



**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. 46/17

Date to Members: 17/11/2017

Member's Deadline: 23/11/2017 (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:

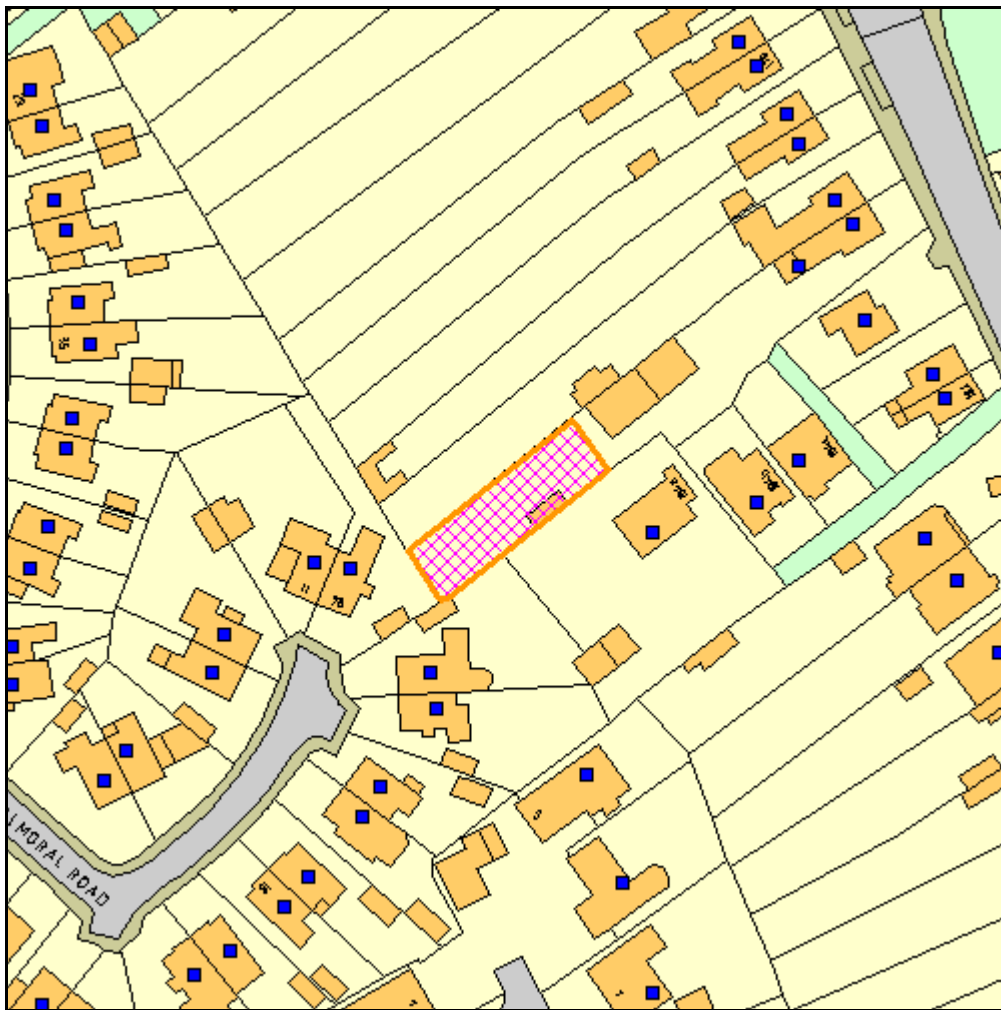
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 - 17 November 2017

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/2175/F	Approve with Conditions	178 Bath Road Longwell Green Bristol South Gloucestershire BS30 9DB	Longwell Green	Hanham Abbots Parish Council
2	PK17/3015/F	Refusal	Land To The East Of Larks Lane Iron Acton Bristol South Gloucestershire BS37 9TX	Frampton Cotterell	Iron Acton Parish Council
3	PK17/3382/RVC	Approve with Conditions	11 Cock Road Kingswood Bristol South Gloucestershire BS15 9SJ	Woodstock	None
4	PK17/4353/F	Approve with Conditions	70 High Street Hanham Bristol South Gloucestershire BS15 3DS	Hanham	Hanham Parish Council
5	PK17/4383/F	Approve with Conditions	22 Riding Barn Hill Wick Bristol South Gloucestershire BS30 5PA	Boyd Valley	Wick And Abson Parish Council
6	PK17/4457/ADV	Approve	Chequers Inn Hanham Mills Hanham Bristol South Gloucestershire BS15 3NU	Longwell Green	Hanham Abbots Parish Council
7	PK17/4542/F	Approve with Conditions	56 Church Road Soundwell Bristol South Gloucestershire	Staple Hill	None
8	PK17/4561/CLP	Approve with Conditions	1 Park Road Staple Hill Bristol South Gloucestershire BS16 5LB	Staple Hill	None
9	PK17/4588/CLE	Approve with Conditions	Leahurst 31 Halls Road Kingswood Bristol South Gloucestershire BS15 8JE	Woodstock	None
10	PK17/4631/CLP	Approve with Conditions	20 South Road Kingswood Bristol South Gloucestershire BS15 8JW	Woodstock	None
11	PK17/4689/CLP	Approve with Conditions	4 Highfield Avenue Hanham Bristol South Gloucestershire	Hanham	Hanham Parish Council
12	PK17/4826/RVC	Approve with Conditions	Land North Of Brimsham Park Yate Bristol	Yate North	Yate Town
13	PT17/3162/F	Approve with Conditions	160 Station Road Filton Bristol South Gloucestershire BS34 7JW	Filton	Filton Town Council
14	PT17/4037/F	Approve with Conditions	Sundayshill Lane Falfield Wotton Under Edge South Gloucestershire GL12 8DQ	Charfield	Falfield Parish Council
15	PT17/4055/F	Approve with Conditions	77 Frampton End Road Frampton Cotterell Bristol South Gloucestershire BS36 2JY	Frampton Cotterell	Frampton Cotterell Parish
16	PT17/4562/F	Approve with Conditions	67 Huckley Way Bradley Stoke Bristol South Gloucestershire BS32 8AR	Bradley Stoke South	Bradley Stoke Town Council
17	PT17/4637/CLP	Approve with Conditions	Northworthy Farm Severn Road Pilning Bristol South Gloucestershire BS35 4HP	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
18	PT17/2401/F	Approve with Conditions	The Old Farm Curtis Lane Stoke Gifford South Gloucestershire	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 46/17 – 17 NOVEMBER 2017

App No.:	PK17/2175/F	Applicant:	KP LandscapesKP Landscapes
Site:	178 Bath Road Longwell Green Bristol South Gloucestershire BS30 9DB	Date Reg:	31st May 2017
Proposal:	Erection of 1no detached dwelling with parking and associated works (resubmission of PK16/4032/F)	Parish:	Hanham Abbots Parish Council
Map Ref:	365961 170848	Ward:	Longwell Green
Application Category:	Minor	Target Date:	3rd July 2017



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INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This is a re-submission application seeking planning permission for erection of 1 no. dwelling. The application site is to the rear of an existing dwelling (no. 178 Bath Road) and it was previously noted that the site is not within the residential curtilage of no. 178 Bath Road, however, it is within Longwell Green which is within the Urban Area of the East Fringe of Bristol. It was understood that the existing large detached garage was used restore motor vehicles as a hobby, prior to this, the site was used as a HGV transport business.
- 1.2 Previously planning permission PK16/4032/F was refused for the following reasons:
- *The application site is restricted due to it being a narrow former rear garden of an existing dwelling, this is reflected in the contrived design that the proposal would result in. The scale of the proposed dwelling, combined with the narrow garden results in the side elevations of the dwelling sitting on the adjacent boundaries in an uncomfortable manner. Further to this, the form and layout of the dwelling to the rear of an existing dwelling with no affirmation with any street scene is also considered to be an indicator of poor design, harmful to the character of the area.*
 - *The conversion of the existing garage to residential dwelling would result in an unacceptable standard of residential amenity for future occupiers. All the primary rooms within the dwelling would have a poor outlook due to the constraints of the site which result in the development being undesirable. Further to this, the only private amenity space for the future occupiers of the dwelling would be materially overlooked by nature of the position of no. 184a Bath Road (the dwelling to the south).*
 - *The proposed dwelling would be positioned hard on the adjacent boundaries. In effect the proposed dwelling would result in the 5.6 metre high side gable end, the pitched roof and side wall of the proposal, being right up upon the boundary and garden of no. 184a Bath Road (the neighbouring dwelling to the south). The proposed dwelling's side elevation would therefore have an overbearing impact on the garden of no. 184a Bath Road, materially prejudicing the enjoyment of the dwelling's private amenity space.*
 - *The proposed dwelling would have first floor front elevation windows that would overlook the private garden which would be dedicated to the smaller dwelling facilitated by the conversion of the existing garage. Similarly, the aforementioned windows would also overlook a number of windows and doors within the proposed smaller dwelling resulting in a material loss of privacy.*

- *The site includes a number of features which are likely to provide habitats for protected species. There is a lack of information submitted to enable the Authority to assess whether protected species will be detrimentally impacted by the proposed development. Given that insufficient information has been submitted to assess the impact, it cannot be determined whether or not the development is acceptable. Were the development permitted, there is potential that protected species could be harmed.*
 - *No arboricultural information has been submitted to support the application. Given the proximity to trees, it is considered necessary that the potential impact of the development on the trees be considered at this stage. Given that insufficient information has been submitted to assess the impact, it cannot be determined whether or not the development is acceptable or what weight the impact to the trees would have in terms of the planning balance.*
- 1.3 To address the previous refusal reasons, the current proposal shows a number of differences and the major changes are the proposed dwelling would be single storey building only, no works or change of use are proposed to the existing detached garage, as a result, there would be 1 no. dwelling instead of 2 no. dwellings as it was refused. An ecological report and an arboricultural report have been submitted with the application. During the course of the application, a revised plan was submitted to replace the original proposed garage with off-street parking and to change the internal layout slightly to enhance the residential amenity for the potential future occupiers.

2. POLICY CONTEXT

2.1 National Guidance

NPPF National Planning Policy Framework March 2012
PPG National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS13 Non-Safeguarded Employment Development Sites
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe of Bristol

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland

PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP37	Internal Space and Accessibility Standards for Dwellings
PSP38	Development Within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP42	Custom Build Dwellings
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Residential Parking Standards SPD (Adopted) December 2013
 Design Checklist SPD (Adopted) 2007
 Waste Collection: Guidance for New Development SPD (Adopted) January 2015
 Community Infrastructure Levy and Section 106 Planning Obligations Guide (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|---|------------------------|------------|
| 3.1 | PK16/4032/F | Refused | 26/08/2016 |
| | Conversion of existing garage into 1no dwelling and erection of 1no detached dwelling and associated works. | | |
| 3.2 | K532/3 | Approval Full Planning | 12/03/1990 |
| | Two storey rear extension (Previous ID: K532/3). | | |
| 3.3 | K532/2 | Approval Full Planning | 06/06/1988 |
| | Garage extension. | | |
| 3.4 | K532/1 | Approval | 15/01/1986 |
| | Construction of new roof on garage. | | |
| 3.5 | K532 | Approval | 31/01/1975 |
| | Erection of domestic garage/workshop/store. | | |

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
 Objections – the proposed development appears to be out of keeping with neighbouring properties, in terms of the flat roof. The plans describe the removal of a hedge, which appears to belong to the neighbouring property. Although the applicant has submitted an ecology report, there is the potential that protected species could be harmed by this development.
- 4.2 Highway Structures
 No comment.
- 4.3 Lead Local Flood Authority
 No objection.

4.4 Sustainable Transport

A there is very little difference between the previous proposal and the current proposal and their parking and access arrangements remain unchanged, hence, there is no highway transportation objections to the current scheme.

4.5 Ecology

No objection subject to condition securing the recommended strategy in the submitted ecological report to be implemented.

4.6 Tree Officer

No objection, an Arboricultural Report has been submitted and the officer is satisfied with the submitted details.

Other Representations

4.7 Local Residents

4 no. letters of objection have been received and the residents' concerns are summarised as follows: (Full comments are available in the Council website).

- The building will be intrusive to our garden and outlook
- Poor design of the dwelling including the flat roof construction is out of character with other existing properties
- The width of the land is totally unsuitable for this build.
- Access to and from the property seems restrictive
- Boundary line is too close to our land
- Post and wire fence is not an adequate resolution for privacy
- Loss of privacy
- Loss of light due to the combination of the dimensions and its proximity to the mutual boundary
- The relationship between areas of private amenity space in terms of noise and activity
- The property has not been maintained, will this be left in the same state? Whether the bungalow will be dealt with the same lack of respect?
- Will jeopardise the children access to our whole garden, which was one of the main reasons we moved
- Neighbours have not given permission to have the bush / hedges to be removed or any of the neighbours' hedges (the neighbour believe that the hedges need to be removed to get the 1m pathway to the side of the new dwelling).
- the site had become an urban woodland supporting wildlife

ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission to erect 1 no. residential dwelling within an established residential area of Longwell Green, but it was noted that the site is outside of the residential curtilage of no. 178 Bath Road.

5.2 Principle of Development – Location of Development

The Council currently cannot demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. Paragraph 49 of the NPPF

- states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes onto suggest that if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date.
- 5.3 Paragraph 14 states a presumption in favour of sustainable development, and states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.
- 5.4 Given that the proposal is located within a sustainable urban location where residential development is encouraged, therefore the principle for a residential development on this particular site is acceptable.
- 5.5 Principle of Development – Non-Safeguarded Employment Site
Policy CS13 states that proposals for change of use on economic development sites within settlement boundaries will not be allowed unless it can be clearly demonstrated that all reasonable attempts have failed to secure a suitable economic development re-use.
- 5.6 It was previously noted that the site was used with regard to a HGV business and had a potential to be economic development site. Given that the site is surrounded by a lot of residential properties, it has been considered that a business re-use of this site would likely result in amenity concerns. Since the refusal of the previous application, there are no material changes in terms of the residential character of the locality and the planning policies, as such, it is considered that the loss of this non-safeguarded employment site can be justified and would not be contrary to Policy CS13 of the adopted Core Strategy.
- 5.7 Principle of Development – Relevant Policies
Policy CS1 ‘High Quality Design’ of the Core Strategy will only permit development where the highest possible standards of design and site planning are achieved.
- 5.8 Policy CS16 ‘Housing Density’ of the Core Strategy requires developments to make efficient use of land, but importantly requires that new development be informed by the character of local area and contribute to:
- The high quality design objectives set out in policy CS1;
 - Improving the mix of housing types in the locality; and
 - Providing adequate levels of public open space, semi-private communal open space and private outdoor space.
- 5.9 Policy CS8 of the adopted Core Strategy and PSP16 of the adopted PSP emphasis parking as an important issue, and the Residential Parking Standards SPD is also adopted.

- 5.10 Policy L9 'Protected Species' and Policy CS9 'Managing the Environment and Heritage' are consistent in aiming to encourage biodiversity and also protect ecological species.
- 5.11 Site Planning and Design
Officers noted the concerns regarding the siting and design of the proposal. Paragraph 60 of the NPPF states planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness. Paragraph 61 continuously states although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 5.12 The proposal is to erect a single storey dwelling, which has been carefully positioned within the site. It would also have its own private garden and parking / turning spaces, as such, it is considered that the proposed dwelling would sit comfortably within the site.
- 5.12 Additionally, the officers also raised concerns regarding the lack of affirmation with a street scene on the previous proposal for 2 no. dwellings taking into consideration that the adjacent row of three houses with the rear gardens of No 184 Bath Road. Given that the current proposal would only provide 1 no. single storey dwelling on a former employment land, within a proximity to a row of three houses to the south, it is considered that the proposed one detached bungalow would not cause a significant adverse impact upon the character of the locality.
- 5.13 From the design perspective, the new dwelling would be single storey with a sedum green, as such, it does not replicate the existing architectural features of the surrounding properties. Given its modest scale and the environmental bespoke roof structure, the proposal would successfully integrate the surrounding area and would not cause significant harm to the character and appearance of the locality. Therefore the proposal has demonstrated the highest possible standards of design has been achieved and it would comply with Policy CS1 of the adopted Core Strategy.
- 5.14 Residential Amenity
Officers note concerns regarding residential amenity of the neighbouring properties. As the new dwelling would be single storey, which would be approximately 2.5 metres and 3.6 metres high at the rear and the front respectively, as such, there would not be an unreasonable overbearing, overshadowing impacts upon the neighbouring properties. Also, given the proposal is to provide a new dwelling within an urban residential area, it is not considered that the potential domestic noise and activities would cause material adverse impact upon the neighbouring properties.

- 5.15 All primary rooms, such as, living / kitchen, bedrooms, windows would look over its own turning area or private garden. A 1.8 high timber fence is proposed along the perimeters of the site except a row of existing hedges / shrubs on the southern boundary will be retained. Although it is noted that the existing hedges / shrubs would not provide such permanent and effective screening as timber fences, given its former use of the land and its siting, it is not considered that the overlooking impact between two properties would be so significant to be detrimental to the living conditions of both nearby residents and the future occupiers.
- 5.16 Regard to the residential amenity of the future occupiers of the new dwelling, the submitted revised floor plan shows that the proposed bedroom 1 would have a window looking over the car parking area and turning space, the home office and bedroom 2 would have one window looking over the turning space. Officers consider that such internal arrangement would provide a reasonable outlook for the future occupiers. With regard to the provision of amenity space, the adopted PSP43 advises that a three bedroom would require a 60 sq.m of private amenity space. The current proposal would provide approximately 104 square metre, as such, it would comply with the adopted PSP.

Residential Amenity of no. 178 Bath Road

- 5.17 It was previously noted No. 178 Bath Road to be a three to four bedroom family dwelling. Given that the existing detached garage to be retained and there would be a reasonable distance between the host dwelling and the proposed bungalow, therefore the proposal would not cause an issue in terms of privacy, outlook or levels of nature light currently enjoyed by the occupiers of No. 178.
- 5.18 Ecological Concerns
Policy L9 'Species Protection' states that development that would directly or indirectly have an adverse effect on nationally or internationally protected species will not be permitted unless any damaging effects are capable of being avoided, overcome, or offset by mitigation measures. Policy CS9 'Managing the Environment and Heritage' states that development will be expected to conserve and enhance the natural environment, avoiding or minimising impacts on biodiversity and geodiversity.
- 5.19 The application site is an old garden comprises of scrubland and trees. There is a species-poor hedge of hawthorn with some hazel and a line of Leyland Cypress that have recently been pollarded. There are several piles of rock and wood, a silver and a lime tree within the proximity to the proposed dwelling.
- 5.19 The previous proposal was refused due to the lack of ecological information. To address this refusal reason, an ecological appraisal, prepared by Simecology Limited, has been submitted with the proposal. It has demonstrated that the building was assessed as offering low to negligible potential for bat roosts but due its location, it is highly unlikely bats are present. However, it is noted that the vegetation on site provide some suitable nesting habitat for birds. The Council Ecology Officer is satisfied with the submitted details and the recommendations are made in the submitted appraisal. Your case officer noted that part of the recommendation is to retain the existing hedges along the site

boundary with an in-filling additional planting to enhance biodiversity of the site. As the proposal is to replace these hedges / shrubs (except the retained bush / hedges shown on the submitted plan) with timber fence, it is considered that it would be necessary (and more appropriate) to impose a condition seeking a detailed biodiversity enhancement strategy for the application site. Subject to this planning condition, there is no ecological objection to the proposal.

5.20 Trees

As stated above, policy CS9 aims to conserve the natural environment, specifically encouraging biodiversity. Further to this, policy CS1 aims to safeguard and enhance existing features of the landscape. Officers noted that there are two trees growing within the proximity of the site boundary. To address the concerns, an Arboricultural Report has been submitted to include a tree constraints plan and a tree protection plan. The Council Arboricultural Officer is satisfied with the submitted details, therefore there is no arboricultural objection to the proposal.

5.21 Transport and Parking

There is no highway objection to previous proposal. In highway and transportation terms, there is very little difference between the two development proposals, and their parking and access arrangements remain unchanged. Officers however noted that the size of the original proposed double garage would be below the requirement, which is set by the adopted Residential Parking Standards. To address this issue, a revised plan has been submitted to replace the garage with off-street parking spaces in order to comply with the adopted policies. Therefore there is no highway or transportation objection subject to planning condition securing the provision of cycle parking and off-street parking within the site.

5.22 Other matters

Officers noted the concerns regarding the ownership of the existing boundary hedges and the works was recently carried out on the existing hedges and bush. As this would be a private civil matter between the applicant and the adjoining owners, it would not be planning matter consideration of the proposal. Should there is any change to the application site boundary, such proposal will need to be considered and assessed at that stage.

5.23 The Planning Balance

Paragraph 14 of the NPPF states that proposals should be permitted unless ‘... any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as whole’.

5.24 Whilst the proposal would cause a degree of impact upon the amenity of the locality and the wildlife habitat, it is not considered such adverse impact that result from the proposed development are so significant and demonstrate to outweigh the benefits of one residential units at this location. A such, it is considered that the proposal should be supported.

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: Policies, Sites and Places Plan Adopted November 2017 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended that planning permission 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. Prior to the commencement of the relevant part of the development hereby permitted, 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; Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017, and the National Planning Policy Framework.

3. The development hereby approved shall be strictly carried out in accordance with the submitted Arboricultural Assessment dated October 2017 by Tim Pursley. The tree protection measures shall be carried out prior to any works carried out on site.

Reason

In the interests of the long term health of the existing trees, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Place Plans (Adopted November 2017).

4. The development hereby approved shall be carried out in the methodologies, which are set out in Section 7 of the Ecological Appraisal dated September 2016 by Simecology Limited. In addition, prior to the removal of the existing hedgerows along the northern and southern boundary, a detailed strategy to provide additional wildlife habitat and enhance the biodiversity of the site shall be submitted to approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To ensure the development is carried out in appropriate manner to protect and enhance the wildlife habitat and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan.

5. The hours of working on site during the period of construction shall be restricted to
Monday - Friday.....7:30am - 6:00pm
Saturday.....8:00am - 1:00pm
No working shall take place on Sundays or Public Holidays.
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To minimise disturbance to occupiers of nearby dwellings, and to accord with Policy CS9 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the National Planning Policy Framework.

6. The off-street parking facilities for all vehicles shown on the plan hereby approved and 2 no. safe, secured and covered cycle parking facilities 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, to encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the South Gloucestershire Residential Parking Standards Adopted December 2013.

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

Site location plan received by the Council on 8th May 2017, and Revised Proposed Block Plan, Existing and Proposed Elevations, Proposed Floor Plan, Sections drawings received by the Council on 12 November 2017.

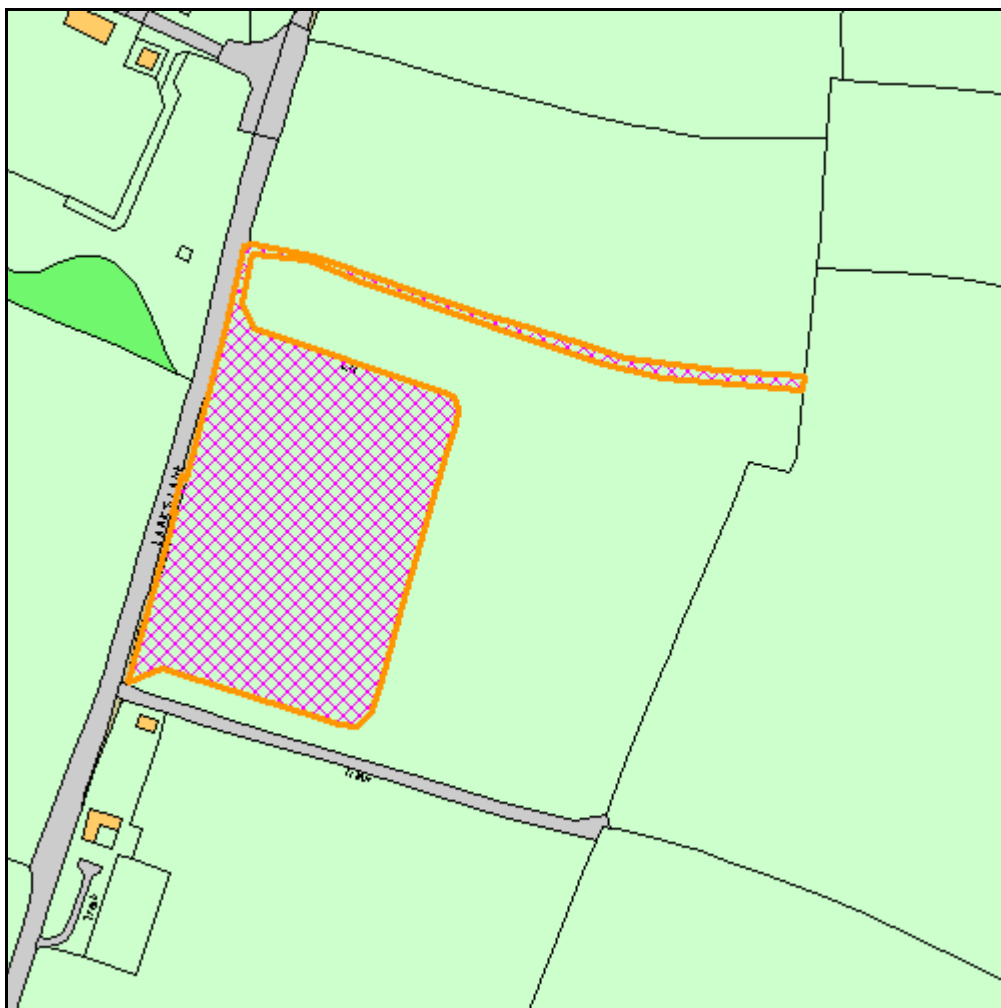
Reason

To safeguard the amenity of the adjacent properties and the proposed new dwelling and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy

Adopted December 2013, and PSP38 of the South Gloucestershire Local Plan:
Policies, Sites and Places Plan Adopted November 2017.

CIRCULATED SCHEDULE NO. 46/17 – 17 NOVEMBER 2017

App No.:	PK17/3015/F	Applicant:	Aura Power Storage Solutions
Site:	Land To The East Of Larks Lane Iron Acton Bristol South Gloucestershire BS37 9TX	Date Reg:	25th July 2017
Proposal:	Erection of 49.9MW Battery Storage Facility and associated works. Construction of new vehicular access.	Parish:	Iron Acton Parish Council
Map Ref:	367160 185828	Ward:	Frampton Cotterell
Application Category:	Major	Target Date:	13th October 2017



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100023410, 2008. **N.T.S.** **PK17/3015/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as comments contrary to the officer recommendation have been received. This application has generated both objection and support, however, the officer recommendation is for refusal.

1. THE PROPOSAL

- 1.1 This application seeks a temporary planning permission – for a period of 25 years – for the installation of a battery storage facility on land at Larks Lane, Iron Acton. The facility would store up to 49.9MW of energy in 38 shipping-style containers placed in three rows horizontal to Larks Lane. Each container would measure 12.2 metres long by 2.4 metres wide by 2.5 metres high on an elevated pad with an overall height of approximately 3 metres. Of the 38 containers, 25 would house batteries while the remaining 13 would house power conversion systems. The installation would also require 25 transformer units, located to the west of each row of containers. Additional supporting infrastructure including: 132/33kV transformer, circuit breaker, customer substation, switchroom, and communications cabinets are also proposed. All of the above would be mounted on a permeable hardstanding (or where necessary a concrete plinth) and enclosed by fencing to make a compound.
- 1.2 Larks Lane is rural in character. It is a single track highway with passing places flanked on either side by field hedges and agricultural land. Development in the proximity of the application site is sparse, with the exception of existing infrastructure, and the prevailing character of the area is open, rural, and agricultural. To the northwest of the site is the Iron Acton Substation, also accessed from Larks Lane. A number of high-voltage power lines and pylons converge on the substation, mainly from the north and south with one line heading east and crossing to the north of the site. Lower voltage lines also run near the site.
- 1.3 In terms of planning constraints, the application site is located outside of any defined settlement, as shown on the proposals maps, and is therefore in open countryside in the rural area of the district. This part of the district also falls within the Bristol and Bath Green Belt. The Ladden Brook flows to the east of the site, but the river is some distance away and the site is at the lowest probability of flooding (Flood Zone 1). A number of heritage assets are sited in the wider area including: Poplar Farm (grade II); Acton Court (grade I, scheduled monument); and, Mudgetown Farm (grade II*).
- 1.4 Before progressing further, it should be noted that this is not an energy generation facility; it is solely an energy storage facility. It would function by drawing energy from the national grid at times of lower demand to store excess energy in the battery cells. At times of peak demand or stress and fluctuation in the energy supply, the stored energy can be released back into the grid for consumption.
- 1.5 As a storage facility rather than an energy generator, the proposed development is not classified as a Nationally Significant Infrastructure Project

(which require consent of the Secretary of State). Even if the proposal was an energy generator, the threshold at which such development is considered nationally significant is 50MW. As the proposal is not an energy generator (and even if it were, it is below the 50MW threshold), it is correct that this application should be determined by the local planning authority.

