/0402/F	Applicant:	Mr Ben Rendall
Site:	Land Adjacent To 18 Beaconlea Hanham Bristol South Gloucestershire BS15 8NX	Date Reg:	2nd February 2017
Proposal:	Erection of 1no. bungalow with new access, parking and associated works	Parish:	Hanham Parish Council
Map Ref:	364841 172727	Ward:	Hanham
Application Category:	Minor	Target Date:	27th March 2017



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100023410, 2008. N.T.S. PK17/0402/F

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of letters of objections from residents contrary to officers' recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 1 no. detached bungalow with new access and associated works on a parcel of land lying to the northwest of no. 18 Beaconlea Hanham.
- 1.2 The application site is situated in a predominantly residential area to the north of Hanham. The application site is a long thin piece of land bounded on two sides by residential development with a further strip of grassed land to the northwest and the highway (Beaconlea) to the north and Beacon Rise School playing fields beyond.
- 1.3 The site has been subject to a number of planning applications in the past and none of the previous proposal was granted planning permission. Two of them were subsequently dismissed at the appeal due to the adverse impact upon the living conditions including the outlook of the adjacent occupiers of No. 5 and 6 Gunning Close.
- 1.4 The current proposal shows a number of differences from the previously refused scheme. Also, a number of changes have been made during the course of the application including
 - Reduce the overall height of the proposed dwelling by approximately 0.9 metres
 - Lower the ground level
 - Relocate the front gable further away from the adjacent property
 - Further set back the proposed dwelling from the north western boundary
 - Retain the existing fence and hedges along the southwest side boundary

In addition, the submitted drawings are showing the existing and proposed site levels, and the agent has confirmed that any materials including the top soil due to the excavation will be removed from the site.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)
T12 Transportation for New Development

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

CS29 Communities of the East Fringe of Bristol Urban Area

- 2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/1946/O Erection of one dwelling (outline).
Refused 27.11.2002

Refusal reasons:

- 1) The proposed development by reason of its siting would have an overbearing impact on the occupiers of the neighbouring property No.6 Gunning Close to the detriment of the residential amenity of those occupants

Appeal dismissed

- 3.2 PK03/1159/O Erection of 1 no. dwelling (Outline with siting and means of access). (Revised resubmission of PK02/1946/O).
Refused 14.08.2003

Refusal reasons:

- 1) The proposed development by reason of its siting would have an overbearing impact on the occupiers of the neighbouring property No.6 Gunning Close to the detriment of the residential amenity of those occupants.

- 3.3 PK08/1808/F Erection of 1 no. detached dwelling with associated works.
Refused 04.08.2008

Refusal reasons:

- 1) The proposed dwelling by virtue of its design, materials, form, position, size and scale would result in a visually incongruous and cramped development poorly related to the settlement pattern. As such the proposal would fail to preserve the character, distinctiveness and amenity of the locality.
- 2) The proposed by virtue of its location and the positioning of first floor windows would result in an unacceptable loss of privacy to the rear garden of 5 Gunning Close resulting in a material loss of residential amenity to the occupiers.

Appeal dismissed

- 3.4 PK12/2966/F Erection of 1 no. detached bungalow with new access and associated works. Refused 17.10.2012 for the following reasons:

Refusal reason:

- 1) The proposed by virtue of its location and the positioning in relation to no.6 Gunning Close would result in an unacceptable loss of outlook and would appear overbearing when viewed from the side windows and door resulting in a material loss of residential amenity to the neighbouring occupiers. As such the proposal fails to accord with policies D1 and H2 of the South Gloucestershire Local Plan adopted 2006.

4. CONSULTATION RESPONSES

4.1 Hanham Parish Council No objection

4.2 Other Consultees [including internal consultees of the Council]

Highway Officer: No objection

The Coal Authority: No objection

Environmental Protection: No objection subject to condition seeking site intrusive investigation.

Drainage Engineer: No objection

Ecology Officer: No objection subject to condition seeking ecological enhancement strategy

Other Representations

4.3 Local Residents

Five letters of objection received from residents and their concerns are summarised as follows: (Full comments are available in the Council website)

- Cramped form development
- The wall of the building is still almost on / the boundary of the narrow lane
- Current telegraph pole to be relocated?
- Overbearing upon No. 6 due to the topography of the site
- Overlooking
- Vehicular lights shining into the neighbours' living room
- Noticeable increase in bird and wildlife, an ecological survey is needed
- Highway safety due to the proximity of the school, short cut to Court Road, restricted access/lane, inappropriate visibility splay, unsuitability of the turning circle, lack of pavement, increase traffic, used by large vehicles. The access must be clear and safe for residents, pedestrian and any emergency services vehicles at all time.
- Out of character, due to its red roof tiles
- Noise survey is needed due to the proximity
- Not in accordance with the SG policy due to its scale, height and mass not respecting or embracing the amenity of the site and locality
- Health and safety hazards due to the proximity of no. 6
- Who is responsible for the maintenance and upkeep of the proposed turning area
- The turning point is proposed to be built within the boundary of No, 6
- Unclear format in terms of development boundary by turning area
- Fails to mitigate the previous refusals.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework was published in March 2012. The document replaces most PPG/PPS guidance providing a more simplified and up to date advice in determination of planning applications. The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, granting permission 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.

It is considered that the relevant policies of the adopted Development Plan do not materially depart from the NPPF. As such full weight can be afforded to the Development Plan policies in this case.

Policy CS5 and CS29 of the adopted Core Strategy are supportive in principle of proposals for the erection of dwellings within the existing urban area as defined in the adopted Local Plan, providing that the design, density, transportation effects and levels of disturbance are acceptable and that there is no unacceptable impact on residential and visual amenity. Therefore, given the location of the proposed dwelling, there is no objection to the principle of the proposal.

In addition to the above, it should be noted that the Annual Monitoring Report (December 2016) shows that South Gloucestershire Council does not currently have a five year housing land supply. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. As such, a considerable weight would be given to support the principle of the proposal.

5.2 Planning History

This is the fifth application submitted for a single dwelling on this site, here are the highlights of the reasons of refusal or Inspector's conclusions:

PK02/1946/O: An outline application for a single storey dwelling at the south-west corner of the site, refused and dismissed at the appeal due to the residential amenity impact upon No. 6 Gunning Close. In reaching a decision, the Inspector made some assertions, which, it is considered, remain relevant to this application,

In par.5 of the decision letter the Inspector states,

'...I noted a window in the north elevation of no.6; not obscurely glazed, which I estimate would be only about 5m away from the new dwelling. This, too, would result in an overbearing relationship, notwithstanding the existence of the boundary fence.'

Par.6 goes on to read,

'It does not seem to me to be of any great significance that the height of the bungalow would be less than other buildings in the neighbourhood; nor do I take the view that a conservatory at the rear of no 6 affords significant mitigation of the impact of the scheme.'

PK03/1159/O: An outline application for a single storey dwelling in a more central location of the land, refused due to the residential amenity impact upon No. 6 Gunning Close.

PK08/1808/F: A full application for a two-storey dwelling, adjacent to No. 5 Gunning Close (instead of No. 6 Gunning Close), refused and dismissed due to the impact upon the residential amenity of No. 5 Gunning Close.

PK12/2966/F: A full application for a detached bungalow in a similar location with current application. Refused and dismissed at appeal due to the residential amenity impact upon No. 6 Gunning Close.

In par.6 of the decision letter the Inspector states,

'....The proposed dwelling, which would be less than four metres from this (kitchen) window, would severely restrict this outlook to one of predominantly roof and wall. ... I consider the proximity of the new dwelling, exacerbated by the change in levels, would result in it appearing oppressive and overbearing.'

Par.7 goes on to read,

'I consider that the impact on the bedroom would be less harmful than that on the kitchen. However even though some oblique views beyond the proposed bungalow would be possible, there would still be some harm to outlook.'

Regarding daylight, the Inspector concluded that the proposal would not result in an unacceptable loss of daylight to No. 6. In addition, the Inspector has indicated that the presence of the hedges as justification for the proposed dwelling.

- 5.3 The previous Inspector decisions are a material planning consideration in relation to this proposal. The Inspectors in the previous appeals have made specific reference to the non-obscurely glazed kitchen window and the bedroom window on the side elevation (the bedroom has a second window facing into the rear garden) of the neighbouring property. No 6 Gunning Close. The Inspector also made reference to the distance the proposed dwelling from the neighbour's window being less than four metres. Furthermore, the Inspector states that the dwelling would result in a material impact irrespective of the existing hedges. It should also be noted that the Inspector for application PK02/1946/O considered that a dwelling of any size / scale would impact on the bedroom window of No. 6 located at a distance of less than 5 metres, irrespective of a fence being located on the boundary.

5.4 Residential amenity

Although the location of the proposed bungalow would be very similar to the previously refused proposal, the current proposal shows a number of differences.

5.5 The differences of the current proposal:

The proposed dwelling would measure 2.2 metres to eaves and 4.3 metres to ridge, the submitted drawings show the current proposal would be approximately 0.9 metres lower than the previous proposal. The front gable has also been moved away the side boundary of No. 6 Gunning Close. Its south west elevation facing towards no.6 would measure approximately 10 metres in length, which would be considerable shorter than the previous scheme. The proposed bungalow has also been relocated further to the rear, so that its flank wall (south elevation) would not be immediately in front of the neighbouring kitchen window of No. 6 Gunning Close. As the bungalow would also sit at an angle to this neighbouring property, the south west elevation would be situated from the boundary with no.6 between 2 metres to 4.4 metres, which would be materially different from the previous proposal, which sat to the proximity of the entire south west boundary. Moreover, the agent also submitted drawings showing the change of site levels. They show the existing site levels would be lowered by approximately 0.4 metres so that the proposed bungalow would only sit slightly higher than the adjacent bungalow.

5.6 The siting of the neighbouring property:

Officers noted that No.6 has a kitchen window and door in the side (north east) elevation facing towards the application site. The window and door serve the only light to the kitchen and provide its only outlook. An obscurely glazed window and a further bedroom window are situated on the side elevation of no.6 towards the rear of the building. The recent site visit also reveals that the neighbouring property also has a window at the rear elevation serving the same bedroom. The existing closed boarded fence of approximately 1.8 metres extends from the southern corner of the application site along the south west boundary to a point about half way along the north east elevation of no.6. The ground level of the application site currently sits at a slightly higher ground level than the neighbouring property. The agent submitted sections drawings showing the relationship between the neighbouring kitchen / bedroom window and the proposed bungalow.

5.7 Impact upon the residential amenity upon No. 6 Gunning Close:

Officers noted that the Inspectors' concerns regarding the distance of less than four or five metres from the kitchen/bedroom window of the neighbouring property to the new dwelling. The current proposal shows that the dwelling would sit at an angle to the neighbouring property and the new bungalow has been redesigned so that the front gable would not sit immediately in front of the neighbour's kitchen window. As such, the overbearing impact and loss of outlook upon the neighbouring property would be less than the previous proposal. Further, the ridge height, in particular, the front part of the south west side elevation and the ground floor level of the proposed dwelling have been further lowered, and it would help to further minimise the overbearing impact

upon the neighbouring property. Whilst the proposed dwelling would cause a degree of overbearing and loss of outlook upon No. 6 Gunning Close, it is considered that the proposed dwelling has been carefully designed in order to minimise the overbearing impact upon the nearby property and such adverse impact would not be so significant to be detrimental to the living condition of No. 6 Gunning Close. Therefore, it is considered that the proposal, on balance, would overcome the previous refusal reason.

5.8 Noise issues

Concerns are raised regarding the noise issues, given that the proposal is to erect a dwelling within a residential area, the proposal would not generate any unreasonable noise and disturbance other than general householder activities. Regarding the construction period, it is considered that it would be necessary to impose a condition to restrict the construction hours given that the proximity of the nearby residents.

5.9 Light issues

A concern is raised regarding the vehicles light shining to the neighbouring living room. As the site is situated within an urban residential area, general householder vehicular movements are normally expected, it is not considered that a single 2-bed bungalow would cause an unreasonable light disturbance or nuisance upon the neighbouring properties.

5.10 Siting, Design and Visual amenity

Concerns are raised regarding the cramped form development, external materials and the proximity of the existing wall along the access lane. The site is characterised by a group of a mixed dwellings with different scale, design and external materials.

5.11 It was noted that the site may have formed part of a larger paddock but now, since development has taken place around it, forms an awkwardly shaped piece of land, which is somewhat isolated from its surroundings. Although the siting of a dwelling in the proposed location within the application site would also appear somewhat detached from the estate to the south and poorly associated with the surrounding settlement pattern, a single storey dwelling would reflect the general character of the site, in particular, to No. 6 Gunning Close. Also, the previous applications did not consider a bungalow in this location to be visually harmful. Additionally, the proposed is to provide a 2-bedroom bungalow with a reasonable sized private garden. The emerging planning policy PSP43 suggests that a 2-bed dwelling should provide a minimum of 50 square metres. The proposal would provide a functional private rear garden area of 12 metres by 10 metres. As such, it is not considered that the proposal would result in a cramped form development of the site. Officers noted that the proposed dwelling would partly affect the existing stone wall along the southern boundary of the access road. As the wall is not statutorily or non-statutorily protected and the proposal shows that the majority of the wall will be retained, there is no objection in principle to its partial removal subject to a condition seeking the final details of the treatment along this boundary. Overall accounting for the planning history, that the proposal would be single storey and considering the proposed dwelling would be of similar design to that of the adjacent modern estate, therefore the proposal would not be out of

keeping with the character, distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy CS1 of the adopted Core Strategy.

5.12 Highway matters

There have been a number of previous planning applications on this site in the past. The most recent, PK12/2966/F, was refused planning permission and a subsequent appeal was dismissed. No transportation objection was raised on this proposal as the Highway Officer did not consider that the proposed bungalow would generate sufficient additional traffic to create a safety issue. Parking proposed complied with the Councils standards at the time. Officers also noted that residents' concerns regarding the use of the access. This current submission again seeks to erect a two-bed bungalow on the same area of land. A vehicular access is proposed in the same location as previously and two parking spaces are again proposed. This level of parking complies with the Councils current residential parking standards. In light of the above, no transportation objection is raised against this current planning application.

5.13 Ecological issues

Concerns are raised regarding the potential impact upon the wildlife habitat of the site. The Council Ecology Officer visited the site recently and considered that the site does not warrant an ecological survey given the condition and location of the site. Subject to a condition seeking an ecological enhancement, there is no ecological objection to the proposal.

5.14 Environmental issues

The historic use of land adjacent to the site a landfill site may have caused contamination which could give rise to unacceptable risks to the proposed development. In order to safeguard the amenity of the occupiers, a planning condition is imposed to seek a site intrusive investigation report and appropriate mitigation measures.

5.15 Other matters

A concern is raised regarding the ownership boundary of the application site, the agent has confirmed that the site is entirely situated within the applicant's ownership. In addition, the ownership dispute is not a material planning consideration. Therefore an application can be determined as it stands.

In addition, the residents also mentioned about the existing shrub planting was planted by the applicant without consulting the neighbour residents. As tree / shrubs planting and their maintenance does not constitute development, therefore they would not material planning consideration.

Regarding the existing telegraph pole, it would be the applicant's responsibility to contact the relevant utility company for its removal / relocation.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That this application is GRANTED subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. Restrictions on dormer and rooflights

No dormer windows or rooflights shall be inserted at any time in the southwest side elevation of the bungalow hereby permitted.

Reason

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

3. Site Intrusive Investigation (Pre-commencement condition)

A) Desk Study - Previous historic uses of land adjacent to the site may have given rise to contamination. Prior to the commencement of development, 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 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 a pre-commencement condition to avoid any unnecessary substantial remedial works in the future.

4. Ecological Enhancement (Pre-commencement condition)

Prior to the commencement of the proposed bungalow hereby approved, details for the ecological enhancement strategy shall be submitted to and approved in writing by the Local Planning Authority. Such strategy shall focus on providing habitats for birds, in particular, for house sparrow, and include number, type, location of terrace boxes for attachment to the new dwelling. The works shall be carried out in accordance with the approved details prior to the development being occupied.

Reason

In the interests of ecological and wildlife habitats and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, the South Gloucestershire Biodiversity Action Plan in the South Gloucestershire Council Supplement Planning Guidance 'Biodiversity and the Planning Process' and the National Planning Policy Framework. This is a pre-commencement condition to ensure any unnecessary remedial works in the future.

5. Construction Management (Pre-commencement condition)

Prior to the commencement of development details of a "construction management plan" (CMP) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details. For the avoidance of doubt the details shall include details of the disposal methods to remove the excessive soil from the site, contractors' or sub-contractors' parking on site during the construction period and measures to be taken to ensure that the existing highway is kept clear of any mud or debris.

Reason

To safeguard the amenity of the neighbouring residents and public highway safety to accordance with Policy T12 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013). This is a pre-commencement condition so that the management strategy can be agreed before the construction begins in order to minimise the adverse impact upon the neighbouring residents.

6. Details of the adjoining wall (Pre-commencement condition)

Prior to the commencement of development a detailed drawing indicating the north eastern side elevation of the bungalow and the adjoining existing wall shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

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

7. Samples of roofing and external facing materials

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

Reason

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

8. Provision of parking and turning area

The dwelling shall not be occupied until the associated car parking area and turning area have been provided in accordance with the drawing no. 2401/11 Rev G. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

Reason

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

9. Construction hours

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

Reason

To minimise disturbance to occupiers of nearby properties, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the provisions of the National Planning Policy Framework.

10. Use of permeable bound materials

The proposed parking and turning area shall be constructed of permeable bound materials. Prior to the commencement of works, details and samples of the said materials shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and shall be maintained as such thereafter.

Reason

To reduce and manage the impact of flood risk, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

11. The development shall be carried out in accordance with the following plans

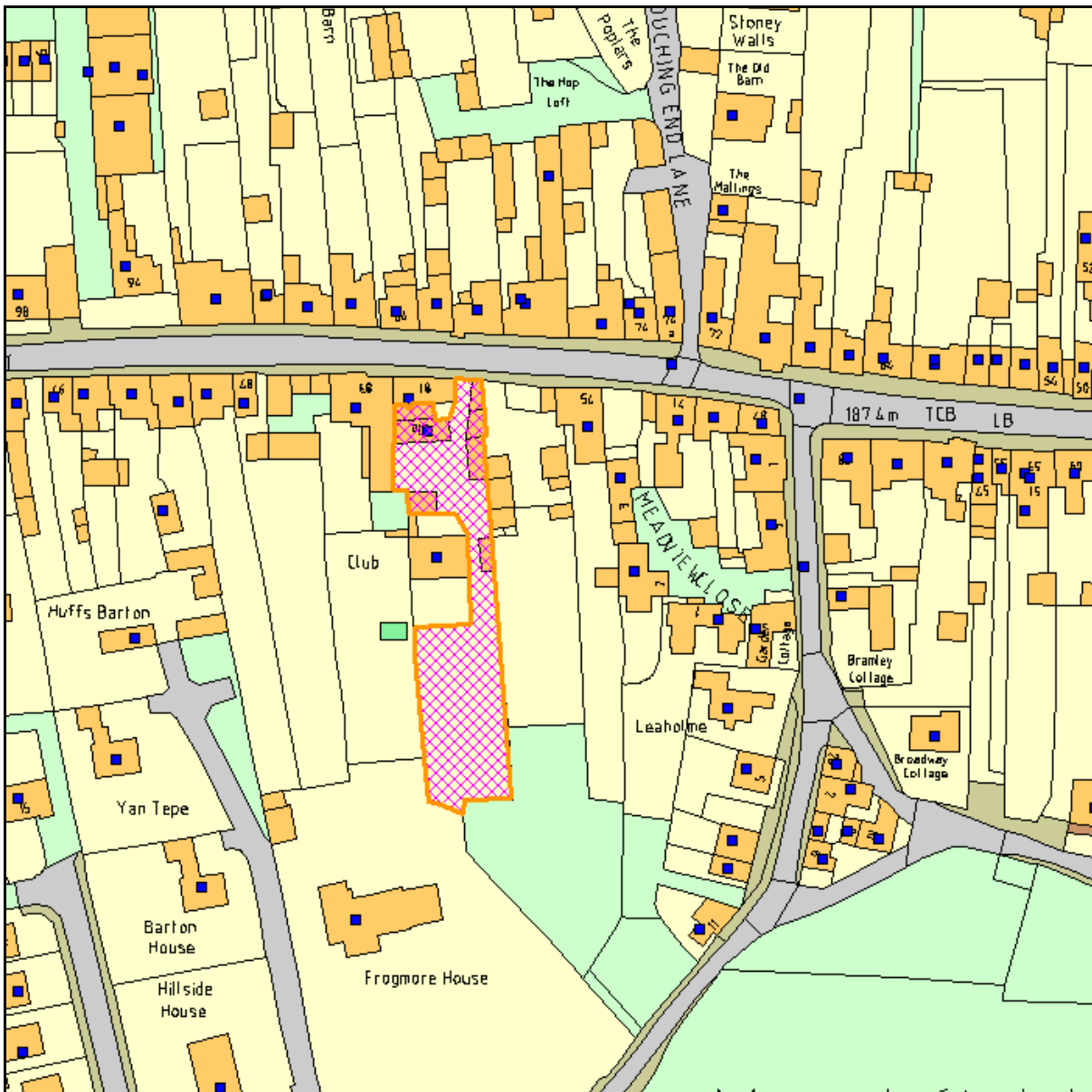
Proposed Site Plan Drawing No. 2401/11 Rev G and Proposed Plan and Elevations, Drawing No. 2401/12 Rev F, Existing Site Plan, Drawing No. 2401/10 Rev A received by the Council on 9 June 2017, and Site location plan, Drawing No. 2401/13 received on 30 January 2017.

Reason

To safeguard the amenity of the neighbouring properties and to accord with Policy CS1, CS9 and CS29 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 24/17 – 16 JUNE 2017

App No.:	PK17/0927/F	Applicant:	Mr Jonathan Lloyd James
Site:	81A High Street Marshfield South Gloucestershire SN14 8LT	Date Reg:	8th March 2017
Proposal:	Erection of a single storey rear extension to form additional living accommodation. Refurbishment and extension of existing outbuildings to form living accommodation ancillary to main dwelling.	Parish:	Marshfield Parish Council
Map Ref:	377769 173730	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	27th April 2017



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 100023410, 2008. N.T.S. PK17/0927/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission to erect a single storey rear extension to the main house and alterations to a former double storey outbuilding attached to a stone wall on the east boundary to facilitate its conversion to an ancillary residential annexe. The alterations include the erection of a first floor addition and single storey extension.
- 1.2 The application relates to no.81A High Street (Grade II listed as part of no.81) and its associated outbuilding (known as "The Longhouse") which are considered to be curtilage listed structures. The site follows the linear pattern of historic burgage plots that line either side of the Marshfield High Street. The buildings are considered to contribute to the setting of a number of neighbouring designated heritage assets which include the Grade II* former non-conformist chapel (dated "1752") lying immediately to the south with its associated graveyard which includes a Grade II listed chest tomb. The site also lies within the Marshfield Conservation Area within the "Back land and outbuildings" character area and Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.3 The application is submitted in conjunction with an application for listed building consent ref PK17/0928/LB.
- 1.4 This application has been submitted to overcome the refusal of a recent duplicate scheme ref PK16/5739/F, PK16/5740/LB, PK16/5741/F and PK16/5742/LB which sought consent for additional extensions to no.81A and conversion of the outbuilding to a separate dwelling.
- 1.5 During the course of the application revised plans have been submitted amending the design of the proposed scheme. A 21 day re-consultation was also sought.

2. POLICY CONTEXT

- 2.1 National Guidance
 - Planning (Listed Buildings and Conservation Areas) Act 1990
 - Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
 - National Planning Policy Framework (NPPF) March 2012
 - Planning Practice Guidance (PPG)
 - Managing Significance in Decision-Taking in the Historic Environment (GPA 2)
 - The Setting of Heritage Assets (GPA 3)

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
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
L2 Cotswolds AONB
L9 Species Protection
L12 Conservation Areas
L13 Listed Buildings
H4 Development within Existing Residential Curtilages
T7 Cycle Parking
T12 Transportation
EP2 Flood Risk and Development

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

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

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

3.1 PK16/5740/LB

Erection of single storey and first floor rear extension to 81A High Street together with associated internal and external alterations and conversion of outbuildings to create a separate dwelling. – refused.
05.01.2017

Reason 1: By reason of the scale of extension to facilitate the proposed residential conversion; the siting and scale of its associated proposed enclosed residential curtilage and formation of vehicular parking and access provision, the proposed scheme of conversion of the outbuildings referred to as "The

Longhouse" would be harmful to the setting and significance of the Grade II Meeting House which includes its associated graveyard; would be harmful to the setting and significance of the Grade II listed number 81 High Street; would be harmful to the architectural and historic interest of the curtilage listed building "The Longhouse"; and would be harmful to the character and appearance of the Marshfield Conservation Area. The proposed scheme can therefore be considered contrary to Sections 16(2), 66(1) and 72(2) of the Planning (Listed Building and Conservation Areas) Act 1990; Policy CS9 of the SG Core Strategy; Policies L12 and L13 (saved) of the adopted SGLP; and the Marshfield Conservation Area SPD.*

Reason 2: By reason of its siting and form, the proposed first floor extension to Number 81A would fail to preserve its special architectural and historic interest. The proposed scheme can therefore be considered contrary to Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990; Policy CS9 of the SG Core Strategy; Policy L13 (saved) of the adopted SGLP.

3.2 PK16/5739/F

Erection of single storey and first floor rear extension to 81A High Street to form additional living accommodation and conversion of outbuildings to create a separate dwelling. – refused.

05.01.2017

Reason 1: By reason of the scale of extension to facilitate the proposed residential conversion; the siting and scale of its associated proposed enclosed residential curtilage and formation of vehicular parking and access provision, the proposed scheme of conversion of the outbuildings referred to as "The Longhouse" would be harmful to the setting and significance of the Grade II Meeting House which includes its associated graveyard; would be harmful to the setting and significance of the Grade II listed number 81 High Street; would be harmful to the architectural and historic interest of the curtilage listed building "The Longhouse"; and would be harmful to the character and appearance of the Marshfield Conservation Area. The proposed scheme can therefore be considered contrary to Sections 16(2), 66(1) and 72(2) of the Planning (Listed Building and Conservation Areas) Act 1990; Policy CS9 of the SG Core Strategy; Policies L12 and L13 (saved) of the adopted SGLP; and the Marshfield Conservation Area SPD.*

Reason 2: By reason of its siting and form, the proposed first floor extension to Number 81A would fail to preserve its special architectural and historic interest. The proposed scheme can therefore be considered contrary to Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990; Policy CS9 of the SG Core Strategy; Policy L13 (saved) of the adopted SGLP.

Reason 3: The proposed development fails to provide a good standard of residential amenity to future occupiers of the proposed dwelling. This is due to the cramped nature of the unit and the limited outdoor private amenity space that the properties are afforded. The proposal fails to accord with the Technical Housing Standards - Nationally Described Space Standards (2016) which

indicates that the unit is undersized and would not provide for a good standard of living condition. The proposed development would also have a prejudicial impact on the residential amenity and living conditions of future occupiers, through the relationship between the main dwelling and the Longhouse which would lead to overlooking and a material loss of privacy. It is considered that the harm to residential amenity is significant enough to outweigh the moderate benefit of the proposal. The proposal, therefore, does not benefit from the presumption in favour of sustainable development and fails to accord with Policy H4 (saved) of the adopted SGLP and the provisions of the NPPF.

- 3.3 PK16/5742/LB
Erection of single storey and first floor rear extension to 81A High Street together with associated internal and external alterations and conversion of outbuildings to create a separate dwelling. – refused.
05.01.2017
- 3.4 PK16/5741/F
Erection of single storey and first floor rear extension to 81A High Street to form additional living accommodation and conversion of outbuildings to create a separate dwelling. – refused.
05.01.2017

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council
No objection
- 4.2 Other Consultees
- Conservation Officer
No objection subject to LB conditions
- Ecology Officer
No objection subject to conditions
- Archaeology Officer
No objection subject to condition
- Sustainable Transport
No objection subject to condition
- Historic England
No objection

Other Representations

- 4.3 Local Residents
Two letters have been received from local residents with the following comments:

Support:

- Design of proposed commendable
- Would enhance the character of the area

Neutral:

- Would preserve the setting of the Grade II* chapel
- Modest additions
- Future building maintenance of neighbouring property unclear

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission to extend the main house and convert a former outbuilding to an ancillary residential annexe. Both are protected by the listing of no.81 and contribute to the setting of a number of neighbouring designated heritage assets. The site also lies within the Marshfield Conservation and the Cotswolds AONB. Although saved policy H4 of the SGLP (Adopted 2006) permits the principle of the development, the pertinent issues to consider are its ancillary status and the impacts on the historic environment, residential amenity, highway safety and the environment.

5.2 Ancillary Status of Building

The applicant previously applied to divorce the outbuilding from no.81A and convert it to its own separate planning unit, but this was refused because of inadequate rear amenity space and overlooking by the outbuilding. Therefore, it is important to now consider whether the annexe proposed would be truly ancillary to the host property.

5.3 Submitted plans show the outbuilding would possess all the essential facilities for separate day-to-day living. The inside of the building would be laid out with a bedroom and en-suite, a living area, kitchenette, office and store room. As a result there is potential for the building to function as a separate unit of accommodation; however the layout itself is not conclusive as it is necessary to examine how the accommodation would be used and occupied.

5.4 The point at issue in this case is now whether the siting of the annexe would result in two dwelling houses rather than one. A key consideration is whether physically and functionally separate areas would be created which would amount to two separate planning units.

5.5 With regard to the physical relationship of the outbuilding, it is sited in the grounds of the host property but the submitted plans show that this would not be subdivided with a fence or any other form of division to create a separate garden area. With regard to access, there is a door in the kitchenette. This enables access to the drive. As this would not be separated in any way from the rest of the site, the annexe would therefore be under the control of applicant. Notwithstanding the facilities within the unit, there would still be a physical relationship with the host property as gas, electricity and water supplies would be taken from it.

- 5.6 With regard to how the annexe would function, once extended the host property would have three bedrooms (2no. with en-suites), two bathrooms and a kitchen/living area. The footprint of the annexe would be 80 sq m which would be below the footprint of the host dwelling by 42 sq m. However, the annexe is a two storey structure, but its connection to the main property is unclear given the host itself is of considerable size and floorspace. No detailed explanation has been provided to explain this and why an annexe building including bedroom accommodation is required given these circumstances. However, it would be reasonable to impose a condition controlling the nature of the accommodation for this reason. The officer is satisfied this would avoid any harm as identified in the previous refused applications.
- 5.7 Heritage
Following a meeting on site with the applicant and their agents, the proposed plans and elevations have been revised to overcome the Conservation Officer's previous concerns relating to internal treatments and external appearance, especially of "The Longhouse".
- 5.8 Although he remains of the view that the design of the reconstructed and extended double storey element may not be the optimal solution, he agrees that this issue has been explored to a level that may be considered proportionate. There are also no strong objections to what is being proposed and so the officer accepts that this matter cannot be pursued any further.
- 5.9 To conclude, in light of the amendments made to the design, it is considered that the proposal would help preserve the special architectural and historic interest of the curtilage listed "Longhouse" and the principal asset. The Marshfield Conservation Area would also be enhanced by the restoration of this building.
- 5.10 Landscaping
The implementation of a landscaping scheme is important given the proximity of Grade II* chapel and framed views from the street. The outline scheme submitted by the applicant lacks specific details; therefore a condition will be imposed requiring the submission and implementation of a scheme.
- 5.11 Residential Amenity
The outbuilding is intended for use as an annexe to no.81A and would be ancillary to the residential use of that dwelling. Windows in the west would face the extended no.81A, but having regard to the ancillary nature of the building, there are no concerns in this respect. The openings in the east elevation comprise a number of rooflights. These would face the garden area of no.75 High Street but given the nature of the openings and the separation from the side of no.75 the officer does not consider that any harmful overlooking would occur. Nor does the officer consider that there would be any significant loss of privacy for occupants of no.83. The impact of the scheme was discussed in depth in the report for the previous scheme and the officer accepted then that there would be no loss of privacy so far as no.83 is concerned.

5.12 High stone boundary walls would screen much of the development, but the officer accepts the new gable end of the annexe would be visible from the garden and side windows of no.75. However, again considering the distance between no.75 and the proposed annexe, it is the officer's opinion that the development would not appear unduly intrusive. It is concluded that there is no significant harm to the living conditions of site occupiers or neighbours.

5.13 Highway Safety

The proposal seeks to extend the main house and convert a former outbuilding to an ancillary residential annexe. Access and parking provision would remain shared with no.81A. However, the annexe itself would generate a need in addition to the parking required for the existing house. Demolition of an existing garage is proposed to facilitate the provision of two parking spaces. This level of parking complies with the Council's residential parking standards. Subject to a condition preventing sub-letting or division from the host, there is no transportation objection.

5.14 Archaeology

It has been suggested that the development would affect an area of archaeological importance and that there is the potential for previously unknown heritage assets to be located here. The officer therefore considers that a condition requiring an archaeological investigation is necessary.

5.15 Ecology

An ecology assessment has been submitted in support of the application by Ethos Environmental Planning (Oct 2016). The findings are detailed below:

Habitats

- Amenity grassland – typical garden lawn
- Trees – four apple trees within the garden

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

- Bats – the buildings were judged to provide low to moderate potential for roosting bats. Two emergence surveys were completed and no bats were recorded emerging from the buildings. Passive detectors were placed within buildings 1 and 2; no bats were recorded in building 1 and six bat species were recorded in building 2, including greater and lesser horseshoe bats. These calls were thought to be recorded from outside the building.
- Hazel dormouse – no suitable habitat features present.
- Great crested newt (GCN) – two ponds lie within 500m of the site, although they both scored 'poor' and 'below average' on the HIS. The 'below average' pond had a record of GCN in 2007, but there are several ecological barriers between the pond and the site, and it is just under 500m away.

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

- Nesting birds – no evidence of nesting birds was observed in the buildings or garden.

Badger Act 1992

- No evidence of badger was recorded and the site was considered to have low suitability for this species.

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

- There is little refuge for this species within the garden.

The ecological report went on to recommend various mitigation, enhancement and compensation measures to prevent biodiversity loss, and enable biodiversity, through the proposed development. Subject to conditions securing bat boxes and a lighting scheme, there is no ecological objection to the application.

5.16 Other Matters

Future building maintenance is a detailed building matter not falling within the scope of the planning development management regime.

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 APPROVED subject to the following conditions:

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

2. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 81A High Street, Marshfield.

Reason

The development has been permitted on the particular circumstances of the case and the development would be unsuitable for use as a separate residential dwelling because it would require further consideration with regard to residential amenity and parking against policies CS1, CS8, CS15, CS16, and CS17 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2016.

3. Before the development hereby approved is commenced, the applicant, or their agents or successor in title shall secure the implementation of a programme of archaeological work (to include post-excavation, reporting and appropriate publication) in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority. The programme of works shall thereafter be implemented in accordance with the approved scheme.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. These details are required prior to commencement in view of the area being of known archaeological interest.

4. Prior to occupation, the location of two Schwegler 2F bat boxes should be submitted to the local planning authority for approval in writing. Thereafter the boxes shall be installed in accordance with the agreed details prior to the first occupation of the development hereby approved.

Reason

In the interests of protected species and ecology, and to accord with saved Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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

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

Reason

In the interests of protected species and ecology, and to accord with saved Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006, 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 a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

A scheme is required prior to commencement in order to protect and enhance the character of the site and the area, to ensure its appearance is satisfactory, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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

Reason

To minimise disturbance and protect the residential amenity of the neighbouring occupiers during the construction phase and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Covering Letter

Design & Access Statement and Heritage Statement

Ecology Assessment

Site Location Plan (001A)

Floor Plans as Existing (010B)

Existing Elevations (011B)

Section - as Proposed (014B)

- all the above received on 02.03.2017

Proposed Floor Plans and Site Plan (012K)

Proposed Elevations (013J)

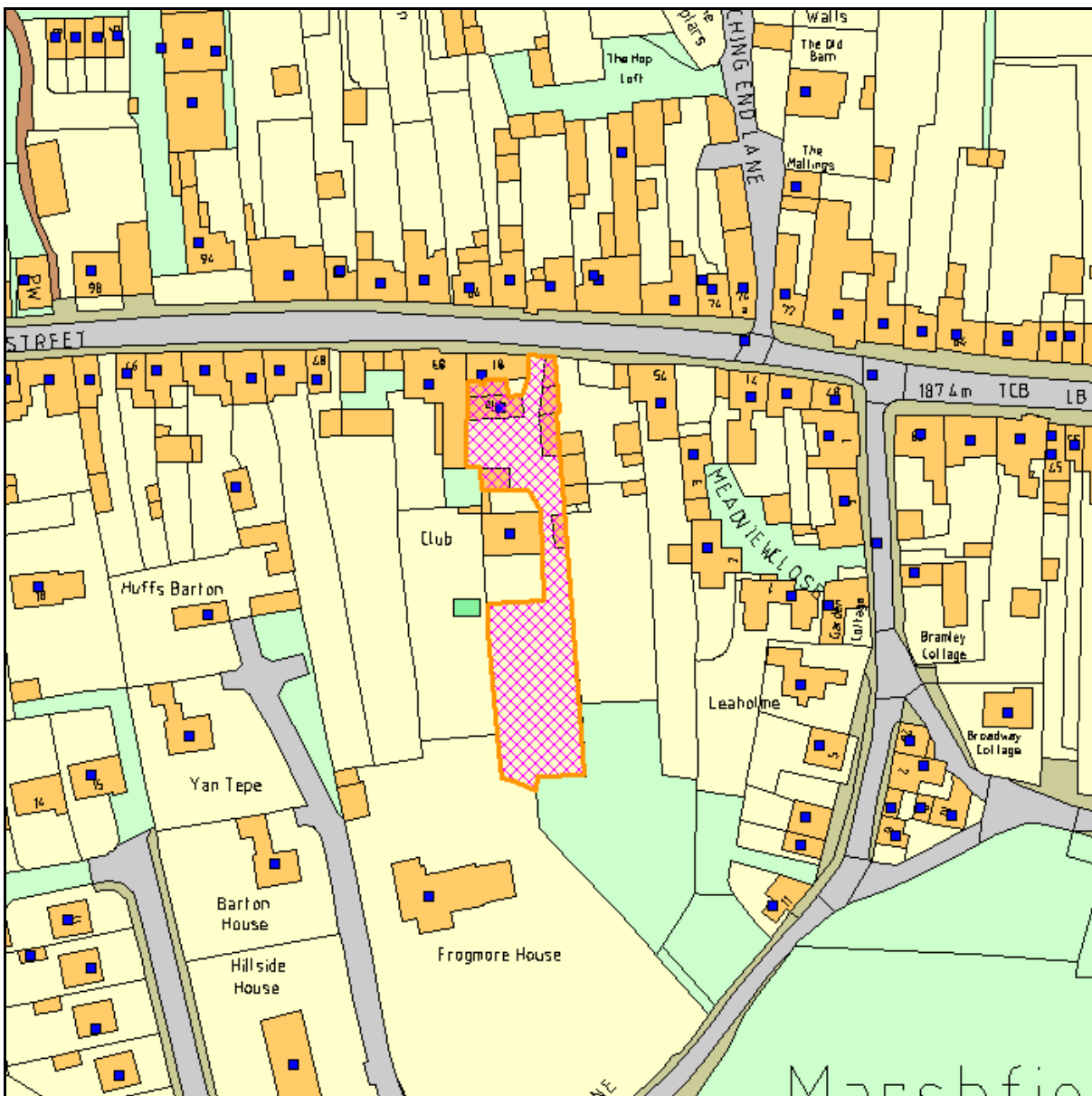
Existing & proposed Site Plan (015D)

- all the above received on 23.05.2017

Reason
For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 24/17 – 16 JUNE 2017

App No.:	PK17/0928/LB	Applicant:	Mr Jonathan Lloyd James
Site:	81A High Street Marshfield South Gloucestershire SN14 8LT	Date Reg:	8th March 2017
Proposal:	Erection of a single storey rear extension together with associated internal and external alterations, refurbishment and extension of existing ancillary outbuildings	Parish:	Marshfield Parish Council
Map Ref:	377769 173730	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	27th April 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks consent to erect a single storey rear extension to the main house and alterations to a former double storey outbuilding attached to a stone wall on the east boundary to facilitate its conversion to an ancillary residential annexe. The alterations include the erection of a first floor addition and single storey extension.
- 1.2 The application relates to no.81A High Street (Grade II listed as part of no.81) and its associated outbuilding (known as "The Longhouse") which are considered to be curtilage listed structures. The site follows the linear pattern of historic burgage plots that line either side of the Marshfield High Street. The buildings are considered to contribute to the setting of a number of neighbouring designated heritage assets which include the Grade II* former non-conformist chapel (dated "1752") lying immediately to the south with its associated graveyard which includes a Grade II listed chest tomb. The site also lies within the Marshfield Conservation Area within the "Back land and outbuildings" character area and Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.3 The application is submitted in conjunction with an application for planning permission ref. PK17/0927/F.
- 1.4 This application has been submitted to overcome the refusal of a recent duplicate scheme ref PK16/5739/F, PK16/5740/LB, PK16/5741/F and PK16/5742/LB which sought consent for additional extensions to no.81A and conversion of the outbuilding to a separate dwelling.
- 1.5 During the course of the application revised plans have been submitted amending the design of the proposed scheme. A 21 day re-consultation was also sought.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
Planning (Listed Buildings and Conservation Areas) Act 1990

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/5740/LB
Erection of single storey and first floor rear extension to 81A High Street together with associated internal and external alterations and conversion of outbuildings to create a separate dwelling. – refused.
05.01.2017

Reason 1: By reason of the scale of extension to facilitate the proposed residential conversion; the siting and scale of its associated proposed enclosed residential curtilage and formation of vehicular parking and access provision, the proposed scheme of conversion of the outbuildings referred to as "The Longhouse" would be harmful to the setting and significance of the Grade II Meeting House which includes its associated graveyard; would be harmful to the setting and significance of the Grade II listed number 81 High Street; would be harmful to the architectural and historic interest of the curtilage listed building "The Longhouse"; and would be harmful to the character and appearance of the Marshfield Conservation Area. The proposed scheme can therefore be considered contrary to Sections 16(2), 66(1) and 72(2) of the Planning (Listed Building and Conservation Areas) Act 1990; Policy CS9 of the SG Core Strategy; Policies L12 and L13 (saved) of the adopted SGLP; and the Marshfield Conservation Area SPD.*

Reason 2: By reason of its siting and form, the proposed first floor extension to Number 81A would fail to preserve its special architectural and historic interest. The proposed scheme can therefore be considered contrary to Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990; Policy CS9 of the SG Core Strategy; Policy L13 (saved) of the adopted SGLP.