2. POLICY CONTEXT

2.1 National Guidance

- National Planning Policy Framework, March 2012
- Overarching National Policy Statement for Energy (EN-1), July 2011
- National Policy Statement for Electricity Networks Infrastructure (EN-5), July 2011
- Building our Industrial Strategy: Upgrading our Energy System: Smart Systems and Flexibility Plan, July 2017
- Building our Industrial Strategy: The Clean Growth Strategy: Leading the way to a low carbon future, October 2017

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS3	Renewable and Low Carbon Energy Generation
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 Policies Sites and Places Plan Adopted November 2017

PSP2	Landscape
PSP3	Trees and Woodland
PSP6	Onsite Renewable and Low Carbon Energy
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP10	Active Travel Routes
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
PSP21	Environmental Pollution and Impacts
PSP28	Rural Economy

2.3 Supplementary Planning Guidance

Development in the Green Belt SPD (Adopted) June 2007
Landscape Character Assessment SPD (Adopted) November 2014
Renewables SPD (Adopted) November 2014
CIL Charging Schedule SPD (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history held for the application site.
- 3.2 There are a number of similar applications which the local planning authority has received. These include:

Reference: PT17/4664/F
 Site: Land at Severn Road, Hallen
 Proposal: Battery storage facility (18MW) with associated infrastructure, landscaping and new access onto Severn Road
 Status: Under Consideration

Reference: PT17/1992/RVC
 Site: Alveston Wind Park
 Proposal: Variation of plans to enable installation of battery storage (10MW) associated with wind turbines
 Status: Referred to Development Control (West) Committee; recommendation for approval

Planning Appeals

- 3.3 While there is no relevant planning history on this site, or for battery storage of this nature in the district, a number of planning appeals for similar development have been determined by the Planning Inspectorate. A summary of appeals is provided below for informational purposes; it is not considered that any of the appeals listed are direct comparisons as the details are not before officers for assessment.

Ref	Authority	Description	Development	Constraints	Decision	Date
APP/N1730/W/17/3167123	Hart District Council (Ref: 16/01789/FUL)	Erection of storage containers, support infrastructure and security fence for Battery Energy Storage facility (5MW)	<ul style="list-style-type: none"> • 2x battery containers (12.2 metres long, by 2.4 metres wide, by 3 metres high); • 1x transformer • 2x chiller units; • 1x switch gear container; • 1x switchgear substation 	Open countryside	Allowed	16 May 2017

APP/R1038/W/17/3173683	North East Derbyshire District Council (Ref: 16/00845/FL)	Erection of energy storage system comprising battery storage containers, ancillary buildings, security fencing, CCTV, access tracks and landscaping (20MW)	<ul style="list-style-type: none"> • 10x battery containers (12.2 metres long); • 10x power inverters; • customer switchgear control room; • distribution substation; • security system 	Open countryside; highway safety	Dismissed	04 Aug 2017
APP/X0415/W/17/3174634	Chiltern District Council (Ref: CH/2017/0132/FA)	Change of use of land and installation of a series of storage units and associated works to provide a battery energy storage to provide balancing services to the National Grid (49.5MW (presumed))	<ul style="list-style-type: none"> • 15x battery containers (12.2 metres long, by 2.6 metres wide, by 4.1 metres high); • 60x air conditioning units; • 5x transformers; • control/switchgear equipment 	Green Belt; Open countryside	Dismissed	31 Aug 2017

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
None received

Internal Consultees

- 4.2 Archaeology Officer
Site investigation would have been desirable, however, on balance any potential for archaeological remains could be managed through the imposition of appropriate planning conditions.
- 4.3 Conservation Officer
The development has the potential to affect designated heritage assets including listed buildings, scheduled monuments and conservation areas. Historic England has suggested that the cumulative impacts of development around Iron Acton Substation be considered for their impact on the historic environment.

It is not considered that the development would impact on Poplar Farm (grade II listed building); it is unlikely that there would be views of the site from the upper floors of Acton Court (grade I) during the winter months (when there is no leaf cover) although an assessment in winter months would be beneficial; impact on Mudgetown Farm (grade II*) in winter months is unclear and would depend on landscaping.

- 4.4 Ecology Officer
No objection subject to conditions
- 4.5 Environmental Protection
No objection; request conditions to control working hours
- 4.6 Highway Structures
No comment
- 4.7 Housing Enabling
No comment
- 4.8 Landscape Officer
On the basis of the profile of the revised bund, over time the development will be screened by the proposed and improved vegetation and landscaping treatment.
- 4.9 Lead Local Flood Authority
No objection. The culverting of the roadside ditch to gain access would require separate consent from the Lead Local Flood Authority.
- 4.10 Sustainable Transport
No objection; construction management plan should be secured by condition.

Statutory / External Consultees

- 4.11 Avon and Somerset Constabulary
No objection
- 4.12 Historic England
Proposal has potential to impact on the setting of Acton Court which is both a scheduled monument and a grade I listed building. As a historic asset, this site is of the greatest significance and any harm to its significance requires clear and convincing justification. The site may be visible from Acton Court in the winter months where there is no leaf cover. The proposal will result in a degradation to the rural setting of the asset but would not harm the setting or significance of the asset. However, the assessment of impact should be made cumulatively considering other nearby related development.

Other Representations

- 4.13 Community Groups
A consultation reply from *Latteridge Road Community Group* has been received which raises the following points:
- a risk assessment should be undertaken

- applicant should explain need in relation to other nearby applications
- application presents exposure to environment from explosive and toxic material
- case officer should exercise duty of care to local residents
- fire risk
- issues of technical failure and subsequent impact
- issues with mobile phones, car batteries, aircraft
- noise impact
- quality of batteries is questionable
- too much emphasis on need, not enough on safety

4.14 Objection Comments

3 comments of objection have been received which raise the following points:

- concern over fire risk
- concern over new access
- concern over pollution risk
- concern over risk assessment
- existing lights and alarms at substation effect amenity
- impact on heritage assets
- impact on soils/ ecology/ biodiversity
- industrialisation of the countryside/ green belt
- Latteridge Lane suffers from HGV traffic
- object to green belt location

4.15 Support Comments

11 comments of support have been received which raise the following points:

- benefit to farmers
- better than diesel/gas generation
- economic benefit
- important part of move towards renewable energy
- less intrusive than other forms of development
- low impact on area
- no amenity impact
- public benefit outweighs any harm
- risks managed through adequate control processes
- rural locations are appropriate for this type of development
- sensible location next to grid connection
- vital part of maintaining grid frequency

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the installation of a battery storage facility on land at Larks Lane, Iron Acton. The site is in the open countryside in part of the district falling within the green belt.

Overview of Development

- 5.2 It is proposed to erect a battery storage facility. This would be comprised of banks of lithium batteries within shipping-style containers painted in green. Ancillary infrastructure, as described above, is also proposed.
- 5.3 A battery storage facility acts as a balancing service for the National Grid. The frequency of the grid needs to be kept as close as possible to 50Hz ($\pm 1\%$) to avoid damage to sensitive equipment and blackouts. The grid was designed to serve traditional energy generation from low numbers of high-output power stations. Under this system, frequency was controlled by varying the number of power stations providing energy into the grid at any one time to ensure that the energy in the grid matches demand at any particular time.
- 5.4 This is achieved by providing a baseload into the grid with additional energy provided at times of peak demand. There are various means by which this can be achieved, for example specific peaking plants which generate additional energy on demand to ensure grid frequency consistency.
- 5.5 In order to address climate change, there has been a push towards renewable and low-carbon energy generation which have fewer emissions than traditional coal or gas fired power stations. This has resulted in a transformation as to how energy is transmitted through the grid. Instead of few high-output energy generators, power is increasingly generated (and imported into the grid) from a high number of lower output generators, an example being solar farms. As renewable sources cannot guarantee a constant supply of energy they do not form a reliable baseload. Energy from renewable sources may therefore be generated at times of low demand or not available at time of peak demand.
- 5.6 Battery storage is a means by which excess energy in the grid can be syphoned out to maintain frequency at times of low demand, by charging the batteries (importing energy). It also provides a peaking service by discharging into the grid at times of high demand (exporting energy). The ability to import and export energy is beneficial in ensuring that grid frequency is maintained.
- 5.7 Battery storage therefore assists in the transition to renewable and low-carbon energy but, as a storage facility and not a generator, is in fact neither. The storage facility is indiscriminate in the energy it stores – it will store excess energy in the grid at times of low demand regardless of how this energy was generated.

Principle of Development

- 5.8 The application site lies outside of any defined settlement. Under the locational strategy for the district, set out in policies CS5 and (in relation to the rural area) CS34, development is in the first instance directed to the existing urban areas and defined rural settlements. It would need to be demonstrated that a rural location was essential for the development or the proposal would conflict with the locational strategy. Furthermore, the site is located in the Bristol and Bath Green Belt where development is strictly controlled. Policy CS5, CS34 and PSP7 consider development in the green belt. It is these matters which

determine whether the principle of development in this location and for the proposed purpose is acceptable.

Development in the Green Belt

- 5.9 The government attaches great importance to green belts with the fundamental aim of keeping the land permanently open in nature. The green belt has 5 purposes (as defined in paragraph 80 of the NPPF): to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and, to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. In order to maintain openness, development in the green belt is strictly controlled. Inappropriate development in the green belt is by definition harmful and should not be approved except in very special circumstances.
- 5.10 Certain forms of development are exempted from the presumption against development in the green belt and are listed in paragraphs 89 and 90 of the NPPF. The proposed development does not fall into any of the categories listed in either paragraph and it must therefore be concluded that the proposed development is inappropriate development in the green belt. As stated, inappropriate development should not be approved unless very special circumstances can be demonstrated.

Very Special Circumstances

- 5.11 The applicant recognises that the proposal is inappropriate development in the green belt and has submitted a case of very special circumstances. The case as presented can be summarised as follows:
- the proposal does not conflict with the purposes of the green belt:
 - the proposal would not lead to urban sprawl
 - there is no evidence of significant development pressure on the area in which the application site is located and would not lead to the merging of settlements
 - the temporary nature of the proposal and the return to its existing state means it would not encroach into the countryside
 - the development does not impact on heritage assets or the setting of historic towns
 - recycling of urban or derelict land is not relevant
 - the scale and form of development has limited impact on openness which would be localised and temporary
 - need for additional balancing services to support the shift towards renewable and low-carbon energy
 - benefit of capturing otherwise unharnessed energy
 - environmental gains
 - Iron Acton Substation is only location where there is sufficient import/export capacity to support scale of development
 - benefits outweigh harm

- 5.12 The applicant was asked to expand on their case for very special circumstances and demonstrate why Iron Acton was being progressed over potential alternative development locations within the district. A report was submitted which demonstrates that there are 3 'bulk supply' substations which have 19 primary substations beneath. Of the three bulk supply substations, only Iron Acton was an import/export capacity of 50MW. Of the 19 primary substations, none have demonstrated that there is either 20MW or 10MW capacity without infrastructure improvements (which affect the viability of a proposal).

Assessment of Very Special Circumstances

- 5.13 Placing to one side for the moment the impact on both openness and the purposes of the green belt, the applicant's case looks at the need for balancing services, environmental benefits, and locational factors.
- 5.14 Need: The applicant considers that the need for development of this nature weighs in favour of the proposal. The government's overarching energy policy EN-1 seeks a transition to low-carbon energy system to cut greenhouse gas emissions. Part of the government's policy is to secure reliable electricity supplies during transition, which the proposal would assist in providing. However, even within this overarching policy, energy related installations are recognised as likely to be inappropriate development and that energy proposals should be treated no differently from any other form of inappropriate development in the green belt. The government's Clean Growth Strategy sets out that the electricity system should be 'smarter' and 'more flexible' to take advantage of 'rapidly developing technologies such as energy storage.' Government has made a commitment to assisting the energy market develop technologies such as energy storage.
- 5.15 Many other documents, such as those cited by the applicant, indicate that there is a moving trend towards energy storage. A publication by the Carbon Trust, *Can Storage Help Reduce the Cost of a Future UK Electricity System?*, identifies that storage has a strong future in providing greater low-carbon flexibility in the energy system; flexibility being the key aspect.
- 5.16 Officers do not disagree that there is a need and public benefit to securing a reliable power supply and transmission system, which includes protecting frequency levels. However, grid frequency is a national matter and therefore while evidence has been presented as to the import and export capacity of Iron Acton Substation officers are not convinced that this is sufficient specific spatial justification which would outweigh harm to the green belt, both by virtue of inappropriateness and any other harms.
- 5.17 Furthermore, the NPPF recognises that there are certain forms of renewable energy which may require a green belt location, yet it still classifies it as inappropriate development. Renewable energy generation has greater public benefit than battery storage as battery storage cannot – until there greater change to energy generation nationally and a lower reliance on fossil fuels such as gas – guarantee to utilise only renewable energy. As a result, battery storage is a contributor to the overall shift to low-carbon energy but does not

bring the specific environmental benefits renewable energy generation does. The weight attached to the benefits of battery storage in the green belt compared to renewable generation should therefore be notably less.

- 5.18 Indeed, if the need – nationally – for balancing services was so great there are means available to the government through which to secure it. For example, at the very least the government could issue some form of direction on the weight applied to the benefits of battery storage specifically in planning terms including when proposals are in green belt locations. It is noted that in *Upgrading Our Energy Systems*, the government has indicated that the Electricity Act 1989 will be amended to include a statutory definition of storage. It is also indicated that the government will ‘review the planning regime to look at whether it could be simplified for storage facilities. Aspects for review could include the national planning threshold for storage facilities and planning guidance associated with storage.’ (page 12; issue 1.2 page 21). Simplifying the planning regime may be a reference to permitted development rights and planning guidance could be referring to either the NPPF or NPPG. However, to date no such direction or amendments have been made. A search by word for either ‘battery’ or ‘storage’ on the ‘renewable and low carbon energy’ pages of the NPPG returns no relevant results. While this may be an emerging area of government policy, at the time of writing it remains just that – emerging.
- 5.19 Environment: The case being made is that there is an environmental benefit to development. Battery storage is seen as a means by which the energy network can switch to low-carbon through the capture of otherwise wasted energy production thereby reducing reliance on more polluting infrastructure. As a storage facility, there would be no emissions from the site itself associated with the import and export of electricity.
- 5.20 However, it is a matter of what weight should be applied to the direct environmental benefits of the scheme to justify its green belt location. Battery storage is part of the wider low-carbon agenda; it is not explicitly low carbon in its own right. The batteries would store excess energy in the grid at times of low demand; the source from which this energy is generated is undefined and may be renewable, low-carbon, or fossil fuels.
- 5.21 There is no clear evidence provided as to the likely times of import and export to the grid other than at times of low and peak demand respectively. It is therefore ambiguous as to whether the battery storage facility would indeed create its own ‘artificial’ demand at times of traditional low demand. Logically, lowest demand would be overnight. But this is also a period where renewable sources of energy such as solar are unavailable. Other renewable sources could be generating energy, however, these sources tend to have short lead-in/out times and can be switched on or off easier than traditional generators. Traditional generators would be more likely to idle at periods of low demand to prevent a long lead-in time when demand increases which, until these sources of generation are phased out, would still result in emissions.

- 5.22 Location: In terms of demonstrating very special circumstance, location is a key factor and one which carries significant weight. The applicant makes the case that this site has been selected due to the import and export capacity available at Iron Acton Substation and costs of locating the facility at greater distance from the grid connection point.
- 5.23 Officers note that alternative sites have been considered in a selection process and discounted. This is due to constraints in the import/export capabilities and other technical issues. While the grid connection is of significant importance and is a weighty factor for the decision taker, the issue is really one of viability and deliverability. It may be that the site provides a commercial opportunity but in terms of green belt, it would need to be demonstrated that the cost burden of technical improvements to alternative non green belt locations was so disproportionate that the public benefit fell on permitting a green belt location to contribute to the overall benefit of a secure and stable power supply.
- 5.24 This proposal also does not have a direct link to renewable energy generation which would require a specific location. For example, at Alveston Wind Park on-site battery storage is proposed. This would store energy generated directly by the wind turbines at times when the energy is not being directly exported to the grid. In that circumstance, the locational requirement for the batteries can be justified as it directly relates to a renewable energy generator and contributes to the environmental benefit that the generator provides. The batteries proposed as part of this application would store generic energy generated anywhere on the grid and therefore cannot, on the basis on a connection to energy generation, demonstrate a green belt locational requirement.
- 5.25 A local requirement would act in favour of a green belt location. While officers note that there is a general move towards a grid with more local connectivity in terms of generation and consumption, the proposed development is seeking to address a national (and subsequently local) issue of grid frequency and flexibility. Although transmission over long distances would result in some losses it has not been demonstrated that an alternative non green belt location elsewhere in the country could address issues of grid frequency or that any such site is unavailable.
- 5.26 The precise locational requirement for a green belt location has not be satisfactorily demonstrated or that more appropriate alternative locations are unavailable.
- 5.27 Openness and Purpose: The other aspect of the applicant's case is that the development would have a limited impact on openness and would not conflict with the purposes of the green belt.
- 5.28 Openness is created by the lack of built form. The applicant puts the case that while there would be an impact on openness it is only very localised and would be temporary for the length of the operation of the facility.

- 5.29 The location of the Iron Acton Substation is noted and its impact on openness. However, the substation is a piece of nationally significant infrastructure. The substation itself is relatively well screened and its position is 'given away' by the convergence of transmission pylons. The role and planning history of the substation (being unlikely to have required the express planning permission of the local planning authority) are relevant and indicate that it should not be assumed that the presence of the substation would act to support further harm to the openness of the green belt.
- 5.30 Overall, this area of the district is rural in character and development nearby is sparse. The proposal would introduce a form of development which can only be described as industrial in nature. Although low in height, the proposal would have a notable and significant urbanising effect. As a result, it would have an impact on openness. Officers disagree that the level of harm to openness should be considered limited due to the time-limited nature of the development and the limited visibility of the scheme from the wider area. The proposal would result in a significant harm to openness and character and this should be weighed in the overall planning balance.
- 5.31 The purposes of the green belt are well documented and need not be repeated. The applicant's view is that the development would not conflict with the purposes of the green belt. This is industrial style development in the green belt and therefore would result in urbanisation and encroachment into the countryside. Evidence has not been submitted to demonstrate that there are no alternative sites where the proposed use would result in the recycling of derelict and other urban land. Therefore, officers conclude that the proposal does conflict with the purposes of the green belt.

Summary of Very Special Circumstances

- 5.32 Very special circumstances will not exist unless the harm to the green belt arising from inappropriate development – and any other harm – is *clearly* outweighed by other considerations.
- 5.33 Officers consider that the development would result in other harms and this is discussed below.
- 5.34 Based on the analysis presented above the proposed development is harmful to the openness of the green belt, the purposes of the green belt, and harmful by definition as it is an inappropriate form of development in the green belt. Having given due consideration to the case presented by the applicant, officers are not convinced that they amount to being very special or that the normal presumption against development the green belt should be overridden. Additionally, as officers have identified other harm, very special circumstances cannot be found; very special circumstances can only be found where there are no other 'harms' resulting from the proposed development.
- 5.35 In making this assessment, officers conclude that the development is inappropriate development in the green belt and should be resisted.

Impact on Character of Area

- 5.36 Larks Lane is a narrow, rural lane. It is flanked (with the exception of the substation) by agricultural fields. The land is open in nature and characteristic of a rural landscape. Built form in the immediate vicinity is limited; even further afield, the settlement of Latteridge (to the south of the site) is little more than a hamlet.
- 5.37 The proposed development would have a significant urbanising effect through the installation of the containers themselves, which can only be described as industrial, and also the spreading of the permeable hardstanding across the site on which the development shall sit. The proposal would also include the provision of fencing which would be inconsistent with the existing field hedgerows which mark boundaries currently.
- 5.38 It is acknowledged that the development would not be tall and that the proposed bund and landscape treatment would enable screening of the development over time. It is also acknowledged that the site is in close proximity to the substation. However, the proposal is the other side of Larks Lane from the substation and would therefore be physically and visually separate from it.
- 5.39 While the development may be able to mitigate some of its impact, it is an issue as to whether development of this nature in this location is good design, and therefore by definition, good planning.
- 5.40 Policy CS1 is the main design policy. This requires development to reach the 'highest possible' standards of site planning and design by: ensuring that development respects and enhances the character, distinctiveness and amenity of the site and its context; and, that features of landscape or amenity value are safeguarded. As the site is in the rural area, policy CS34 also provides design considerations. This policy states that development proposals will be required to protect, conserve and enhance the rural areas' distinctive character, beauty, wildlife, landscape, biodiversity, and heritage.
- 5.41 The introduction of industrial style containers would urbanise the area to the detriment of its rural and agricultural character and the harm to visual amenity and local distinctiveness is a matter of principle and cannot be fully mitigated through site screening. The development is therefore harmful and should be resisted.

Historic Environment

- 5.42 For this application, the historic environment comprises both listed buildings and archaeology.

Listed Buildings

- 5.43 In terms of listed buildings, the proposal has the potential to affect the setting of: Poplar Farm (grade II); Acton Court (grade I); and, Mudgedown Farm (grade II*). Historic England have commented on the application and agree that the development will not affect the setting of Acton Court. However, Historic England raised a concern that proposed development around the substation

may, cumulatively, impact on heritage assets. Concern was particularly raised with regard to the Alveston Wind Park, and a proposal for a peaking plant on a nearby site (PK17/1710/F). In addition to these, the planning authority is in receipt of a pre-application advice request for another energy related development in close proximity to the substation.

- 5.44 The application site and the adjacent application site there are no ground level views between the site(s) and Acton Court. At first floor level, views would be obscured by leaf cover during the spring and summer months. Glimpses may be available from the top floor of Acton Court but not from a designated view point. The wind turbines at Alveston Wind Park have a more noticeable impact but the two proposals on Larks Lane and the proposal at pre-application stage (should it come forward) would not have a greater impact on the setting of Acton Court. Setting can also include the non-visual experience. The B4059 is a busy road which runs past Acton Court and on into Latteridge. Noise can have an adverse impact on the appreciation of setting. The battery storage development would not generate noise to the extent that it would be harmful and therefore this development does not have an adverse impact on the 'experience' of setting. Any further noise generating development should consider the impact of additional noise on the setting of the nationally significant heritage asset of Acton Court.
- 5.45 It is unlikely that the proposed development would have a significant adverse impact on the setting of other listed buildings as effective screening, certainly during the summer months, can be achieved. Any further development should demonstrate that the cumulative impact of any consented and proposed developments does not, in the winter, have a significant adverse impact on the setting of heritage assets.
- 5.46 In terms of listed buildings, the proposed development would have a less than substantial impact or none.

Archaeology

- 5.47 Acton Court is a scheduled monument and therefore an important archaeological asset. In addition, there is the potential for the site to contain archaeological remains.
- 5.48 No specific investigation of the site has been undertaken. Investigation works have been undertaken on a site nearby which has revealed very little in situ archaeology.
- 5.49 This does not remove the possibility of there being surviving archaeology on this site and without investigation, it remains unknown as to likelihood of there being significant remains. Ordinarily, it would be expected that an application provides evidence in some form of the likelihood of there being surviving archaeology.

- 5.50 However, considering the evidence nearby, the potential for there to be significant harm is relatively low. Therefore it would be reasonable for this issue to be addressed by condition. Should the recommendation have been made to grant permission it would have been subject to a condition requiring a written scheme of investigation and an archaeological watching brief during ground disturbance.

Natural Environment

- 5.51 Natural environment considerations include landscape and trees, ecology and biodiversity, and flood risk and drainage.

Landscape and Trees

- 5.52 The impact on the openness of the area and its character, amenity and distinctiveness has already been set out. The Landscape Character Assessment SPD describes the area as comprising of a generally enclosed, small scale landscape of clipped and dense hedgerows, with frequent mature hedgerow trees within a gently rolling landform. The historic pattern of scattered farms, houses and hamlets of Itchington, Earthcott Green and Latteridge, constructed from local Pennant sandstone, punctuate the area and are well integrated within the strong vegetation framework. The limited and well integrated nature of settlement here, together with agricultural land use, visual enclosure formed by vegetation and a generally low lying landform, helps to create areas of tranquil and slightly remote character identified in relation to the green belt and design.
- 5.53 The substation is relatively well integrated into the landscape although the convergence of pylons are visually dominant as are the turbines at the Alveston Wind Park.
- 5.54 The site is open to views over the low hedge in views from the public footpath to the south east. It is proposed to allow the hedge to grow to 3 metres tall which will help to screen the structure, especially during the summer months, although this may have some impact on the amenity of the right of way. From Latteridge only glimpsed views would be possible and within five years any views would be screened by the proposed bund and planting. From the elevated ground at Latteridge Hill to the west, the site is relatively open to views. It is proposed to allow the hedge on the western boundary to grow to a height of 3 metres and plant new trees. These will help to screen views of the development within 5 years, especially during the winter months.
- 5.55 As a result, the battery storage facility itself would not be highly dominant within the landscape, particularly when compared with the pylons and turbines. However, this would only be after the proposed new vegetation had matured. Furthermore, maintaining a hedge at 3 metres in height is not without its own issues; hedges of this height need to be cut back periodically to 2 metres to prevent them getting too tall and also need to be periodically layered to maintain thickness at the base.

- 5.56 Should the proposed containers have had a greater height, it is less likely that adequate mitigation could be achieved. Comments regarding the urbanisation of the rural character of the landscape have already been made. However, it is acknowledged that screening would reduce the level of visibility of the site such that it did not have a significant detrimental impact on the character, amenity and distinctiveness of the landscape.
- 5.57 If planning permission was recommended a number of conditions would be required to manage landscape planting and implementation, protection of existing landscaping and trees, and future management.

Ecology and Biodiversity

- 5.58 The application has been supported by an ecological assessment. The field has previously been used for growing silage and therefore is covered in a thin sward of fast growing grasses. The assessment has also identified that the hedgerows are species poor with some mature trees and that there is a dry ditch to the boundary.
- 5.59 There is some potential for the site to be used by bats however as there is no lighting proposed and the distance to the trees and hedges is of some distance it is not considered that the proposal would have an impact on bats. The habitat for dormouse is suboptimal and the site is not suitable for reptiles. Bird checks would be required prior to development but are not a constraint. Badgers are known to be in the locality and the site may be used for foraging.
- 5.60 Therefore there are no ecological constraints to granting planning permission but conditions would be required in relation to badger surveys and an informative on breeding birds.

Drainage

- 5.61 Located within flood zone 1, the site is at the lowest probability of flooding. It is indicated that the hardsurfacing would be permeable and the limited amount of buildings mean that the development is unlikely to have a significant impact on drainage or flood management.
- 5.62 On a separate note the proposal includes culverting a section of the roadside ditch to allow for access into the site. These works may require Ordinary Watercourse Consent from the Lead Local Flood Authority. This would be included as an informative note to any planning permission.

Transport

- 5.63 The development itself when operational would have little daily impact on the local highway network. Visits to the site are likely to be infrequent for maintenance works predominantly. The sites import and export functions can be managed remotely. The traffic and trips generated with the operational phase of the development would not have a severe impact on highway safety.

- 5.64 A widened access is required. It is likely that the access would be technically safe and had planning permission been recommended a condition would be included to agree the detailed design of the access especially as it would require the ditch to be bridged.
- 5.65 In terms of transport, the biggest impact would be during the construction and decommissioning phases of the proposal. Given the existing levels of traffic through Latteridge and the characteristics of Larks Lane a full construction management plan would be required by condition.

Amenity and Environmental Effects

- 5.66 Development should not be permitted that has a prejudicial impact on residential amenity. The proposed development is some distance from the nearest residential properties. It is not considered that the operation of the site would have a notable impact on residential amenity. The impact of construction and decommissioning would be limited through an appropriate construction management plan.
- 5.67 In terms of environmental effect, the proposal is for battery storage. It would not result in any emissions from the site. This includes odour and fumes. Furthermore, the development would not be overly noisy although there would be some noise from the equipment the impacts would not be widespread or significant.
- 5.68 The role of battery storage in the move to a low-carbon economy is noted. The exploitation of precious metals is an adverse impact from the production of batteries, and recycling of spent batteries is a growing industry. However, these are not specific planning matters to which weight should be applied in decision taking.
- 5.69 Overall, it is not considered that the proposal would have a significant adverse impact on residential amenity or the environment and no objection is raised in this regard.

Public Safety

- 5.70 An issues that has come out of the public consultation responses is concerns over public safety, particularly from fire.
- 5.71 A safety report has been submitted to provide further information on this issues. This should be caveated by stating that the report was prepared by the applicant. However, notwithstanding that, the report has been briefly reviewed by the council's Environmental Policy and Climate Change team who have concluded that the report is broadly fit for purpose but who cannot verify its contents outright.
- 5.72 The facility would use lithium based batteries as these are the most suited to this type of storage; lithium batteries can discharge with a short lead-in time (0.5 seconds) and sustain discharge for a long period of time and are considered a high-performance battery due to the amounts of energy they can store.

In the UK, OfGEM reports that 550MW of battery storage has already been contracted by the National Grid to be online by 2020 and this is within an informal target of achieving 2000MW of battery storage in the same time scale. Data submitted for planning application PT17/1992/RVC indicates that there is in excess of 300MW of battery storage facilities with extant planning permission across the UK.

- 5.73 At Leighton Buzzard in the period since the plant was operating (4 years) there has been evidence of only 1 failed battery cell. Battery storage facilities are treated as industrial plants and are therefore subject to the relevant safety legislation for such activities. The containers would be subject to heating, ventilation and air conditioning to control the internal environment. The containers are also fitted with fire suppression systems where gas is pumped into the sealed containers to reduce the level of oxygen to halt combustion.
- 5.74 While public safety is a material planning consideration, planning legislation would only form the primary statute where there was no other specific legislation to address the particular issue. For example, in the construction of a dwelling, fire risk is managed through the building control process. A similar situation applies here; the facility is an industrial process and would be subject to the regulations specific to the operation of this form of plant. Therefore officers are satisfied that public safety is adequately addressed and that the proposed development would not present an unacceptable risk to nearby residents or property.

Sustainable Development

- 5.75 Paragraph 93 of the NPPF is particularly pertinent to this application. It states, verbatim:

Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

- 5.76 It is within paragraph 7 of the NPPF that the three strands of sustainable development are defined further.

Economic Role

- 5.77 The development has many economic benefits and would make a valuable contribution to building a strong and responsive economy. The proposal would assist in supporting the growth of the renewable and low-carbon energy markets and encourage greater innovation to improve existing and develop future technologies.

5.78 It is stated in the application documents that the UK spends approximately £1 billion on balancing services. It is therefore a significant part of the energy market and has a direct result on household bills. Securing in the market from development of this nature would therefore have a knock-on effect of providing alternative balancing services which, may, result in a public benefit to household finances.

Social Role

5.79 The social contribution that the development would make to sustainable development is less immediately evident. Development is promoted as ensuring grid stability and frequency to create a reliable and stable energy transmission network. There is obvious public benefit to the secure supply of energy.

5.80 However, the social role of the built – or in this case the rural – environment should not be underestimated. The proposal would harm the green belt and rural setting and character of the locality to the detriment of how this space is consumed in a social and environmental role. This weights against the development.

Environmental Role

5.81 Paragraph 7 of the NPPF indicates that the environmental strand of sustainable development is about both the protection and enhancement of our natural assets, (including improvements to biodiversity, the prudent use of resources, and minimising waste), and mitigation and adaption to climate change and promoting the move to a low-carbon economy.

5.82 There is no doubt that the development would make a valuable contribution towards adaptation to climate change, including low-carbon energy. However, it cannot be robustly verified that the batteries would only support renewable and low-carbon energy generation. Therefore the environmental benefits the development promotes should be tempered.

5.83 If development was permitted it would lead to the industrialisation and urbanisation of the green belt. This is both a social and environmental issue and, although temporary, has a significant detrimental impact which weighs against the proposal.

The Planning Balance

5.84 There are public benefits to this development which weigh in favour of granting planning permission. However, green belt is a policy of considerable force. The NPPF states that *substantial weight* should be given to any harm to the green belt. It is one of the only policies where certain forms of development are by definition harmful and the proposed development is one such form. In addition, substantial harm to the character and appearance of the countryside would also result from this development if permitted.

5.85 Based on the assessment outlined above, officers have concluded that the harm which would result from the development if permitted clearly outweighs the benefit.

5.86 It is therefore the position that this application should be recommended for refusal as does not amount to sustainable development as defined in the NPPF. Furthermore, the proposal would conflict with the purposes and objectives of the development plan and other material planning presented do not indicate that an alternative position to that contained in the plan should be adopted.

Impact on Equalities

5.87 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

5.88 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

5.89 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have a neutral impact on equality overall and sufficient consideration has been given to equality in the main body of this report and the formation of policy.

Other Matters

5.90 A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.

Objection

5.91 Each application should be assessed on its own merits and there is no requirement for a development to justify itself against other proposals in this instance.

5.92 It is considered that any duty of care imposed on the planning authority would have been satisfactorily complied with through the determination process – be it either for approval or refusal.

5.93 This application does not propose any external lighting; external lighting at the substation is beyond the scope of this application.

Support

5.94 Any benefit to farmers (land owners) from farm diversification would have some economic benefit. However, this is likely to be a limited impact and would not be given much weight in the overall planning balance.

5.95 As this application is not a comparative application with other forms of balancing services, the benefits of one form of development cannot be given weight over alternative forms within this application.

The same applies as to whether this type of balancing service is more or less intrusive than other forms of balancing service.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is REFUSED for the reasons listed below.

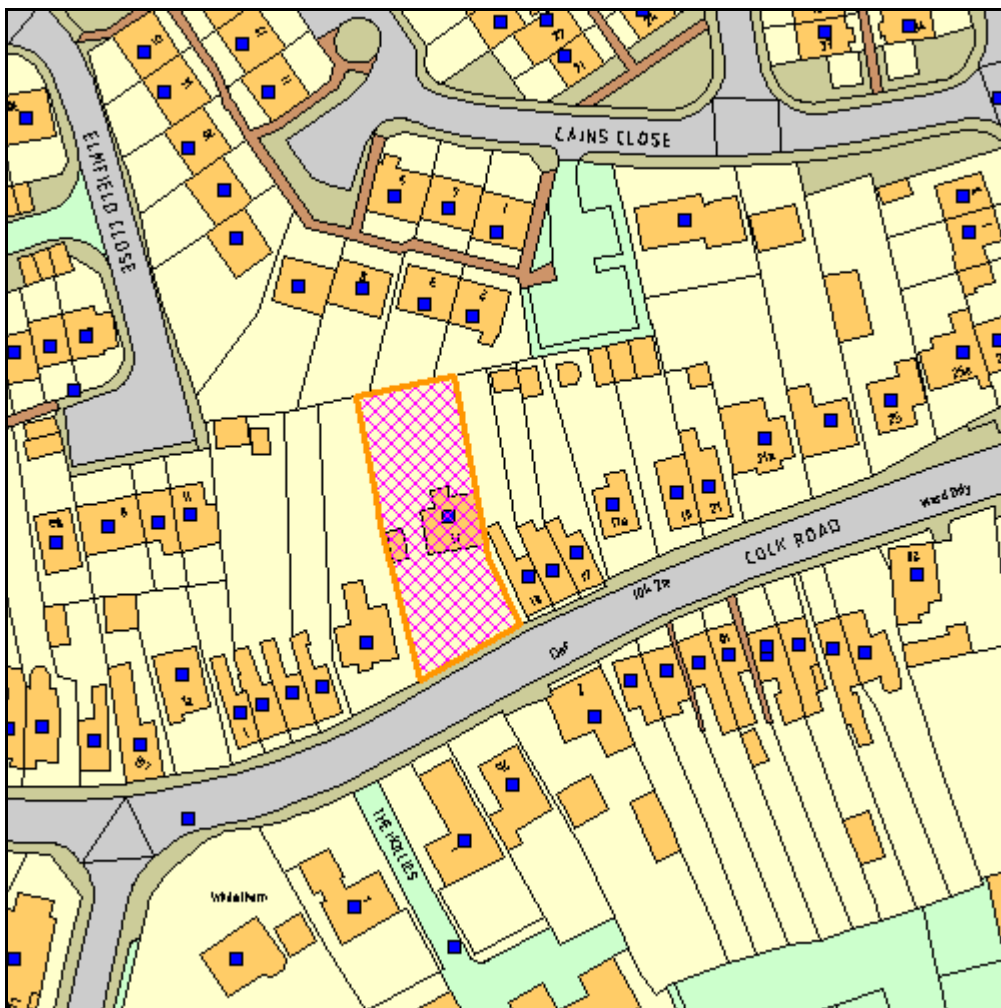
Contact Officer: Griff Bunce
Tel. No. 01454 863438

REFUSAL REASONS

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development considered appropriate within the Green Belt. The very special circumstances advanced by the applicant have not demonstrated that the normal presumption against development in the green belt should be overridden. On assessment the proposal has been found to be harmful to the purposes and openness of Green Belt in addition to the harm from inappropriateness and other harm. The harm identified is considered to substantially outweigh the identified benefits of development and is therefore contrary to Policy CS5, and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Development in the Green Belt SPD (Adopted) June 2007; and the provisions of the National Planning Policy Framework 2012.
2. The proposed development would result in the introduction of an industrial form of development in an area distinctively agricultural and rural in character. The development would have a significant urbanising impact to the detriment of the character, appearance, distinctiveness and amenity of the area and the openness and character of the Green Belt. The harm that would result from the development is considered to outweigh the identified benefits of the proposal and as a result the proposed development cannot be considered sustainable development and, if permitted, would be contrary to Policy CS1, CS4A, CS5, CS9, and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2, and PSP7 South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework 2012.

CIRCULATED SCHEDULE NO. 46/17 – 17 NOVEMBER 2017

App No.:	PK17/3382/RVC	Applicant:	Mr Roger James RPS Construction
Site:	11 Cock Road Kingswood Bristol South Gloucestershire BS15 9SJ	Date Reg:	9th August 2017
Proposal:	Variation of condition 6 attached to PK17/0319/F to delete the word 'garages' and to list the approved plans as a condition.	Parish:	None
Map Ref:	365324 172751	Ward:	Woodstock
Application Category:	Minor	Target Date:	14th September 2017



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 100023410, 2008. **N.T.S.** **PK17/3382/RVC**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of letters of objection, which would be contrary to the officers' recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to vary condition 6 attached to PK17/0319/F to delete the word 'garages' and to list the submitted plans as a condition. Planning permission, PK170319/F, was granted for the demolition of the existing dwelling and the erection of 2 no. semi-detached houses and garages with a new, second access and associated works at No. 11 Cock Road, Kingswood. Condition 6 states: *Prior to first occupation of the development approved, the off-street parking facilities, including the garages, cycle stores and turning head shall be implemented in accordance with the approved plans, and maintained for such a purpose thereafter. 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.* During the course of the application, further drawings have been submitted to clarify the revised internal layout and elevations due to the loss of garages. Additional consultation has been carried out and officers noted the concerns raised by the residents, which are discussed further in this report. Additionally, an amended floor plan has been submitted to rectify the discrepancies on the proposed ground floor plan, which now shown two no. bi-folding doors on the rear of the new dwellings.
- 1.2 The site is situated within the East Bristol Urban Fringe, and is within an area known for coal mining in the past.
- 1.3 With the application, the applicant also submitted a site intrusive investigation report in order to discharge the relevant planning condition. The Coal Authority has reviewed the submitted documents and has confirmed that no need to re-impose the planning condition to this application.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe of Bristol Urban Area

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Development Related Transport Impact Management
PSP16 Parking Standards
PSP20 Drainage
PSP43 Private Amenity 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 PK17/0319/F Demolition of existing dwelling. Erection of 2 no. semi detached houses and garages with new access and associated works. Approved 23.03.2017
- 3.2 DOC17/0152 Discharge of conditions 2 (Coal Mining), 3 (Materials), 4 (Ecology) and 5 (Access) attached to planning permission PK17/0319/F. Demolition of existing dwelling. Erection of 2 no. semi detached houses and garages with new access and associated works. Decided. Approved the submitted details relating to the external materials and the bat box. Refused on the submitted details relating to the coal mining matter and the access.
- 3.3 PK17/2631/NMA Non-material amendment to PK17/0319/F to change garage to larger kitchen area, install bi-folding doors to rear elevation and external door and window to east and west side elevations. Objection as the proposed changes would not be material amendment to the approved plans. 06.07.2017
- 3.4 DOC17/0296 Discharge of conditions 2 (Coal Mining) and 5 (Access). Discharged and approved the submitted details. 16/11/2017
- 3.5 PK16/2533/F Refusal – Appeal Dismissed 18/07/2016
Demolition of redundant dwelling and erection of 6no. self contained flats with access, parking and associated works.

Refusal reason:

1 - The proposed development would be unacceptably detrimental to the living conditions of the occupiers of no. 9 and 13 Cock Road. This would be due to a cumulative effect of increased overlooking, overshadowing and the overbearing impact of the scale and location of development would have in relation to the existing residential properties on either side. It would also result in a poor outlook from the ground floor west facing windows of no. 13. This would be

contrary to policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and policy H4 of the Local Plan (Adopted) January 2006. It would not adhere a good standard of amenity for all existing and future occupiers of land and buildings as required as a core planning principle in the NPPF, and this amounts to significant and demonstrable harm which outweighs the presumption in favour of development.

4. CONSULTATION RESPONSES

4.1 Parish/Town Council Un-parished area.

Hanham Parish Council
No comment received.

Oldland Parish Council
No comment received.

4.2 Other Consultees

Ecology
No comments.

The Coal Authority
No objection. The submitted details are acceptable and therefore there is no requirement to re-impose this condition on any new consent granted.

Sustainable Transport
No objection to the amended proposal subject to condition securing both off-street parking and turning area to be provided.

Highway Structures
No comments.

Lead Local Flood Authority
No objection.

Arboricultural Officer
No comments.

Other Representations

4.3 Local Residents

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

- strongly object to the application and the proposed changes
- The non-material amendment application was not publicised to residents and neighbours and would have had a significant detrimental impact on neighbours' privacy

- The proposed change would have a detrimental and negative impact on neighbours' privacy (an original issue raised in the previous planning applications)
- The loss of garage would significantly reduce the off-road parking at these properties
- subsequent new document added, with no notification of any kind
- insufficient time to make comments for re-consultation
- the proposed changes no longer appears to be consistent with the title of the application, this looks more like a full application for an extensive 'material change', the title of the change is mislead and may affected residents may not have appreciated the extent of the proposed changes
- why the intrusive investigation have been included as this was a requirement from the original application and only adds to the confused and muddled state of the current application.
- this is now a complete change to the original application
- the recent drawing indicates that the 'green space' that was to the front of the property will now be change to parking spaces having a significant negative impact on the visual aspect of the building, creating a very large 'concrete apron'
- PK17/2631/NMA was refused for the changes, which appears to be identical to the current changes
- Loss of privacy as the new kitchen windows will look into the neighbouring properties
- Reduce off-road parking, add further congestion to the road
- Poor visibility for oncoming cars and buses
- Create congestion with car entering and exiting these properties especially rush hours
- The bi-folding doors will look into properties at the back
- The parking may be inadequate for two properties
- construction has been started on site and appears that the dwellings have not been constructed in accordance with the approved drawings, these include (i) the proposed bi-folding doors has not been approved yet, the front wall of the garages appears to be constructed above the anticipated ground level that would be required to provide level access to a garage, an utility pipe is installed in the middle of what should be the garage doors.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposal is to vary the wording of Condition 6 by deleting the word 'garages' and to impose a condition listing all approved plans. Since the grant of planning permission of PK17/0319/F, the Council adopted the South Gloucestershire Local Plan: Policies, Sites and Places Plan in November 2017, which replaced the South Gloucestershire Local Plan (Adopted) January 2006. Therefore the proposal would be assessed against the above listed policies. During the course of the application, further drawings are submitted to show changes to the approved block plan, elevations and floor plans. As the submitted drawings are to clarify the internal layout, which would not constitute a development under planning legislation, as a result of this proposal, it is considered that such changes would not make significant or fundamental

differences to the approved proposal to warrant a new planning application. Therefore the amended drawings have been included and considered under this application. Having regard to the reasons for the condition 6, officers must assess this proposal having specific regard to the impact on highway safety. In addition, further assessments are also made in terms of design / visual, residential amenity, and other relevant planning material considerations.

5.2 Analysis

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

5.3 In assessing this application it is necessary to consider whether or not the relevant condition 6 or any variations thereto, satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). Paragraph 206 of the NPPF states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

5.4 At the time of PK17/0319/F, it was envisaged that the approved dwellings would have an integral garage each to the front of the property and accessed off Cock Road.

5.5 Justification for Varying Condition 6

The applicant has stated that the site will still have parking adequate to meet the Council's adopted parking standards without the garages, which will be replaced with kitchens.

5.6 Analysis of the proposal

Condition 6 was imposed to ensure the satisfactory provision of parking facilities, safeguard public highway safety and amenity of the area.

5.7 Transportation

The submitted plan shows that alternative parking and access facilities will be provided to the front of each dwelling. Whilst the proposal would result in a loss of the approved garages on site, there will remain adequate off-street parking on site. The Highway Officer advised that the initial proposal of tandem parking would restrict the turning space within the site. To address the concern, a revised drawing has been submitted and it shows parallel parking spaces within the site. The Highway Officer is satisfied with the submitted details and raised no highway objection subject to planning condition securing the provision of off-street parking facilities. Officers are therefore satisfied that condition 6 can be amended to omit the wording 'garages'.

5.8 Other changes to the approved scheme

The submitted drawings show there are some changes to the previously approved elevations and floor plans. With regard to the internal layout, the original approved garages would be converted to a kitchen. On the front elevation, the garage doors would be replaced with walls and windows, and on the rear elevation, the patio doors and windows would be replaced with bi-folding patio doors. In addition, a new door and window are proposed to the west and east elevation. It is noted that no change to the scale and the siting of the approved scheme.

- 5.9 From design and visual amenity perspective, although changes are proposed to the originally approved garage doors, windows and doors, and new windows and doors are proposed on both side elevations, officers consider that such changes would still respect the design and scale of the approved dwellings. Concerns are also raised regarding the changes to the parking / landscaping area to the front of the new dwellings. Whilst the revised parking arrangement would result in a partial loss of the turf area / lawn, the majority of the landscaped area would largely remain unchanged, as such, the proposal would still be in keeping with the residential and urban character of the locality. Hence, these would not cause any material visual impact upon the character and appearance of the host dwelling or the locality.
- 5.10 From the residential amenity perspective, there would not be any material adverse impact in terms of overbearing or overshadowing upon the neighbouring properties given that the scale and the siting of new dwellings remain unchanged.
- 5.11 Officers noted the residents' concerns regarding the loss of privacy due to the proposed bi-folding doors on the rear elevation and the new kitchen window and door on the side elevations.
- 5.12 The bi-folding doors, which would replace the approved doors and windows, are proposed at the rear elevation. It is considered that such installations would not cause material loss of privacy as these bi-folding doors would not be closer to the neighbouring properties and would still be overlooking their own private garden. On both side elevations, an additional kitchen door and a small window are proposed. As no planning condition was imposed to prevent any new windows or doors be installed from these elevations, therefore these openings could be installed without the express planning permission, should these dwellings have been built. Nevertheless, in this instance, due to the topography of this particular site and the proximity to the primary outdoor space and windows of neighbouring properties, it is considered that it would be necessary and reasonable to impose a condition to ensure these new windows and doors would be obscured glazed to protect the privacy for both neighbouring residents and future occupiers. On the front elevation, the garage door would be replaced with windows, which would overlook the parking and turning area. Subject to the said condition, the proposal would not cause an unreasonable harm to the residential amenity of the neighbouring properties to warrant a refusal of this application.

5.13 Other conditions

There are a number of conditions attached to planning permission PK17/0319/F. The conditions relating to external materials and bat box have been discharged under DOC17/0152. With regard to the condition relating coal mining, details of site intrusive investigation have been submitted with this application and the Coal Authority has confirmed that there is no need to re-impose such condition, should planning permission be granted for this application. Regarding the proposed access, the Highway Officer has satisfied with the details, Drawing No. 1270/P/02, submitted under DOC17/0296 and raised no objection to the proposed access. Also, the recent site visit reveals that construction works have been started, and therefore planning permission has been implemented. In addition, the applicant has suggested to impose an additional planning condition listing all approved plans, it is considered that such condition would be reasonable. In this stance, all conditions would be amended accordingly.

5.14 Other matters

Residents raised concerns that the re-consultation period is too short to allow residents to comment on this application. Given the

6. RECOMMENDATION

6.1 That condition 6 be permitted to read as follows:

Prior to first occupation of the development approved, the off-street parking facilities, including the cycle stores and turning head shall be implemented in accordance with the approved plans, and maintained for such a purpose thereafter. In the avoidance of doubt, the driveways and parking areas within the site shall be formed using Marshall's Permeable Block Paving -'Drivesett Tegula', unless approved otherwise, and laid in accordance to the manufacturer's instruction.

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; the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017 and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

7. CONCLUSION

7.1 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.

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

8. RECOMMENDATION

8.1 That planning permission be granted subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. The development hereby approved shall be carried out in accordance with the approved external wall and roof material details and photographs received by the Local Planning Authority on 27 April 2017.

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; PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted in November 2017; and the National Planning Policy Framework.

2. Prior to the first occupation of the development hereby approved, the approved bat box shall be installed in accordance with the details shown on Drawing No. 1270/P/04 received on 27 April 2017 and shall be retained as such thereafter.

Reason

In order to provide ecological enhancement at the site in accordance with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

3. Prior to the first occupation of the proposed dwellings hereby approved, the highway works associated with the new access shall be strictly carried out in accordance with the approved details, shown on Drawing 1270/P/02 and shall be retained as such thereafter. In the avoidance of doubt, the new crossovers / dropped kerb shall be constructed and formed in accordance with the approved Section Drawing of Crossover / Dropped Kerb and the South Gloucestershire Council Adopted Highway Specification Reference 0703, which are both shown on the submitted drawing 1270/P/02.

Reason

To ensure the access is completed in accordance with the Council's standard of construction, in the interests of highway safety and to accord with policy CS8 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. Prior to first occupation of the development approved, the off-street parking facilities, including the cycle stores and turning head shall be implemented in accordance with the approved plans, and maintained for such a purpose thereafter. In the avoidance of doubt, the driveways and parking areas within the site shall be formed using Marshall's Permeable Block Paving - 'Drivesett Tegula', unless approved otherwise, and laid in accordance to the manufacturer's instruction.

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.

5. Prior to the use or occupation of the dwellings hereby permitted, and at all times thereafter, the proposed ground floor windows and doors on the east and west elevations shall be glazed with obscured glass to level 3 standard or above, and the proposed first floor windows on the east and west elevations shall also 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 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.

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

Site location plan, block plan, received on 16 October 2017

Proposed Elevations, received on 29 September 2017, and

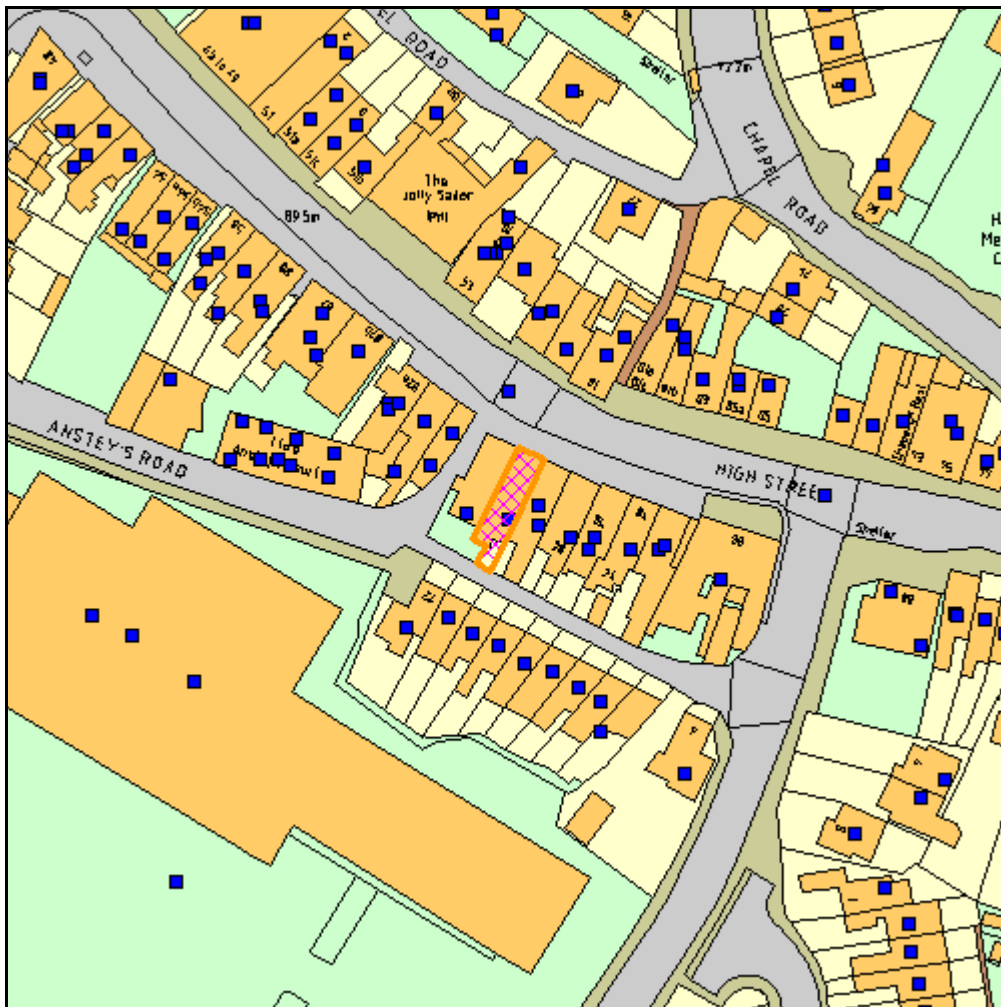
Proposed Floor plans and section drawings, received on 7 November 2017.

Reason

To ensure the development to be carried out in accordance with the submitted plans and to safeguard the highway safety and the amenity of the locality and the adjacent properties, and to accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy Adopted December 2013.

CIRCULATED SCHEDULE NO. 46/17 – 17 NOVEMBER 2017

App No.:	PK17/4353/F	Applicant:	Mr N Browne
Site:	70 High Street Hanham Bristol South Gloucestershire BS15 3DS	Date Reg:	2nd October 2017
Proposal:	Installation of extraction flue with screen (retrospective)	Parish:	Hanham Parish Council
Map Ref:	364183 172319	Ward:	Hanham
Application Category:	Minor	Target Date:	9th November 2017



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to comments received raising concerns from the Parish Council and a local resident.

1. THE PROPOSAL

- 1.1 The application seeks retrospective planning permission for the installation of an extraction flue, with screening, to the rear of the property on to a pre-existing single storey rear extension to facilitate the continued use of the property as a café/restaurant.
- 1.2 The subject property is a café/restaurant situated within a primary retail frontage situated on the southern side of the High Street. The rear of the property backs onto a row of terraced residential housing. These are separated by a pedestrian walkway between the rear courtyard area of property and the small front gardens of the residential properties. The frontage of these residential properties face the rear of the subject property, and area for the proposal.
- 1.3 The property had been subject to another application for a ventilation system, which was withdrawn. The extraction flue subject of this application is a revised scheme following the comments of the Environmental Protection officer.
- 1.4 As a result of receiving residents' concerns it was agreed with the agent to include screening on this application, as included on the previously withdrawn application.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS9 Managing the Environment and Heritage
CS14 Town Centres and Retail
CS23 Community Infrastructure and Cultural Activity

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

PSP8 Residential Amenity
PSP21 Environmental Pollution and Impacts
PSP31 Town Centre Uses

PSP32 Local Centres
PSP35 Food and Drink Uses

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/1412/F - Installation of extraction unit with screen (Retrospective) - Withdrawn 3rd August 2017
- 3.2 PK17/0370/RVC - Variation of condition no. 2 attached to PK14/2458/F to alter hours of working to opening between 08.30 hours to 23.30 hours Monday to Friday and 08.30 hours to 23.30 hours Saturdays and 0900 hours to 22.00 hours Sundays - Approved with conditions 24th March 2017
- 3.3 PK14/2458/F - Change of use from Hairdressers (Class A1) to Coffee shop/cafe (Class A3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) – Approved with conditions 15th August 2014
- 3.4 K2312 – Change of use from private dwelling to hairdressing salon Approved with conditions 5th July 1978

4. CONSULTATION RESPONSES

4.1 Hanham Parish Council

The parish council deferred to the expertise of the councils environmental health team to determine if the specification now meets acceptable standards.

4.2 Other Consultees

Lead Local Flood Authority

No objection

Sustainable Transport

No objection

Highway Structures

No comment

Environmental Protection (summary)

The recent changes to the plant and equipment, located to the rear of the application site, have finally effected an improvement in the level of noise and the cooking odours that residents to the rear of the premises have been subjected to since its installation in the summer of 2016.

The acoustic report reflects this improvement. The acoustic report is titled Report No: 0334.1 by Duncan Newhall of DKN Acoustics dated September 2017 and appears accurate including the measured background noise level.

The assessment demonstrates that the rating level of the equipment does not exceed the background noise level during the evening when background noise levels are lower. This is the current expectation within South Gloucestershire planning policy.

However, I should point out that the report doesn't give reference to the "setting" of the equipment during the measurements. Inevitably, when a fan speed is increased to deal with smoke/heat/steam and cooking odours, the resulting noise levels will increase. Without that information provided in the report, I would be concerned that the measurements were taken when the plant is operating at a low to medium setting then the acoustic report wouldn't reflect the possible worst case scenario. That said, kitchen extraction fans are often operated at medium levels even at busy times and are only increased occasionally for short durations as necessary- to save noisy environments internally as well as to save energy.

To ensure that the operation of the equipment is carried out within the required noise levels indefinitely, I would recommend the following condition is applied to any permission:

1. Noise from plant and equipment:

The Rating Noise Level of any noise generated by plant & equipment at the development shall not exceed the pre-existing LA90 Background Noise Level when measured and assessed in accordance with the British Standard 4142 as amended.

Advice

Anti vibration mounts should be used to isolate plant from fixed structures and a flexible connector used to connect the flue to the fan if there is a potential to transmit vibration to any noise sensitive property. Any systems will also need regular maintenance so as to reduce mechanical noise.

Other Representations

4.3 Local Residents

One comment received which neither objects nor supports the application. The resident states the new systems installed have improved both noise and odour disturbances. They had a preference the systems should be screened as the systems are currently considered obtrusive and screening would reduce this.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The purpose of this application is solely for the erection of the extraction unit and associated screening and is not taking into consideration any other factors relating to the property beyond its lawful use as a café/restaurant (Class A3), as previously approved in the applications stated in Section 3. It has been

recognised that a business of this type would require extraction systems and this proposal would introduce a regulated system.

5.2 Due to the close proximity of the neighbouring residential properties to the rear, and therefore overlooking the development, the principle of the development is being assessed under PSP8 Residential Amenity which states that development proposals will be acceptable provided that they do not have an unacceptable impact on the residential amenity of occupiers of nearby properties. Impacts include noise or disturbance and odours, fumes or vibration. The development is also being assessed under PSP21 Environmental Pollution and Impacts which states that development proposals will be acceptable where they demonstrate that the development is designed to avoid adverse impacts including those from noise and odour. In support of this the agent has submitted an acoustic report and various other technical reports showing both noise and odour control methods. Due to the proximity of the neighbouring residential properties the development is also being assessed under CS1 High Quality Design demonstrating that the development respects and enhances the character and amenity of both the site and its context. In order to reduce the visual impact of the flue, screening is proposed to be installed. There is no 'in principle' objection provided no adverse impacts are found under the above considerations.