3.2 PK16/5739/F

Erection of single storey and first floor rear extension to 81A High Street to form additional living accommodation and conversion of outbuildings to create a separate dwelling. – refused.

05.01.2017

Reason 1: By reason of the scale of extension to facilitate the proposed residential conversion; the siting and scale of its associated proposed enclosed residential curtilage and formation of vehicular parking and access provision, the proposed scheme of conversion of the outbuildings referred to as "The Longhouse" would be harmful to the setting and significance of the Grade II Meeting House which includes its associated graveyard; would be harmful to the setting and significance of the Grade II listed number 81 High Street; would be harmful to the architectural and historic interest of the curtilage listed building "The Longhouse"; and would be harmful to the character and appearance of the Marshfield Conservation Area. The proposed scheme can therefore be considered contrary to Sections 16(2), 66(1) and 72(2) of the Planning (Listed Building and Conservation Areas) Act 1990; Policy CS9 of the SG Core Strategy; Policies L12 and L13 (saved) of the adopted SGLP; and the Marshfield Conservation Area SPD.*

Reason 2: By reason of its siting and form, the proposed first floor extension to Number 81A would fail to preserve its special architectural and historic interest. The proposed scheme can therefore be considered contrary to Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990; Policy CS9 of the SG Core Strategy; Policy L13 (saved) of the adopted SGLP.

Reason 3: The proposed development fails to provide a good standard of residential amenity to future occupiers of the proposed dwelling. This is due to the cramped nature of the unit and the limited outdoor private amenity space that the properties are afforded. The proposal fails to accord with the Technical Housing Standards - Nationally Described Space Standards (2016) which indicates that the unit is undersized and would not provide for a good standard of living condition. The proposed development would also have a prejudicial impact on the residential amenity and living conditions of future occupiers, through the relationship between the main dwelling and the Longhouse which would lead to overlooking and a material loss of privacy. It is considered that the harm to residential amenity is significant enough to outweigh the moderate benefit of the proposal. The proposal, therefore, does not benefit from the presumption in favour of sustainable development and fails to accord with Policy H4 (saved) of the adopted SGLP and the provisions of the NPPF.

- 3.3 PK16/5742/LB
Erection of single storey and first floor rear extension to 81A High Street together with associated internal and external alterations and conversion of outbuildings to create a separate dwelling. – refused.
05.01.2017
- 3.4 PK16/5741/F
Erection of single storey and first floor rear extension to 81A High Street to form additional living accommodation and conversion of outbuildings to create a separate dwelling. – refused.
05.01.2017

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council
No objection

- 4.2 Other Consultees

Conservation Officer
No objection subject to LB conditions

Council for British Archaeology
No comment

Georgian Group
No comment

Twentieth Century Society
No comment

Society for the Protection of Ancient Buildings
No comment

Victorian Society
No comment

Ancient Monuments Society

No comment

Historic England

No objection

Other Representations

4.3 Local Residents

Three letters have been received from local residents with the following comments:

Support:

- Design of proposed commendable
- Would enhance the character of the area
- Rescued/restored

Neutral:

- Would preserve the setting of the Grade II* chapel
- Modest additions
- Future building maintenance of neighbouring property unclear

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The only issue to consider in this application is the impact of the proposed works on the special architectural and historic interest of the listed buildings.

5.2 Consideration of Proposal

Following a meeting on site with the applicant and their agents, the proposed plans and elevations have been revised to overcome the Conservation Officer's previous concerns relating to internal treatments and external appearance, especially of "The Longhouse".

5.3 Although he remains of the view that the design of the reconstructed and extended double storey element may not be the optimal solution, he agrees that this issue has been explored to a level that may be considered proportionate. There are also no strong objections to what is being proposed and so the officer accepts that this matter cannot be pursued any further.

5.4 To conclude, in light of the amendments made to the design, it is considered that the proposal would help preserve the special architectural and historic interest of the curtilage listed "Longhouse" and the principal asset. The Marshfield Conservation Area would also be enhanced by the restoration of this building.

5.5 There is however a significant amount of detail, such as internal finishes, repair specification, and roof material, which will still needs to be secured by condition.

6. CONCLUSION

6.1 The recommendation to approve Listed Building Consent has been taken having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the National Planning Policy Framework 2012.

7. RECOMMENDATION

7.1 That listed building consent is GRANTED subject to the conditions below:

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

2. Prior to the commencement of development, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
 - a. All new windows and fixed glazing (including cill, head, reveal and glass details)
 - b. Rooflights
 - c. All new doors (including frames and furniture)
 - d. All new vents and flues
 - e. Eaves (including rainwater goods), verges, ridges, parapets and copings
 - f. All other internal joinery such as panelling, floor boards, fire surrounds and skirtings;

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reason

These details are required prior to commencement in order to safeguard the special architectural and historic interest of the listed buildings and to accord with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2012) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. Prior to commencement of relevant works, full details of the proposed floors, wall and ceiling finishes along with design and specification of insulation to roofs shall be submitted and agreed in writing by the local planning authority. The development shall thereafter be carried out strictly in accordance with the agreed details. For the avoidance of doubt, all finishes are to be breathable and aesthetically appropriate and so lime based finishes are advised.

Reason

These details are required prior to commencement to ensure that they are appropriate to the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2012) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

4. Prior to the commencement of works on site, a detailed specification for the repairs, including any stonework repairs, any proposed structural works and new roof construction (in respect of which approval is expressly reserved), shall be submitted to the council for approval. The specification shall include details of the extent of proposed replacement of historic fabric, and all new materials to be used.

Reason

The specification is required prior to commencement to ensure that they are appropriate to the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2012) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. Prior to the commencement of development, details or samples of the roofing material proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

These details/samples are required prior to commencement in order to ensure that the development serves to preserve the architectural and historic interest and setting of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in the National Planning Policy Framework.

6. Prior to the commencement of relevant works, a representative sample panel of natural facing stone, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of development, for consistency.

Reason

A panel is required prior to commencement in order to ensure that the development serves to preserve the architectural and historic interest and setting of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in the National Planning Policy Framework.

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

Covering Letter

Design & Access Statement and Heritage Statement

Ecology Assessment

Site Location Plan (001A)

Existing Floor and Roof Plans (010B)

Elevations as Existing (011B)

Sections as Proposed (014B)

- all the above received on 02.03.2017

Proposed Floor Plans and Site Plan (012K)

Proposed Elevations (013J)

Existing & proposed Site Plan (015D)

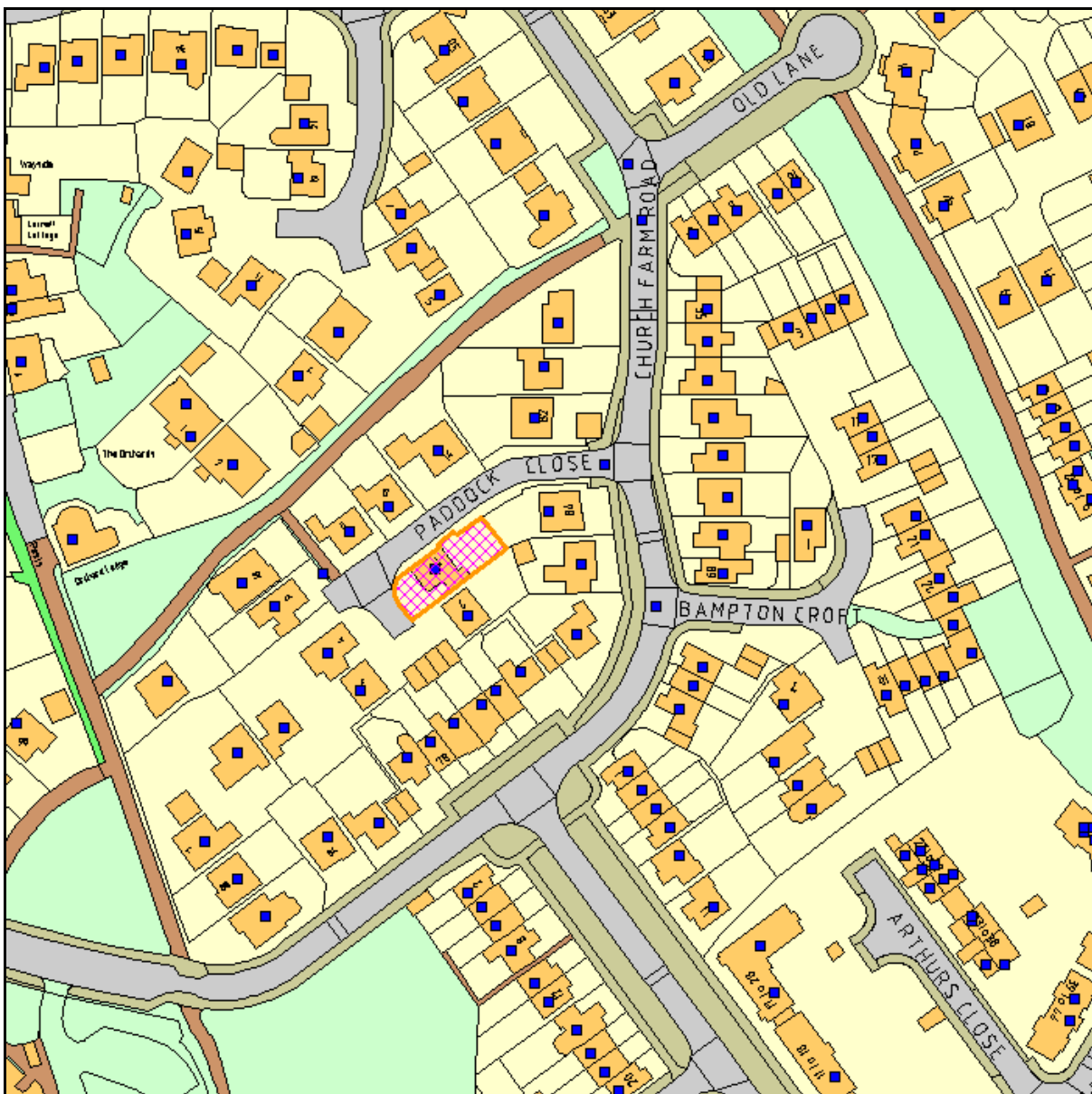
- all the above received on 23.05.2017

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 24/17 – 16 JUNE 2017

App No.:	PK17/1036/F	Applicant:	Mr And Mrs J Woodcock
Site:	1 Paddock Close Emersons Green South Gloucestershire BS16 7BD	Date Reg:	3rd May 2017
Proposal:	Erection of two storey side and rear extension to form additional living accommodation	Parish:	Emersons Green Town Council
Map Ref:	367008 176679	Ward:	Emersons Green
Application Category:	Householder	Target Date:	15th June 2017



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PK17/1036/F

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. Whilst the reason for the objection has been resolved a comment was not made available in time and the application was put forward to prevent any further delay.

1. THE PROPOSAL

- 1.1 The proposal seeks to erect a two storey side extension in order to provide additional living accommodation.
- 1.2 The subject property is a detached late-20th century dwelling with brick elevations, gabled roof and an attached garage to be extended.
- 1.3 The proposal would extend above the existing garage to the side of the property. To the rear a secondary gable will be formed and to the front the proposal will have a side oriented gable to match that of the existing dwelling but subservient in scale.
- 1.4 The subject property is situated in the built up residential area of Emersons Green.

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

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

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

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 K7528 – Approval of Outline – 05/10/1995 – Comprehensive development for residential/district centre/public house restaurant/roads/footpaths/open space and other associated uses (outline).
- 3.2 P96/4373 – Approval of Reserved Matters – 23/10/1996 – Erection of 29no dwellings and associated works. (Reserved Matters)

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council
Objection – Agree with the comments of the transport officer in that parking needs to be demonstrated.

- 4.2 Other Consultees

- Transport Officer

- Recommends a revised site plan is submitted identifying the required level of parking provision. This has subsequently been provided and the objection has been removed.

Other Representations

- 4.3 Local Residents
None Received

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. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development with the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal accords with the principle of development subject to the consideration below.

- 5.2 Design and Visual Amenity

- The proposal consists of the erection of a first floor side extension above the existing attached garage structure. The proposal would retain the existing form of the building and would project to the rear of the dwelling in order to form a secondary subservient gable towards the rear. To the front the roof will be subservient to the main roof pitch but oriented in a similar manner. A number of nearby properties have been extended in a similar manner, accordingly the proposal is considered to be in keeping with the general character of the area.

- 5.3 The proposal will utilise materials of a similar appearance to those in the existing dwelling. There is no objection with regard to materials.
- 5.4 Overall, it is considered that the proposed alterations would not harm the character or appearance of the area and as such are considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.
- 5.5 Residential Amenity
Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.
- 5.6 The subject property is detached but in relatively close proximity to the neighbour to the south-east. The proposal would extend above an existing single storey projection. In addition the orientation of the dwelling in relation to this neighbour and the path of the sun means the proposal will not create a harmful impact as a result of loss of light; consequently this dwelling is not considered to be affected by the proposal.
- 5.7 The dwelling to the rear is oriented with an east-west aspect and given this orientation and the degree of separation, the proposal is not considered to have a harmful impact on the amenity of dwellings in this direction. Dwellings to the north are separated by the highway, front gardens and parking and as a result are not considered to be adversely affected by the proposal.
- 5.8 The proposal will occupy a larger floor area, however the proposal will not project any further to the rear and into the private amenity space and consequently sufficient garden space will remain following development. There is no objection in this regard.
- 5.9 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.10 Sustainable Transport and Parking Provision
The proposal will include 2 additional bedrooms and would result in the loss of the garage space for the parking of vehicles. The original submission did not include any indication of existing and proposed parking provision and comments from the transport officer requested additional information before further comment could be made; subsequently objection was lodged by the Town Council. The revised plan was provided as requested and is considered to accord with the parking standards and has identified the required 3 parking spaces.

Therefore the proposal would not have a negative impact on highway safety or the provision of off-street parking facilities, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The council has no objection to the proposal in relation to highway safety or parking provision.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

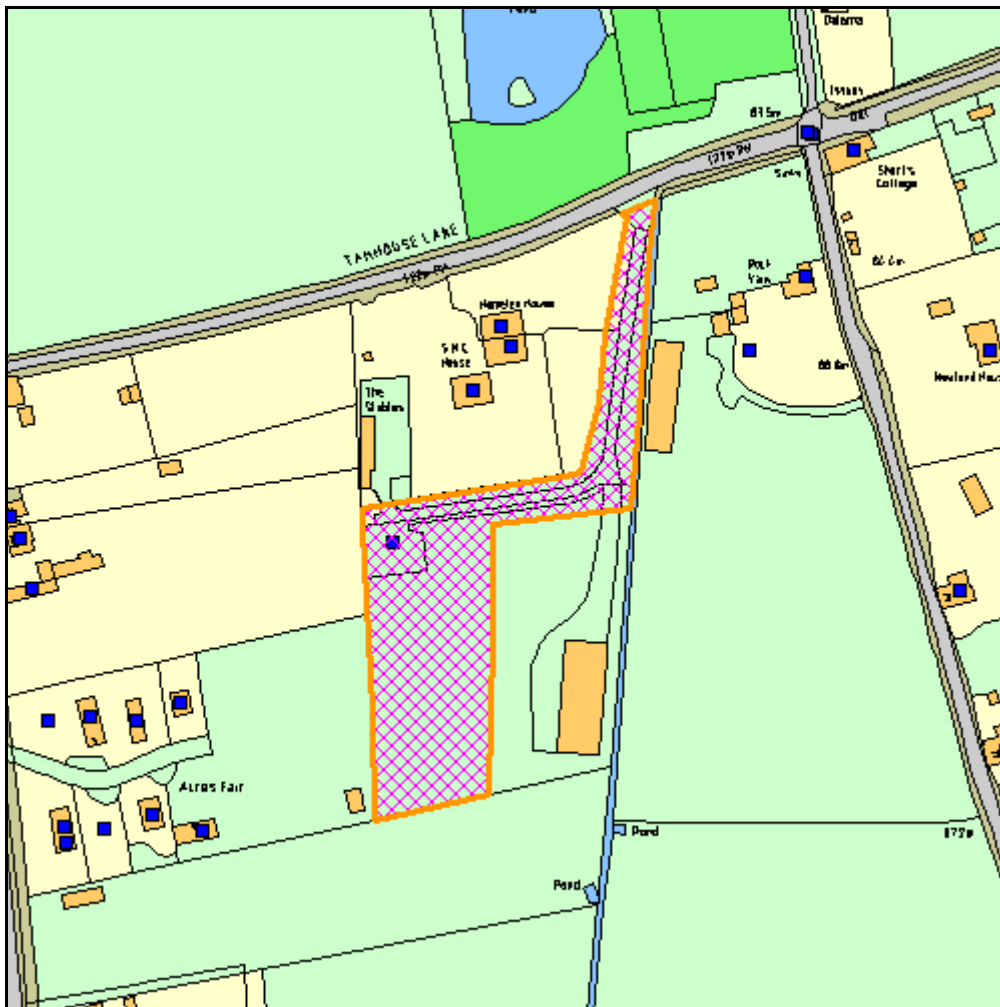
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. Prior to the first use of the extension hereby approved the parking provision shown in the submitted plan received on 7th June 2017 shall be available for use. It shall thereafter be retained as such.

To ensure sufficient off street parking provision for the enlarged property in line with the adopted standards in the South Gloucestershire Residential Parking Standard SPD; and policy CS8 of the South Gloucestershire Core Strategy; Local Plan (adopted) December 2013.

CIRCULATED SCHEDULE NO. 24/17 – 16 JUNE 2017

App No.:	PK17/1226/O	Applicant:	Juniper Homes
Site:	Land To The Rear Of Holmelea House Tanhouse Lane Yate Bristol South Gloucestershire BS37 7LP	Date Reg:	22nd March 2017
Proposal:	Erection of 7no dwellings (outline) with access and layout to be determined. All other matters reserved. (re-submission of PK16/4890/O).	Parish:	Iron Acton Parish Council
Map Ref:	369945 184994	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	11th May 2017



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination because: comments have been received which are contrary to the officer recommendation; and, the recommendation is subject to the applicant first voluntarily entering into a planning obligation.

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of 7 dwellings on land to the rear of Holmelea House on Tanhouse Lane in Yate. The application is in outline with access and layout to be determined; all other matters are reserved.
- 1.2 The application site is a field which has been subject to some previous development. An existing industrial building is situated to the east of the site and in the northern corner of the site stands a temporary cabin and area of hardstanding. Access is provided to the site using a track to the north east. There are mature trees and hedgerows surrounding most of the site. Existing residential development is situated to the north and west of the site and two travelling showperson's yards are located immediately to the south west and south of the site (one benefiting from planning permission which has not yet been implemented).
- 1.3 An earlier application was withdrawn to address concerns with regard to the proposed layout; it was considered to be too suburban in nature. The layout has been revised under the current application although the final appearance of the dwellings is a reserved matter.
- 1.4 Located outside of the defined settlement boundary of Engine Common the site is in the open countryside. The North Yate New Neighbourhood northern boundary is located approximately 370 metres to the east.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

- 4.3 Arts and Development Officer
No comment
- 4.4 Avon and Somerset Constabulary
No objection. Development should seek to include secure by design principles
- 4.5 Ecology Officer
No objection
- 4.6 Lead Local Flood Authority
No objection. SUDS condition should be applied.
- 4.7 Transport Officer
Objection on the basis of transport sustainability; no objection (on balance) on highway safety
- 4.8 Tree Officer
No objection in principle, revised tree details required
- 4.9 Waste Engineer
No objection subject to waste vehicle tracking

Other Representations

- 4.10 Local Residents
Two letters of objection have been received which raise the following matters:
- site location and access road is inappropriate for development
 - development is motivated by profit
 - increase in traffic
 - impact on local character/ road network/ road users
 - impact on safety
 - impact on infrastructure
 - overdevelopment
 - loss of privacy
 - loss of countryside

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks outline planning permission for the erection of 7 dwellings on land at Tanhouse Lane.
- 5.2 Principle of Development
Under policy CS5, development is directed to the existing urban area and the defined settlements. The development of this site would not accord with the locational strategy and therefore would not normally be considered. However, at present the authority cannot demonstrate a 5 year supply of deliverable housing sites. Guidance in paragraph 49 of the NPPF states that in such circumstances policies in the development plan which act to restrict the supply of housing should be considered out of date and applications for residential

development should be assessed against the presumption in favour of sustainable development.

- 5.3 The presumption in favour of sustainable development states that development should be approved unless doing so would conflict with other policies and guidance which would seek to resist the development or the impacts of permitting the proposal would significantly and demonstrably outweigh the benefits of the proposal.
- 5.4 Therefore, while the proposed development should be assessed against the analysis set out below.

Site Sustainability

- 5.5 The presumption favours only sustainable development. The reasoning behind policy CS5 is to achieve a sustainable dispersal of development throughout the district where there is access to existing goods and services to meet the needs of a growing population. Paragraph 55 of the NPPF seeks to avoid the development of isolated new homes in the countryside as it is regarded as an unsustainable form of development.
- 5.6 The application site cannot be described as isolated. Indeed, the surrounding land is developed on all sides. Furthermore, the site is less than 500 metres from the urban extension at North Yate, albeit the northern limit of that development. Whilst there is a certain proximity to the new neighbourhood, the application site relates the most to the settlement at Engine Common, which is 350 metres to the south. Engine Common has relatively few facilities but does include a primary school and public house.
- 5.7 Engine Common is also served by a bus service and the nearest stop is located near the junction of Tanhouse Land and North Road. It is noted that the bus service in this location are limited.
- 5.8 In terms of the objectives of paragraph 55 of the NPPF and policy CS5, the proposal would not lead to the creation of isolated dwellings and, on balance, the site is not so unsustainable in nature that planning permission can be justifiably refused on that reason in principle.
- 5.9 Therefore, the determination of this application should be made on the site specific impacts of development. As a 5 year housing land supply cannot be demonstrated, there is a presumption towards planning permission being granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits.
- 5.10 Design: Access and Layout
As this application is in outline with access and layout to be determined, consideration of access is restricted to these matters. This application is a resubmission of a previous proposal which sought to create a cul-de-sac style of layout. While it has been noted above that the site cannot be considered isolated, it certainly remains rural in character and appearance.

- Dwellings are generally set in relatively generous plots and relate to the highway which serves them. The previous layout was more suburban in nature and not considered acceptable.
- 5.11 Under this application the layout has been revised. It is now proposed to build the dwellings in a row on the eastern side of a new road. Instead of a suburban cul-de-sac, the revised layout would appear more as a rural 'dead end'. There is evidence of other roads in Engine Common of a similar nature, such as The British. This is a significant improvement to the design of the proposal. However, the proposed dwellings remain in a 'backland' position having very little relationship to Tanhouse Lane itself. Normally, this would weigh against a proposal. However the scale of development is such that the new dwellings could be an identifiable location of their own, including forming their own streetscene. As there is no interaction between the proposed development and the streetscene along Tanhouse Lane, the development would not be harmful. The layout is now more rural in nature and the level of harm is subsequently reduced.
- 5.12 Access is provided along the existing access track, which will be upgraded. The changes here are unlikely to be significant and therefore would not be overly harmful.
- 5.13 Residential Amenity
Development should not be permitted which has a prejudicial impact on residential amenity – this must be considered that of existing occupiers and the living conditions of future occupiers of the proposed development. The size of the site and the number of dwellings proposed means that privacy levels would be retained and it is not considered that the layout would lead to overbearing impacts of the loss of light, although it is noted that these issues would be reassessed under the determination of the reserved matters.
- 5.14 The most significant potential impact on residential amenity is the traffic associated with the development using the access. This runs along the eastern side of Holmelea House. At present the track is lightly trafficked, however, the extant use of the industrial building (which also uses this site) could have a much more significant traffic impact. The additional traffic associated with the proposed dwellings may be noticeable, although the separation distance is such that it would not be prejudicial, it would not have a significant impact on residential amenity.
- 5.15 Affordable Housing
Policy CS18 sets out the authority's approach to affordable housing. Under this policy, in the rural areas, affordable housing contributions of 35% should be made on development of 5 dwellings or more or on a site area in excess of 0.2 hectares. This application therefore triggers an affordable housing contribution.
- 5.16 The weight that should be applied to policy CS18 must be established in light of a number of government pronouncements on affordable housing provision (the Written Ministerial Statement) and court cases (West Berkshire DC and Reading DC v Secretary of State for CLG).

- 5.17 The WMS is undoubtedly a material planning consideration of some weight. However, planning law requires decision takers to determine planning applications in line with the development plan unless material planning considerations indicate otherwise. Officers take the position that more weight should be applied to policy CS18 than the WMS on the basis that CS18 is based on local evidence of need and provision within the district and particularly relates to the rural areas.
- 5.18 Following the 'Greystones' appeal decision, a legal opinion was sought on this position. This advice concludes that the council can continue to seek affordable housing contributions where it has sufficient up to date and locally specific evidence. The housing enabling team consider that there continues to be a significant need for affordable housing in rural areas. This is based on the cumulative information contained in the SHMA, rural housing needs survey, and evidence from the affordable housing register.
- 5.19 In this instance the provision of affordable housing (2 units) is not considered burdensome on the development – indeed the applicant has not presented a viability case as to why the affordable housing contribution should be reduced. The applicant has indicated that they are willing to provide the necessary level of affordable housing. The affordable housing request and planning obligation would pass the CIL tests in regulation 122.
- 5.20 Turning to the impact of the development, the provision of affordable housing is a significant benefit which weighs heavily in favour of the proposed development, particularly the provision of affordable housing in the rural areas. On the reverse, the lack of provision would have been a significant dis-benefit such is the weight that affordable housing provision is given in the planning balance. Subject to the applicant completing a legal agreement, affordable housing provision is acceptable.
- 5.21 Highway Impacts
In this section, there is a mix of the principle of development and the impacts of development. Part of the principle of development, as discussed above, is whether the proposal would lead to isolated new dwellings. In terms of the physical characteristics of the locality, the case officer does not consider the site isolated. However, the highways officers considered that, in terms of transport, the site is unsustainable. This is because of the limited public transport options and the nature of Tanhouse Lane (which is mostly single track, unlit, with no dedicated pedestrian footway). It is indeed recognised that the site is not in an ideal location in terms of travel sustainability. But, it is considered overall that it benefits from reasonable levels of sustainability that development should not be resisted.
- 5.22 Development should not be resisted due to its highway impacts unless those impacts are considered severe. The nature of Tanhouse Lane is noted but adequate visibility can be provided and the access can be improved to an adoptable standard. In terms of traffic movement, development like this in an urban area would be likely to generate around 8 peak hour movements per day.

- The more rural location is likely to increase this figure as a greater number of trips would be undertaken by private car, however, it is unlikely to be such a significant increase that it could be severe.
- 5.23 Whilst the concerns of the highways officer is noted, the development would provide a technically safe access and is far more accessible than many parts of the rural area. For this reason, whilst the concerns are noted, the impacts are not considered to be severe and therefore the balance falls towards approving the proposal.
- 5.24 The site would be able to accommodate the required level of parking to comply with the Residential Parking Standard SPD.
- 5.25 Ecology and Landscape
An Ecological Assessment has been submitted in support of the proposed application by Ethos Environmental Planning (August 2016). This found that the site provides little habitat in itself but that the hedgerow is species rich and should be retained. The ecological report recommend various mitigation, enhancement and compensation measures to prevent biodiversity loss, and enable biodiversity gain, through the proposed development. A condition on any approval seeking an ecological mitigation and enhancement scheme should be attached.
- 5.26 The site is covered by an area based tree preservation order. An arboricultural report has been submitted with the application (Hillside Trees, dated October 2016). Whilst the contents of this report is broadly accepted, the proposed tree protection is based on the previous version of the scheme. Therefore a revised tree protection report will be required by condition to come forwards as part of the reserved matters.
- 5.27 A further scheme to secure the site landscaping is not required as this is a later reserved matter.
- 5.28 Drainage
The application site will be served by a new package treatment plant. As a result, it is considered that sufficient provision through this and Building Regulations have been made. Whilst a SUDS scheme has been suggested, the scale of development and the nature of the site do not warrant it to be secured through a planning condition.
- 5.29 Overall Planning Balance
The provision of 7 dwellings would make a contribution towards housing supply. As the number is low, it attracts limited weight. The provision of affordable housing weighs in favour of the proposal. As this is being provided, the provision of housing overall has moderate weight.
- 5.30 The above analysis has identified that there is some harm to travel sustainability should the development be permitted but that this harm is limited. Overall, the development would have socio-economic benefits which outweigh any environmental harm.

5.31 The proposed development therefore should, on balance, be granted planning permission.

5.32 Other Matters

It is not considered that the proposed development would have a significant impact on land availability. While development finance can sometimes be a material planning consideration, the profit of the developer is not given weight in this analysis as issues of viability have not been raised.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

(i) 35% of dwellings to be delivered as Affordable Housing on site.

7.2 It is recommended that that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.

7.3 It is recommended that should the Agreement not be completed within 6 months of the date of the resolution to grant planning permission, the application shall:

(i) be returned to the Circulated Schedule for further consideration; or,
(ii) that delegated authority be given to the Director or Environment and Community Services to refuse the application.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

1. Approval of the details of the scale and appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. Prior to the first occupation of any dwelling hereby permitted, details of the improved intersection of Tanhouse Lane and the access (based on drawing SK-01 contained within the Transport Statement prepared by Cotswold Transport Planning dated August 2016) shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out as agreed and no dwellings shall be occupied until the agreed works have been undertaken in full.

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.

6. As part of the plans and particulars required by Condition 2 submitted in relation to the landscaping of the site, an Ecological Mitigation and Enhancement Plan shall be submitted for assessment. For the avoidance of doubt, the required Plan shall include the recommendations made in Chapter 9 of the Ecological Assessment by Ethos Environmental Planning, dated August 2016.

Reason

To protect and enhance biodiversity, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

7. As part of the plans and particulars required by Condition 2 submitted in relation to the landscaping of the site, a revised arboricultural report (to include arboricultural impact assessment, arboricultural method statement, and tree protection plan) to take account of the layout of the development hereby approved shall be submitted for assessment.

Reason

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

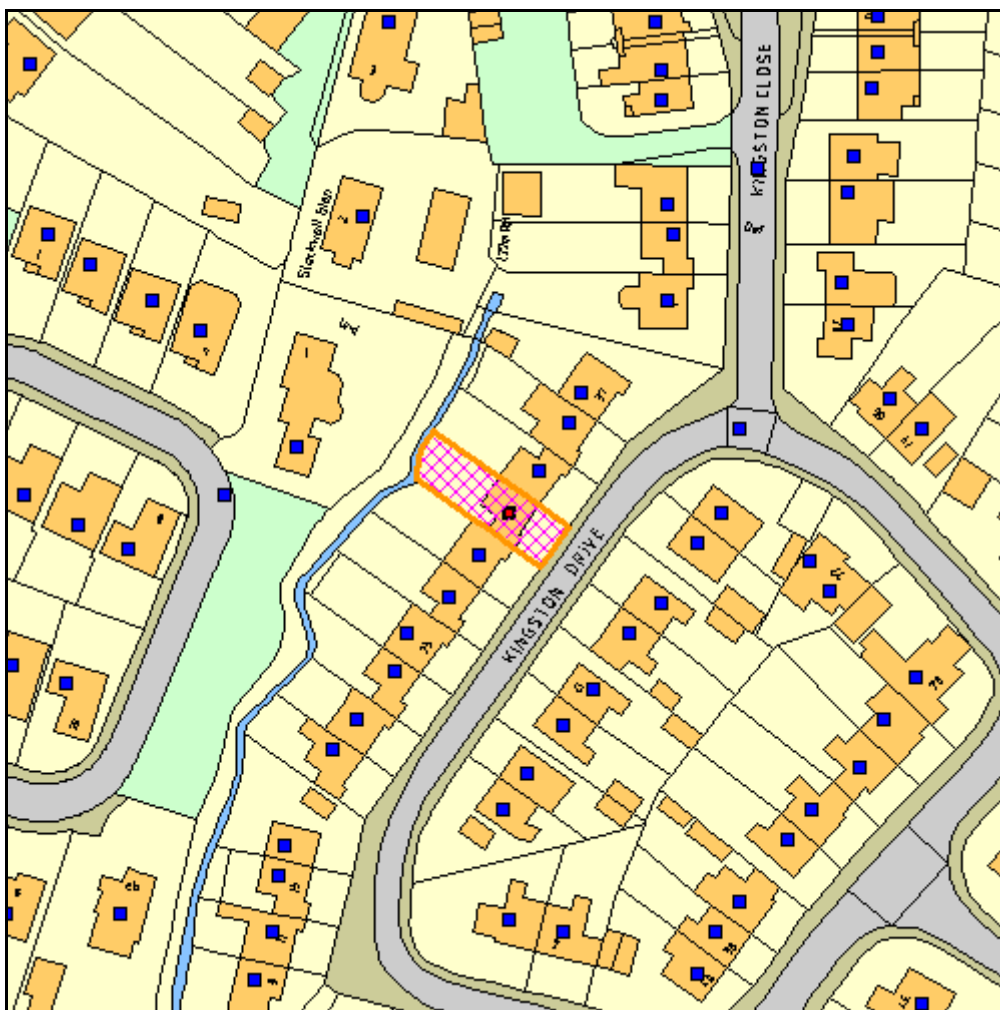
8. The hours of working on site during the period of construction shall be restricted to 0730 to 1800 Monday to Friday, 0800 to 1300 on Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use 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 during construction, and to accord with the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 24/17 – 16 JUNE 2017

App No.:	PK17/1449/F	Applicant:	Mr Steve Roberts
Site:	31 Kingston Drive Mangotsfield Bristol South Gloucestershire BS16 9BQ	Date Reg:	6th April 2017
Proposal:	Erection of two storey side extension to form annexe ancillary to main dwelling, erection of front porch and single storey rear extension to provide additional living accommodation.	Parish:	None
Map Ref:	366049 177111	Ward:	Rodway
Application Category:	Householder	Target Date:	30th May 2017



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PK17/1449/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as representations have been received which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission to erect a double storey side extension to form ancillary annexe accommodation, and a front porch and single storey rear extension to provide additional living accommodation.
- 1.2 The application relates to a double storey mid-terrace property situated within an established residential area of Mangotsfield.
- 1.3 During the course of the application a revised plan has been submitted in order to identify proposed off street parking spaces.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing Environment and Heritage

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- H4 Development within Existing Residential Curtilages
- T12 Transportation
- L1 Landscape Protection

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

- PSP1 Local Distinctiveness
- PSP2 Landscape
- PSP8 Residential Amenity
- PSP11 Transport Impact Management
- PSP16 Parking Standards
- PSP38 Development within Existing Residential Curtilages

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

3. **RELEVANT PLANNING HISTORY**

3.1 None relevant

4. **CONSULTATION RESPONSES**

4.1 Emersons Green Town Council

Objection:

- Lack of parking provision

4.2 Other Consultees

Sustainable Transport

Objection:

- More detail requested

Update: revised plans received

Lead Local Flood Authority

No objection.

Tree Officer

No objection subject to condition.

Other Representations

4.3 Local Residents

None received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks permission for the erection of a double storey side, front porch and single storey rear extension to an existing residential dwelling. Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highways and design. However prior to considering the specifics of the proposal, an assessment should be made as to whether the proposal would indeed function as an annex or whether it is tantamount to a new dwelling

5.2 The Test of an Annex

The proposed double storey side extension would contain a living room, kitchen, bathroom and a bedroom all on the ground floor behind 1no. front door. As a result it could reasonably function as a dwelling in its own right and form a separate planning unit. It is therefore necessary to consider the likelihood of the proposed extension being used as an annex over a separate dwelling.

5.3 An annex traditionally must demonstrate both a physical and functional relationship to the main dwelling for it to be considered ancillary to it. Plans submitted show no shared internal facilities.

However, given the nature of the site within the existing residential curtilage, external facilities such as garden and car parking must be shared. There is little scope for the annex to be able to provide sufficient amenity space or parking in its own right and must have some functional reliance on the main dwelling. Therefore, whilst the accommodation proposed within the extension to facilitate the annex would be able to provide independent living accommodation, the characteristics of the site make it unlikely that it would be occupied as an entirely separate unit.

5.4 Given this conclusion, the application will now be assessed as a householder extension rather than the creation of a new residential unit. A condition will be applied that prevents occupation of the annex in a manner not associated to the main residential dwelling at no.31 Kingston Drive, Mangotsfield.

5.5 Residential Amenity

The application consists of a link semi-detached property situated within an established residential area. The proposal is to erect a double storey side extension, a single storey rear extension and small front porch. The nearest neighbouring properties are no.29 Kingston Drive which is garage linked, and the attached neighbour at no. 33.

5.6 In terms of the impact on the amenity of nearby occupiers, it is considered that the proposal would not have a prejudicial impact on the attached neighbour given that the proposed extensions would be contained entirely to the southwest. It is also considered that the front porch, by virtue of its small scale, would not have any adverse impacts on residential amenity. The main consideration therefore is the impact of the double side and single rear extensions on the occupiers of no. 29.