5.2 Environmental Impacts

The main issues to consider are noise and odour. The application was accompanied by reports and further technical information in support. Comments from the Environmental Protection department hold no objection in principle to the proposal although concerns were raised that the submitted reports do not include the setting of the equipment when the measurements were taken, and may not represent a 'worst case scenario'. However, it was noted that the reports have highlighted the improvement in both noise and cooking odour control since systems were first installed in the summer of 2016. Therefore, in order to comply with policies CS9, PSP21 and PSP35 the systems should be subject to the recommended conditions on noise levels. Subject to that condition there should be no detrimental impact.

5.3 Residential Amenity

As residential units are in close proximity to the flue it would be appropriate to ensure noise and odour control methods are in place and usage levels restricted in order for the systems not to have a detrimental impact on the residential amenity of the neighbouring properties. As this proposal is retrospective and the modifications are already in place and in use, as noted by the comments from Environmental Protection and a neighbouring occupier, the systems in place have improved the issues of both noise and odour that have been previously reported. Therefore, it is considered that the proposals meet with policy PSP8, again providing the systems are subject to the recommended conditions on noise levels. Subject to that condition there should be no detrimental impact.

5.3 Design/Visual Amenity

The design of the extraction flue may appear large due to the nature of its setting, but the initially proposed painting of the flue to match the exterior colour of the render was considered sufficient enough to soften the visual impact of the flue. However, due to residents' concerns of the visually obtrusive nature of the flue, comments received suggested screening was preferred to the painting of the flue, as this was included on the previously withdrawn application. The agent agreed to include this on the current application and submitted amended plans showing this. Despite no other first floor fencing within the area, due to the purpose and the context of the screening, the scale and design of the fencing proposed is considered acceptable as it reduces the visual impact of the flue systems for the neighbouring properties. The cedar wood finish would ensure that a high standard of finish would be achieved and would therefore satisfy the requirements as set out in policy CS1.

5.5 Consideration of likely impact on Equalities

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

5.6 No material considerations that are considered to engage the Public Sector Equality Duty have been identified through the assessment of the 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 Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That the application be **approved** subject to the conditions below

Contact Officer: Aaron Bush
Tel. No. 01454 863117

CONDITIONS

1. The screening fence as shown in plan drawing number 002 REV C shall be erected within one month from the date of decision, remain in position and be maintained thereafter.

Reason

To ensure the satisfactory appearance of the development in the interests of visual amenity in accordance with policies CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

2. The Rating Noise Level of any noise generated by plant & equipment at the development shall not exceed the pre-existing LA90 Background Noise Level when measured and assessed in accordance with the British Standard 4142 as amended.

Reason

In the interests of protecting the residential amenity of nearby properties in accordance with policies CS9 of the South Gloucestershire Local Plan Adopted December 2013 and PSP8, PSP21 and PSP35 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017.

CIRCULATED SCHEDULE NO. 46/17 – 17 NOVEMBER 2017

App No.:	PK17/4383/F	Applicant:	Mr Lee Chichester
Site:	22 Riding Barn Hill Wick Bristol South Gloucestershire BS30 5PA	Date Reg:	5th October 2017
Proposal:	Erection of 1 no. dwelling with associated works	Parish:	Wick And Abson Parish Council
Map Ref:	369381 172736	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	14th November 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE.

The application has attracted comments which are contrary to the Officer recommendation. Consequently, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of 1 no. detached dwelling with associated works within the residential curtilage of 22 Riding Barn Hill Wick.
- 1.2 The application site consists of a detached dwelling on the northern side of Riding Barn Hill. To the south is open countryside. The site is located outside of a defined settlement boundary, within the Bristol/Bath Green Belt.

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
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP16 Parking Standards
PSP37 Internal Space and Accessibility Standards for dwellings
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Development in the Green Belt SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1. PK06/0316/F
Refusal (10.03.2006)
Erection of double and single attached garage, single storey rear extension with balcony above to form additional living accommodation. Construction of outdoor swimming pool.
- 3.2. P94/1803
Approval Full Planning (10.07.1994)
Erection of two storey side extension to provide sitting room and study with two bedrooms above. (Demolition of existing attached garage)
- 3.3. P90/1894
Approval Full Planning (10.07.1994)
Erection of front porch and cloakroom
- 3.4. P87/1675
Approval Full Planning (17.06.1987)
Construction of vehicular access

4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council
“Wick and Abson wish to object to this application due to overdevelopment of the area and access from the main road and parking. We would also question as to whether this would be a shared driveway.”

4.2 Other Consultees

Highway Structures

“The Highway Structures team has no comment.”

Lead Local Flood Authority

“The Application Form states method of surface water disposal as soakaway. Soakaways must be located 5 Metres from any structure including the Public Highway. This appears to be unachievable.

- I request a drainage layout showing the location of the proposed soakaway.”

Sustainable Transport

“The proposed development seeks permission to construct a new dwelling to side of the existing detached house in the side garden together with the associated parking and works.

Proposal include use of the existing site accesses (there are currently two access) which are to be retained. Both existing site accesses have acceptable visibility splays onto the public highway.

The officer is satisfied that adequate off street parking can be provided for both the existing and the new house but it would be necessary to provide suitable turning area independent of parking spaces so that vehicles can access and egress the site entrance safely in forward gear. In view of this therefore, there is no highway objection subject to the following condition.

- Notwithstanding submitted plans, prior to occupation of new building submit details of off street parking and turning area for both the existing dwelling and the new house for written approval by the Planning Authority and subsequently provide and maintain these provision on site in according to the approved plan.”

Landscape officer

“No landscape objection.

In the event of consent being felt to be acceptable a landscape scheme would be required that satisfies the relevant SGC planning policies related to landscape. Particularly Policy CS1 states Development proposals will be required to demonstrate that: 6. Ensure soft landscape proposals form an integral part of the design for the site and seek to make a net contribution to tree cover in the locality (particularly in urban areas), and prioritise biodiversity objectives and local food cultivation where possible. This is supported by policies PSP2 and PSP 3 of the emerging Policies, Sites and Places Plan. Also the aims and objectives of the landscape strategy for Landscape Character Area 6, Pucklechurch Ridge and Boyd Valley, of the SG Landscape Character Assessment.”

Other Representations

4.3 Local Residents

Four letters of objection were received from Local Residents. In summary these comments pertained to:

Green belt

Reduce openness; housing in the Green belt contrary to national and local policy; not infill development; and no special circumstances provided.

Design

Not in keeping with existing properties; terracing effect; and overdevelopment of the site.

Residential amenity

Overshadowing due to topography and garden reduction.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application is for the erection of one dwelling outside of any settlement. The NPPF sets a presumption in favour of sustainable development.

- 5.2 Paragraph 49 of the NPPF states that '*Housing applications should be considered in the context of the presumption in favour of sustainable development (officer underlining). Relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five year supply of deliverable housing sites.*'
- 5.3 The Council acknowledges that it cannot demonstrate a deliverable five years available housing land supply. As such Paragraph 49 as set out above is engaged and accordingly policies that relate to the supply of housing are according to the NPPF out of date.

Nevertheless the development plan policy is the starting point, Under policy CS5 there would be an "in principle" objection to the development as it lies outside of a defined settlement boundary. However the current housing land supply position is an important material consideration, as is the national policy advice regarding what should happen in those circumstances. It is concluded that the greater weight should apply to the NPPF policy in these circumstances. Notwithstanding the above, Green Belt is also specifically addressed in the national policy which is referred to later in the report and retains its standing despite paragraph 49 being engaged.

- 5.4 The addition of an extra dwelling weighs in favour of this proposal, albeit that this would be a modest contribution towards housing supply. Paragraph 14 of the NPPF states:

At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**. For decision taking 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 whole; or

Specific policies in the Framework indicate development should be restricted (Green Belt policy is cited as one of the specific policies that restrict development; and is addressed later in this report).

- 5.5 The site is located 450m to the west of the settlement boundary; 1km from Wick High Street with its associated services; and 400m to Wick Church of England Primary School. There is a bus stop 300m away along Riding Barn Hill. It is not considered that the site is reasonably sustainable as it is close to the settlement boundary and safe passage can be achieved to Wick.
- 5.6 Additionally, Policy PSP38 of the PSP Plan allows the principle of development within residential curtilages, subject to considerations of design, 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.

5.7 Green Belt

The main policy restriction under consideration for this application is how Green Belt policy applies to the proposal. This is located in the NPPF section 9 and referred to again in policy CS5 of the Core Strategy. Reference to the Green Belt in policy CS5 is not considered out of date as Green Belt is a major policy of the NPPF. The NPPF states that the local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- **limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or**
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

5.8 No case is made that the house is for agriculture or forestry and it is not related to sport, nor is it an extension to existing buildings or a replacement structure. The most likely category of appropriate development against which this proposal might be considered is whether it constitutes “limited infilling within a village”. It is noted that the national policy makes no reference to “settlement boundaries”, the question is whether the site is within the village in question. Whilst the site is outside of the settlement boundary of Wick, it is set between a detached house and a semi-detached pair, on the side garden of No.22. If approved there would be little in the way of a character change to this ribbon of development owing to the semi-rural character that would be maintained with the addition of one house. The site relates and is accurately described as being part of, although towards the edge of the settlement/village of Wick (albeit outside of the designated settlement boundary in the local plan).

5.9 The adopted Core Strategy (2013) defines infill as “the development of a relatively small gap between existing buildings, normally within a built up area.” The adopted SPD (2007) for Green Belt development defines infill development as “development that is small in scale and which fits into an existing built up area”.

5.10 Therefore, the addition of one house, in the gap between two existing buildings, in a relatively built up ribbon development, in a sustainable location, is considered to constitute limited infilling within a village. As such it is considered to be appropriate development within the Green Belt.

- 5.11 In turn this conclusion means that it is the “tilted balance” in paragraph 14 of the NPPF that applies here. Namely that sustainable development should be permitted unless there are significant and demonstrable harms that outweigh the benefits. This is considered below.
- 5.12 Design and Visual Amenity
The host dwelling is an attractive extended detached property set within a spacious plot. The proposed dwelling would be constructed to the east of No.22 in the side garden.
- 5.13 The new dwelling is proposed to be two storey with a pitched tiled roof; front canopy; an extended ground floor (to the rear); brick quoins; and cream render elevations.
- 5.14 The ribbon development to which No.22 is part of is lacking a distinct Character. No’s. 6 and 16 are detached and are of a similar design to the proposal. Set amongst these are semi-detached pairs with varying alterations, designs and orientations. These include side extensions at No’s. 20 and 18 (which have resulted in a terracing effect with No.16); and No’s. 24 and 26 which are set at a 90 degree angle to the immediate neighbour No.22.
- 5.15 It is acknowledged that the proposed dwelling is of a different style to, and would enclose the space between, No.22 and No.20 Riding Barn Hill. However, when considering the lack of a uniform style on the street scene, and that a terraced look is present between No. 18 and No. 16. It is not considered that the proposal would be detrimental to the character of the property, its context or the surrounding properties. Thus, the proposal is acceptable in terms of design and visual amenity, and would comply with policy CS1 of the Core Strategy.
- 5.16 Residential Amenity
Policy PSP38 of the adopted PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers
- 5.17 Several neighbour comments noted the overshadowing effect of the proposal which would be compounded by the topography. While a new house on this site would result in some overshadowing and loss of light. When considering that the proposal would be built in line with No’s. 20 and 22; that there are no windows to the side elevation of No.20; and that the gardens along the row are north facing. The overshadowing impact is not sufficient to warrant a refusal reason.
- 5.18 Both the proposed dwelling and the existing dwelling would contain 3 bedrooms. Policy PSP43 of the PSP Plan states that a minimum of 60m² of private amenity space should be provided. The new dwelling would benefit from 57m²; and the existing 56m². While these are slightly below the 60m² threshold, the shortfall is so marginal that it is not considered to amount to a significant and demonstrable harm that outweighs the benefit of the proposal.

5.19 When considering the existing boundary, combined with the siting and scale of the proposals. The proposals would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the adopted PSP Plan (2016).

5.20 Transport

As noted from the Transport Officer in point 4.2, subject to a parking condition, there are no transport objections.

5.21 Drainage

The method of drainage was questioned by the Drainage Officer. Subject to a revised, clarified drainage scheme, which could be conditioned, there would be no drainage objections. Owing to importance of satisfactory drainage being achieved at the site, this will be a pre-commencement condition.

5.22 Landscape

Subject to a landscape scheme being submitted, and approved by the Council, which could be conditioned, there are no landscape objections.

5.23 Equalities

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

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

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report. It has been concluded that greater weight should be given to the NPPF test in paragraph 14. The proposal is considered appropriate limited infill development within a village, and is located within a reasonably sustainable location. No significant or demonstrable harm was identified that outweighed the benefits if an additional dwelling in this location.

7. RECOMMENDATION

7.1 That the application be **GRANTED** subject to the condition(s) set out below.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. These details are required prior to the commencement of development as they relate to the earliest stages of development, and would be unlikely to be rectified later in the construction process.

3. Prior to the first occupation of the development an area for the turning of vehicles shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details with the turning area kept clear at all times for the manoeuvring of vehicles.

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.

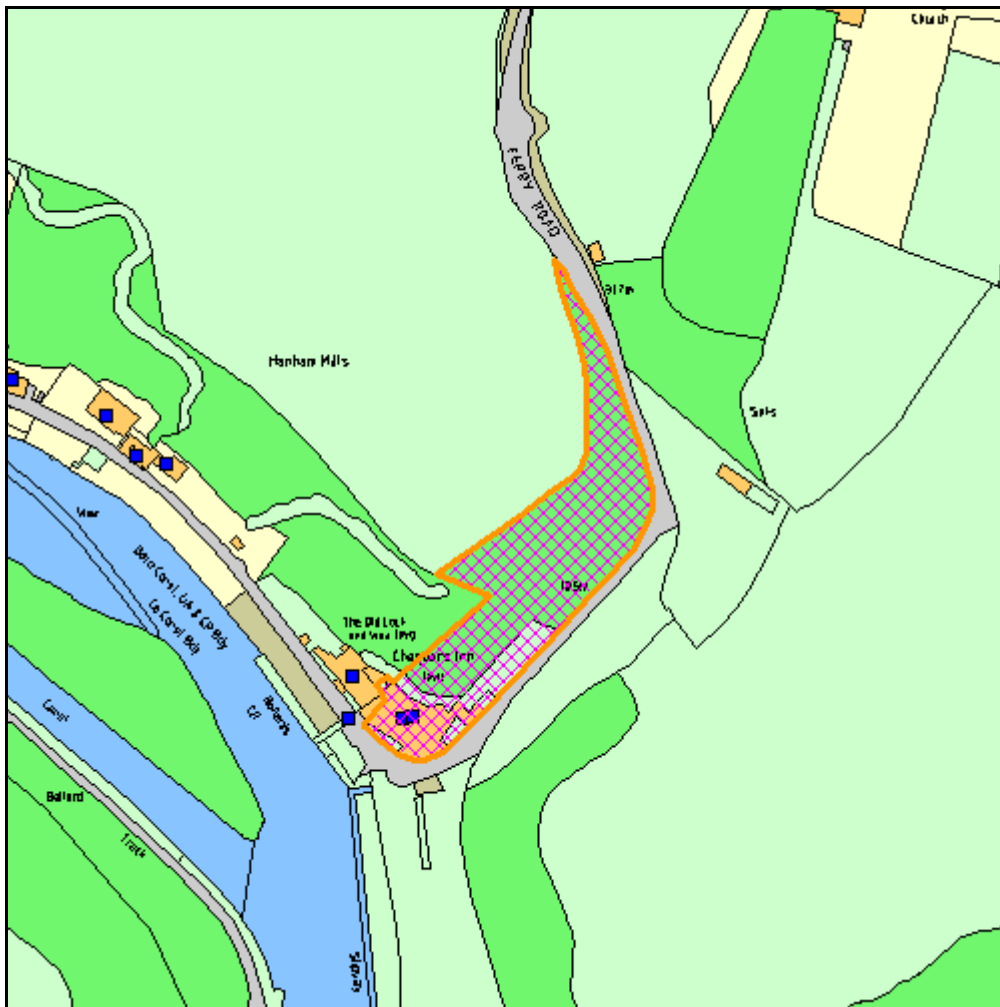
4. Prior to the first occupation of the development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of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

Reason

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

CIRCULATED SCHEDULE NO. 46/17 – 17 NOVEMBER 2017

App No.:	PK17/4457/ADV	Applicant:	Mrs Holme
Site:	Chequers Inn Hanham Mills Hanham Bristol South Gloucestershire BS15 3NU	Date Reg:	5th October 2017
Proposal:	Display of 2no internally illuminated static fascia signs, 2no externally illuminated static hanging signs, 2no non illuminated hoarding signs and 2no non illuminated fascia signs.	Parish:	Hanham Abbots Parish Council
Map Ref:	364791 170028	Ward:	Longwell Green
Application Category:	Minor	Target Date:	17th November 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE.

The application has attracted comments which are contrary to the Officer recommendation. Consequently, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The applicant seeks advertisement consent to display 2no internally illuminated static fascia signs, 2no externally illuminated static hanging signs, 2no non illuminated hoarding signs and 2no non illuminated fascia signs.
- 1.2 The application relates to the Chequers Inn Hanham Mills Hanham which is located in the Hanham Abbots Conservation Area.
- 1.3 On a site visit the Case Officer noted that the site was undergoing a refurbishment. Linked to this is the application PK17/0761/F which is currently pending with the Council.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/3535/F
Approve with Conditions (18.11.2013)
Alterations to entrance area to provide disabled access lift with new glazed canopy over, installation of replacement doors and windows and new tiled feature roof over single storey extension.
- 3.2 PK13/0401/CA
Approve with Conditions (21.03.2013)
Demolition of part of existing retaining wall
- 3.3 PK13/0400/F
Approve with Conditions (20.03.2013)
Erection of replacement stone retaining wall. (Re-submission of PK12/0331/F).
- 3.4 PK12/0331/F
Withdrawn (29.03.2012)
Erection of stone retaining wall
- 3.5 PK11/3789/F
Approve with Conditions (20.01.2012)
Installation of bi-fold doors to front elevation with associated retractable awning above.

- 3.6 PK02/2110/F
Refusal (14.08.2002)
Erection of pergola over existing patio area and railings. Creation of new childrens play area with associated works.
- 3.7 K157/16
Approval Full Planning (19.12.1995)
ERECTION OF FIRST FLOOR EXTENSION AND ASSOCIATED LANDSCAPING SCHEME. (Previous ID: K157/16)
- 3.8 P95/4290
Advert Approval (21.08.1995)
DISPLAY OF 1NO. EXTERNALLY ILLUMINATED POST MOUNTED SIGN, 1NO. NON-ILLUMINATED FREESTANDING

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
“We strongly object to the application on the basis that it is located within the Hanham Abbots Conservation Area. The proposed illuminated signs are unnecessary due to the pub being located at the end of a no through road and will not need to stand out to passing traffic.”

Sustainable Transport

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

Planning Enforcement

None received.

Listed Building and Conservation Officer

“No objection.”

Other Representations

- 4.2 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the Local Planning Authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

5.2 Visual Amenity

The signage would be located on a public house in a waterfront location which contains two public houses; several large seating areas running along the lock system; and a large car park. The other public house (Old Lock and Weir) benefits from multiple signage to its frontage.

5.3 It is acknowledged that currently the only sign serving the property is a dilapidated post swing sign. However, the plans show that the signs are in keeping with the current building and are not excessive in number or design.

5.4 It is not considered that the nature and scale of the signage proposed at this location would in its own right have a significant or material adverse impact or a cumulative impact to the detriment of the visual amenity of the area.

5.5 Public Safety

The signage would be located in a well-used recreational area, with other similar signage around. Additionally, as noted from the Transport Officer in point 4.1; there are no transportation objections to the proposals.

5.6 Impact on the Conservation Area

The site is located in the Hanham Abbots Conservation Area and the comment of the Parish Council is noted. However, when considering that the Old Lock and Weir, a public house located next to the proposal contains multiple signs to its frontage; and, as noted on the site visit 5 large down lighters that create a highly illuminated frontage. It is not considered that similar signage in the area would warrant a refusal reason.

6. **CONCLUSION**

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

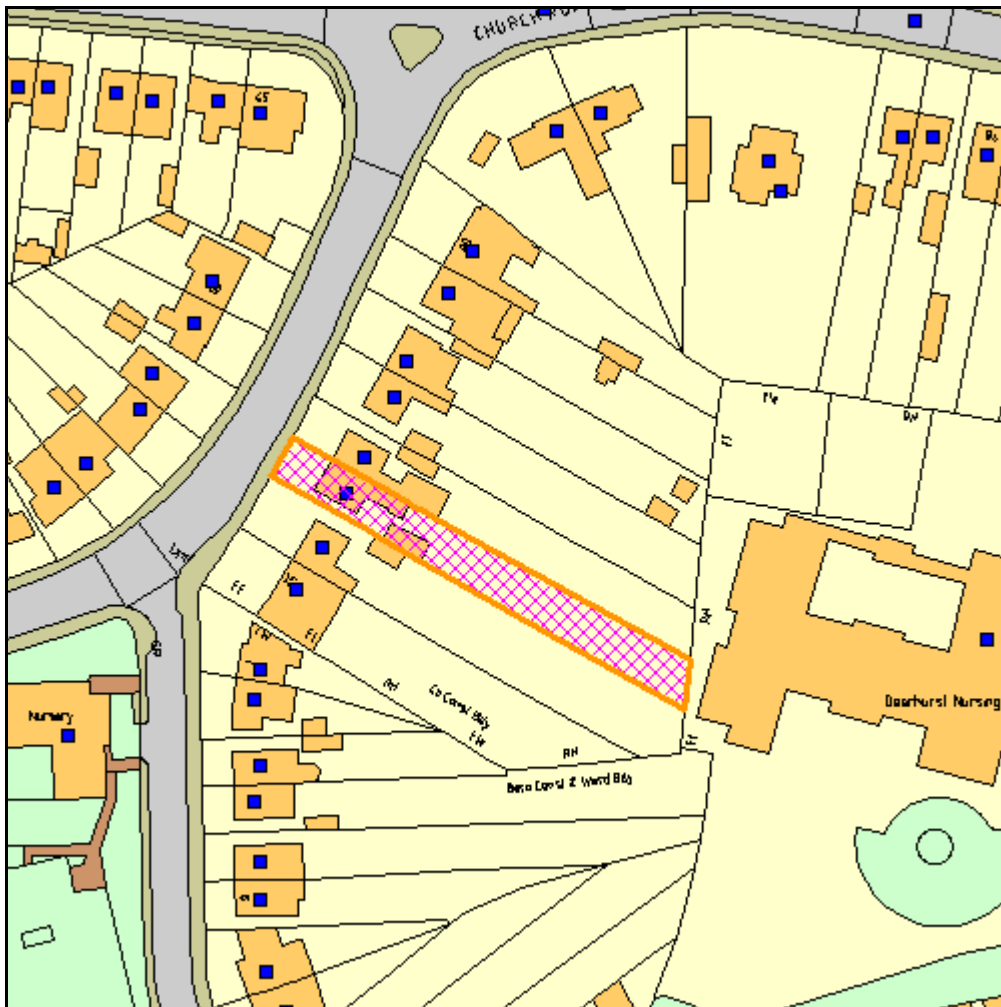
7. **RECOMMENDATION**

7.1 That Advertisement Consent is **GRANTED**.

Contact Officer: **David Ditchett**
Tel. No. **01454863131**

CIRCULATED SCHEDULE NO. 46/17 – 17 NOVEMBER 2017

App No.:	PK17/4542/F	Applicant:	Mr Bragg
Site:	56 Church Road Soundwell Bristol South Gloucestershire BS16 4RQ	Date Reg:	13th October 2017
Proposal:	Erection of two storey and single storey rear extension to form additional living accommodation.	Parish:	None
Map Ref:	365119 175082	Ward:	Staple Hill
Application Category:	Householder	Target Date:	21st November 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a two storey and single storey rear extension at 56 Church Road, Soundwell.
- 1.2 The host dwelling is a two-storey, semi-detached property finished in brick and render, the property is set within a moderately sized plot. The immediate surrounding area is characterised by similar semi-detached properties, demonstrating some variation in terms of external finish.
- 1.3 During the course of the application, revised plans were requested and received to address the parking arrangement.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 K579/1 – Approved - 14.06.1978
SINGLE STOREY REAR EXTENSION. (Previous ID: K579/1)
- 3.2 K579 – Approved - 13.02.1975
ADDITIONS TO EXISTING DWELLING TO PROVIDE KITCHEN.

4. **CONSULTATION RESPONSES**

4.1 **Sustainable Transport**

The proposed development will increase the bedrooms on the first floor to four.

The Council's residential parking standards state that a dwelling with up to four bedrooms must provide a minimum of two parking spaces within the site boundary. There appears to be some discrepancy between the existing and proposed site layout plans which do not show the existing garage.

A revised plan which clearly shows the proposed vehicular access and parking needs to be submitted to clarify this situation.

Final comments following revised plan:

No revised comments received.

Other Representations

4.2 **Local Residents**

This application received a total of 1 objection; the objector raised 7 points of concern. The concerns are outlined below:

- the integrity of property and boundaries are maintained
- the proposed single storey wall construction is shown to be a single wall construction and not a cavity wall, is this permitted?
- the shared wall will allow four and a half inches of space for the new extension, is this sufficient enough to bear additional weight?
- the integrity of the party wall, roof structure will be maintained and weather proofed.
- Rainwater drains from development to be independent.
- all gaps/joints between properties to be weather protected.
- the sewer pipe runs across the rear of properties 52, 54, 56 and 58 Church Road.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

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

5.2 **Design and Visual Amenity**

The proposed single storey extension will extend 9.5metres from the existing rear wall, the proposal will have a width of 5.6 metres and a maximum height of 4metres.

The proposed single storey extension will introduce 4no Velux roof lights and sliding doors to the rear elevation, the proposal will feature a gable end design.

5.3 *Two Storey Rear*

The proposed two storey extension will sit atop the single storey element and extend 4.3metres from the existing rear wall, the proposal will have a width of 5.6 metres and a maximum height of 8.1metres. The proposed two storey extension will introduce 2no windows, both to the rear elevation. The proposal will feature a gable end design with both the ridge and eaves height set to match that of the existing dwelling.

5.4 Overall, it is considered that the design, scale and finish of the proposed extensions results in an addition that sufficiently respects the character and distinctiveness of the host dwelling and its immediate context. As such, the proposal is deemed to satisfy design criteria outlined in policy CS1 of the Core Strategy.

5.5 Residential Amenity

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

5.6 The host property is semi-detached set within a plot that has a relatively uniform and established building line with neighbouring properties. The host dwelling benefits from a large rear garden and the neighbouring property has similar extensions to that of the proposal. The proposal is not considered to have an unacceptable impact on the amenity of any neighbours and there is no objection in this regard. There are some additional first floor windows in the side elevation but it is noted these will serve bathrooms/en-suite and are likely to be obscure glazed. However their “secondary” nature relative to similar windows on the side elevations of the adjacent property would not make a condition for obscure glazing a necessity.

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

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

5.9 Sustainable Transport and Parking Provision

The proposal will include an additional bedroom, however would not require the provision of any further parking spaces. The existing hardstanding provides

space for at least 2 cars and is therefore in accordance with the provisions of the Residential Parking Standards SPD.

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

5.10 Other Matters

A neighbour has raised a number of issues regarding construction work, rainwater goods, sewer route and quality of work. The issues highlighted are not planning matters, but are more appropriately dealt with under Building Regulations.

A neighbour has also raised concerns about the maintained integrity of property and boundaries, an informative will be issued on the decision notice to address this matter.

5.11 Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Westley Little
Tel. No. 01454 867866

CONDITIONS

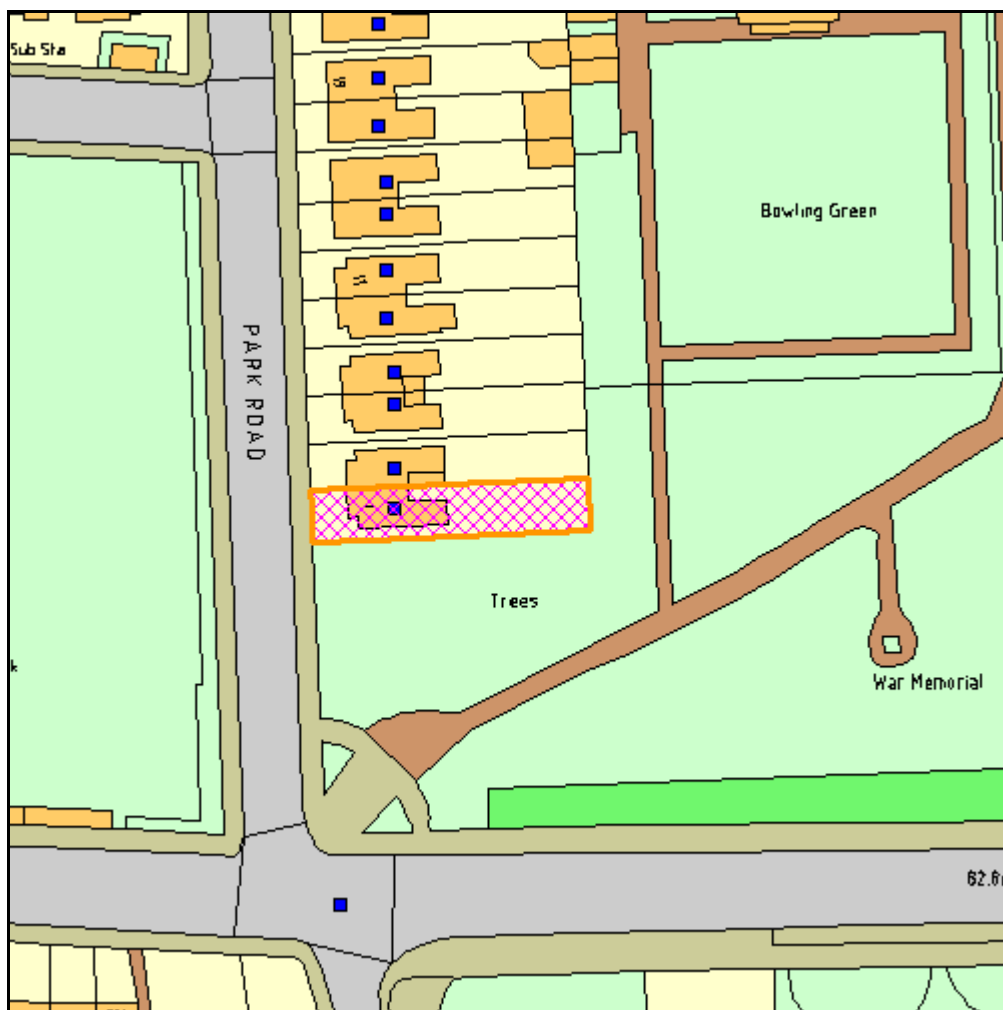
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 46/17 – 17 NOVEMBER 2017

App No.:	PK17/4561/CLP	Applicant:	Mrs King
Site:	1 Park Road Staple Hill Bristol South Gloucestershire BS16 5LB	Date Reg:	13th October 2017
Proposal:	Application for a certificate of lawfulness for the proposed installation of rear dormer to facilitate loft conversion.	Parish:	None
Map Ref:	365360 175938	Ward:	Staple Hill
Application Category:		Target Date:	24th November 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer to facilitate a loft conversion would be lawful under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class B.

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

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|---------------|---------|------------|
| 3.1 | PK17/3436/CLP | Refusal | 08.09.2017 |
|-----|---------------|---------|------------|
- Application for a certificate of lawfulness for a proposed rear dormer.

Refusal Reason:

The evidence provided has been insufficient on the balance of probabilities to demonstrate that the proposed rear dormer falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015. This is because there is evidence to suggest that the materials used in exterior work would not be of a similar appearance to those used in the construction of the exterior of the dwellinghouse. Therefore, the proposal in contrary to paragraph B.2 (a) of Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

4. CONSULTATION RESPONSES

4.1 Local Residents

No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Plans Received 29 Sep 2017
COMBINED EXISTING PLANS
COMBINED PROPOSED PLANS

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

- 6.2 The issue is to determine whether the proposed rear dormer falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the GPDO 2015; which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof; provided it meets the criteria set out below:

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

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

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

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

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

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

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

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

The property is a semi-detached dwelling. The dormer would not exceed 40 cubic metres in volume.

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

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

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

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

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

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

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

Submitted plans indicate that the proposed dormer, including its windows will be constructed using a GRP flat roof in a dark grey colour with hanging tiles to match the existing roof tiles. These materials are considered acceptable.

- (b) **the enlargement must be constructed so that –**

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

The rear dormer would be approximately .2 metres from the outside edge of the eaves of the original roof and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse. The eaves are maintained.

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

The proposal does not involve the insertion of a window to the side elevation of the dwellinghouse.

7. RECOMMENDATION

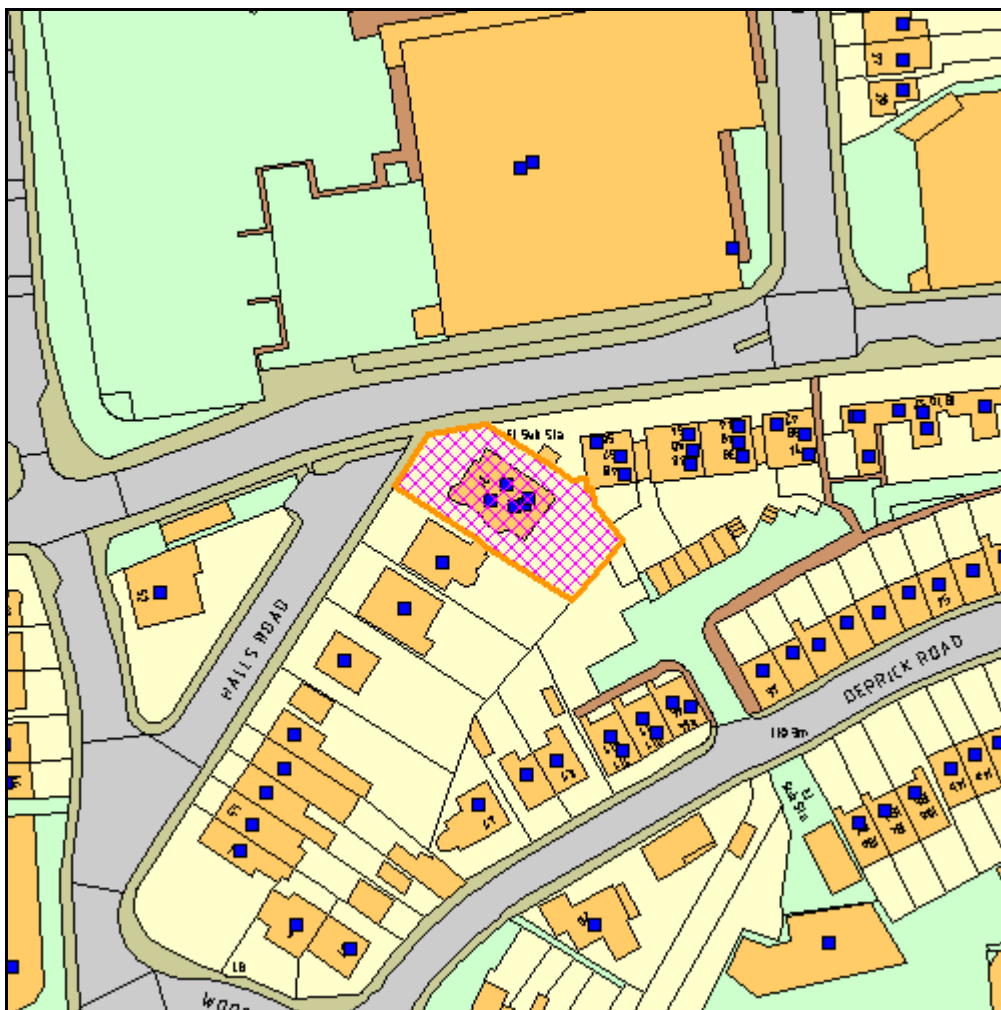
- 7.1 That a certificate of Lawfulness for Proposed Development is **approved** for the reasons listed below:

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

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CIRCULATED SCHEDULE NO. 46/17 – 17 NOVEMBER 2017

App No.:	PK17/4588/CLE	Applicant:	Mr I Hardy
Site:	Leahurst 31 Halls Road Kingswood Bristol South Gloucestershire BS15 8JE	Date Reg:	17th October 2017
Proposal:	Application for Certificate of Lawfulness for existing use of building for 5 no. self contained flats	Parish:	None
Map Ref:	364662 173667	Ward:	Woodstock
Application Category:	Certificate of Lawfulness	Target Date:	8th December 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the use as 5 residential apartments would on the balance of probabilities be lawful development under Section 191 of the Town and Country Planning Act 1990. This is based on the assertion that the proposal would be lawful due to the passage of time.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 It is understood that Leahurst would have been one residential unit originally, and there is not record that the sub-division to 5no residential apartments obtained planning permission.

2. POLICY CONTEXT

2.1 National Guidance

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

The submission is not a full planning application this the Adopted Development Plan is not of relevance to the determination of this application; the decision rests on the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming the proposed development is lawful against the provisions of Section 191 to the Town and Country Planning Act.

3. RELEVANT PLANNING HISTORY

- 3.1 No Recent Planning History

4. CONSULTATION RESPONSES

- 4.1 Unparished Area
No Comment Available

Woodstock Ward Councillor

I have no comments/objection to make about this application.

I have been a councillor for the Woodstock ward since May 2003 and the property of Leahurst has, in all of that time, been sub-divided into 5 flats. It was a council (Housing Dept.) owned property which transferred to Merlin in 2007.

- 4.2 Other Consultees
No Comments Received

Other Representations

- 4.3 Local Residents
No Comments Received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

- 5.2 The key issue in this instance is to determine whether the existing use and development on site would accord with the provisions of Section 191 of the Town and Country Planning Act 1990. Statements have been provided by a Local Councillor and Merlin Housing Society whom were the previous owners of the property.

- 5.3 The basis of the argument for lawfulness is based on the assertion that the dwelling units (class C3) were created over 4 years prior to the application being made, and have been in continuous use since. On that basis the current 5 units would be immune from any planning enforcement action.

- 5.4 The supporting evidence submitted to the Local Planning Authority includes a letter from Merlin Housing Society. This indicates that the property when it was transferred to Merlin Housing Society in 2007 from South Gloucestershire Council, was in use as 5 independent residential units. In addition to this is a letter from the Revenue and Benefits section of South Gloucestershire Council confirming that 5 separate units have been registered for Council tax since 1993. Reference is also made to Building Regulation records which are consistent with this.

Review of the Valuation Office Agency website indicate the apartments are registered as independent units. This information is considered to be robust and on this basis this development would appear to be lawful.

The comments of the local Councillor and the appearance of the site are also consistent with the evidence submitted.

Accordingly on the balance of probabilities the flats in question appear to have been in situ for considerably longer than the requisite 4 years.

5.5 Consideration of likely impact on Equalities

The proposal would have a neutral impact on equalities.

6. **RECOMMENDATION**

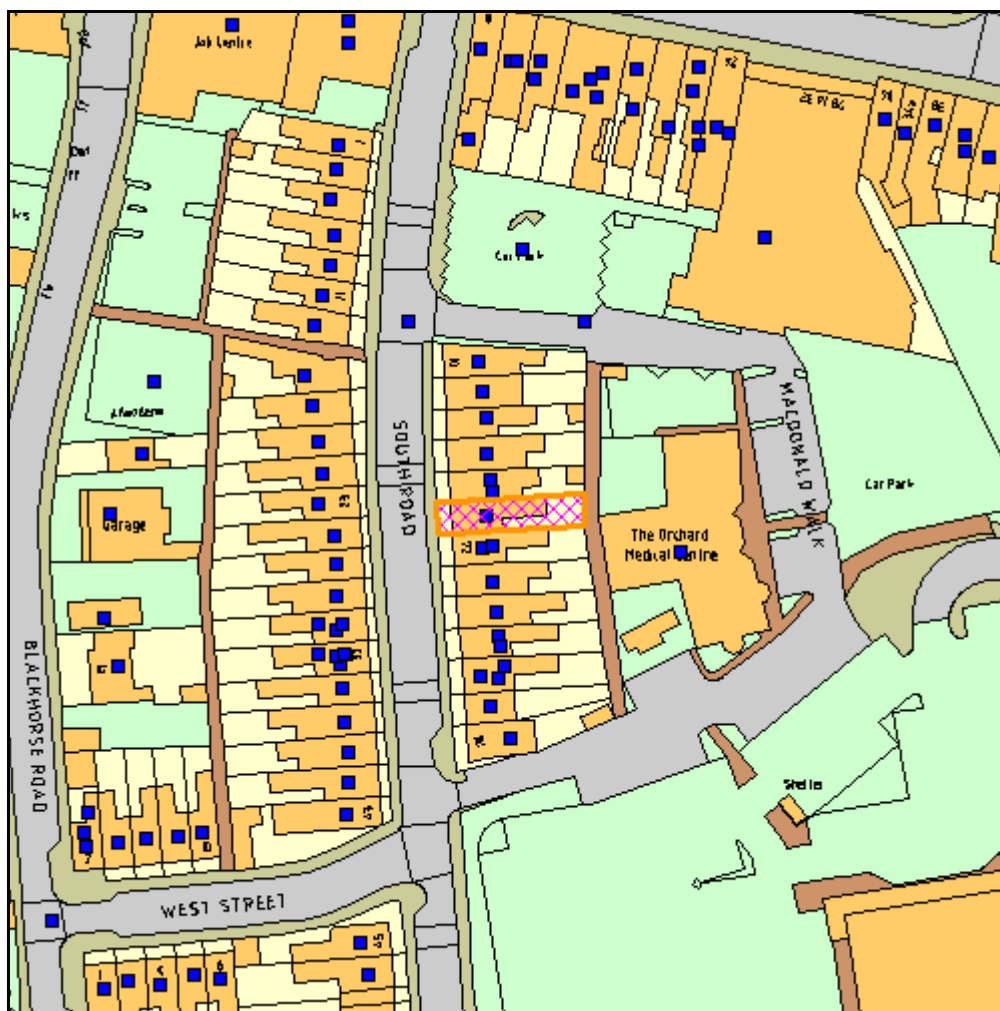
6.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities, the 5 apartments have been in situ for the requisite period of time prior to the submission of the application and are considered to fall within the provisions of Section 191 of the Town and Country Planning Act 1990 (as amended).

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 46/17 – 17 NOVEMBER 2017

App No.:	PK17/4631/CLP	Applicant:	Mr Tim Percival
Site:	20 South Road Kingswood Bristol South Gloucestershire BS15 8JW	Date Reg:	23rd October 2017
Proposal:	Certificate of Lawfulness for the proposed erection of a single storey rear extension with 6no.roof lights and installation of rear dormer to form loft conversion.	Parish:	None
Map Ref:	364588 173809	Ward:	Woodstock
Application Category:		Target Date:	30th November 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension with 6no. roof lights and the installation of a rear dormer at 20 South Road, Kingswood, would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

4.1 Ward Councillor – Councillor Perkins

It is difficult to comment on this one as there are no proposed plans that I can see, just existing elevations. I am having to make do with a photograph of the existing rear elevation and a description of the single-storey extension as planned.

1. I have no issue with the loft conversion.
2. I would ask the case officer to consider the impact of the proposed extension on number 18 South Road to the north (e.g. loss of light/overshadowing to their rear garden).

Other Representations

- 4.2 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Received by the Council on 5th October 2017
Existing and Proposed Elevations and Floor Plans
The Location and Block Plan

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful. Accordingly whilst the request of the ward Councillor is noted, an assessment of overlooking or impact to neighbours is not within the remit of this procedure. It is assumed that Parliament in granting these permitted development rights concluded that such relationships would be acceptable.

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, of the GPDO 2015.

- 6.3 The proposed development consists of a single storey, rear extension with 6no. roof lights and a rear dormer to facilitate a loft conversion. The proposed single storey extension would fall within the category of development permitted by Schedule 2, Part 1, Class A of the GPDO, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

The use of the building as a dwellinghouse was not granted by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule.

- (b) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the**

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

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

The height of the rear extension would not exceed the height of the highest part of the roof of the existing dwellinghouse.

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

The height of the eaves of the rear extension would not exceed the height of the eaves of the existing dwellinghouse.

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

(i) forms the principal elevation of the original dwellinghouse;
or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

The extension would project beyond the rear elevation which does not front a highway.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

The application relates to a detached dwellinghouse. The proposed extension would extend beyond what is considered to be the original rear elevation and would have an approximate depth of 3 metres. The height of the proposed addition is approximately 2.8 metres. The development therefore meets the criteria.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

Not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
 - (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**
- The extension would be single storey.

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**
The height of the eaves of the enlarged part of the dwellinghouse would be approximately 2.3 metres.

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

The development would not extend beyond the side elevation of the original dwellinghouse.

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

The development includes alterations to the roof in order to facilitate the rear dormer. The alterations will need to meet the requirements of Class B in order to be permitted development. The rear extension would not include any of the other features listed.

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

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

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

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

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

All materials will match existing.

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—**

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

Not applicable.

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

Not applicable.

6.4 The proposed rear dormer to facilitate the loft conversion would fall within the category of development permitted by Schedule 2, Part 1, Class B of the GPDO, which allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, provided it meets the criteria as detailed below:

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

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

The use of the building as a dwellinghouse was not granted by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule.

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

The proposed works do not exceed the maximum height of the existing roof.

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

The proposed dormer would not extend beyond the principal elevation.

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

(i) 40 cubic metres in the case of a terrace house, or

The dormer has an approximate volume of 29 cubic metres.

(ii) 50 cubic metres in any other case;

Not applicable.

(e) It would consist of or include-

(i) The construction or provision of a veranda, balcony or raised platform, or

Not applicable

(ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;

Not applicable.

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

The dwellinghouse is not on article 2(3) land.

Conditions

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

–

(a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

All materials will match existing.

(b) The enlargement must be constructed so that –

i. Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measures along the roof slope from outside the edge of the eaves; and

The proposal leaves the original eaves of the dwellinghouse unaffected. The edge of the proposed dormer closest to the eaves is set back by 0.2 metres from the existing eaves.

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

The proposal does not extend beyond the outside face of any external wall of the original dwellinghouse.

(c) Any window inserted on a wall or roof slope forming the side elevation of a dwellinghouse shall be-

(i) Obscure glazed; and

(ii) Non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Not applicable.

- 6.5 The proposed roof lights on the existing dwelling would fall within the category of development permitted by Schedule 2, Part 1, Class C of the GPDO, which allows for any other alterations to the roof of a dwelling house provided it meets the criteria as detailed below:

C.1. Development is not permitted by Class C if –

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

The use of the building as a dwellinghouse was not granted by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule.

The alteration would protrude more than 0.15 metres beyond the plane of the roof slope of the original roof when measured from the perpendicular with the external surface of the original roof;

The roof lights would not protrude more than 0.15 metres beyond the plane of the roof slope of the original roof.

It would result in the highest part of the alteration being higher than the highest part of the original roof, or;

The proposed roof lights would not be higher than the highest part of the original roof.

It would consist of or include –

- (i) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
Not applicable
- (ii) **The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**
Not applicable

Conditions

- C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be-**

- (a) Obscure glazed; and**
- (b) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

The proposed roof lights will be obscure glazed and more than 1.7 metres above the floor of the room in which the window will be installed.

7. RECOMMENDATION

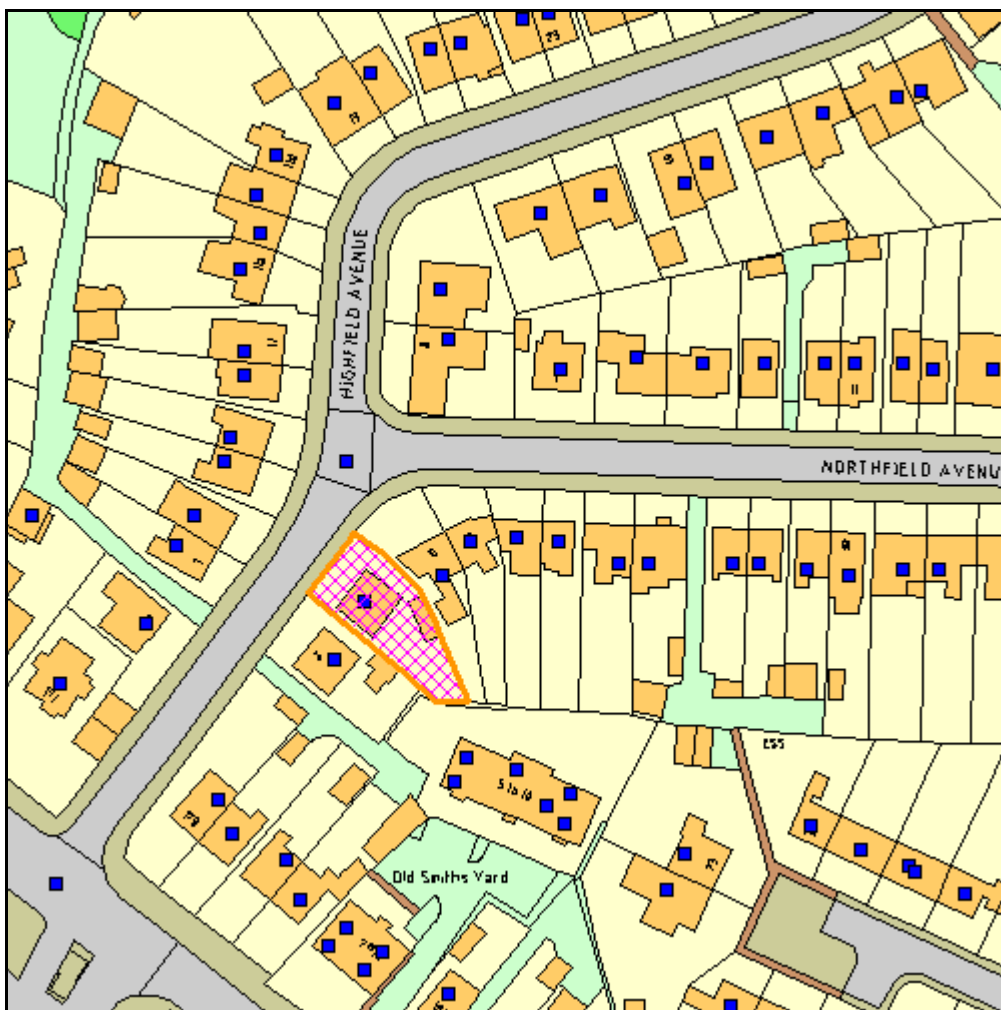
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed erection of a single storey rear extension with 6no. roof lights and installation of rear dormer would fall within the permitted rights afforded to householders under Part 1, Class A, Class B and Class C of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: James Reynolds
Tel. No. 01454 864712

CIRCULATED SCHEDULE NO. 46/17 – 17 NOVEMBER 2017

App No.:	PK17/4689/CLP	Applicant:	Mr And Mrs L. And E. Woodham
Site:	4 Highfield Avenue Hanham Bristol South Gloucestershire BS15 3RA	Date Reg:	20th October 2017
Proposal:	Certificate of Lawfulness Proposed for installation of rear dormer window to facilitate loft conversion	Parish:	Hanham Parish Council
Map Ref:	364767 172124	Ward:	Hanham
Application Category:	Certificate of Lawfulness	Target Date:	30th November 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1. The applicant is seeking a formal decision as to whether the proposed installation of 1no rear dormer at 4 Highfield Avenue Hanham would be lawful.
- 1.2. The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

- 3.1. PK17/0474/F
Approve with Conditions (04.04.2017)
Demolition of existing garage, erection of single storey side extension to form garage/store and erection of single storey and two storey rear extension to form additional living accommodation.

4. CONSULTATION RESPONSES

- 4.1. Hanham Parish Council
"No objection from Hanham Parish Council."

Hanham Abbots Parish Council
None received.

Other Representations

- 4.2. Local Residents

No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

Existing Block and Location Plans
Received by the Council on 5th October 2017

Existing Ground Floor Plan
Received by the Council on 5th October 2017

Existing First Floor Plan
Received by the Council on 5th October 2017

Existing Elevations
Received by the Council on 5th October 2017

Proposed First Floor
Received by the Council on 5th October 2017

Proposed Elevations
Received by the Council on 5th October 2017

6. ANALYSIS OF PROPOSAL

6.1. Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

The property is a detached house. Volume calculations extrapolated from the Proposed Elevations (Received by the Council on 5th October 2017) indicate that the total increase in roof space of the original dwelling would be 7m³.

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

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

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

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

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

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

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

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

The dormer would be approximately 0.3m from the outside edge of the eaves of the original roof; and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse. The eaves are maintained.

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

No windows are proposed to the side elevations.

7. RECOMMENDATION

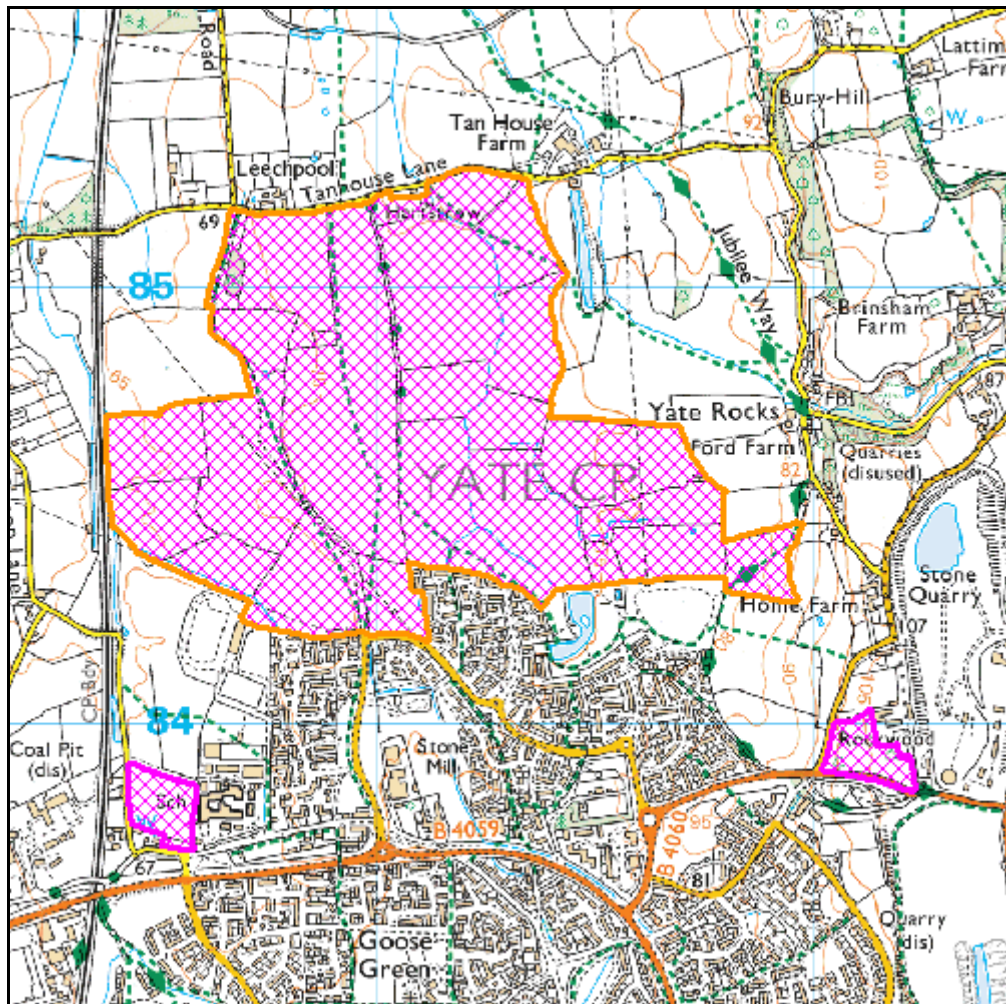
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

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

Contact Officer: David Ditchett
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 46/17 – 17 NOVEMBER 2017

App No.:	PK17/4826/RVC	Applicant:	Mr Chris Dolling Barratt Homes Bristol (BDW Trading Ltd)
Site:	Land North Of Brimsham Park Yate Bristol	Date Reg:	26th October 2017
Proposal:	Variation of conditions 12, 19 and 41 attached to outline planning permission PK12/1913/O to rationalise and validate amendments to conditions previously granted under application reference numbers PK15/5230/RVC, PK16/2449/RVC, and PK17/0039/NMA.	Parish:	Yate Town Council
Map Ref:	371157 184343	Ward:	Yate North
Application Category:	Major	Target Date:	25th January 2018



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PK17/4826/RVC

INTRODUCTION

This application appears on the circulate schedule because an objection has been received through the public consultation processes which is contrary to the officer recommendation for approval. Due to time constraints, the application is being circulated with the consultation period still running (expires on 24th November 2017). If however, any responses are subsequently received which raise any different and relevant issues the application will be re-circulated to members.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the variation of conditions 12, 19 and 41 attached to outline planning permission PK12/1913/O to rationalise and validate amendments to conditions previously granted under application reference numbers PK15/5230/RVC, PK16/2449/RVC, and PK17/0039/NMA.
- 1.2 The application site comprises the North Yate New Neighbourhood site, the main part of which is partly bounded by the rear gardens of existing residential properties to the south, Tanhouse Lane to the north, and a railway line to the west. Vehicular access into the site will be from Randolph Avenue, Leechpool Way and via the Peg Hill development. Outline consent was granted originally under application PK12/1913/O for a mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 5.11 hectares of employment land (Use Class B1, B2) provision of local centre, two primary schools together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping. The outline application was for access with all other matters reserved

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The National Planning Practice Guidance
Town and Country Planning Act 1990 (as amended) – Section 73
Environmental Impact Assessment Regulations 2017

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/042/SCO, Scoping Opinion for a proposed mixed-use site approximately 104ha in North Yate. Decided on 26th January 2011.
- 3.2 PK12/1913/O, Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal

to underground the electricity powerlines. Outline application including access with all other matters reserved. Approved on 17th July 2015.