5.7 The proposed double storey extension would not extend beyond the front or rear elevations of no.29 and although there are secondary openings in their side elevation, it is not considered that the development would appear adversely overbearing or oppressive to the amenity areas or ground floor windows. The application site is to the north of no.29 and as such the proposal would not have any appreciable impacts on existing levels of natural light.

5.8 All other neighbouring dwellings remain an adequate distance from the application site in order to remain unaffected.

5.9 Highway Safety

The proposal would result in the loss of parking provision in the form of an integral garage and an increase in bedrooms from three to five. The Town Council's comments are noted, but revised plans now identify that the site is capable of accommodating 3no. off-street parking spaces at the front of the dwelling. The Council's Residential Parking Standards SPD states that a five bedroom property must have a minimum of three off-street parking spaces. The proposal therefore meets this requirement. To ensure that the new spaces are provided to serve the extended dwelling, the application will be subject to a condition attached to the decision notice.

5.10 Design

The application site consists of a link semi-detached double storey dwelling finished in a mix of render and brick facing with a canopy porch. The dwelling has a gable tiled roof. The site is characteristic of its locality which consists of pairs of linked semi-detached dwellings which are evenly spaced and of a similar design and appearance. Examples of double storey side and front porch extensions can be found in the locality, both subservient and not.

5.11 The proposal is to erect a double storey side extension which would match the original house in height and depth. Although the side extension would infill a gap this is not uncharacteristic of this locality given the presence of other existing extensions on nearby dwellings. The proposed front extension would be a simple, modest lean-to and the rear addition, although not visible, would be in keeping. Overall, provided materials used match the existing, it is considered that the development would achieve a high standard of design.

5.12 Trees

Subject to the erection of protective tree fencing, there are no arboricultural objections.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application is APPROVED subject to the following conditions:

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. Prior to the commencement of development a scheme for the protection of the existing trees shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme will comply with the provisions of BS:5837:2012 ("Trees in relation to design, demolition and construction - Recommendations"). The approved scheme for the protection of the existing trees shall be implemented before development commences and be maintained in full until the single storey rear is complete and shed relocated.

Reason

A scheme is required prior to commencement to ensure existing trees are protected during construction and the character and amenity of the area is not impaired. To comply with saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, and the National Planning Policy Framework.

3. The off-street parking facilities shown on plan 1074/PR/06 Rev A (Proposed Block Plan) hereby approved shall be provided before the extensions are first occupied, and thereafter retained for that purpose.

Reason

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

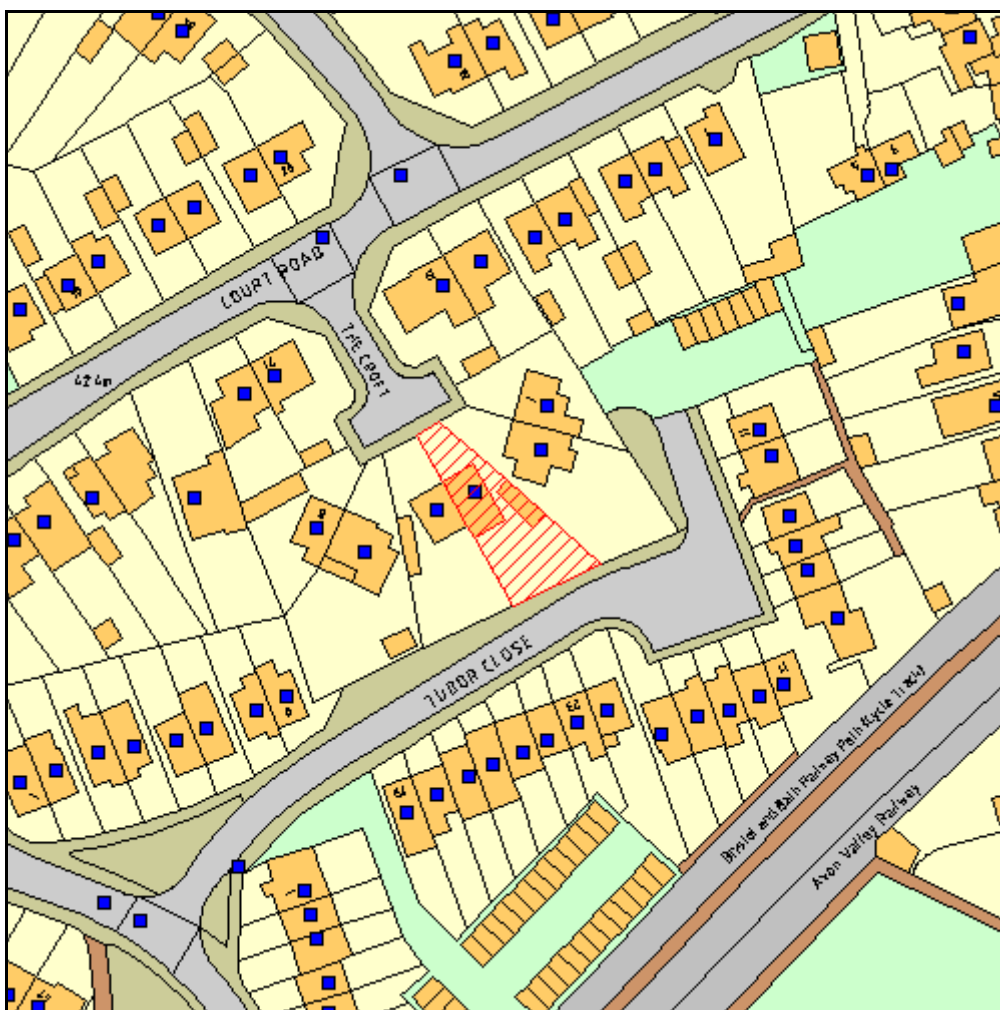
4. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 31 Kingston Drive, Mangotsfield.

Reason

The development has been permitted on the particular circumstances of the case and the development would be unsuitable for use as a separate residential dwelling because it would require further consideration with regard to residential amenity and parking against Policies CS1, CS8, CS15, CS16, and CS17 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2016.

CIRCULATED SCHEDULE NO. 24/17 – 16 JUNE 2017

App No.:	PK17/1733/F	Applicant:	Mr P Kennedy
Site:	3 The Croft Oldland Common Bristol South Gloucestershire BS30 9SL	Date Reg:	3rd May 2017
Proposal:	Demolition of existing garage and rear extension. Erection of single and two storey rear extension to form additional living accommodation.	Parish:	Bitton Parish Council
Map Ref:	367169 171371	Ward:	Oldland Common
Application Category:	Householder	Target Date:	7th June 2017



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PK17/1733/F

1. **PROPOSAL AND SITE DESCRIPTION**

- 1.1 This application seeks full planning permission for the demolition of existing garage and rear extension and the erection of a single and two storey rear extension to form additional living accommodation at 3 The Croft, Oldland Common.
- 1.2 The application relates to a two storey, semi-detached property which has render and brick elevations with UPVC windows and a tiled roof. The property is located within a cul-de-sac off Court Road. The application site is located within a built up residential area of Oldland Common and part of the East Fringe of Bristol Urban Area.

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS29 Communities of the East Fringe of Bristol Urban Area

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

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development

Emerging Plan

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

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
Residential Parking Standard SPD (Adopted) December 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 K62 Approved 28.06.1974
EXTENSION TO EXISTING DWELLING TO PROVIDE ADDITIONAL KITCHEN AREA.

- | | | | |
|-----|---|----------|------------|
| 3.2 | K62/1 | Approved | 28.09.1977 |
| | RETENTION OF CONSERVATORY | | |
| 3.3 | K62/2 | Approved | 14.06.1978 |
| | ERECTION OF A FIRST STOREY REAR EXTENSION OVER EXISTING KITCHEN TO PROVIDE ADDITIONAL BATHROOM AREA | | |

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council
No objection

4.2 Sustainable Transport
'The development proposes to demolish an existing detached garage and erect a two storey extension to provide additional living accommodation. Part of the development also proposes a loft conversion. After development four bedrooms will be provided within the site boundary. The Councils residential parking standards state that a dwelling with up to four bedrooms provide a minimum of two parking spaces within its site boundary. No detail has been submitted on the proposed parking arrangements for this dwelling after development. Before further comment can be made a revised site plan which clearly shows the vehicular access and the proposed parking needs to be submitted.'

Other Representations

4.3 Local Residents
2no. comments from local residents. Summarised as follows:
- Overlooking concerns. Ensure side window is opaque and non-opening

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and the emerging Policy PSP38 of PSP Plan (June 2016) allow the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual amenity
The property has an existing two storey rear extension, it is proposed that this would be demolished and replaced with a single and two storey rear extension. The two storey element of the extension would be of a similar size to the existing, it would have a depth of 2.5 metres and a width of 3.4 metres. Plans show it would form a rear facing gable and would have a maximum height of 6.1 metres to the ridge and 4.9 metres to the eaves. The single storey element of the extension would adjoin to the eastern (side) elevation of the two storey

- element. It would have a depth of 2.5 metres and a width of 2.7 metres. It would have a lean to roof with a maximum height of 3.2 metres to the ridge and 2.1 metres to the eaves.
- 5.3 Information submitted shows that all materials would match those on the existing property. The development would introduce 2no. windows, 4no. rooflight and a patio door all to the rear elevation, as well as 1no. window to the west (side) elevation at first floor, and 1no. window to the east (side) elevation.
- 5.4 The development would be similar to the existing and it is considered that it would not be detrimental to the character of the property or its context. Accordingly, the proposal is acceptable in terms of design and visual amenity, and would comply with Policy CS1 of the Core Strategy
- 5.5 Residential Amenity
The proposed two storey element of the extension would be similar to the existing. It is acknowledged that the development would also introduce a single storey element but it is not felt that this would have a material impact on nearby occupiers.
- 5.6 Residents commented regarding the first floor side window to the eastern (side) elevation of the two storey element. Officers raised concerns that due to the size of the window this may not be used as an opaque window and would therefore result in overlooking to nearby occupiers, particularly those at No.4 The Croft. Following these concerns revised plans have been received which now show a smaller, non-opening window. Plans show that this will be obscure glazed, but for avoidance of doubt it is recommended that it would be conditioned as such.
- 5.7 In light of the above, and overall, it is considered the proposed development would not be detrimental to residential amenity and is deemed to comply with saved Policy H4 of the Local Plan (2006).
- 5.8 Highways
The case officer notes requests from transportation colleagues regarding the proposed parking at the site. The development would result in an increase of bedrooms from 3 to 4. As such the residential parking SPD sets out that 2no spaces would need to be provided within the site boundary. Whilst it is acknowledged that the development would involve the demolition of the garage, the case officer noted on a site visit that 2no parking spaces could be provided on hardstanding to the front of the property. There would be no alterations to access. Accordingly, no objection is raised to highway matters.
- 5.9 Other matters
It is noted that a rear extension is also shown in submitted plans for No.4 The Croft. This extension does not form part of this application and has not been considered though this application. A condition is recommended in relation to this for the avoidance of doubt.

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: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

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

Reason

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

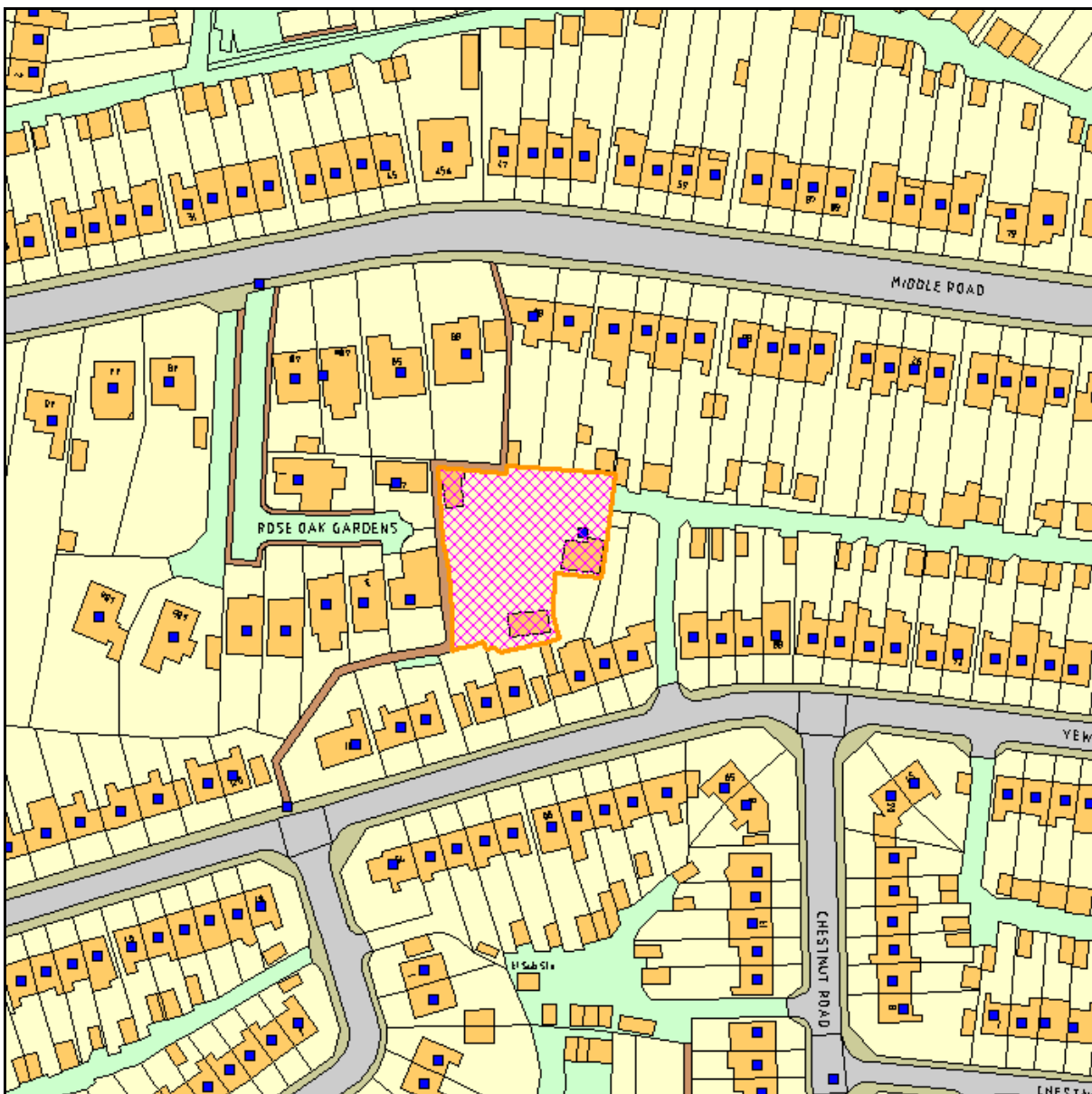
3. Approval of this application does not grant planning permission for an extension at No.4 The Croft.

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 24/17 – 16 JUNE 2017

App No.:	PK17/1754/F	Applicant:	Mr & Mrs Popham
Site:	The Bungalow 94A Yew Tree Drive Kingswood South Gloucestershire BS15 4UD	Date Reg:	8th May 2017
Proposal:	Erection of 1no detached dwelling with detached garage, access and associated works.	Parish:	None
Map Ref:	365636 175241	Ward:	Rodway
Application Category:	Minor	Target Date:	28th June 2017



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 100023410, 2008. N.T.S. PK17/1754/F

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. detached dwelling with associated works within the curtilage of the property known as The Bungalow, 94A Yew Tree Drive, Kingswood.
- 1.2 The host property is a backland plot which is currently occupied by a small single storey outbuilding that has been converted to independent living accommodation. This existing structure will be retained, however another single storey building will be demolished as part of the proposal.
- 1.3 Access to the property is via a private lane which provides access to rear garages of neighbouring properties.
- 1.4 Permission has previously been granted for a dwelling, this permission is still valid, however the proposal seeks to alter the design to provide a single storey bungalow rather than the two storey dwelling already permitted.
- 1.5 The site is located within the built up residential area of Kingswood and an area occupied predominantly by mid to late 20th century dwellings of varying styles.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity

PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
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 PK15/3007/F – Withdrawn – 28/09/2015 – Erection of 1no dwelling with associated works. Amendment to previously approved scheme PK14/1958/F to increase size of approved dwelling and retain existing garage whilst retaining existing dwelling as an annexe ancillary to the main dwelling.
- 3.2 PK14/1958/F – Approval – 22/10/2014 – Demolition of existing bungalow and outbuildings and erection of 1no detached dwelling and detached double garage with associated works.
- 3.3 PK12/1434/CLE – Approved – 22/08/2012 – Application for Certificate of Lawfulness for an existing use as Dwelling house (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amend).
- 3.4 PK08/0436/O – Refusal of Outline – 07/04/2008 – Erection of 5no bungalows (Outline) with layout and access to be determined. All other matters reserved.
- 3.5 PK06/3479/F – Withdrawn – 25/10/2007 – Erection of 2 no. ancillary detached dwellings to the rear of 72 Middle Road, with car parking and associated works.
- 3.6 PK00/0759/F – Refusal – 23/05/2000 – Erection of a rear conservatory.
- 3.7 K5962 – Approval – 22/09/1988 – Erection of two storey side extension.
- 3.8 K1101/LAP – Approval – 17/08/1976 – Erection of a bungalow with garage and construction of new vehicular and pedestrian access.
- 3.9 K1101 – Refusal of Outline – 11/12/1975 – Outline application for the erection of a detached dwelling house garage construction of new vehicular and pedestrian access.

4. **CONSULTATION RESPONSES**

- 4.1 Unparished area
 No Comment Available

- 4.2 Other Consultees

Highway Structures

If the application includes a boundary alongside a public highway the responsibility for its maintenance shall fall with the property owner.

Public Rights of Way Officer

The proposal site is bounded by a public right of way that at some point since 1991 has been encroached upon and is no longer at its specified width. Suggests that a condition is attached requiring the widening and resurfacing of the path.

Transport Officer

No objection subject to the appendage of a number of conditions. Note that the existing residential use means the proposal would not lead to a material increase in the use of the lane subject to restriction to a single residential unit that is not in multiple occupation.

Drainage and Flood Risk

No Objection

Coal Authority

No Objection

Other Representations

4.3 Local Residents

6 comments have been received from local residents objecting to the proposal. The comments primarily note that the access lane is substandard and the respondents voice concerns over the potential highway safety issues and emergency vehicles not being able to access the site. In addition a number of comments indicate concern over the connection to the existing sewage system as there are already issues experienced by residents. Comments also note that no site notice was posted on the entrance to the access lane meaning those not contacted by post haven't been notified of the application. Other comments have suggested the proposal would deteriorate property values and privacy and that there is potential for the obstruction of the access during construction.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of development was established under the earlier permission (PK14/1958/F) accordingly the alterations over that of the existing permission are the main issues under consideration. In this case the proposal has been reduced in height but the footprint of the building has been increased. In addition to this the proposal seeks to retain the existing dwelling on the property as a residential annexe. The only other significant material change since the previous decision to allow a dwelling in this location is that the Local Planning Authority is unable to demonstrate a 5 year supply of housing land. This gives added impetus in favour of allowing residential development – but the principle is already supported by the development plan policy and planning history.

5.2 The location of the site would be considered a suitable location for development and would be acceptable in principle. 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 proposals impact on transport and parking provision. 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.

5.3 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. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development within the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and that it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal is subject to the consideration below.

5.4 Design and Visual Amenity

The proposal consists of the erection of 1no detached dwelling with associated works within the residential curtilage of The Bungalow, 94A Yew Tree Drive, Kingswood. The character of the area is varied with mid-20th century terraced and semi-detached properties with similar characters along Yew Tree Drive, where Middle Lane also has these mid-20th century dwellings but with a number of detached bungalows intermittently positioned just north of the proposal site. On this basis a bungalow has been considered to be in keeping with the general character of the area. In addition permission has previously been granted for a dwelling on the site. This application varies in that the proposal is only of a single storey, where the permitted development sought to erect a dwelling with a second floor. There is no change in the number of bedrooms within the bungalow proposed, however this proposal seeks to retain the existing 1 bedroom dwelling on the site as an ancillary outbuilding.