- 3.3 PK15/5230/RVC, Variation of condition 41 of Planning Permission PK12/1913/O to change the proposed wording which related to the need for an Energy Statement and energy targets. Approved on 6th May 2016.
- 3.4 PK16/2449/RVC, Variation of condition 12 attached to planning permission PK12/1913/O to allow for a programme for archaeological investigations across the site. Approved on 15th August 2016.
- 3.5 PK17/0039/NMA, Non-material amendment to Condition 19 of PK16/2449/RVC (Outline planning permission for the North Yate New Neighbourhood) to reflect the updated phasing plan submitted pursuant to Condition 4. Approved on 23rd February 2017.
- 3.6 PK17/4260/RM, Laying out of landscape and infrastructure (Phase 0) including primary and secondary streets, utilities, services, foul and surface water drainage, hard and soft landscaping. (Approval of reserved matters including appearance, landscaping, layout and scale to be read in conjunction with Outline Planning Permission PK12/1913/O superseded by PK16/2449/RVC). Still under consideration by the Local Planning Authority.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objection
- 4.2 Sports England
Standard advice provided.
- 4.3 Highways England
No objection
- 4.4 Historic England
You do not need to notify or consult us on this application.
- 4.5 Natural England
No objection

Other Representations

- 4.6 Local Residents
One objection has been received. It raises concerns regarding the number of houses to be built in the North Yate New Neighbourhood, opportunities for employment, and public transport issues.

5. ANALYSIS OF PROPOSAL

5.1 Consideration of Proposal

The application seeks planning permission to vary conditions attached to the previously approved permission PK12/1913/O. Section 73 of the Town and Country Planning Act allows for applications for the variation of conditions attached to previously granted planning permissions. The regulations set out that when determining such applications it is only the question of the conditions attached to the approved consent which may be considered. As such, the principle and planning merit of the original scheme cannot be re-considered under this application; therefore, the objection received from the public consultation process which raises concerns regarding the number of houses to be built in the North Yate New Neighbourhood, opportunities for employment, and public transport is beyond the scope of the application.

5.2 It is only the conditions which the original permission was subject to that may be considered. The regulations set out that the Local Planning Authority can grant planning permission with conditions differing from the original permission, or it can refuse the application if it considers that the original conditions should apply.

5.3 In this instance, the main reason for the submission of the application is that the variation of condition applications that have been submitted to and approved by the Local Planning Authority since the original approval have unintentionally extended the time limit for which the development is to be implemented. Guidance in the NPPG is clear that planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made.

5.4 The amended wording of conditions 12, 19 and 41, which have already been approved by the Council under Section 73 and NMA applications are required to be incorporated into a new consent, as the developer has concerns regarding the validity of the previously granted permissions PK15/5230/RVC and PK16/2449/RVC. In addition, conditions 2 and 3 which set the time limits on the original consent for reserved matters submission and development implementation require amending to ensure that there is no extension of time.

5.5 In addition, as a number of planning conditions have been discharged, the conditions attached will be updated to refer to the approved details in the interests of clarity. Therefore, conditions 12 (archaeology), 21 (surface water drainage masterplan), 28 (contamination), 35 (ecological and landscape management plan), 39 (design code and masterplan) have been discharged and therefore, the wording of these conditions will be amended accordingly. Although condition 4 (phasing plan) has been discharged, the developer has requested that this condition is not updated due to the possibility that the phasing plan may require future tweaks throughout the lifetime of the development.

5.6 Condition 39 which only required the submission of a masterplan and design code can be deleted as these details have been received and approved by the Local Planning Authority. Condition 40 which requires compliance with the approved masterplan and design code will be updated to refer to the details approved.

5.7 EIA Regulations

Guidance contained at paragraph 016 Ref. ID:17a-016-20140306 of the NPPG relates to RVC applications where the original application required an EIA. The supporting information for the original Outline planning permission –PK12/1913/O included an Environmental Statement and subsequent addendums which are all publically available on the Council's website. Supporting EIA Addendums were also submitted with applications PK15/5230/RVC and PK16/2449/RVC approved by the Local Planning Authority. Accordingly, amendments proposed under this application are covered by previous EIA submissions and it is considered reasonable that there is no need to submit a new Environmental Statement for this particular S73 application.

6. RECOMMENDATION

6.1 Planning permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

1. Details of the layout, scale and appearance of the buildings to be erected, and the landscaping of the site (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before development on land to which the reserved matters relate commences. Development thereafter shall be carried out in accordance with the approved details.

Reason

To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2. Applications for the approval of the reserved matters shall be made to the Local Planning Authority before 17th July 2027.

Reason

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

3. The development hereby permitted shall be begun either before the 17th July 2020, 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).

4. Unless otherwise agreed in writing with the local planning authority, no reserved matters applications shall be submitted until there has been submitted to and approved in writing by the local planning authority a detailed phasing plan that is in accordance with the principles contained in the Land at North Yate Design and Access Statement June 2015. Such a phasing plan shall indicate geographical phases, and relationship to the delivery of infrastructure and facilities. It should further include the subdivision of each geographical phase into development parcels to provide a basis for reserved matters submissions. Applications for the approval of the reserved matters shall be in accordance with the phasing plan as approved, unless otherwise agreed in writing by the Local Planning Authority and the phasing plan as agreed shall be fully adhered to.

Reason

To ensure that the development is comprehensively planned, designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved.

5. Prior to the submission of any reserved matters applications (excluding applications relating to infrastructure works) a site wide affordable housing plan and an accompanying schedule shall be submitted to and approved in writing by the local planning authority showing the distribution of 35 % of the total dwelling number across the site in the residential land parcels shown in the approved phasing plan submitted pursuant to condition 4 above For each development parcel, the plan and the accompanying schedule shall show:
 - a) the number of affordable dwellings to be provided;
 - b) the mix of dwellings (in terms of the number of bedrooms and the proportion of houses and flats, broken down between social rented affordable housing units and intermediate units in that parcel.)

The subsequent reserved matters applications that show the proposed layout of the development shall show the proposed locations of the affordable dwellings. Development shall thereafter be carried out in accordance with the site wide affordable housing plan, accompanying schedule and reserved matters approvals, unless otherwise agreed in writing by the local planning authority.

Reason

To ensure that the distribution of affordable houses assists the creation of an inclusive mixed community.

6. No development shall take place on land to which the reserved matter relates until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, manholes); retained historic landscape features and proposals for restoration where relevant. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out within the first planting season prior to occupation of the final dwelling on land to which the reserved matter relates or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers.

8. The plans and particulars submitted in accordance with condition 1 and 6 shall include:
 - a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - b) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
 - c) details of any proposed tree works to any retained tree or of any tree on land adjacent to the site;
 - d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the RPA (root protection area) as defined in BS5837 2012 of any retained tree or of any tree on land adjacent to the site; and
 - e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

f) details of street trees shall include specification of root protection measures, and details of street tree management to encourage high level growth and maintain a clear zone directly above sewers.

In this condition retained tree means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

All fencing to be in accordance with BS5837 2012 Trees in Relation to Construction and retained and maintained for the duration of the construction period.

Reason

To protect and enhance the character and appearance of the area, the amenities of future occupiers, and to protect adopted sewers.

9. No development shall take place on land to which the reserved matter relates until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved scheme.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers.

10. No development comprising any of the B1 and B2 floorspace hereby approved shall commence until an overall Travel Plan Framework covering all the B1 and B2 floorspace hereby approved has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Framework shall set out:

- the aims and objectives of the Framework, including reducing the need to travel by car, encouraging healthy commuting and work related journeys;
- a monitoring strategy and targets for the reduction of single occupancy car related journeys over the first five years of the development;
- measures for achieving the approved aims, objectives and targets in the event that monitoring reveals that those targets are not being achieved.

The B1 and B2 development shall proceed in accordance with the approved details.

Reason

To encourage means of transportation other than the private car.

11. No more than 4882 sq m gross floor areas shall be constructed and occupied at the local centre as part of this permission of which no single retail unit (Use Class A1, A2, A3, A4, A5) shall exceed 500 square metres gross floor area.

Reason

To protect the vitality and viability of existing local centres, and to ensure that a mix of small scale local shops and services are provided in the interests of providing a variety of units, in the interests of vitality, and to minimize the need to travel by private car.

12. The development shall be carried out in accordance with the archaeological report by Cotswold Archaeology received by the Council on 17th February 2017 and approved by the Council on 22nd March 2017.

Reason

In the interest of archaeological investigation or recording.

13. Construction Waste Management Audit

No development shall take place on land to which the reserved matter relates until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

- i. The volume and nature of the waste which will be generated through the demolition and/or excavation process;
 - ii. The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc;
 - iii. Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant;
 - iv. The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction; and
 - v. The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it in order to reduce the amount of waste sent to landfill.
- Development shall be carried out in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to reduce the amount of waste from the site going to landfill.

14. Prior to the commencement of development, details of the construction management plan shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

Reason

To protect the amenities of existing local residents, and to ensure highway safety during construction.

15. The hours of working on site during the period of construction shall be restricted to 8am-6pm Mondays to Fridays; and 8am-1.00pm on Saturdays and no working shall take place on Sundays or Public Holidays. The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of

vehicles within the site. Any working outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To minimise disturbance to neighbouring occupiers.

16. No development shall take place on land to which the reserved matter relates, until details of wheel-washing facilities to be provided on site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to development commencing on land to which this reserved matter relates and maintained during the period of construction. All commercial vehicles shall have their wheels washed before entering the public highway.

Reason

To safeguard the amenities of the locality and in the interests of highway safety.

17. The Reserved Matters submissions shall include detailed plans showing the provision of car and cycle parking facilities in accordance with the standards set out in the adopted Development Plan and the South Gloucestershire Residential Parking SPD. The development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the associated buildings; 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.

18. Works considered as exempt infrastructure include only those details submitted on 11th November 2015 and agreed in writing by the Local Planning Authority on 23rd December 2015.

Reason

To ensure that development can proceed in a timely fashion so that the site can be developed.

19. There shall be no commencement of Phase 5 of the development as shown on the Phasing Plan submitted pursuant to condition 4, until such time as the internal link road linking Randolph Avenue, Leechpool Way and the access from the Peg Hill development (as approved by planning permission PK12/0429/O) has been implemented and is operational.

Reason: To ensure there are appropriate transport linkages within the site and to ensure availability of alternative travel modes to the private car.

20. Not to develop more than 750 dwellings until such time as the appropriate strategic sewerage infrastructure has been completed and is operational.

Reason

To ensure that there is adequate foul drainage to serve the development and to prevent pollution of the water environment.

21. The development shall be carried out in accordance with the North Yate New Neighbourhood Surface Water Drainage Strategy to Discharge Condition 21, Issue 4, December 2016 by PFA Consulting approved by the Local Planning Authority on 20th January 2017.

Reason

To prevent the risk of flooding.

22. No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles, have been submitted to and approved by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel first occupied

Reason

To prevent the risk of flooding.

23. No development shall take place until the detailed design of the Flood Alleviation Scheme referred as Pond P4C has been submitted to and approved in writing by the local planning authority. All works undertaken must be in accordance with the agreed design and timetable.

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

Reason

To prevent the risk of flooding.

24. No development shall take place on land within the Tanhouse Stream catchment to which reserved matters relate until detailed hydraulic modelling of the watercourse has been undertaken and submitted to and approved by the local planning authority.

Reason

To prevent the risk of flooding.

25. Ground finished floor levels of all uses approved shall be set 300mm above the 1 in 100 year with climate change modelled flood level.

Reason

To prevent the risk of flooding.

26. Prior to the commencement of the flood alleviation scheme and surface water attenuation features shown in the Hyder's Flood Risk Assessment dated 30 April 2012, a full operation and maintenance manual shall be submitted to and approved in writing by the local planning authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme and development shall accord with the details so agreed.

Reason

To prevent the risk of flooding.

27. A strip of land 15m wide adjacent to the Tanhouse Stream must be provided and kept clear of all new buildings and structures (including gates, walls and fences). Ground levels must not be raised within such a strip of land.

Reason

To prevent the risk of flooding.

28. The development shall be carried out in accordance with the details approved by the Local Planning Authority on 5th August 2016. If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

To ensure that there is any contamination is mitigated and to prevent environmental pollution.

29. Prior to the submission of the relevant reserved matters application further intrusive site investigation works shall be undertaken with regard to historic coal mining on site. In the event that the site investigations confirm the need for remedial works to treat the mine entries and/or areas of shallow mine workings, details of any remedial works identified by the site investigation shall be submitted to and approved in writing by the local planning authority and subsequently undertaken prior to the commencement of the relevant reserved matters permission.

Reason

To ensure that the site is or can be made safe and stable for the proposed development and to prevent environmental pollution.

30. Development shall be carried out in accordance with the letter from LFAcoustic dated 16th December 2015 in relation to application PK12/1913/O.

Reason

To protect the amenities of future residents and commercial occupiers from noise disturbance.

31. The particulars submitted as part of condition 1 for the relevant reserved matters shall include details in respect of the allotments including design specification, boundary treatments, servicing and implementation. The development shall thereafter accord with the approved details.

Reason

To ensure an appropriate standard of allotments are provided in the interests of the amenity of the future residents.

32. The details for submission of condition 6 shall include details of substantive tree planting in the woodland zone, the buffer zone with Tanhouse Lane and details of the landscaping to the allotments at Rockwood House. The buffer zone to Tanhouse Lane shall include mixed leave (broadleaved) woodland planting and species rich grassland. The details so approved shall be implemented prior to the first occupation of the relevant reserved matters permission.

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers, and to enhance habitats of protected species found on site.

33. All development is subject to the following:
- o Outline Great Crested Newt Mitigation Strategy dated June 2015 by BSG Ecology and Figure 3.4.2 Typical Section of Wildlife Corridor Crossing
 - o Mitigation measures for dormouse contained within paragraphs 7.5.40 and 7.5.45 of Section 7 Volume 1 of the Environmental Statement dated June 2012 by LDA Design and Figure 3.4.2 Typical Section of Wildlife Corridor Crossing
 - o Mitigation Measures for lesser horseshoe bats (night feeding perches) detailed within the Environmental Addendum dated June 2015 by LDA Design
- All works to be carried out in accordance with these measures.

Reason

To protect protected species and their habitats on site.

34. All works must to be carried out exactly in accordance with the Ecological Mitigation Plan 3514_341, Ecology Strategy (Parts 1 and 2), Dormouse and Reptile Survey Report, Great Crested Newt Mitigation Strategy and associated ecological maps all received by the Council on 13th April 2016 in relation to application PK12/1913/O.

Reason

To protect protected species and their habitats on site.

35. The development shall be carried out in accordance with the Landscape and Ecological Management Plan details received by the Local Planning Authority on 13th April 2016 and approved by the Local Planning Authority on 28th April 2016.

Reason

To protect protected species and their habitats on site.

36. A suitably-experienced and/or qualified and licensed ecological 'clerk of works' shall be appointed to oversee all works relating to ecology, to include ensuring the all works accord with the provisions of the relevant or appropriate Conditions, strategies or undertakings and to act as liaison with the Council and external agencies such as Natural England

Reason

To protect protected species and their habitats on site.

37. Prior to the commencement of development, including exempt infrastructure works, that for each respective phase of development be re-surveyed for badgers immediately ahead of development commencing and a report provided to the local planning authority for approval in writing. The report should provide details of all works subject to the licensing provisions of the Protection of Badgers Act 1992 and timetabling of such works. All works are to be carried out in accordance with said report.

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

Reason

To protect protected species and their habitats on site.

38. Particulars submitted in relation to condition 1 for each relevant reserved matters shall include a lighting strategy shall be submitted to and approved in writing by the local planning authority that shall include measures to control light spillage. Development shall be carried out in accordance with the approved details prior to the first occupation of the relevant reserved matters.

Reason

In the interests of visual amenity and security and to protect the habitats of protected species.

39. Applications for the approval of the reserved matters shall be in accordance with the approved parameter plans and principles and parameters contained in the Land at North Yate Design and Access Statement June 2015 and Parameter Plans July 2015 and with the approved Design Code (Rev D-March 2017) approved by the Local Planning Authority on 12th May 2017 and Masterplan 4739-LDA-OO-XX-DR-L-0013 approved by the Local Planning Authority on 20th January 2017 for the geographical phase as shown in the approved phasing plan to which the reserved matters application relates. A statement shall be submitted with each reserved matters application, which

describes how the application proposals are in compliance with the Land at North Yate Design and Access Statement June 2015 and Parameter Plans July 2015 and with the relevant detailed master plan and design code, or (where relevant) explaining why they are not.

Reason

To ensure that high standards of urban design and comprehensively planned development, designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved.

40. Applications for approval of Reserved Matters that incorporate proposed buildings within each geographical phase identified in the approved phasing plan submitted pursuant to Condition 4 above shall be accompanied by an Energy Statement which shall set out:-

How the layout, three dimensional building envelope and landscape proposals have been designed to maximise passive solar gains and cooling as well as natural ventilation of buildings.

Measure to improve the insulation of the building envelope to reduce energy demand.

Calculation of energy demand.

The Energy Statement shall require Reserved Matters to achieve a minimum "very good" rating under the relevant Building Research Establishment Environmental Assessment Method (BREEAM) for all building types other than dwellings.

Reason

To achieve improved energy conservation, and protect environmental resources.

41. The particulars submitted as part of condition 1 for the relevant reserved matters shall include details in respect of the provision of internet connection infrastructure to serve the future residents of the development, including a timetable for implementation. The development shall be implemented in accordance with the agreed timetable.

Reason

To ensure an appropriate standard of internet connection is provided, in the interests of the amenity of future residents.

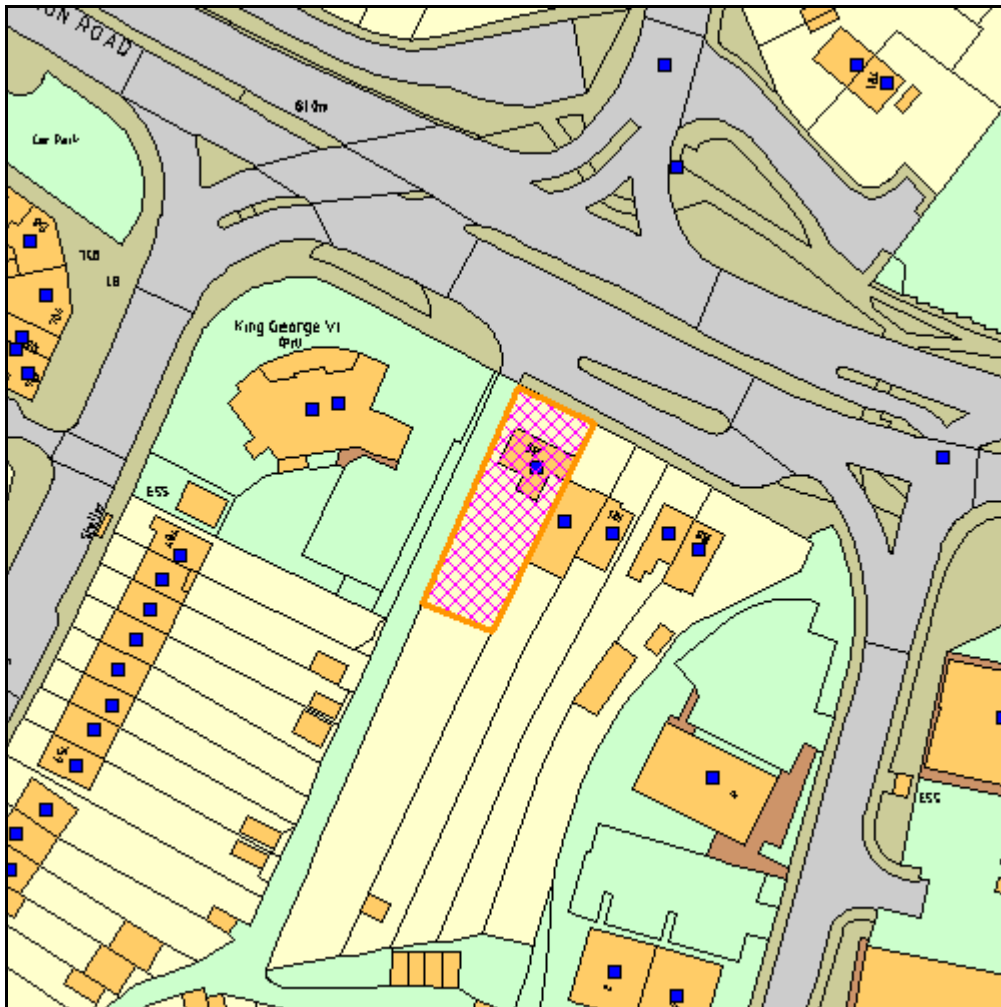
42. No residential development shall take place within the development parcels shown on the phasing plan submitted pursuant to condition 4 above, within which the proposed underground cable corridor runs, as shown on the approved Land Use Parameter Plan, until a scheme, including timetabling for undergrounding the 132Kv overhead power lines and removal of pylons has been implemented or unless otherwise agreed in writing by the LPA or an amendment (to accommodate the retention of the power lines in whole or in part) to the approved Land Use Parameter Plan and detailed masterplan has been submitted to and approved in writing by the Local Planning Authority.

Reason

The approved Land Use Parameter Plan is based on the assumption that the 132Kv overhead power lines will be undergrounded. In the event that this does not happen, or only happens in part, an amended Land Use Parameter Plan and detailed masterplan which takes into account the presence of the 132Kv overhead power lines, will need to be approved before development can take place within the development parcels shown on the approved phasing plan pursuant to condition 4 above, through which runs the proposed underground cable corridor shown on the Land Use Parameter Plan.

CIRCULATED SCHEDULE NO. 46/17 – 17 NOVEMBER 2017

App No.:	PT17/3162/F	Applicant:	Filton Lets Anthony Barnes
Site:	160 Station Road Filton Bristol South Gloucestershire BS34 7JW	Date Reg:	7th August 2017
Proposal:	Demolition of existing dwelling.Erection of 3 No. Flats and associated parking.	Parish:	Filton Town Council
Map Ref:	360994 178894	Ward:	Filton
Application Category:	Minor	Target Date:	29th September 2017



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 100023410, 2008. N.T.S. PT17/3162/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application relates to no. 160 Station Road, Filton. Planning permission is sought for the demolition of an existing dwelling and the erection of 3no. flats and associated parking.
- 1.2 The application site consists of a two storey, detached property set towards the front of a relatively large plot. The application site is located in Filton; an area defined as north fringe of the Bristol urban area. The site is located to the south of the A4174 (Station Road), and is accessed via a short service road providing access to the row of residential properties along Station Road.
- 1.3 Planning permission was granted in 2016 under application PK16/0166/F for the erection of 9 new dwellings on land to the rear of the existing dwelling. As part of this scheme, the existing dwelling on the site was to be partially demolished and refurbished to provide access to the new dwellings. However this was not considered practical either structurally or economically, and as such an application seeking to replace the dwelling with a block of 3no. flats has been submitted.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards

PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP39	Residential Conversions, Subdivisions and Houses in Multiple Occupation
PSP43	Private Amenity Space Standards

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

3. RELEVANT PLANNING HISTORY

3.1 **PT16/0166/F**

New development of 9 new dwellings with new access and associated works.

Approved: 11.04.2016

3.2 **PT17/3484/F – King George Vi (adjacent site)**

Alterations to existing first and second floors to form 4no flats (Class C3).

Approved: 01.11.2017

4. CONSULTATION RESPONSES

4.1 Filton Parish Council No comments received

4.2 Other Consultees

Sustainable Transport

I am mindful of the previous application on this site that was approved for 9 dwellings, on the face of it the demolition and rebuild of the original host dwelling at 160 Station Road to facilitate the erection of 3 flats is acceptable from a transportation perspective.

However the application does not provide details of the proposed cycle parking or waste storage for the 3 flats, although in the event of an approval this could be conditioned. Ideally though I would like to see details of the cycle parking and waste/recycling storage for the 3 flats prior to determination.

Lead Local Flood Authority

No objection

Highway Structures

No objection

Other Representations

4.3 Local Residents

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

- Why has the developer not pursued the opportunity of using the lane that already services Filton Avenue properties and runs alongside the plot?
- The lane is in poor repair, neglected, and is frequently used for flytipping it could be widened, paved and used to access the 4 properties that are being built. This would transform the area and address a visual blight on the neighbourhood.
- I would ask that the council request that the developer at the very least investigates this option for the good of the development of Filton and reduction of unnecessary additional roads.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning permission is sought for the demolition of an existing dwelling and the erection of 3no. flats. Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of north and east fringes of the Bristol urban area. The application site falls within the area defined as the north fringe of the Bristol urban area. As such, based solely on the location of the site, the principle of the development is acceptable.

5.2 Notwithstanding this, it is recognised that, at present, the local planning authority is unable to demonstrate a five-year supply of deliverable housing land. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. However as the application site falls within the area defined as the north fringe of the Bristol urban area, the principle of development is acceptable under the provisions of policy CS5. As policy CS5 is not seeking to restrict the supply of housing, it can be afforded full weight in this case.

5.3 Whilst the principle of the proposed development is acceptable under the provisions of policy CS5, the impacts of the development require further assessment to identify any potential harm. The further areas of assessment are; design and visual amenity, residential amenity, and transportation.

5.4 Design and Visual Amenity

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing,

- detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.5 The immediate surrounding area is made up of residential and commercial units, with the main feature of the area being the dual carriageway running to the north of the site. To the west of the site is the former King George VI Pub, which holds a prominent position on the corner of Station Road and Filton Avenue. Planning permission has recently been granted for the creation of 4 no. flats within the former pub. The four properties immediately to the east of the site consist of 2 pairs of semi-detached properties. The previously approved 9-house development, which is currently under construction, is located to the south of the site.
- 5.6 As there is not considered to be any prevailing character in the immediate surrounding area, the main design requirement is for the appearance of the proposed flats to appropriately reflect the appearance of the existing dwelling at no. 160 Station Road. The existing dwelling consists of a two-storey, detached property with a front gable.
- 5.7 The building accommodating the three flats would be of a fairly simple design, with the street-facing elevation consisting of a three-storey gable. The width of the building would match the width of the existing gable at the dwelling (roughly 5.8 metres), with the ridge height of the building set at roughly 9 metres (one metre higher than the height of the existing dwelling). The building would incorporate a depth of roughly 11.8 metres.
- 5.8 At its front elevation, the building would incorporate a total of 6 windows, 2 of which would be bay windows. 4 smaller windows as well as the main door in to the building would be located at the east-facing side elevation, with 3 roof lights also set in to the roof slope. 4 small windows would also be located at the west-facing side elevation, with 2 roof lights set in to the roof slope. 3 windows, as well as first and second floor juliet balconies and a ground floor glazed door, would be inserted in to the rear elevation.
- 5.9 With regard to materials, it has been outlined that the building would be finished in render and brick, with roof tiles and UPVC windows. However any further details are yet to be confirmed. Whilst these materials are likely to be considered acceptable, full details will need to be submitted and approved post-determination, to ensure that all detailing is appropriate.
- 5.10 On balance, it is considered the appearance of the proposed block of flats sufficiently reflects the appearance of the existing dwelling. The front gable would largely match the existing gable in terms of location and scale. On this basis, it is considered that the proposed building would form an appropriate addition to the immediate streetscene. Subject to the agreement of materials, it is considered that an acceptable standard of design has been achieved, and that the proposed development satisfies the design criteria set out in policy CS1 of the Core Strategy.

5.11 Residential Amenity

Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

5.12 On their western side, the proposed flats would be separated from the former King George VI pub by an access lane which runs along the western boundary of the site. On its eastern side, the flats would be separated from neighbouring properties to the east by the access road serving both the proposed flats and the 9-house development to the south. The rear of the flats would also be roughly 25 metres from the approved properties to the south. Due to the levels of separation, it is not considered that the erection and occupation of the flats would prejudice the residential amenity of the current or future occupiers of neighbouring properties through an increased sense of overbearing, overshadowing or overlooking.

5.13 It is recognised that the demolition of the existing dwelling and the erection of the flats would cause some disturbance to neighbouring residents during the construction period. However a degree of disturbance is to be expected during construction, and would not constitute a reason for refusing the application. However in order to mediate any resultant impacts on residential amenity, a condition will be attached to any decision, restricting the hours of working during the construction period.

5.14 With regard to the residential amenity of future occupants of the flats, it is considered that sufficient internal floor space is provided as to offer an acceptable standard of living. With regard to outdoor amenity space, a communal space of roughly 20m² would be provided to the south of the building. This is considered sufficient for a development of this nature at this location.

5.15 Subject to a working hours condition, it is not considered that the proposed development would have any adverse impacts on the residential amenity of neighbouring residents. It is also considered that an acceptable level of residential amenity would be afforded to future occupants of the development. On this basis, the proposal is considered to accord with policy PSP8 of the Policies, Site and Places Plan.

5.16 Transport

The 3 proposed flats would all share the same internal layout. Submitted floor plans indicate that each flat would contain 2 bedrooms, as well as a lounge/bedroom. For the purposes of assessing parking requirements, each flat is considered to contain 3 bedrooms. Policy PSP16 of the Policies, Sites and Places Plan outlines that a minimum of 2 parking spaces should be provided for a 3-bed flat, with each space measuring a minimum of 2.4m x 4.8m. 2 parking spaces would be provided for each flat. As the minimum standard has been met and the location of the parking spaces is considered appropriate, the

proposed parking arrangements are considered to be acceptable. However for the avoidance of doubt, a condition will be attached to any decision, securing the proposed provision.

- 5.17 Policy PSP16 also outlines that an additional 0.2 spaces per dwelling for use by visitors should be provided. As 3 flats are proposed, 0.6 spaces should be provided, which can be rounded up to a total of one space. No parking spaces for visitors are proposed. However it is noted that the site is accessed via a service road, which provides several on-street parking spaces. Given the scale of the development, this is considered sufficient to serve the parking requirements of any visitors.
- 5.18 Whilst the creation of 3 flats would intensify the use of the access serving the 9 new dwellings, it is not considered that the intensification of the use would represent a highway safety hazard.
- 5.19 The comments submitted suggesting that access to the site could potentially be gained via an access lane running along the western side of the site have been taken in to account. However this access lane does not form part of the application site, and no indication has been made that this lane is under the ownership of the applicant. As the proposed access is considered acceptable, the further consideration of alternative points of access is not considered necessary. However the neglected state of the access lane has been acknowledged. If any of the access lane is owned by the Council, any fly-tipping or other issues should be reported to the Council via the appropriate channels.
- 5.20 Cycle and Waste Storage
The location of the proposed cycle and bin store has been indicated on a submitted block plan. However no further detail has been provided. Whilst some further details were submitted to Local Planning Authority, the transport officer did not consider the details to be sufficient. As such, further details will be requested by condition.
- 5.21 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.22 With regards to the above this planning application is considered to have a neutral impact on equality.

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 commencement of development details 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. This is a pre-commencement condition in order to avoid the need for unnecessary remediation works in the future.

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

Reason

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

4. Prior to the first occupation of the flats hereby approved, the car parking provision for the proposed flats shall be implemented in accordance with the approved Block Plan (Drawing no. 0789 01) and retained thereafter for that purpose.

Reason

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

5. Prior to the first occupation of the flats hereby approved, full details of the proposed cycle and bin store 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 encourage means of transportation other than the private car, to accord with Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 46/17 – 17 NOVEMBER 2017

App No.:	PT17/4037/F	Applicant:	Mr John King P J King & Son
Site:	Sundayshill Lane Falfield Wotton Under Edge South Gloucestershire GL12 8DQ	Date Reg:	22nd September 2017
Proposal:	Temporary siting of mobile home for use as agricultural workers dwelling for a further period of 3 years to include raised decking area and steps (Retrospective)	Parish:	Falfield Parish Council
Map Ref:	368019 193277	Ward:	Charfield
Application Category:	Minor	Target Date:	15th November 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been 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 consent for the stationing of 1no. mobile home, associated raised decking area and steps for use as an agricultural worker's dwelling for a temporary period of three years. This is a retrospective application, the mobile home already being in place.
- 1.2 The application site consists of an agricultural field situated to the northwest of the agricultural buildings associated with Swifts Wood Farm, Falfield. The site is situated within the open countryside outside of any defined settlement boundary. The proposed access is from an existing gateway accessed from Sundayshill Lane, which currently serves the agricultural buildings. The site access is adjacent to a public right of way.
- 1.3 The retrospective application is seeking a renewal of a previous temporary planning permission PT14/0093/F that established the need for an agricultural workers dwelling. Unfortunately the previous application has only recently been completed owing to a delay in obtaining mains electric to the site. The application seeks a further three year period to allow the LPA to assess the agricultural functional need for a worker to live permanently on site and to further assess the financial viability of the agricultural holding.
- 1.4 The mobile home has been positioned in a different location to the previous approved position to allow for future buildings to be erected (subject to planning). The mobile home is now sited to the side of the existing farmyard and includes a raised decking area and steps.

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

CS34 Rural Areas

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

PSP2 Landscape Protection and Enhancement

PSP20 Flood risk, Surface Water and Watercourse Management

PSPS 11 Transport Impact Management

PSP41 Rural Workers Dwellings

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/4400/O - Erection of 1no. agricultural workers dwelling (Outline) with access, layout and scale to be determined. All other matters reserved. Withdrawn 9th January 2014
- 3.2 PT14/0093/F – Change of use of land for the stationing of 1 mobile home for use as an agricultural workers dwelling for a period of 3 years

4. CONSULTATION RESPONSES

4.1 Falfield Parish Council

Object – temporary dwelling should be removed after 3 years, the temporary dwelling was not lived in therefore is it still required, the new access is on the brow of a hill with restricted vision.

4.2 Ecology officer

No comment

4.3 Drainage Flood Risk

No objection subject to a condition regarding the location of the package treatment plant

4.4 Transportation

No objection

4.5 Public Rights of Way

No objection the legal line of the footpath is not blocked by this development.

4.6 Acorus Rural Property Services

On balance, my opinion is that on agricultural grounds the application for a temporary worker's dwelling can be supported on the basis that the expansion is implemented.

Other Representations

4.7 Local Residents

Three letters of complaint have been received that are summarised below:

- New access is dangerous with poor visibility
- The mobile home has been empty for 3 years demonstrating that it is unnecessary and not required

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the development on this site is established by previous planning consent PT14/0093/F. Unfortunately the development was never fully implemented as the mobile home has been sited in a slightly different position, albeit in the same field, and the mobile home was not occupied due to problems with obtaining mains electric. The planning consent contained a condition that limited the mobile home use to 3 years, this has now expired and this new application has been submitted to the LPA for consideration. This report will not seek to readdress the principle but will focus on whether there is still a functional need for an agricultural workers dwelling and will determine whether the change in siting of the mobile home is acceptable. To ensure the temporary agricultural workers dwelling is still necessary bearing in mind the mobile home has not been occupied for almost 3 years the Council have carried out a new assessment of the agricultural business on site.

5.2 The new application contains updated financial information following on from detailed information given and assessed in the first application. The new financial information has been the subject of an appraisal by an independent Agricultural Consultant and further details are given later in the report.

5.3 Agricultural Need

The retrospective application for a temporary agricultural workers dwelling has been assessed by an independent agricultural agent. Reference is made to the previous detailed report in October 2013 in relation to the successful application PT14/0093/F that found there was on balance a functional need for an agricultural workers dwelling. New financial information has been submitted to allow an updated assessment. The new assessment of the development is considered in detail below:

5.4 Business Description

The business continues to trade as P J King & Son and is based on a mixed livestock and arable farming enterprise and a meat processing business. This is a family operation with Mr & Mrs King and their 4 sons all employed in the venture. The overall holding extends to 1,311 acres although the farming business operates from a number of locations. The key livestock farm in this case relates to Swifts Wood Farm, the subject holding, which is the base for the suckler cow unit. Pedington Farm, the beef finishing unit, is situated 5 miles away. Swifts Wood Farm extends to 111 acres of ring fenced grassland. With Pedington and the additional land at Stone, the combined holding is 511 acres.

Purchased in September 2010, Swifts Wood Farm is centred on livestock production and based on a herd of currently 95 suckler cows (80 cows in 2013), with progeny reared on site to 12 months of age. Except for the retention of some replacement heifers, yearlings are then transferred to Pedington for finishing. The intention is to increase the herd to 120 cows which in turn will increase the total number of animals on site over the year to approximately 240 head plus 2 bulls.

It is understood that the following buildings are situated at Swifts Wood Farm: 105ft x 45ft livestock building, 55ft x 75ft livestock building, 35ft x 75ft livestock building, external yards measuring 80ft x 40ft and 60ft x 20ft respectively. Otherwise, no further buildings are planned for the foreseeable future although there is scope within the existing farmyard to facilitate some expansion in the future.

5.5 Labour

Swifts Wood Farm continues to be run by Thomas King with employment on the unit provided by a full time stockperson. The broader business employs Mr & Mrs King and three other sons in addition to other paid labour involved in the processing business. A standard man day calculation has been undertaken which states a theoretical requirement for 1.73 labour units. I am broadly content with these calculations and that the activity at Swifts Wood Farm relates to a full time labour unit.

5.6 Dwellings available to the business

Problems with connection to services and other unforeseen circumstances have resulted in delays in accommodating a worker on site, hence the need for a new application for the temporary dwelling. Once occupied, this would be the sole dwelling on the holding and its retention is the subject of this application. There are no other dwellings related to Swifts Wood Farm. Otherwise, the nearest property belonging to the business is at Pedington Farm which is approximately 5 miles away and occupied by another member of the King family who is directly responsible for the day to day running of the finishing unit.

5.7 Evaluation of the business in terms of NPPF Para.55

Functional need

Since the farm was purchased in September 2010, the business has managed to operate the unit without the need for on-site accommodation. The future planned expansion of the suckler unit to 110 cows plus progeny is now considered by the applicant to generate a full time need and warrant on-site accommodation. The agricultural agent is content with the new information provided that a unit of approximately 235 head in total will generate a full time need.

Given the planned scale of the activity, it is considered there would be functional full time need on the proviso that planned livestock numbers are met or exceeded. The temporary dwelling will allow the applicant to opportunity to meet these livestock numbers whilst living within sight and sound of the holding.

Financial Viability

The agricultural agent is satisfied based on up to date figures and given the previous assessment that the business is based on a sound financial basis and that the financial test is satisfied.

Siting

From an agricultural perspective the proposed new access and siting is considered acceptable. Further analysis of planning matters is considered in the paragraphs below.

Summary

Unforeseen circumstances have led to delays in the installation of the temporary dwelling, hence the need for a new planning application. From the information supplied there is an existing operational agricultural business at Swifts Wood Farm. Increasing cattle numbers generates a full time need and therefore greater justification for on-site accommodation. On balance, it is considered that on agricultural grounds the application for a temporary worker's dwelling can be supported.

5.8 Transportation

The mobile home has been sited in a different location albeit in the same field. Objections have been received that the new access is in a dangerous location with poor visibility. The Councils Transportation Officer acknowledges the objections received but as confirmed that the proposed access point onto the highway adjacent to the PROW is acceptable. With visibility both along the lane and from vehicles on the lane being commensurate with vehicle speeds in the vicinity.

5.9 Foul Sewerage

The planning application includes the installation of a new sewage Package Treatment Plant, which does not require an initial DETR assessment. It is noted that no public foul sewers are readily available. A Package Treatment Plant is specified but its location has not been indicated on the plans. The method of irrigation for the effluent overflow will also need to be indicated and a percolation test for discharge to a soakaway is necessary. Assessment details satisfying paragraph 6 of DETR Circular 03/99 are also required. There is no in principle objection to the proposal on these grounds however this information will be secured by a pre-commencement condition in order to ensure satisfactory foul sewerage infrastructure. The applicant is also advised that they must consult the Environment Agency for the need to obtain a 'Discharge Consent' and produce a copy if required. Building Regulation approval must also be obtained.

5.10 Design/Landscape Character

Given the minimal change of siting from the previous successful application and that the mobile home is the same dimension of that previously approved the development is would not have a detrimental impact on the visual amenity or landscape character of the site or the wider area. Due to the temporary nature of the dwelling it is not considered necessary to condition any additional landscaping or planting. A suitably worded condition will secure both the agricultural tie of the building and the temporary nature of it. Additionally, in the interests of visual amenity, a condition will be imposed to ensure that there is no external floodlighting.

5.11 Public Rights of Way

No objection in principle but the currently used route of the footpath is different to the legal line of the footpath (OFA10 footpath). The applicant is advised to remind themselves of the legal line of the footpath and ensure it is not obstructed by this proposal.

5.12 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

5.13 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. With regards to the Duty, the development contained within this planning application is considered to have a neutral impact as equality has been considered through planning policy.

6. CONCLUSION

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

6.2 The recommendation to grant 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 subject to conditions planning permission is granted.

Contact Officer: Kevan Hooper
Tel. No. 01454 863585

CONDITIONS

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

Reason

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in agriculture or forestry, to accord with the provisions of the National Planning Policy Framework 2012

2. The use hereby permitted shall be discontinued and the temporary mobile home removed from the site and the land restored to its former condition on or before 20/11/2020 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

The functional need for a worker to live permanently on site, and the financial viability of the holding is yet to have been fully established. Permission for a limited period will allow the Local Planning Authority to re-assess the development in the light of experience of the use, the provisions of the Local Plan, and any other material considerations on expiration of the temporary permission.

3. There shall be no external floodlighting on the site at any time.

Reason

In the interests of the character and appearance of the area and to accord policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 Policy PSP2 of the South Gloucestershire Local Plan Policies, Sites and Places Plan adopted Nov 2017 and the provisions of the National Planning Policy Framework 2012

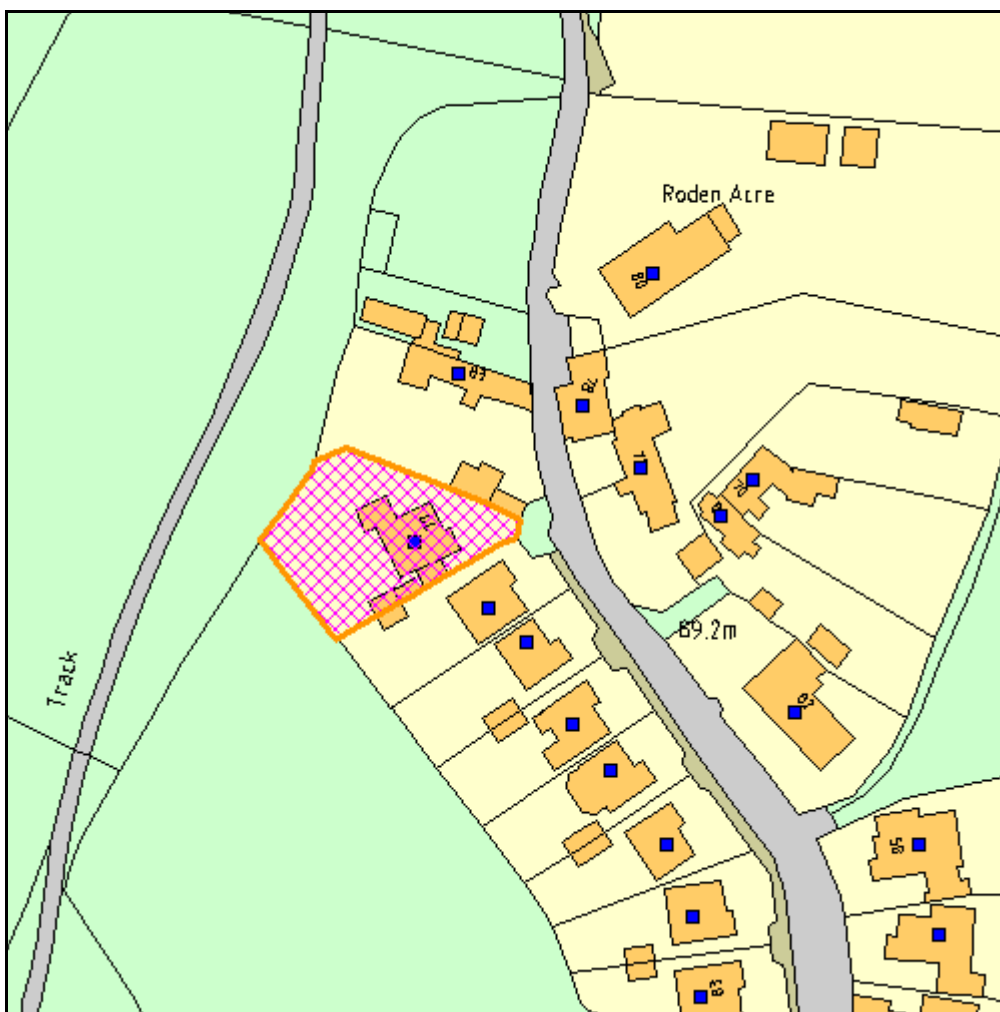
4. Within 1 month of the date of this decision full details of the new sewage package treatment plant shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 46/17 – 17 NOVEMBER 2017

App No.:	PT17/4055/F	Applicant:	Mr & Mrs Williams
Site:	77 Frampton End Road Frampton Cotterell Bristol South Gloucestershire BS36 2JY	Date Reg:	19th September 2017
Proposal:	Demolition of existing dwelling and erection of a new dwelling with associated works.	Parish:	Frampton Cotterell Parish Council
Map Ref:	367310 181978	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	20th October 2017



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 Planning permission is sought for the demolition of an existing dwelling and the erection of a new dwelling with associated works at no. 77 Frampton End Road, Frampton Cotterell.
- 1.2 The application site consists of a detached bungalow, set within a moderately sized plot. The site is located outside of the defined settlement boundary of Frampton Cotterell, and within the Bristol and Bath Green Belt. The site forms part of small ribbon of development created by properties along Frampton End Road. The site is bounded on its northern and southern sides by other residential properties, with open fields located directly to the west of the site.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP40 Residential Development in the Countryside
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Development in the Green Belt SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

3.1 PT17/2118/F

Erection of single storey side and rear extensions and first floor roof extension to form additional living accommodation.

Refused: 21.06.2017

3.2 PT01/2224/F

Erection of rear and side single storey extension.

Approved: 26.11.2001

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No objection subject to SGC Green Belt Policy

4.2 Other Consultees

Sustainable Transport
No objection

Lead Local Flood Authority
No objection

Landscape Officer
No objection – subject to submission of detailed tree/vegetation plan.

Highway Structures
No comment

Wessex Water
No comment

Other Representations

- 4.3 Local Residents
2 letters raising an objection to the proposed development have been submitted by local residents. The main concerns raised are outlined below:

- Neighbouring residents will be faced with looking at an extensive expanse of a tiled roof.

- Excavation works could destabilise boundary wall and have detrimental effect on adjacent trees.
- Arboricultural Assessment is required.
- Frampton End Road is one of the oldest roads in Frampton, and turns in to a very narrow lane beyond the application site. No facility for lorries delivering materials and it will be mayhem during demolition and rebuilding.
- Access is extremely tight.
- Overall impression that the proposal gives will be of a much more substantial dwelling with the charm of the 50s bungalow lost.
- Issues regarding ownership of land.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning permission is sought for the demolition of an existing dwelling and the erection of a replacement dwelling. Policy CS5 of the Core Strategy sets out the Council's locational strategy for development. CS5 directs development to urban areas and defined settlement boundaries. The application site is located outside of the settlement boundary of Frampton Cotterell. Under policy CS5, any land outside of urban areas or defined settlement boundaries can be considered as open countryside. CS5 states that development in the open countryside will be strictly limited.

5.2 As such, policy PSP40 of the Policies, Sites and Places Plan is engaged. PSP40 relates to development in the countryside, and outlines that development outside settlement boundaries will be acceptable for: the replacement of a single existing dwelling, where it is of a similar size and scale to the existing dwelling, within the same residential curtilage, and of a design in keeping with the locality, and minimises visual intrusion on the countryside.

5.3 As the application site is located within the Green Belt, any development must also accord with the principles of Green Belt policy to be acceptable. Policies CS5 and CS34 of the Core Strategy and policy PSP7 of the Policies, Sites and Places Plan support the protection of the Green Belt from inappropriate development. The NPPF also attaches great importance to the Green Belt – with development in the Green Belt generally being considered inappropriate. However, there are limited categories of development within the Green Belt that are not considered to be inappropriate. One such category is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

5.4 Both Policy PSP40 and Green Belt policy allow for the replacement of buildings in the open countryside/Green Belt. As such, the principle of erecting a replacement dwelling at this location is acceptable, subject to further areas of assessment.

5.5 Increase in Scale of Dwelling

Volume calculations, indicating the volume of both the existing and proposed dwelling, have been submitted in support of the application. Calculations indicate that the volume of the existing dwelling is 437.65m³, with the volume of the proposed dwelling set at 501.65m³. On the basis of the submitted volume calculations, the proposed dwelling would be approximately 14.62% larger than the existing dwelling.

5.6 Whilst the proposed dwelling would have a larger footprint than the existing, and would provide more floorspace at a first floor level, the ridge height of the proposed dwelling would not exceed that of the existing. On balance, and in light of the fairly marginal increase in volume, it is considered that the replacement dwelling would be of a similar size and scale to the existing dwelling. With regard to a Green Belt assessment, the development is considered to fall in to the predefined exception category for development in the Green Belt as it would consist of the erection of a replacement building that is in the same use and not materially larger than the building it is replacing.

5.7 Design and Visual Amenity

Under PSP40, any replacement dwelling must be of a design that is in keeping with the locality. Policy CS1 of the Core Strategy relates more directly to design, and seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.8 The application site is located on the western side of Frampton End Road. The western side of the road is largely made up of a row of detached bungalows, similar in appearance to the host dwelling. Dormer windows are present at a large proportion of the neighbouring bungalows. It should be noted that whilst the neighbouring bungalows follow a fairly strong building line, the existing dwelling at the site is set slightly back in its plot and is angled slightly away from the bungalows. As such, there is a degree of separation between the existing dwelling and the row of bungalows. The properties on the eastern side of the road consist of a mixture of detached single storey and two-storey properties. The neighbouring property to the north also consists of a detached, two-storey dwelling.

5.9 Due to the orientation of the dwelling and its siting behind a neighbouring detached garage, it is not considered to hold a prominent position within the immediate streetscene. Notwithstanding this, at its front elevation, the proposed dwelling would be of similar appearance to the existing dwelling, with the only significant difference being the incorporation of a pitched roof dormer. The materials proposed in the external finish of the new dwelling would match those used in the external finish of the existing dwelling. On balance, it is considered that at its front elevation, the appearance of the proposed dwelling sufficiently reflects the appearance of the existing dwelling, as well as other properties in the vicinity. Given the presence of dormer windows at neighbouring bungalows, it is also considered that a front-facing dormer window would constitute an appropriate feature.

- 5.10 Due to the siting and orientation of the proposed dwelling within the plot, neither its north nor south-facing side elevation would be visible from the public areas offered along Frampton End Road. The rear of the dwelling would also not be visible from the road, and would only be very partially visible from a public right of way, located roughly 65m to the north of the site. Whilst the proposed rear elevation would include a more contemporary, glazed gable, any impacts on the streetscene or the character and distinctiveness of the immediate surrounding area is limited.
- 5.11 On balance, whilst the concerns regarding the impact of the proposed dwelling on the character of the locality have been taken in to account, it is considered that the overall design of the proposed dwelling results in a new building that would respect the character, proportions and appearance of the existing dwelling and other properties in the locality. On this basis, the proposal is considered to comply with the design criteria set out in policy CS1 of the Core Strategy.
- 5.12 Landscape
In order to accord with the provisions of policy PSP40, the design of any replacement dwelling should seek to minimise any visual intrusion on the countryside. It is noted that open fields are located beyond the application site to the west, with the rear of the proposed dwelling facing on to the fields. As such, the potential for visual intrusion on to the open countryside is a key area of assessment.
- 5.13 The proposed dwelling would incorporate an increased depth, when compared to the existing dwelling. The main feature of the rear elevation is a two-storey, glazed gable. As a result of the proposed gable, and the reconfigured footprint of the proposed dwelling, the western-most part of the proposed dwelling would be roughly 4 metres closer to adjacent fields than the western-most part of the existing dwelling. It should be noted that a minimum of 8.5m of rear garden would still separate the rear of the dwelling from the open fields.
- 5.14 On balance, it is considered that the increased depth of the dwelling, as well as the prominence of the proposed rear gable, would result in a degree of visual intrusion on to the countryside. However, it is noted that the landscape officer has not objected to the proposal, subject to a detailed drawing indicating the location of trees and other vegetation to be protected being submitted and agreed. Providing that the existing trees and vegetation on site are protected, it is considered that an acceptable level of screening would be provided, and that the screening would mitigate any sense of visual intrusion. On this basis, subject to an agreed tree and vegetation protection plan, it is not considered that the proposal would have any adverse impacts on the immediate landscape, or any material impacts on the openness of the Green Belt.
- 5.15 Trees
The concerns regarding the submission of an arboricultural assessment have been taken in to account. However as there are no TPOs on-site or in close proximity to the site, an arboricultural report is not considered necessary in this instance. Notwithstanding this, a condition will be attached to any decision,

requiring the submission of a detailed drawing showing the trees and other vegetation to be protected and the means of protection during construction.

5.16 Residential Amenity

Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

5.17 Whilst the proposed dwelling would have a larger footprint than the existing, the new structure would not encroach towards neighbouring boundaries. The increased footprint is gained by extending the dwelling to the rear. As the proposed dwelling would be of a similar height to the existing, and would not encroach towards neighbouring boundaries, it is not considered that its erection would prejudice the residential amenity of neighbours through an increased sense of overlooking or overbearing. The concerns raised regarding the proximity of roof tiles to a neighbouring property have been taken into account. However given the levels of separation between the proposed dwelling and any neighbouring properties, it is not considered that the roof of the proposed dwelling would have any significant impact on outlook from neighbouring windows.

5.18 With regard to overlooking, the only first floor side-facing windows proposed are in the form of velux rooflights. Due to their setting into the roof slope, any outlook from velux rooflights is reduced. On this basis, it is not considered that their insertion or use would create an increased sense of overlooking. The windows serving the three bedrooms at a first floor level would all either face out over the front or the rear of the property. As these windows would not provide a direct line of sight into neighbouring windows or onto neighbouring land, it is not considered that their insertion and use would significantly prejudice privacy through increased overlooking.

5.19 With regard to living conditions and the residential amenity of future occupants, it is considered that the levels of internal space provided, as well as the internal layout of the new dwelling, would allow for an acceptable standard of living to be achieved. It is also considered that sufficient levels of outdoor private amenity space would be provided on-site.

5.20 It is recognised that the demolition of the existing dwelling and the erection of a replacement dwelling would cause some increased disturbance to neighbours during the construction period. However a degree of disturbance is an almost inevitable part of most development, and would not constitute a reason in itself for refusing the application. However in order to protect the residential amenity of neighbours, a condition will be attached to any decision, restricting working hours during the construction period.

5.21 Transport

The proposed dwelling would contain 4 bedrooms. Policy PSP16 of the Policies, Sites and Places Plan outlines that 4-bed dwellings must make provision for the parking of a minimum of 2 vehicles, with each parking space measuring a minimum of 2.4m x 4.8m. An existing parking area to the front of the dwelling would be retained. This area is of sufficient size as to provide parking space for several vehicles. However to ensure that this area is retained for vehicular parking, a condition will be attached to any decision, requiring a minimum of 2 on-site parking spaces to be provided prior to the first occupation of the new dwelling and thereafter retained for that purpose.

5.22 In terms of access, the existing access would be utilised. The concerns raised regarding access to the site during the construction period have been taken in to account. It is noted that beyond the application site, Frampton End Road does become significantly narrower. However the stretch of road to the south of the site is considered sufficiently wide as to provide access to the site for construction vehicles. Given the scale of development, it is also not considered reasonable or necessary in this instance to request that a construction management plan be submitted.

5.23 For the reasons outlined above and subject to the aforementioned condition, there are no concerns in relation to parking provision of highway safety.

5.24 Equalities

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

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

5.26 Other Matters

The stability and technical quality of the proposed development is something that will be assessed by a building control officer as part of a building regulations application.

5.27 The concerns raised regarding impact the site boundary, and stability of the wall are primarily matters of civil law between land owners who may owe each other a duty of care. However it should be noted that even if planning permission is granted, the permission shall not be construed as granting rights to carry out works on, or over, land not within the ownership, or control, of the applicant.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: 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 commencement of development a plan showing the trees and other vegetation to be protected and the means of protection during construction, in line with BS 5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan.

Reason

To protect the character and appearance of the area and to reduce any visual intrusion in to the countryside, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework. This is required to be agreed prior to the commencement of development to avoid causing damage to existing trees and vegetation during any ground works.

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

Reason

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

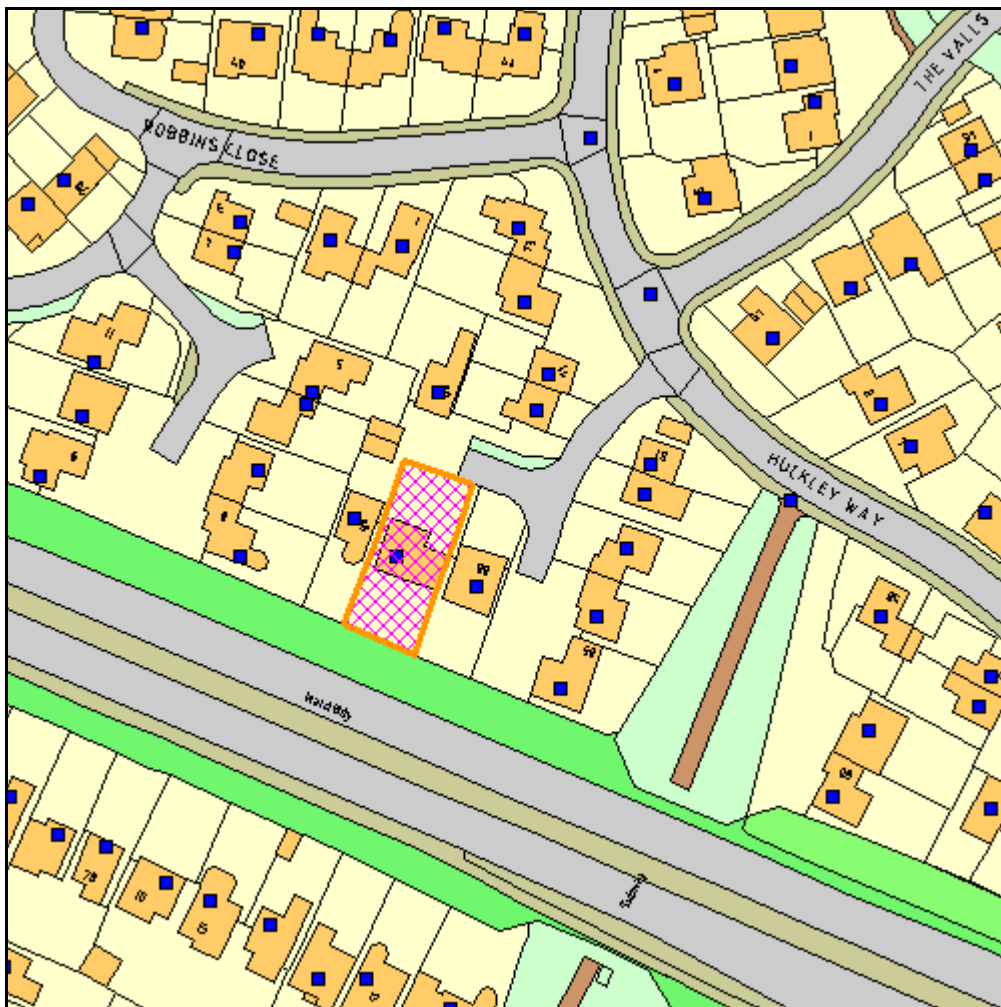
4. The off-street parking facilities at the site (for all vehicles, including cycles) shall make provision for the parking of a minimum of 2 vehicles (measuring at least 2.4m by 4.8m), and shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 46/17 – 17 NOVEMBER 2017

App No.:	PT17/4562/F	Applicant:	Mr Kim Burton
Site:	67 Huckley Way Bradley Stoke Bristol South Gloucestershire BS32 8AR	Date Reg:	13th October 2017
Proposal:	Erection of a two storey side and rear extension to form integral garage and additional living accommodation. Installation of 3no roof lights to facilitate loft conversion.	Parish:	Bradley Stoke Town Council
Map Ref:	362778 180565	Ward:	Bradley Stoke South
Application Category:	Householder	Target Date:	24th November 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE.