5.5 There is an existing detached garage to be replaced and a further single storey outbuilding to be demolished. With regard to the outbuilding, this has no particular aesthetic merit and consequently there is no objection to its loss. Furthermore the existing garage has a basic form of construction and the proposal would have a better appearance than the existing structure, as a result there is no objection to these parts of the proposal with regard to visual amenity.

5.6 The current proposal whilst reduced in height, has a larger footprint than that previously permitted. The proposal will have an end to end length of 21 metres and a front to rear depth of 8.45 metres, however the height has been significantly reduced to 4.7 metres from 7.15 metres. The permitted development has a side to side length of around 16 metres and a front to rear depth of around 8.25 metres. That said the proposal site is relatively large and the position of the building is similar. Furthermore the proposal site is a backland plot that is not visible from the streetscene. Given the size of the plot and the location of the dwelling, it has been considered to have an acceptable setting and is proportionate to the size of the development site.

5.7 In addition to the change in size of the proposed dwelling the current proposal has opted for a hipped roof with front/rear gables to either end of the property.

- The majority of nearby dwellings have a hipped roof or is part of a terrace with hipped end terrace properties. Consequently there is no objection to the altered roof design.
- 5.8 Nearby properties exhibit a range of materials but are predominately constructed with either brick or rendered elevations with a clay tiled roof. The proposal will utilise brick quoins and predominately rendered elevations but with a proportion of timber to the front. This is considered to be an acceptable material palette, however greater detail will be required to ensure that is the case. As with the previous permission a condition would be attached requiring the submission of samples of external facing materials prior to the commencement of development.
- 5.9 Comments have been received concerned that the existing trees and hedges on site have been felled and burnt. A condition was attached to the existing permission requiring the submission of a landscape plan suggesting what will be retained and what will be introduced. No such plan has been submitted, however the development has not been implemented and consequently would not have to adhere to the condition. Furthermore the felling of unprotected trees and vegetation is not considered to be development and no permission would be required for such works. If concerns over the burning of material on site continue it is suggested that the environmental health department is contacted. In relation to this current proposal as the trees have already been removed it does not seem necessary to condition a landscaping scheme, however to ensure an adequate level of screening a condition will be attached requiring the retention of a 2 metre boundary treatment to the north and eastern fringe of the site to protect the residential amenity of the property and its neighbours.
- 5.10 Overall, it is considered that the proposed detached dwelling would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Whilst some negative weight should be attributed to the proposed detached nature of the proposal this is considered to be outweighed by the benefit the proposal will be providing with regard to its contribution to housing. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.
- 5.11 Sewerage and Drainage
A number of objection comments have indicated concern over the proposals impact on the local sewage and drainage systems. It is suggested that there are already problems experienced nearby (Middle Road) and that the connection of the additional property would compound these problems. That said the proposal site has an existing residential use that is occupied by the applicant and it is not thought the proposal would materially increase demand for such services. The application form indicates that sewage and surface water runoff will be disposed into the mains sewer. The previous application indicated that there would be a rainwater collection tank that would have a controlled release to the public sewer to the south of the site and a connection to the foul sewer in the same location, there is no detail of the controlled release tank under the current application.

It is however assumed the proposal would be connected to these existing foul and surface water sewers and not the connection on Middle Road as noted by some of the objecting parties. In any event, for a development of this scale it is considered that building control regulations would ensure adequate domestic drainage connections.

5.12 Residential Amenity

Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.

5.13 The proposal is an amendment to a previously approved scheme, this previous application was found to be acceptable in relation to impact on residential amenity. The proposal remains much the same except the dwelling has been reduced in height and has a larger footprint. The property will have the same aspect and a similar sitting. Given the reduction in height, the proposal is seen to have a less harmful impact on the amenity of neighbouring occupiers as a result of overbearing or the associated loss of light and would also reduce the likelihood of inter-visibility between living accommodation and therefore would have a less harmful impact on privacy which is one objection raised by neighbours. That said, the proposal site is uneven and the ground level varies quite significantly from south to north. Under the previous permission there was a requirement to submit detail of the level of the ground slab for approval. This has been seen as reasonable and a condition will be suggested.

5.14 It has also been noted that the reason larger schemes have been refused or withdrawn is as that the access arrangements are less than desirable and the introduction of more than one residential unit would likely lead to unacceptable conditions on the access and not the potential impact on the residential amenity of neighbours.

5.15 The host property is a reasonably sized site. Following development a good area of outdoor amenity space would remain. This outdoor amenity space would be significantly larger than any nearby dwellings and there is no objection in this respect.

5.16 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, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.

5.17 Annexe Test

The proposal seeks to retain the existing 'bungalow' that is currently independently occupied. The proposal wishes to retain this as an ancillary outbuilding and not as an independent unit. By definition an annexe must be ancillary to the main dwellinghouse and should have some form of physical and functional reliance upon it. In this case, the structure has all the internal facilities required for independent living; i.e. a bed space, a bathroom, kitchen

and living space; and could therefore be occupied independently in the future. That said the structure will not have access to a private garden or parking space; meaning the annexe could not be independently occupied without having a harmful impact on residential amenity of the occupiers of the structure or the host dwelling and parking provision. The application therefore demonstrates that the proposal will function as an annexe. A condition will be included restricting the building from being independently occupied in the future.

5.18 Sustainable Transport and Parking Provision

Currently the property has a detached garage and an area of hardstanding to the rear of the property. The proposal would see the replacement of the garage and hardstanding to retain the 4 spaces provided to the host dwelling. New development must provide off-street parking in accordance with the Residential Parking Standards SPD (adopted) December 2013. A 3 or 4 bedroom property is required to provide 2 private parking spaces. As a new dwelling will be erected with 3 bedrooms and the existing residential unit with 1 bedroom will be retained, a total of 2 private car parking spaces must be provided on site. These have been identified on the block plan. There is no objection with regard to parking provision.

5.19 The access to the site is via a private access lane that also provides for neighbouring properties garaging. There is an existing independent residential use on the site and consequently the transport officer does not consider the proposal to lead to a material change in the use of this access. Nevertheless the proposal would require access for delivery and construction vehicles and given this restricted access, there could be difficulty in providing suitable access for such vehicles. Not only should the times of delivery and construction be controlled given its residential situation, greater detail over the construction management will be required prior to the commencement of development. Consequently if permission is granted a condition will be attached requiring the submission of a construction management plan prior to the commencement of development.

5.20 A number of objections have been received from neighbouring occupiers with regard to highway safety and the safety of the private access lane. Comments indicate that the location already has safety issues and that it would exacerbate this concern. Comments from the transport officer show that the additional pressure as a result of the new development is not considered to adversely impact safety as there is an existing residential use on the site. Given this consideration and professional opinion of the transport officer, the proposal is not considered to have any adverse impact on highway safety and is therefore acceptable in respect of saved policy T12 and the provisions of the South Gloucestershire Residential Parking Standards and the NPPF (2012).

5.21 Public Rights of Way

The application site is bounded by the public right of way KW4/10. This has been subject to a diversion order in 1991 to pass by the western and northern boundary of the site. At that point the width of the path was registered as 2 metres. At some point since that time it has become apparent the boundary wall encroached onto the path and its width has been reduced.

This has been identified by PROW officers. It was suggested that a condition is attached were permission granted for the widening and resurfacing of the area to bring it back to its 2 metre width. A condition to this effect was imposed on the previous approval to ensure that a boundary treatment of at least 1.8 metres is retained. This has been imposed in light of the overall impact of the development upon the adjacent PROW. However in the even no development takes place at the site it is understood that the works are likely to be necessary in order to prevent enforcement under the Highways Act. On the basis there will be a requirement to remove the existing boundary and it will be required to be replaced under the aforementioned condition, given this consideration, it has been seen as reasonable to attach a condition requiring the submission of details for the widening of the pathway.

5.22 In addition to the above consideration agreement has been reached between the applicant and the councils PROW officer to carry out the works without any enforcement action being initiated. As the works will be carried out during the development process it has been seen as necessary to request detail of when the PROW will be temporarily obstructed to allow demolition of the existing boundary and the construction of the new boundary to take place. This will be requested under the construction management plan.

5.23 Other Matters

Objecting parties also noted that the proposal may result in a drop in nearby property values. The planning department do not seek to regulate property prices but to control and mediate the impact on the built and natural environment. On this basis the objections are not considered to be related to planning and are therefore not relevant to the determination of this planning 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 (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. No development shall take place including any works of demolition until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide for: the routes of construction traffic; the delivery of materials/equipment/machinery; parking of vehicles of site operatives/visitors; pedestrian protection measures; a schedule for the works to the boundary along the public right of way; and arrangements for turning vehicles. The approved plan shall be adhered to throughout the construction period.

Reason

To protect the amenities of the occupiers of nearby dwelling houses; and to ensure appropriate access for construction traffic and to prevent conflict of users on the access lane. This is to accord with policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies). The information is required prior to commencement as it relates to the impact of the development on the locality during the construction phase.

3. Prior to the commencement of development a plan showing details of the level (OS datum levels) of the ground floor slab shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the ground level so approved.

Reason

To ensure a suitable relationship with the surrounding residential occupiers in the interests of residential amenity; and to provide certainty regarding the extent of "cutting in" to existing ground levels. This is to accord with policies L1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies); and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013. The information is required prior to commencement as it relates to the impact of the development on the locality.

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013. The information is required prior to commencement as it relates to the finished appearance of the development.

5. Prior to the occupation of the development hereby approved a boundary treatment of at least 1.8 metres shall be erected along the north and western boundary of the development site. The boundary treatment will thereafter be retained into perpetuity.

Reason

To protect the character and appearance of the area and to protect the privacy and amenity of neighbouring occupiers, to accord with Saved Policies H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

6. The dwelling hereby approved shall not be occupied until the associated vehicle parking areas and manoeuvring areas have been provided in accordance with the Site Plan received by the Local Planning Authority on 13th April 2017. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

Reason

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

7. The existing dwelling to be retained shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 94A The Bungalow, Yew Tree Drive, Kingswood.

Reason

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

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

Reason

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

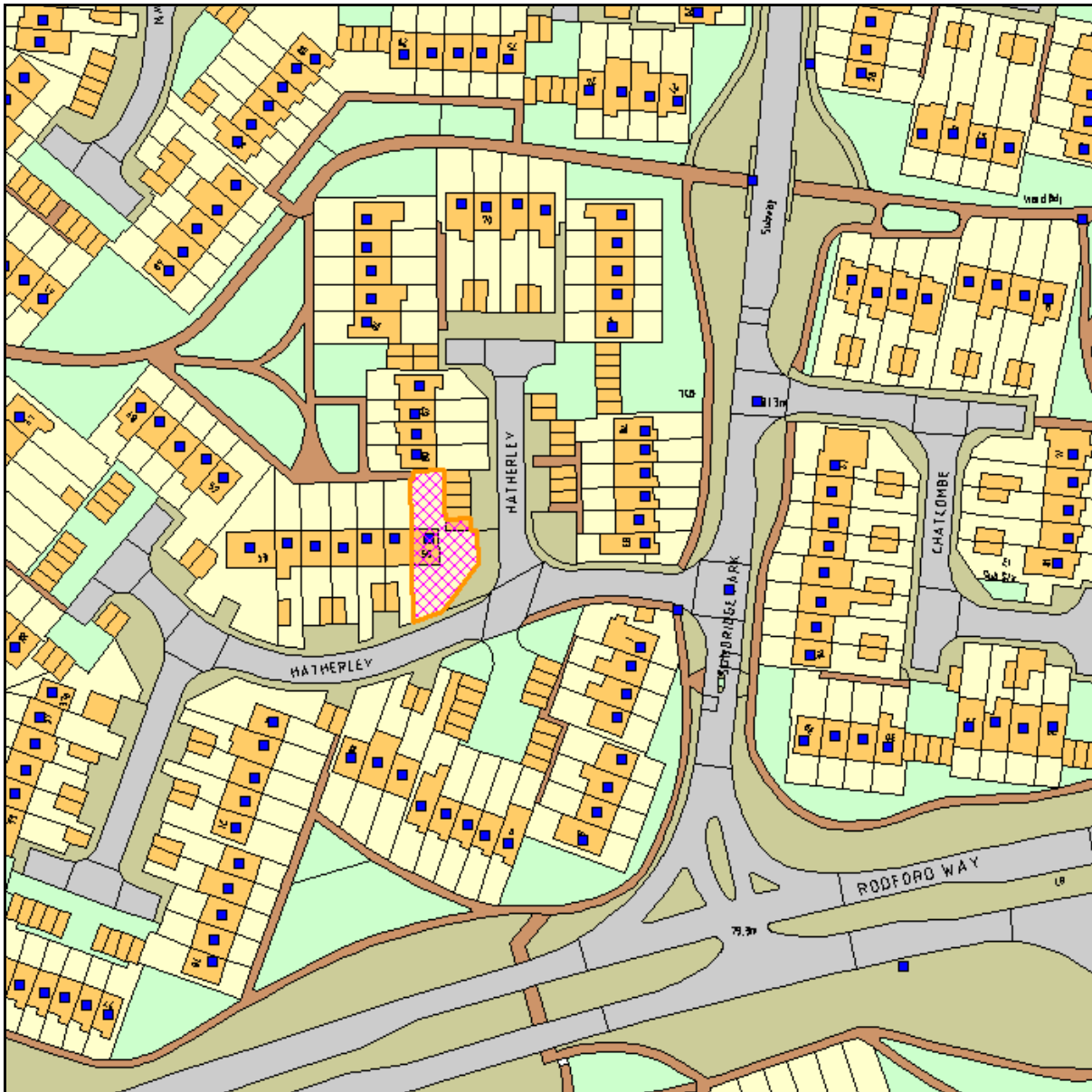
9. Prior to the commencement of the development, details of the removal of the block wall (north and western boundary) affecting the adjacent footpath ref.KW4, the proposed replacement fence or wall (allowing a minimum of 2 metres width of footpath) and restoration of a level surface footpath using stone and dust, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details within 3 months of the commencement of development.

Reason

To conform to S130 and S137 of the Highways Act 1980, Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 and Saved Policy LC12 of the South Gloucestershire Local Plan (adopted) January 2006. The details are required prior to commencement as it relates to the impact of the development on the public right of way and to ensure this impact is satisfactory.

CIRCULATED SCHEDULE NO. 24/17 – 16 JUNE 2017

App No.:	PK17/1937/F	Applicant:	Mr M Hanks
Site:	59 Hatherley Yate Bristol South Gloucestershire BS37 4LU	Date Reg:	16th May 2017
Proposal:	Sub-division of dwelling into 2no separate dwellings. (retrospective)	Parish:	Yate Town Council
Map Ref:	371142 181467	Ward:	Dodington
Application Category:	Minor	Target Date:	19th June 2017



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PK17/1937/F

REASON FOR SUBMISSION TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule list, following objections from the Town Council and a neighbour which are contrary to the recommendation detailed within this report.

1. THE PROPOSAL

- 1.1 This application seeks retrospective planning permission for the conversion of no. 59 Hatherley, Yate in two separate residential dwellings.
- 1.2 The application site is situated within an established residential area within the settlement boundary of the town of Yate. No statutory or non-statutory designations cover the site.
- 1.3 This application is on the same site as two previously refused proposals for an attached dwelling (PK15/4150/F and PK15/3052/F). They were both refused for being out of character and detrimental to residential amenity, and a subsequent appeal for PK15/3052/F was dismissed in February 2016. The previously refused scheme proposed a bungalow, and this application is for a two-storey dwelling. The refusal reason for PK15/4150/F was as follows:
 - 1- *The proposed dwelling, by reason of its size, design, layout and external appearance, would be out of keeping with the character of the locality and, if allowed, would appear contrived and would detract from the visual amenities of the locality. The proposal is therefore considered contrary to Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*
- 1.4 The new dwelling proposed is within a previously approved two-storey extension (PK16/1321/F), which is now being used as a separate dwelling.

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 (Adopted) January 2006 (saved policies)

H4 Development within Existing Residential Curtilages
T7 Cycle Parking
T12 Transportation
L5 Open Areas within Existing Urban Areas and Defined Settlements

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 Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS30 Yate and Chipping Sodbury

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
(b) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/1321/F Approve with conditions 24/05/2016
Erection of two storey side extension
This planning permission has been implemented and the extension is being utilised as a separate residential unit, hence the submission of this retrospective planning application.
- 3.2 PK15/4150/F Refusal 13/11/2015
Demolition of existing garage. Erection of 1 no. attached bungalow and associated works. (Resubmission of PK15/3052/F)

Refusal reason:

2- The proposed dwelling, by reason of its size, design, layout and external appearance, would be out of keeping with the character of the locality and, if allowed, would appear contrived and would detract from the visual amenities of the locality. The proposal is therefore considered contrary to Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3.3 PK15/3052/F Refusal 04/09/2015
Appeal Dismissed 01/02/2016
Demolition of existing garage. Erection of 1 no. attached bungalow and associated works.

Refusal reasons:

1- The proposed dwelling, by reason of its size, design, layout and external appearance, would be out of keeping with the character of the locality and, if allowed, would appear contrived and would detract from the visual amenities of the locality. The proposal is therefore considered contrary to Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

2- The occupants of the proposed dwelling would have a poor outlook, and both the proposed dwelling and no. 59 Hatherley would have an inadequate amount of private amenity space to the detriment of their residential amenity, and contrary to policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Object due to:

- Overdevelopment of site
- Overbearing
- Layout and density of building
- Design and visual appearance

4.2 Other Consultees

Dodington Parish Council

No response received.

Other Representations

4.3 Local Residents

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

- This application was originally declined but he built it anyway
- Parking in this area is limited and emergency services have difficulty accessing
- No parking for new house
- Makes a mockery of the planning system

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Paragraph 14 of the National Planning Policy Framework (NPPF) makes a general presumption in favour of sustainable development. In particular (in respect of decision making) Paragraph 14 of the NPPF makes it clear that where development plans are absent, silent or relevant policies are out of date, the Local Planning Authority should grant planning permission unless;

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or,
- specific policies in the NPPF indicate development should be restricted.

5.2 This application proposes a new dwelling within the urban area of Yate and is residential curtilage and so the principle of development is considered to accord with the development plan.

5.3 It should be noted that currently South Gloucestershire Council cannot identify a five year housing land supply, and the provision of an additional residential unit would weigh in favour of this development.

5.4 Design

The general locality, including all of Hatherley, is characterised by rows of two storey terraced properties arranged in a Radburn estate, with access, parking and garages to the rear for most properties, and some properties sharing rows of garages positioned elsewhere, in the case of no. 59. The footprint of the proposed dwelling forms the side garden of the host dwelling, which is an end terrace property in a prominent corner plot. The site is bound to the north by a row of garages, the closest of which under the ownership of the applicant and has been demolished to facilitate the new dwelling, as without the demolition the garage would be attached to the front elevation of the dwelling.

5.5 The previously refused dwelling on the site was a bungalow, which was not considered to reflect the character of the surrounding properties, which are all two storey terraced units. Furthermore, the principal elevation did not have the individual character that would be expected of an independent dwelling, and appeared to be a single storey extension to no. 59. This proposal is to convert the previously approved two-storey side extension (PK16/1321/F) into an independent dwelling with two bedrooms. The garage located to the front of the proposed unit has already been removed, as otherwise it would be attached to the front elevation of the dwelling proposed. Whilst the extension was designed to be subservient to the host dwelling, a characteristic which would not be encouraged for a new dwelling, the location of a main entrance door and two principal windows on the front elevation allows the property to have individual character not just as an extension.

5.6 An objection letter received from a neighbour states that this application has already been refused and the applicant went ahead with the build anyway. It should be noted that the previously refused dwellings were both bungalows, which were not in keeping with the style and form of the surrounding architecture. The provision of a two-storey dwelling is considered more acceptable by officers and is in accordance with policy CS1 of the Core Strategy (Adopted) December 2013.

5.7 Residential Amenity

The new dwelling proposed is a conversion of a previously approved extension, and its conversion will not result in any additional overlooking or overbearing issues. The amenity space shown for the existing and proposed dwelling are both small, and whilst the applicant has submitted a number of examples of other dwellings with small gardens in Yate, these are not considered to set a precedent, with each application to be determined on its own merits. Emerging policy PSP43 of the Policies Sites and Places Development Plan Document (Submission Draft) June 2016 states that three bedroom properties should have 60 square metres of useable private amenity space, and two bedroom properties must have 50 square metres. The existing dwelling has approximately 42 square metres of the required 60 square metres, whilst the proposed dwelling has around 60 square metres of usable amenity space (the southernmost corner has not been counted as it is poor quality due to the unusual shape and level of enclosure). Whilst it is not ideal that the existing dwelling has a reduced amount of amenity space than what is required, policy PSP43 is only an emerging policy and therefore currently carries limited weight.

The small garden is likely to be outweighed by the provision of an additional residential unit in a sustainable urban location.

5.8 Transport

Two parking spaces have been shown for the existing dwelling, and one space for the proposed dwelling, which is in accordance with the Residential Parking Standards SPD (Adopted) December 2013. Whilst the conversion is retrospective, the parking for the existing dwelling has not yet been implemented on site, and a condition will require that this is done within three months of the date of the permission. A condition will also ensure that the cycle parking is implemented for both dwellings and a gated entrance to the rear of no. 59 is installed, to allow for direct access from the parking area and to avoid bins and cycles being carried through the dwelling. Subject to this, there is no transportation objection to the proposal.

5.9 Other Issues

Comments received from neighbours have highlighted that the application is retrospective, and that the applicant should have applied for planning permission first. The retrospective nature of the application does not have a bearing on the assessment of the merits of this application, and officers would have recommended approval had the application been put in prior to the development taking place.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

1. Within three months of planning permission being granted, the off-street vehicular and cycle parking arrangements shown on the Site Block Plan 3692-2P Rev C (received 24th April 2017) shall be implemented and maintained thereafter for such a 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 encourage sustainable transport choices 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.

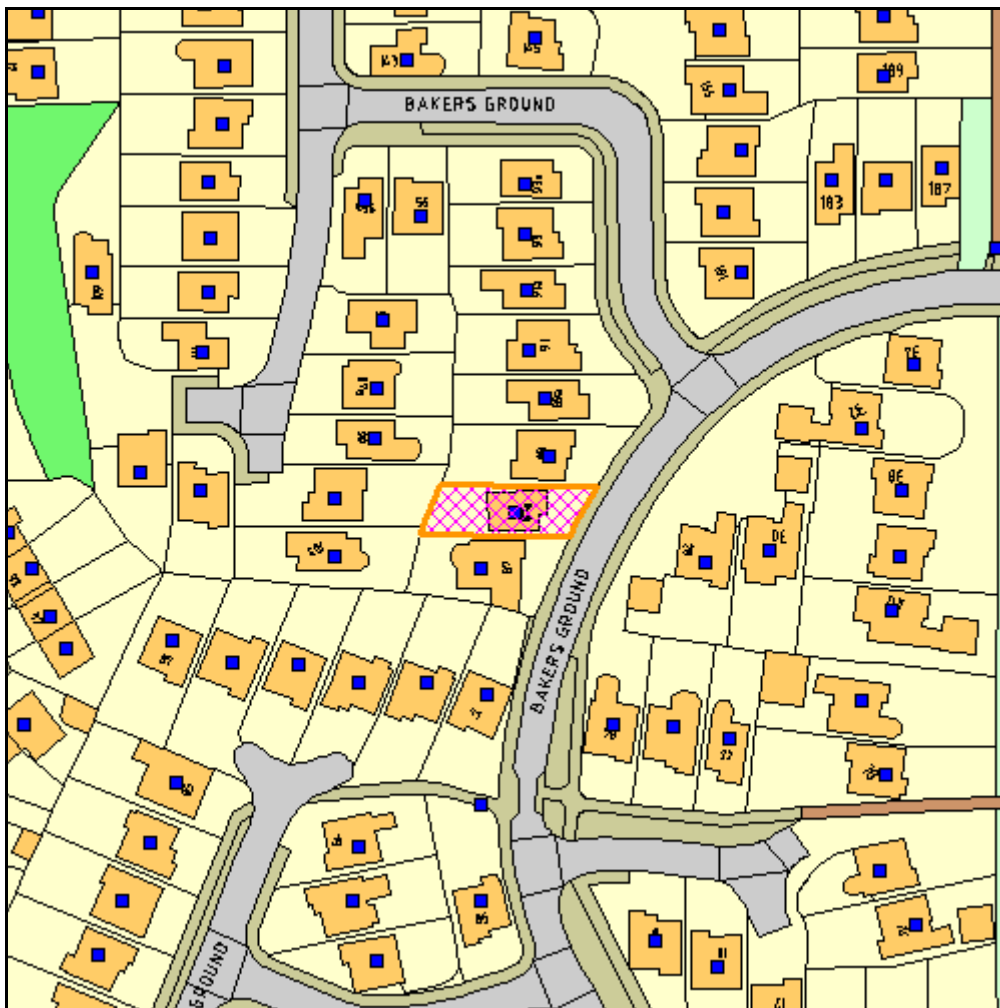
2. Within three months of the date planning permission was granted, a pedestrian gate shall be installed to provide access from the parking area to the rear into the garden of the existing dwelling, no. 59 Hatherley.

Reason

To enable pedestrian access between the parking areas and the rear of the property, in accordance with policy CS1 and CS8 of the Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 24/17 – 16 JUNE 2017

App No.:	PT17/0681/PDR	Applicant:	Mr Ranga KalupahanaRK Exclusive Limited
Site:	87A Bakers Ground Stoke Gifford Bristol South Gloucestershire BS34 8GD	Date Reg:	23rd February 2017
Proposal:	Erection of single storey rear extension and installation of rear dormer to form additional living accommodation	Parish:	Stoke Gifford Parish Council
Map Ref:	362960 180295	Ward:	Stoke Gifford
Application Category:		Target Date:	19th April 2017



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 100023410, 2008. N.T.S. PT17/0681/PDR

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a single storey rear extension to provide additional living accommodation, and the installation of 2no. rear dormers to facilitate a loft conversion at no. 87a Bakers Ground.
- 1.2 The application site consists of a modern detached property. The property sits within a modestly sized plot, and is situated within the built up residential area of Stoke Gifford. The main dwelling incorporates a front gable, and is finished in facing brickwork with an interlocking concrete tiled roof. The immediate surrounding area is characterised by similar, modern detached properties.
- 1.3 The majority of the proposed works meet the criteria set out in Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), and would therefore, ordinarily, constitute permitted development. However the permitted development rights at this property were restricted under condition 5 attached to planning permission ref. P96/1741. This condition restricted any development as specified in Part 1 (Classes A, D, E and G), or any minor operations as specified in Part 2 (Class A) of the GPDO, without the prior permission in writing of the Council.
- 1.4 Revised plans were requested and received on 19th May 2017. The revised plans involve amendments to the proposed rear extension and rear dormer window. A revised block plan was also submitted on this date, indicating the proposed parking arrangements at the site. Further revised plans were submitted to the Local Authority on 12th June 2017. This set of plans involve the removal of a proposed small round window to the front elevation of the property.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages

T12 Transportation

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

PSP8 Residential Amenity

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

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this took place in February of 2017, and adoption is expected toward the end of 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the PSP plan as a whole at this time – although weight can be attributed to those policies which are not expected to be subject to modification.

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

3.1 P96/1741

Erection of 50 dwellings (replan of part of previously approved site) and associated works.

Approved: 30.09.1996

Permitted development rights at the property were restricted under condition 5 attached to this permission:

Condition 5: Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development as specified in Part 1 (Classes A, D, E and G), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior permission in writing of the Council.

4. **CONSULTATION RESPONSES**

4.1 **Stoke Gifford Parish Council**

Original plans

Objection. Over development and not in keeping with existing street scene. This application would set a precedence for the local area.

Revised plans

Council's decision on this application remains unchanged from the previously submitted application.

4.2 **Other Consultees**

Sustainable Transport

Original plans

The applicant seeks to erect a single storey rear extension and install dormer windows to create additional living accommodation. Adequate off street parking will remain to the front of the property. There are no transportation objections.

Other Representations

4.3 **Local Residents**

Original plans

2 comments of objection were submitted by local residents in relation to the original plans. The main concerns raised are outlined below:

- Proposed development is not in-keeping with the streetscene.
- No flat roof extensions in area, all extensions have velux style windows and pitched roof.
- Proposed loft conversion is wholly disproportionate, and is not in-keeping with overall look and feel of residential area.
- Proposed dormer would result in significant loss of privacy through overlooking.
- Proposed additions will look very overbearing to neighbouring properties.
- May be disturbance resulting from increased density of buildings and domestic use of extension.
- Footprint of proposed extension will remove too much garden space at property.

- If approved, could set precedent for substantial extensions in area.
- Could lead to increased on-street car parking.
- May be issue relating to Wessex Water drains.

Revised plans

3 comments of objection were submitted by local residents in relation to the revised plans. The majority of concerns raised reiterate concerns raised in relation to the original plans. As such, only new concerns will be outlined in this section. The main concerns raised are outlined below:

- Proposal is not in-keeping with area. This is exacerbated by paving of front garden to provide parking.
- Porthole window should not be inserted to front elevation.
- Second storey side-facing windows will impact upon privacy of neighbours.
- Overall impression is of an out-of-character, multi-occupancy dwelling, rather than of a modest extension.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a single storey rear extension and the installation of 2no. rear dormer windows. Policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. As well as the criteria of policy H4, the proposal will be considered with regards to design against policy CS1 of the Core Strategy. The development is acceptable in principle but will be determined against the analysis set out below.

Permitted Development

Single storey rear extension

- 5.2 The proposed single storey rear extension meets criteria set out in Schedule 2, Part 1, Class A of the GPDO. However the construction of the extension under the provisions of Class A is restricted by condition attached to application P96/1741. As such, express planning permission from the Local Planning Authority is required.

Rear dormer windows

- 5.3 The proposed dormer windows meet criteria set out in Schedule 2, Part 1, Class B of the GPDO. The construction of the dormer windows under the provisions of Class B is not restricted by the condition attached to P96/1741. As such, the dormer windows constitute permitted development and do not require

express planning permission from the Local Planning Authority. As the dormers can be lawfully implemented, their merits will not be assessed as part of this planning report.

Front-facing rooflights

- 5.4 The proposal involves the insertion of several front-facing rooflights. The proposed front-facing rooflights meet criteria set out in Schedule 2, Part 1, Class C of the GPDO. The insertion of rooflights under the provisions of Class C is not restricted by the condition attached to P96/1741. As such, the rooflights constitute permitted development and do not require express planning permission from the Local Planning Authority. As the front-facing rooflights can be lawfully implemented, their merits will not be assessed as part of this planning report.

Side-facing rooflights and windows

- 5.5 The proposal also involves the insertion of several side-facing rooflights and windows. The proposed side-facing rooflights to be inserted on either side of the front gable of the property, and the proposed side-facing second floor windows do not meet criteria set out in Schedule 2, Part 1, Classes A and C of the GPDO. As such the proposed side-facing rooflights and windows do not constitute permitted development, and their merits will be assessed as part of this planning report.

5.6 Residential Amenity

Policy H4 of the Local Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space.

Single storey rear extension – Original plans

- 5.7 Originally submitted plans indicated that the proposed rear extension would have a depth of approximately 4.3 metres, and a width of approximately 6 metres. The rear garden of the property appears to have a total length of approximately 10 metres on its southern side, and 8 metres on its northern side, with a width of roughly 7 metres. As such the proposed extension would have taken up a significant portion of the modestly sized garden, leaving very little outdoor private amenity space. As such it was considered that the erection of the rear extension would prejudice the retention of adequate private amenity space, and would therefore be contrary to Policy H4 of the Local Plan. It was suggested that the overall footprint of the extension be reduced in order to mitigate this.

Single storey rear extension – Revised plans

- 5.8 As part of the revised proposal, the depth of the extension has been reduced from roughly 4.3 metres to roughly 3 metres. Whilst the area of outdoor private amenity space to the rear of the property would be reduced, it is not considered that this would harm residential amenity to such an extent as to substantiate a reason for refusing the application. Furthermore, due to the single storey nature of the proposed extension, it is not considered that its erection would significantly impact the residential amenity of neighbouring occupiers through an increased sense of overbearing, overshadowing or overlooking. On balance,

the extension as indicated on revised plans is considered to accord with criteria relating to impacts on residential amenity, as set out in policy H4 of the Local Plan.

Side-facing rooflights and windows

- 5.9 By virtue of their location and sloping nature, the proposed rooflights would provide no direct line of sight in to neighbouring properties or on to neighbouring gardens. As such, it is not considered that their insertion would result in increased overlooking on to neighbours.
- 5.10 Due to the building line of properties along Bakers Ground, the proposed second floor south-facing window at the property would directly face the north-facing wall of no. 87 Bakers Ground to the south. However the adjacent property to the north, at no. 89 Bakers Ground, is set significantly forward of the subject property. As such, the proposed second floor north-facing window would have some line of sight on to nearby neighbouring gardens. It is noted that a window is already present in a similar position at first floor level. However this window serves an en-suite. The proposed second floor north-facing window would serve a second floor bedroom. As the room provides primary living accommodation, the potential for overlooking on to neighbouring gardens is significantly increased. In light of this, and in order to protect the amenities of neighbouring occupiers, a condition will be attached to any decision requiring the proposed second floor window at the north-facing elevation to be obscurely glazed and non-opening. Outlook from the bedroom would still be provided through a proposed dormer window. Subject to the aforementioned condition, the proposed side-facing rooflights and windows are considered to accord with criteria relating to residential amenity, as set out in policy H4 of the Local Plan.

5.11 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy H4 of the Local Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

Single storey rear extension – Original plans

- 5.12 On balance, the original design of the single storey rear extension was considered to be acceptable. Due to its location to the rear of the property, the proposed extension would not be visible from public areas. It was therefore considered unlikely that its erection would have any impact on the streetscene or the character of the locality. Furthermore, it was considered that the design, scale and finish of the proposed extension resulted in an addition that would appear proportionate to, and in-keeping with the host dwelling. The extension incorporated an appropriate eaves and ridge level, with an appropriately pitched roof. Furthermore the addition of bi-fold doors to the rear elevation was considered to be a suitable design feature. The proposed materials would match those used in the finish of the existing dwelling.

Single storey rear extension – Revised plans

- 5.13 The only alteration that has been made is the reduction in the depth of the extension from roughly 4.3 metres to roughly 3 metres. The reduction in depth does marginally reduce its overall prominence. However the design consideration remains largely unchanged from that made in relation to the original design. Overall, the proposed single storey rear extension is considered to comply with design criteria outlined in policy CS1 of the Core Strategy and H4 of the Local Plan.

Side-facing rooflights and windows

- 5.14 Given their modest size, it is not considered that the side-facing rooflights, to be inserted on to either side of the front-facing gable roof, would significantly impact upon the appearance of the property or its setting within the streetscene. Whilst the proposed side-facing windows are of greater scale, they are largely screened from public view due to the narrow gap between the subject property and adjacent properties. As such, it is not considered that the proposed side-facing windows would significantly impact the appearance of the property or its setting within the streetscene. Overall, the proposed side-facing rooflights and windows are considered to satisfy design criteria set out in policy CS1 of the Core Strategy and H4 of the Local Plan.

5.15 Transport

- The plans submitted indicate that as a result of the proposal, the number of bedrooms at the property would increase from a total of 3 to 4. However it is considered that the new second floor area labelled as 'new living area', could feasibly be used as 5th bedroom at the property. South Gloucestershire Residential Parking Standards SPD outlines that 5+bed properties must provide parking provision for a minimum of 3 vehicles, with each space measuring a minimum of 2.4m x 4.8m.
- 5.16 A revised block plan indicates that 3 parking spaces will be provided to the front of the property. During a site visit, it was noted that the area to the front of property currently consists of a driveway and gravelled area. Having considered the revised block plan, it is not considered that 3 spaces, each meeting the minimum size requirements, can be provided to the front of the property. It is considered that only 2 spaces could be provided, and the proposed provision of parking is therefore substandard by a total of one space. However it is not considered that the potential increase in competition for on-street parking would have a severe impact on highway safety. As such the proposed development should not be resisted purely on transportation grounds.
- 5.17 In light of the above, it is not considered that the proposed development would be unacceptable in terms of parking provision or highway safety. Whilst it is unlikely that 3 spaces of sufficient size can be accommodated at the site, it is important that a minimum of 2 spaces are secured. As such, a condition will be attached to any decision requiring a minimum of 2 parking spaces to be provided prior to the first occupation of the extension and converted loft, and thereafter retained for that purpose.

Objection Comments

Parish Council

- 5.18 It is noted that the combination of additions would alter the overall appearance of the property. However it is considered that the elements that require express planning permission can be accommodated within the plot, without the development appearing cramped or contrived. Furthermore, only minor alterations are proposed at the front or side of the property. As such it is not considered that the proposal would have a significant impact on the streetscene or the character and distinctiveness of the locality.

Local residents – original plans

- 5.19 The concerns raised by local residents will be addressed in the same order they are presented in paragraph 4.3 of this report.
- 5.20 It is noted that the proposed development would alter the appearance of the property. However the majority of the alterations would be made to the rear of the property away from public areas, with any potential impacts on the streetscene or character and distinctiveness of the locality significantly reduced.
- 5.21 With regard to the potential impacts of the proposed dormer windows on the amenities of neighbours, the proposed dormer windows can be lawfully implemented as permitted development. As such the proposed dormers could not be resisted by the Local Authority, even if it were concluded that their construction and use would prejudice the residential amenity of neighbouring occupiers.
- 5.22 With regard to concerns relating to footprint and potential parking issues, it is considered that these issues are sufficiently addressed in paragraphs 5.8 and 5.16 of this report respectively. With regard to potential issues relating to Wessex Water drains, this is an issue that will need to be considered and potentially resolved by the applicant during the construction phase. However if the location of Wessex Water drains mean that the development cannot be carried out in accordance with the approved plans, the applicant may need to submit a new planning application.