The application has attracted comments which are contrary to the Officer recommendation. Consequently, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two storey side and rear extension to form additional living accommodation; and the insertion of 3no roof lights to facilitate a loft conversion at 67 Huckley Way Bradley Stoke.
- 1.2 The property site relates to a detached dwelling that is located within the settlement boundary and built up residential area of Bradley Stoke.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Space Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1. None relevant.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
"Bradley Stoke Town Council has no objection towards this application."

Sustainable Transport

"The applicant seeks to erect a two storey side and rear extension to form integral garage and additional living accommodation. Loft conversion is also proposed. 67 Huckley Way is currently a 4 bed dwelling. It is proposed to create a further 2 bedrooms. A 6 bed dwelling requires a minimum of 3 off street parking spaces. One space is to be provided within the proposed garage and 2 on the driveway to the front of the dwelling. There are no transportation objections."

Archaeology Officer

"No comment."

Other Representations

4.2 Local Residents

"I object to the construction of a double storey extension at no. 67 because of the significant loss of natural light to the stairwell and upper landing at no. 66.

The extension would be 90cm away from the landing window (west elevation of no. 66) and is the only source of natural light to the upper floor of no.66."

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design and Visual Amenity

The host dwelling is detached and two storey, with brickwork elevations; white UPVC windows and doors; pitched tiled roof; front bay window; front lawn; and an attached garage with a large driveway.

5.3 The 3no roof lights to the property are of a standard design and are considered acceptable.

5.4 The property currently benefits from an attached garage to the eastern elevation, however this has undergone some internal alterations to form a garden room and store. If approved the extension would reinstate the garage to South Gloucestershire parking standards.

5.5 The two storey extension would be built over the existing garage. However, it should be noted that while the proposal would be no wider than the existing attached garage, it would be deeper at both the front and rear. The front would

be in line with the principal elevation, and the rear would project 2m beyond the rear elevation of the existing property.

While the rear of the proposal would extend beyond the rear elevation, this is a minor projection and is not considered to be detrimental to the host dwelling.

- 5.6 The first floor and roofline of the proposal would be set back from the principal elevation. As such the extension would clearly read as an addition to the property.
- 5.7 The two storey extension would be constructed from brickwork and white UPVC windows and doors. The roof would be tiled and pitched. These materials and the design would match the host dwelling.
- 5.8 While the extension is a large addition to the property it is considered that the design respects the host dwelling, the site and its context. As such is deemed to comply with policies PSP38 and CS1.
- 5.9 Residential Amenity
Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.10 The proposed development is a two storey side and rear extension to a detached property. The addition of new glazed doors and windows to the front and rear of the property will result in no more of an impact on residential amenity than the existing doors and windows on the host dwelling. The window proposed to the east elevation serves a bathroom so will be obscure glazed.
- 5.11 One neighbour objecting to the proposal stated that the proposal would result in “significant loss of natural light to the stairwell and upper landing at no. 66” and that the landing window “is the only source of natural light to the upper floor of no.66.” The Case Officer understands these concerns, however, as mentioned by the neighbour the window serves the landing and stairwell. This sort of space is considered secondary to the principal rooms of the dwelling, but it is acknowledged that there will be some loss of light and some weight has been afforded to that. Additionally, No.66 has three windows to the first floor front; three windows to the first floor rear; and a first floor side window to the east elevation that will not be impacted by the proposal. Overall therefore it is not considered that the living conditions of this property will be significantly prejudiced such that would justify the refusal of the proposal.
- 5.12 Over 100m² of private amenity space to the rear would be available post development. This surpasses the requirements of Policy PSP43.
- 5.13 When considering the existing boundary, combined with the siting and scale of the proposal. The proposal would not appear overbearing or such that it would prejudice existing levels of outlook afforded to neighbouring occupiers. Therefore, the development is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).

5.14 Highways

As noted from the Transport Officer in point 4.1; the property requires three off street parking spaces post development. The driveway would be redeveloped and the garage reinstated which would create the spaces required. This will be conditioned.

5.15 Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: David Ditchett
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the 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.

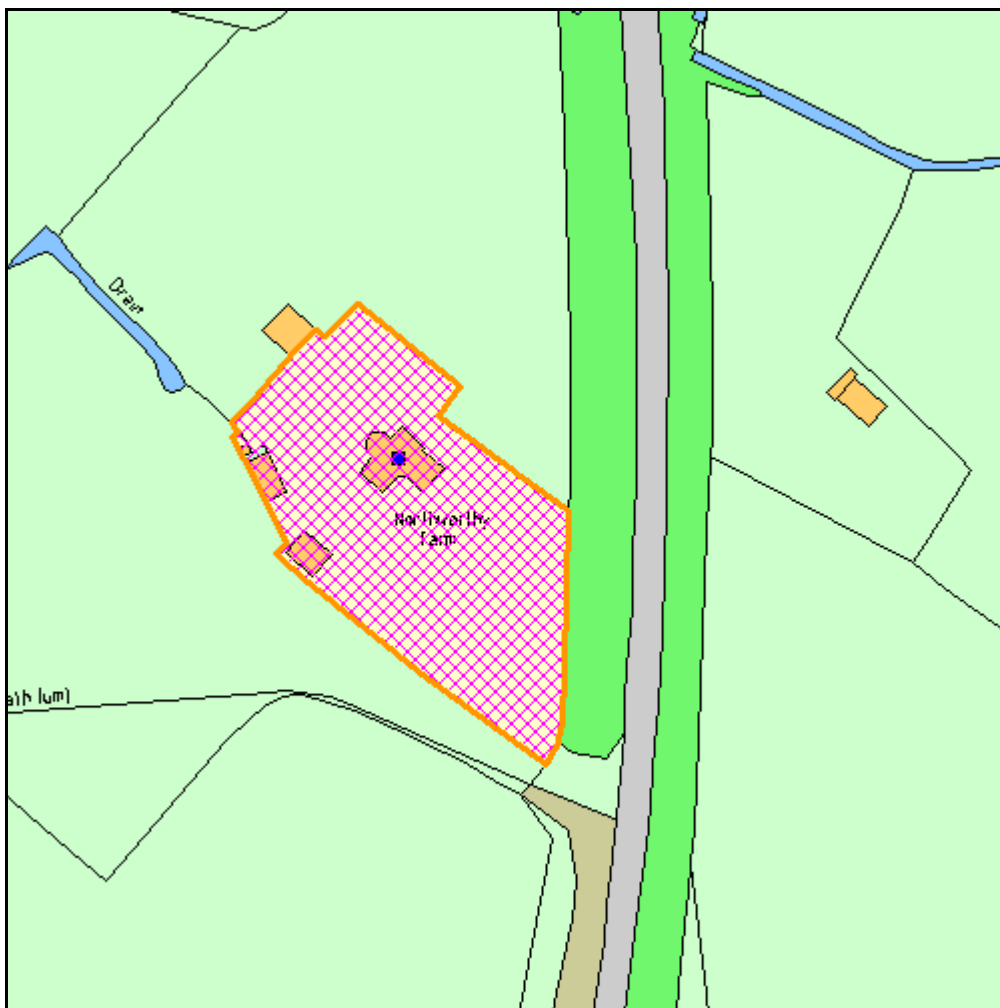
3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. For the avoidance of doubt this includes the integral garage space which should be retained as a garage space.

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. 46/17 – 17 NOVEMBER 2017

App No.:	PT17/4637/CLP	Applicant:	Mr A Deverson
Site:	Northworthy Farm Severn Road Pilning South Gloucestershire BS35 4HP	Date Reg:	17th October 2017
Proposal:	Certificate of Lawfulness for proposed use of existing building to be used as residential annexe ancillary to main dwelling house (Class C3)	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355683 186290	Ward:	Pilning And Severn Beach
Application Category:	Certificate of Lawfulness	Target Date:	30th November 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed use of an outbuilding to ancillary accommodation would be permitted development.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)
- 2.2 The submission is not a full planning application this the Adopted Development Plan is not of relevance to the determination of this application; the decision rests on the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming the proposed development is lawful against the GPDO.

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/1316/F – Approved - 30.06.2000
Erection of extension to form conservatory and adjustment of rear roof from that previously approved under application PT00/0234/RM.
- 3.2 PT00/0234/RM – Approved - 27.03.2000
Demolition of existing farmhouse and erection of new dwelling and garage
- 3.3 P96/2855 – Approved - 09.04.1997
Demolition of existing farmhouse. Erection of one two-storey dwelling (Renewal of Outline Consent).
- 3.4 P93/1143 – Approved - 12.01.1994
Demolition of dwelling; erection of one two storey dwelling (outline)

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
No Comments

Public Rights Of Way

No Objection
Open Spaces Society
No comments

Environment Agency
No comments

Lower Severn Drainage Board
No comments

British Horse Society
No comments

Councillor
No comments

4.2 Other Consultees

Sustainable Transport
No Comments

Other Representations

4.3 Local Residents
None Received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 The key issue in this instance is to determine whether the proposals would constitute development according to Section 55 of the Town and Country Planning Act 1990. Some work is not seen to comprise development and these are identified under Section 55(2) of the aforementioned act. Within this it is stipulated that permission would not be required for *“building operations which do not materially affect the external appearance of a building. The term ‘materially affect’ has no statutory definition, but is linked to the significance of the change which is made to a building’s external appearance”* Whilst ‘materially affect’ has no statutory definition case law establishes what may be considered to be a material impact. *Burroughs Day v Bristol City Council* [1996] shows that whilst the exterior of the building may be affected this does not

necessarily constitute a 'material affect' on the external appearance of the building. In this case it was found the works did not amount to development within the meaning of section 55(2)(a)(ii) of the 1990 Act. In assessing this impact the following should be taken into account:

"What must be affected is "the external appearance", and not the exterior of the building. The alteration must be one which affects the way in which the exterior of the building is or can be seen by an observer outside the building"... , and; The external appearance must be "materially" affected, and this depends in part on the degree of visibility."...Furthermore "The effect on the external appearance must be judged for its materiality in relation to the building as a whole, and not by reference to a part of the building taken in isolation"

- 5.3 The proposal consists of the proposed use of an existing outbuilding to be used as an annex ancillary to the main residential dwelling providing additional accommodation, hobby and office use. The subject property is a two storey stone barn located in the rear corner of Northworthy Farm, there are no external changes proposed as part of this application. It is not considered to have any material impact on the external appearance of the property and is therefore not considered to require planning permission. It is accepted that the structure falls within the established residential curtilage for the property and has been used as domestic storage. There would be no development involving a change of use (which will remain class C3), nor the creation of a new planning unit.

The outbuilding will retain the same basic form, external materials and general appearance and therefore according to Section 55(2) of the Town and Country Planning Act 1990 and on balance this proposal would not amount to "development" requiring permission under the Act.

6. RECOMMENDATION

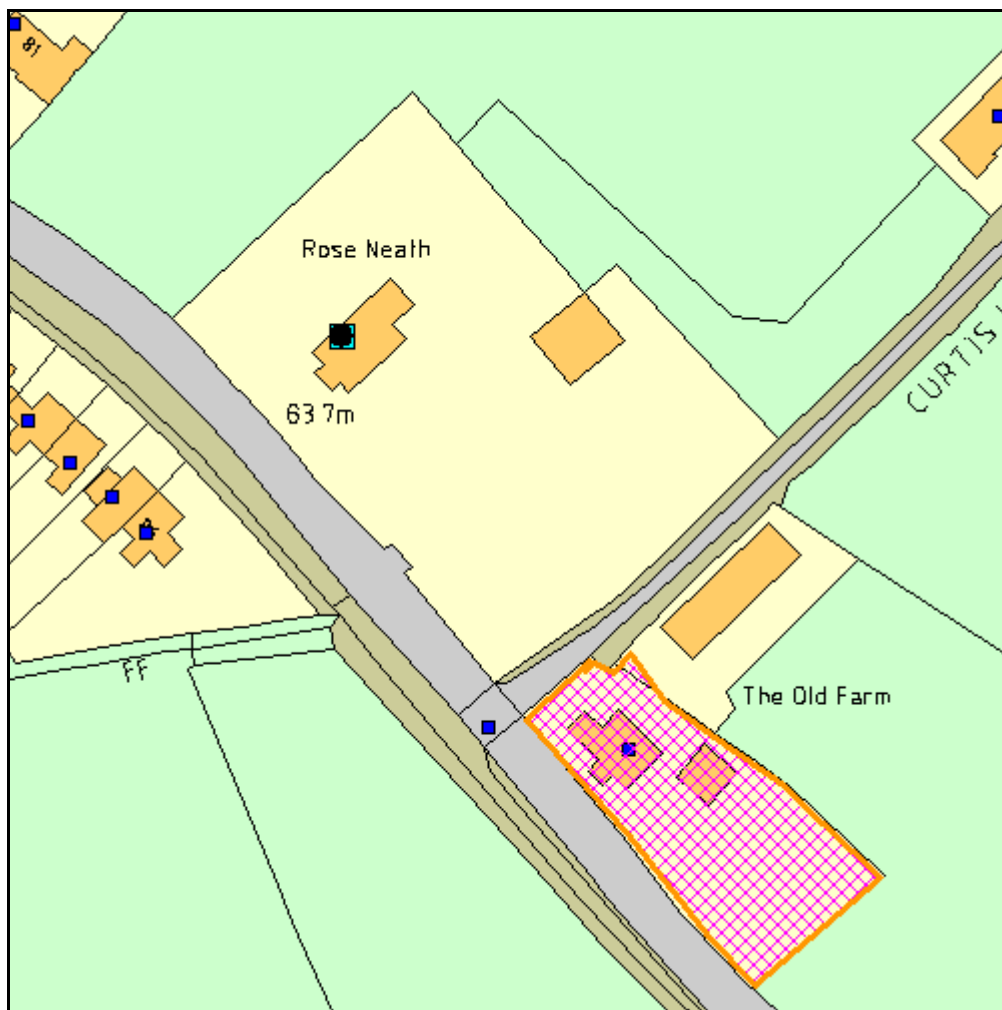
- 6.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed garage conversion would not constitute development that requires planning permission under the provisions of Section 55(2) of the Town and Country Planning Act 1990 (as amended).

Contact Officer: Westley Little
Tel. No. 01454 867866

CIRCULATED SCHEDULE NO. 17 - 17 NOVEMBER 2017

App No.:	PT17/2401/F	Applicant:	Mr John McNally
Site:	The Old Farm Curtis Lane Stoke Gifford Bristol South Gloucestershire BS34 8QG	Date Reg:	14th June 2017
Proposal:	Demolition of existing garage and erection of 2 no. dwellings with access, parking and associated works.	Parish:	Winterbourne Parish Council
Map Ref:	363265 179437	Ward:	Winterbourne
Application Category:	Minor	Target Date:	3rd August 2017



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PT17/2401/F

1. THE PROPOSAL

- 1.1 This application seeks planning permission for two detached dwellings within the existing curtilage of Old Farm. Old Farm is located on the corner of Hambrook Lane and Curtis Lane and is accessed to the rear via Curtis Lane. The existing dwelling is located in the north-west end of the plot with the main garden area to the side of the dwelling occupying the south-east of the plot. The site is 0.11 ha in area.
- 1.2 The existing dwelling on the site is to remain and the two new dwellings will be located on the above garden area. The new dwellings will be accessed using the existing driveway onto Curtis Lane, although the existing garage will have to be demolished to accommodate this.
- 1.3 The proposed dwellings are modestly scaled 1 ½ storey 3-bedroom dwellings. They are gable fronted with dormers on either side. A central double driveway is proposed between them which will accommodate two parking spaces for each dwelling.
- 1.4 The site is located within the East of Harry Stoke New Neighbourhood boundary as allocated by Policy CS27 of the South Gloucestershire Local Plan Core Strategy.
- 1.5 A Planning Statement and Ecological Assessment were submitted with this application.

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

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

CS25 Communities of the North Fringe of Bristol

CS27 East of Harry Stoke New Neighbourhood

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP8 Residential Amenity

PSP11 Transport Impact

PSP16 Parking Standards

PSP20 Flood Risk

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance:

East of Harry Stoke new Neighbourhood Framework SPD Adopted May 2016

Design Checklist SPD Adopted August 2007

Residential Parking Standards SPD Adopted December 2013

Waste Collection: Guidance for new Developments SPD Adopted January 2015

CIL and S106 SPD (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

3.1 N8845 Erection of Double Garage. Permission granted with conditions 8th September 1983.

3.2 PRE15/0306 East of Harry Stoke Strategic Masterplan.

3.3 PRE15/0617 Pre-application Enquiry for a New Dwelling.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council:

No objection, but there are concerns regarding the exit from Curtis Lane onto Hambrook Lane.

4.2 Archaeology Officer:

The application is in an area of archaeological potential and adjacent to earthworks of possible archaeological origin. The evaluation work as part of the SGLT revealed little significant archaeology warranting either preservation in situ or objection. As such, there is no objection to this site. However, as the archaeological potential remains, a condition for a programme of archaeological work should be applied to any consent granted.

4.3 Tree Officer:

There are no objections to this application, however if the applicant is intending to retain the hedge surrounding the proposed site then they will need to protect it with fencing in accordance with BS:5837:2012.

4.4 Ecology Officer:

All habitats on site are of low ecological value with negligible value for protected species. No statutory or non-statutory sites will be affected by this proposal. The hedges are potentially suitable for use by breeding birds. There are no ecological objections to this application, but conditions in respect of methods of working and enhancement are recommended.

4.5 Highway Structures:

No comment

4.6 Transport Officer:

The Development is within the wider East of Harry Stoke area for which the site SPD and policy CS27 require a comprehensive development incorporating a range of transport improvements necessary to accommodate, manage and mitigate the whole site allocation. Recommends a traffic calming scheme on Hambrook Lane to be provided as part of this application to slow vehicles and provide a safe environment for pedestrians and cyclists leaving or entering the site access onto Hambrook Lane where there is no footway on the north side of the road. This will be in the form of a raised table at the junction of Hambrook Lane and Curtis Lane and the cost is estimated at £17,000. It is considered reasonable for this development to pay for this piece of infrastructure (£8,500 per dwelling) which is directly related to the development and will enable safe access for vehicles, pedestrians and cyclists.

Also recommends that revised drawings are submitted for the following:

- The realignment of Hambrook Lane at the junction with Curtis Lane to provide visibility splays of 2m x 60m to the nearside road edge. This needs to include a kerblin on the north side of Hambrook Lane and a realignment of the southern side of Hambrook Lane to provide a 5.5m carriageway width;
- Revised give way road markings on Curtis Lane and a realigned centreline on Hambrook Lane;
- Curtis Lane widened to 4.8m from Hambrook Lane to the site access; The above could be a Grampian condition requirement. The site layout plan should be revised to show either a widened double driveway to 6.4m or separate 1m wide footpaths leading to the dwellings.

4.7 Drainage Officer:
Query the method of foul sewage disposal to be utilised and therefore request clarity before commenting further.

4.8 Urban Design Officer:
Has provided advice on improving the appearance of the elevations.

4.9 Other Comments:
One neighbour comment has been received, neither supporting nor objecting to the application. The representation comments that there is a lack of parking for visitors, which could result in parking on Hambrook Lane, and that the access is substandard and its use is detrimental to the safety of highway users. It is also comments there is a discrepancy between the plans and the Planning Statement in respect of the location of the refuse storages and cycle storage.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development:
The site is within the boundary of the East of Harry Stoke new Neighbourhood as defined by Policy CS27 of the South Gloucestershire Local Plan Core Strategy. The principle of residential development on this site is therefore considered acceptable, but the development proposed will be part of the New Neighbourhood and needs to be considered in this context. The application is therefore being considered in the context of Policy CS27 and its requirement to ensure development within it will be comprehensively planned.

Policy CS27 also goes on to state that all development proposals will be required to demonstrate that they are in accordance with the East of Harry Stoke SPD, that they should not prejudice the development of the New Neighbourhood and that they should meet the overall vision for development.

The proposal is for two modest residential dwellings located within an existing residential curtilage and utilising an existing residential access. It is located on the western edge of the allocation adjacent to the existing built up area. Given these factors, it is considered that its size and location of the development in themselves do not prejudice the delivery of the New Neighbourhood.

However, a key issue in the delivery of the New Neighbourhood is the delivery of infrastructure in order to ensure the needs of future residents are catered for. In order to ensure this is comprehensively planned for, all proposed developments within the New Neighbourhood need to contribute to this infrastructure in a fair and equitable manner.

Currently, apart from this one, three applications are being considered on the East of Harry Stoke new Neighbourhood:

- PT16/4782/O, land south of the railway line, mixed use including 1290 dwellings;
- PT16/4928/O, land north of the railway line, 327 dwellings and a primary school;
- PT16/6182/F, land at Hambrook Lane, 73 dwellings.

Given the submission of these large applications which will form the bulk of the housing for the New Neighbourhood, work is currently being undertaken to cost the infrastructure provision and fairly apportion these costs between the land holdings that make up the land within the CS27 allocation. This apportionment will be used in order to negotiate contributions to be made via Section 106 Agreements for the New Neighbourhood, and once completed, will be used for this purpose for all developments proposed that will be part of it.

However, at this point in time the work has not been completed so, at the time of writing this report, officers are unable to use this work as an adequate evidence base on which to apportion a contribution to this development. Nevertheless, in order to comply with the requirement of Policy CS27 that the development should be comprehensively planned, it is still a requirement that this proposal makes a contribution towards the infrastructure required for the East of Harry Stoke New Neighbourhood.

Therefore, it is considered that the development should contribute to traffic calming works along Hambrook Lane. It has been identified as part of the East of Harry Stoke Supplementary Planning Document that connections and improvements should be made to the pedestrian and cycle network and it is considered that the above works would create a safer environment for pedestrians and cyclists and therefore constitute such an improvement. It is estimated the raised table proposed would cost £17,000. Given the above work on infrastructure has not been completed, it is considered that this is a reasonable cost to pay for the developer. In the absence of any other

benchmark, this has been looked at with reference to Community Infrastructure Levy payments. This development is exempt from CIL, but if it was subject to a charge, this would be £18,800 (as each dwelling provides 94 square metres of floor space and the CIL charge would be £100 per square metre). Therefore, £17,000 is considered to be an equitable contribution, particularly given the additional works proposed by the Transportation Officer which are to be conditioned.

The raised table proposed is considered justified under Section 122 of the Community Infrastructure Legislation 2010 which requires planning obligations to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. The proposed works are considered to be necessary in order to ensure the comprehensive planning of infrastructure on the East of Harry Stoke New Neighbourhood. They are directly related to the development as this forms part of the New Neighbourhood. They are reasonably related in scale as the cost is comparable with a CIL payment if one was required and related in kind as these works will be adjacent to the proposed development and the new occupiers will directly benefit from the raised table in terms of highway safety.

5.2 Affordable Housing:

In respect of affordable housing the development falls below the 0.2 ha threshold for provision in Policy CS8 of the South Gloucestershire Local Plan Core Strategy. A recent appeal against the refusal of three dwellings at Siston Lane (ref. PK16/5286/O, APP/P0119/W/17/3178909) also considered this matter. The Inspector notes that “following the decision of the Court of Appeal on 11 May 2016, the Written Ministerial Statement of 28 November 2014 has been reinstated and once again forms a part of national planning policy. It indicates that contributions should not be sought from developments of 10 units or less and it is a material consideration to which I attach significant weight.” Given this, along with the application site falling below the required threshold, it is considered due that the size of the site and the development proposal, it would not be reasonable to negotiate a contribution for affordable housing.

5.3 Transport:

The Transportation Officer originally raised concerns regarding the intensified use of the junction of Curtis Lane with Hambrook Lane due to the width of the road and restricted visibility due to the earth banks and hedgerows. However, it is considered the following works, as referred to in his consultation response, would overcome these concerns:

- The realignment of Hambrook Lane at the junction with Curtis Lane to provide visibility splays of 2m x 60m to the nearside road edge. This needs to include a kerblineline on the north side of Hambrook Lane and a realignment of the southern side of Hambrook Lane to provide a 5.5m carriageway width;
- Revised give way road markings on Curtis Lane and a realigned centreline on Hambrook Lane;
- Curtis Lane widened to 4.8m from Hambrook Lane to the site access.

It is proposed that these are provided through a Grampian condition. In respect of the request made to widen the driveway or provide paths to the front door, an additional condition will be added to provide details of paths to be installed. It is not possible to condition the widening of the driveways as the dwellings would have to be moved to achieve this.

The Transportation Officer also requires a raised table for traffic calming on Hambrook Lane, and this is addressed above.

The neighbour's comments in respect of parking are noted, but the level of parking proposed is considered to be in accordance with the standards set out in Policy PSP 16 of the South Gloucestershire Local Plan Policies Sites and Places Plan, and falls under the threshold for additional visitor parking.

5.4 Design and Visual Amenity:

The land is raised compared to adjacent land within the East of Harry Stoke allocation and as such will be visible across the New Neighbourhood. With this mind, revisions have been sought to the design in order to reflect the quality of design that will be expected within the New Neighbourhood. The final design comprises one and half storey dwellings with a mix of rough cast render and natural Pennant sandstone. Small ridged roof dormers are proposed, including one housing a feature window lighting the stairwell on each dwelling, and each has an external brickwork chimney. The windows have a vertical emphasis, in character with the existing house. The final design is considered to be low key, but picks up on elements of the character of the adjacent house and subject to agreement of the final materials and details is considered to be of appropriate quality for the New Neighbourhood.

5.5 Other matters:

The development is considered acceptable in respect of neighbour amenity. Biodiversity enhancement as raised by the Ecologist and matters raised by the Archaeologist will be conditioned. In respect of the Drainage Officer's comments, it is considered that this matter can also be addressed under the Building Regulations.

5.6 Planning Balance

As the authority cannot at this time demonstrate a 5-year supply in deliverable housing land, the application must be determined against the presumption in favour of sustainable development. In this instance the presumption does not affect the principle of development as the site is within the East of Harry Stoke New Neighbourhood allocation. It is noted this development would result in a moderate benefit towards overall housing supply in South Gloucestershire, and as such weight has been afforded to this as a planning consideration.

5.7 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within

this planning application is considered to have a neutral impact as equality matters have duly been considered in planning policy.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That 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 submitting a Unilateral Undertaking under Section 106 of the Town & Country Planning Act 1990 (as amended) to provide the following:

£17,000 to provide a raised table at the junction of Hambrook Lane and Curtis Lane for the purposes of traffic calming on Hambrook Lane.

- 7.2 The reasons for this Undertaking are:
- To ensure the safety of pedestrians and cyclists using Hambrook Lane;
 - To accord with Policy CS17 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013 by ensuring that the proposal makes a contribution towards infrastructure for the wider East of Harry Stoke Neighbourhood and the comprehensive planning of that new Neighbourhood.
- 7.3 If a suitable Unilateral Undertaking is not submitted within 6 months of the date of this Circulated Schedule, in view of the length of time, the application should either:
- a) Be returned to the Circulated Schedule for reconsideration;
- Or
- b) the application should be refused due to the failure to secure the Heads of Terms above under a Section 106 Agreement for the reason listed.

Contact Officer: Helen Winsall
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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 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 high quality design to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.
3. Prior to the commencement of development and notwithstanding the submitted details, details of the windows to be used on all elevations and the detailing of the window surrounds on the southern elevations 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 high quality design to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.
4. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.
Reason: To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.
5. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatments to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatments shall be implemented in full any buildings is occupied. Development shall be carried out in accordance with the approved details.
Reason: To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.
6. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building to which the parking facilities relate 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.
7. Prior to the commencement of development a plan showing pathways to be laid from the driveway to the principle front doors of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The pathways shall be laid in accordance with the approved details prior to beneficial occupation.
Reason: To ensure the satisfactory provision of pedestrian facilities and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

8. Prior to the commencement of development, the following works shall be carried out in accordance with details to be first submitted to and approved in writing by the Local Planning Authority:
- The realignment of Hambrook Lane at the junction with Curtis Lane to provide visibility splays of 2m x 60m to the nearside road edge. This shall include a kerblineline on the north side of Hambrook Lane and a realignment of the southern side of Hambrook Lane to provide a 5.5m carriageway width;
 - Revised give way road markings on Curtis Lane and a realigned centreline on Hambrook Lane;
 - The widening of Curtis lane to 4.8m from Hambrook Lane to the site access.

Reason: To ensure safe access to the site in the interest of highway safety, and in accordance with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

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

Reason: In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

10. Prior to the commencement of development, enhancement proposals, to include details of native hedgerow planting, the location and type of six bird boxes and two bat tiles a bat and a bat friendly lighting scheme shall be submitted to and approved by the Local Planning in writing. The approved proposals shall be carried out prior to the occupation of any dwelling.

Reason: In the interests of enhancing biodiversity, to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.