Local residents – revised plans

- 5.23 The area to the front of the property currently consists of concrete hardstanding and gravel. It is not considered that the potential paving of this area would result in a significantly worse overall appearance than the existing situation.
- 5.24 The proposed 'porthole' window has now been removed from the proposal. Furthermore, as is outlined in paragraph 5.10, the second floor north-facing must be obscurely glazed in order to protect the amenity of neighbours.
- 5.25 Overall, it is considered that the subject property can accommodate the development under consideration in this application, without creating an out of character overall appearance.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

2. Prior to the use or occupation of the extension and converted loft hereby permitted, and at all times thereafter, the proposed second floor window on the north-facing side 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 dwellinghouses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

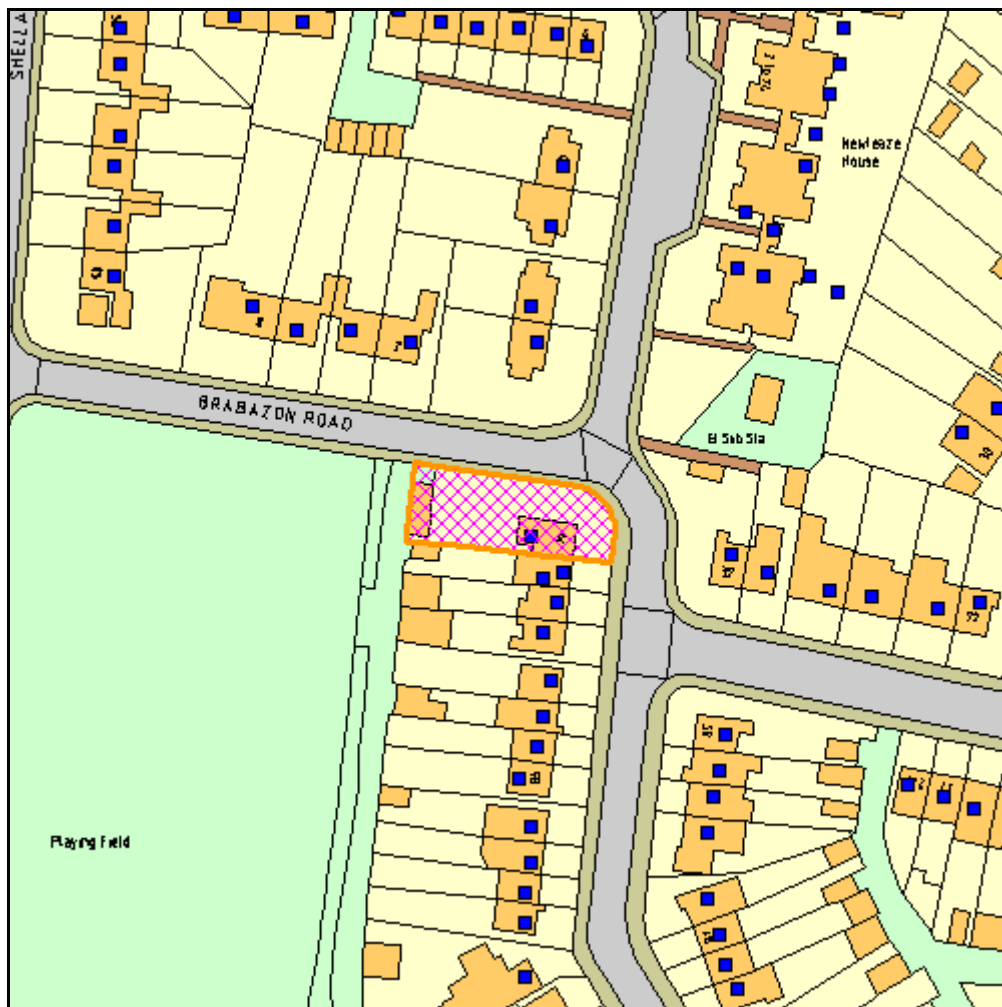
3. The off-street parking facilities (for all vehicles, including cycles) at the site shall make provision for the parking of a minimum of 2 vehicles (measuring at least 2.4m by 4.8m), and shall be provided before the extension and converted loft are first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 24/17 – 16 JUNE 2017

App No.:	PT17/1042/F	Applicant:	Mr Tao
Site:	79 Wallscourt Road Filton Bristol South Gloucestershire BS34 7NP	Date Reg:	20th April 2017
Proposal:	Erection of two storey side extension to provide additional living accommodation.	Parish:	Filton Town Council
Map Ref:	360604 178690	Ward:	Filton
Application Category:	Householder	Target Date:	14th June 2017



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1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two-storey side extension at 79 Wallscourt Road, Filton.
- 1.2 Permission is sought for the side extension to provide two additional bedrooms and an en-suite at first floor level, and a garden room and living room at ground floor level.
- 1.3 Amended plans were received on 16th May 2017 to address parking concerns.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Accessibility

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T12 Transportation
H4 Development within Existing Residential Curtilages

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

PSP1 Location Distinctiveness
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Extensions within Residential Curtilages
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/0132/F Refusal 08/03/2016
Appeal Dismissed 19/07/2016
Demolition of existing garage. Erection of 1 no. detached dwelling with new access, parking and associated works. (Re submission of PT15/4263/F)
- 3.2 PT15/4263/F Refusal 31/11/2015
Demolition of existing garage and erection of 1no. detached dwelling with access, parking and associated works.

4. CONSULTATION RESPONSES

4.1 Filton Town Council
Object. Request to see parking. Query whether this is a HMO.

4.2 Other Consultees

Sustainable Transport
No objections to revised plans.

Public Rights of Way
PROW do not have any objections as this is unlikely to affect the right of way LFN 14 running along the lane to the rear (west) of the property.

Open Spaces Society
No comment.

Archaeology Officer
No objection.

Other Representations

4.3 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design
The existing dwelling is an end terrace, two-storey dwelling with a hipped roof. The extension is proposed to be slightly stepped back and at a reduced ridge height, remaining subservient to the host. A single storey lean-to to the rear is also proposed and will join up with the existing rear extension. Subject to a condition ensuring that the materials match those used in the host dwelling, the development is considered to accord with policy CS1 of the Core Strategy.

5.3 Residential Amenity
The dwelling is located in a large corner plot on the corner of Brabazon Road and Wallscourt Road, so no neighbouring dwellings will experience any overshadowing and the extension will not be overbearing. With regards to overlooking, only indirect views from the rear windows into gardens to the south will be possible, and this is common in high density urban areas. Windows are

also proposed in the north and east elevation facing into the public highway, and this does not cause overlooking. Adequate garden space will remain for the occupiers of the dwelling, which following development will be a five bedroom property. There is no objection from a residential amenity perspective.

5.4 Transport

An amended plan was received following concerns raised by the Transport officer and the Town Council with regards to parking, showing three off-street parking spaces which is in accordance with the Residential Parking Standards SPD. Subject to a condition ensuring their implementation, there is no transportation objection.

5.5 Other Issues

The Town Council have queried whether or not the development is a House of Multiple Occupation (HMO). Once the development is complete, the dwelling could change use to a five-bedroom HMO (Use Class C4) under permitted development rights, without the need for a planning application. It is only HMOs with seven or more bedrooms which would require the Local Planning Authority's approval. Officers will therefore give limited weight to the comments.

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 conditions on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

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.

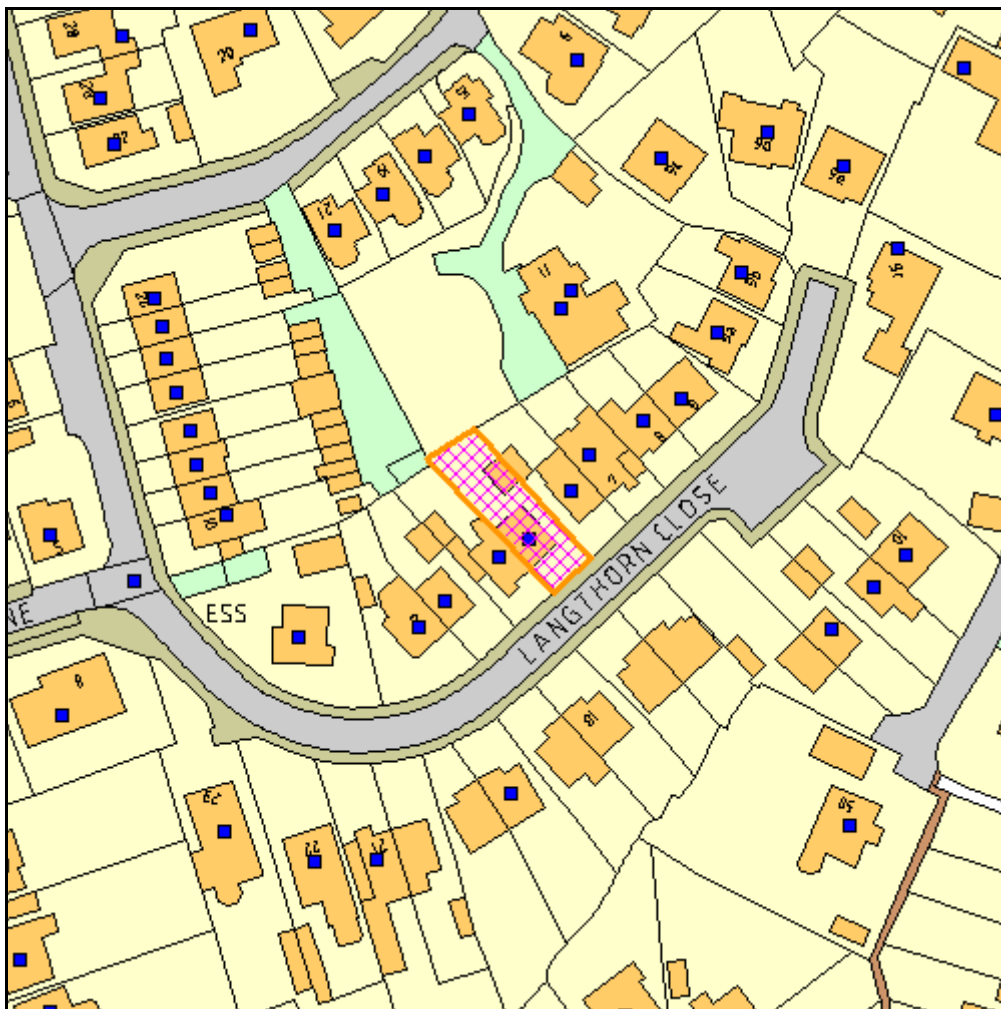
3. The off-street parking facilities shown on the plan hereby approved shall be provided before the extension is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 24/17 – 16 JUNE 2017

App No.:	PT17/1879/F	Applicant:	Mr & Mrs Colman
Site:	5 Langthorn Close Frampton Cotterell Bristol South Gloucestershire BS36 2JH	Date Reg:	17th May 2017
Proposal:	Erection of two storey side extension to provide additional living accommodation.	Parish:	Frampton Cotterell Parish Council
Map Ref:	367044 181159	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	10th July 2017



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation and the applicant is an employee of the Council.

1. THE PROPOSAL

- 1.1 The proposal relates to a two-storey property located within Frampton Cotterell. It seeks the erection of a two-storey side extension.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design

CS4a Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS25 Communities of the North Fringe of Bristol Urban Area

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

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

T12 Transportation

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

No objection, subject to satisfactory on site parking arrangements.

Transport

The applicant seeks to erect a two storey side extension which will create an extra bedroom making 4 in total. A 4 bed dwelling requires 2 off street parking spaces. 2 off street parking spaces are identified on the submitted proposed plans. There are no transportation objections.

Other Representations

4.2 Local Residents

One objection received

- Concerns regarding parking provision
- Concerns regarding placement of skip
- Concerns relating to work schedule, and objection to work carried out on weekends.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 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, 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 Design

The submitted plans show a two-storey extension, extending from to north east side of the property. It would measure 2.1m in width, and would span the entire side flank of the house, abutting the existing roofline. The materials would match the existing dwelling.

In this instance given that the property is gable ended to the side it is not considered necessary for the extension to appear subordinate. The setting back of the extension from the main ridge would not serve any purpose and as shown the extension would integrate with the existing dwelling. The windows are aligned with those of the original property, although the new windows would be irregularly spaced compared to the other buildings in the street.

Overall, it is considered that this proposal is acceptable in terms of design and visual amenity.

5.3 Residential Amenity

The extension would come from the north-eastern side of the property. Due to it's position and scale, the neighbouring occupiers at No. 4 Langthorn Close are unlikely to experience any loss in residential amenity due to the proposal.

The extension would extend almost to the ridge line; however, No. 6 Langthorn Close is set 1m above No.5, limiting the overbearing and overshadowing impacts the extension may have. There are no windows in the side elevations of the proposal which could result in the loss of privacy of those living in No. 6.

It is not considered that any of the windows would allow any overlooking of neighbouring properties, as they all face onto public areas.

A neighbour objection has asked to limit the working hours to weekdays. This is not considered necessary, and would be abnormal for a residential development.

The length, size, location and orientation of the proposals are not considered to give rise to any significant or material overbearing or overshadowing impact on adjacent properties.

5.4 Transportation

It is noted that a neighbour has written in regards to the parking offered onsite. The applicant seeks to erect a two storey side extension which will create an extra bedroom making 4 in total. A 4 bed dwelling requires 2 off street parking spaces in accordance with the South Gloucestershire Parking Standards SPD. 2 off street parking spaces are identified on the submitted proposed plans.

A neighbour has also asked for skips to be off-road for the entirety of the project. However, this would be a civil matter, and is not something which can be sensibly conditioned.

There are no transport concerns in regards to this development.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That permission is granted, subject to the conditions listed below.

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CONDITIONS

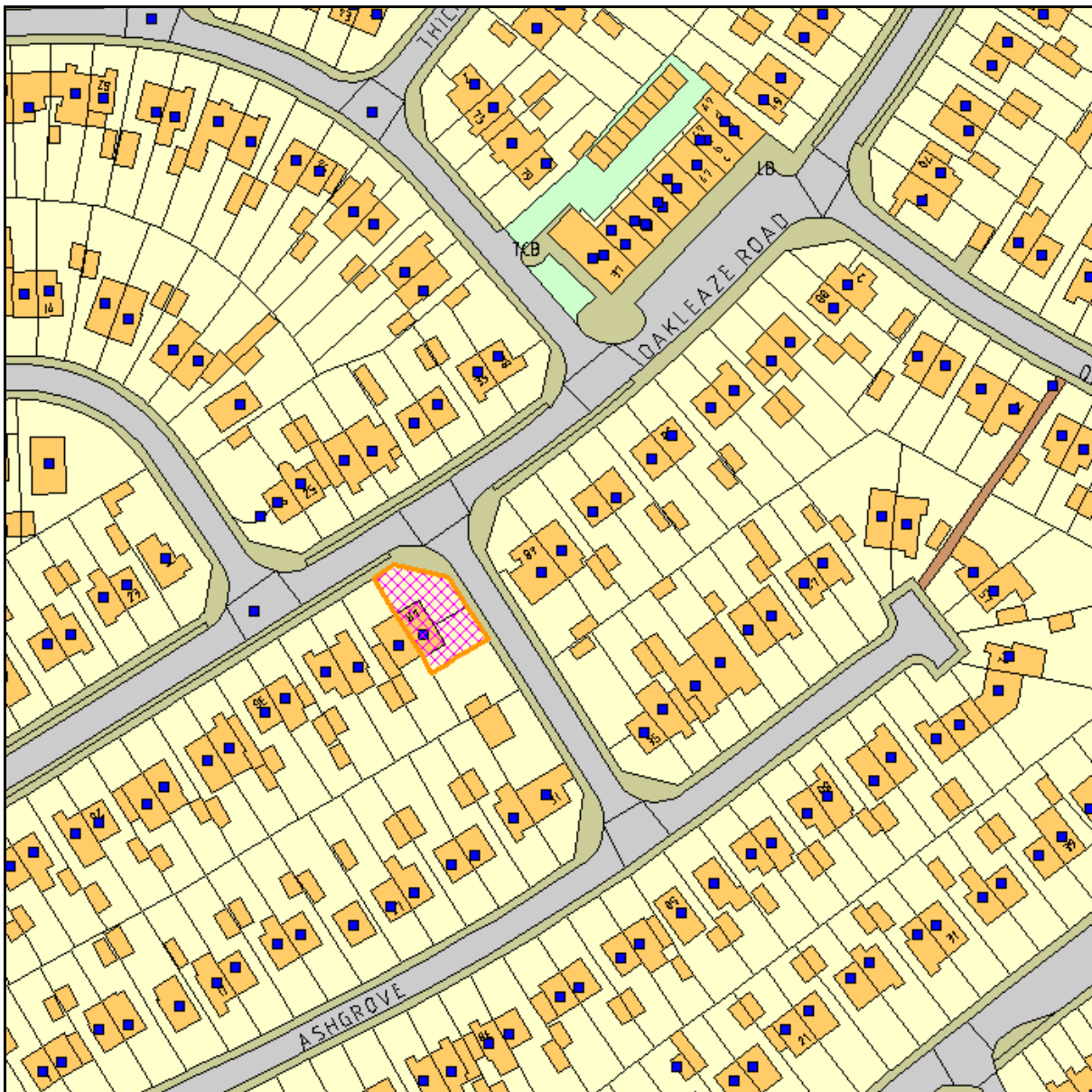
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 24/17 – 16 JUNE 2017

App No.:	PT17/1902/F	Applicant:	Dr Sam Manning-Benson
Site:	46 Oakleaze Road Thornbury Bristol South Gloucestershire BS35 2LN	Date Reg:	17th May 2017
Proposal:	Erection of a two storey side extension to form additional living accommodation.	Parish:	Thornbury Town Council
Map Ref:	364362 190121	Ward:	Thornbury North
Application Category:	Householder	Target Date:	21st June 2017



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The proposal relates to a two-storey property located within Thornbury. It seeks the erection of a two-storey side extension.
- 1.2 An updated block plan was received on 08 Jun 2017. This was not considered a material change, and was not consulted upon.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design

CS4a Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS25 Communities of the North Fringe of Bristol Urban Area

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

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

T12 Transportation

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

No objection.

Transport

After checking the history on this site there appears to have been a number of previous planning applications all seeking to erect additional dwellings on land to the rear of this property (No 46). There appears to be some discrepancy between site redlines shown on the site location and South Gloucestershire Council site plans submitted. Clarification on this is needed.

This current planning application shows that the Applicant has obtained permission to drop the kerb to the frontage of the site to provide two parking spaces. The proposed development will increase the bedrooms to the first floor from three to five. The Council's residential parking standards state that a dwelling with five bedrooms provide a minimum of three parking spaces within its site boundary. Each space needs to measure at least 2.4m wide by 4.8m deep, although 5.3m should be allowed to ensure that vehicles do not hang over into the public highway. Given the size of the proposed redline of this dwelling, it does not appear that there is adequate space to provide the required parking needed for the size of the proposed dwelling without using all available amenity space. On that basis, this development is recommended for refusal as it fails to provide adequate vehicular parking. Without this parking the development would lead to additional on-street congestion causing hazards for other road users.

Archaeology
No objection

Other Representations

4.2 Local Residents

Four objections received in regards to:

- Scale is too large and would not be in keeping with the street scene.
- Parking provision inadequate

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 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, 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 Design

The dwelling is located on a corner plot of Oakleaze Road, Thornbury. It benefits from a large side garden, with attractive landscaping to the front and side.

5.3 The submitted plans show a two-storey extension, extending from the east side of the property. It would measure 3.5m in width, and would span the entire side flank of the house, abutting the existing roofline. The materials would match the existing dwelling.

5.4 In this instance given that the property is gable ended to the side it is not considered necessary for the extension to appear subordinate. The setting back of the extension from the main ridge would not serve any purpose and as shown the extension would integrate with the existing dwelling.

- The windows are aligned with those of the original property, although the new windows would be irregularly spaced compared to the other buildings in the street.
- 5.5 Objections were received stating that the scale of the house would negatively affect the street scene, through overbearing size and the loss of the grass verges to the side. However, the extension would not come to the edge of the site's boundary, and it is considered that enough space would remain to the eastern side to retain an adequate green "barrier" between the pavement and dwelling. It is not considered that the addition of a two-storey side extension would bring the house out of keeping with other properties on the road.
- 5.6 A neighbour objection also stated that the two-car driveway to the front of the house would be out of keeping with the surrounding area. Numerous houses within the street have driveways capable of parking two cars on. It is not considered that the inclusion of a two-car front driveway would have a negative impact on the street scene in regards to this property.
- 5.7 Overall, it is considered that this proposal is acceptable in terms of design and visual amenity.
- 5.8 Residential Amenity
- 5.9 The extension would come from the eastern side of the property. Due to its position and scale, the neighbouring occupiers at No. 44 Oakleaze Road are unlikely to experience any loss in residential amenity due to the proposal.
- 5.10 It is not considered that any of the windows would allow any overlooking of neighbouring properties, as they all face onto public areas.
- 5.11 It is noted that transport colleagues have stated that it is unlikely that adequate amenity space would remain, were three parking spaces located onsite. However, the updated parking plan shows three parking spaces, and allows upwards of 90 square metres of private garden space to the side and rear. This is considered adequate for a five bedroom dwelling.
- 5.12 The length, size, location and orientation of the proposals are not considered to give rise to any significant or material overbearing or overshadowing impact on adjacent properties.
- 5.13 Transportation
- 5.14 It is noted that a neighbour has written in regards to the parking offered onsite, danger to pedestrians and transport colleagues commented that the original parking plan offered was inadequate.
- 5.15 An updated block plan was submitted, which shows three parking spaces of at least 4.8 x 2.4m on site. The permission for the dropped kerbs has already been granted to the front and side of the house. It is considered that this proves that the locations of parking would be safe, and would not increase danger to pedestrians and cyclists.

5.16 The applicant seeks to erect a two storey side extension which will create an extra bedroom making 5 in total. A 5 bedroom dwelling requires 3 off street parking spaces in accordance with the South Gloucestershire Parking Standards SPD. 3 off street parking spaces are identified on the submitted proposed plans. However, it is considered necessary to ensure that parking provision is implemented onsite. Therefore, a condition will be added to ensure that the parking spaces are provided before the extension is built.

5.17 Therefore, there are no transport concerns in regards to this development.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That permission is granted, subject to the conditions listed below.

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

Reason

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