



**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. 47/17**

**Date to Members: 24/11/2017**

**Member's Deadline: 30/11/2017 (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](mailto:MemberReferral@southglos.gov.uk) providing details of

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

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

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

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

## GUIDANCE FOR 'REFERRING' APPLICATIONS

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

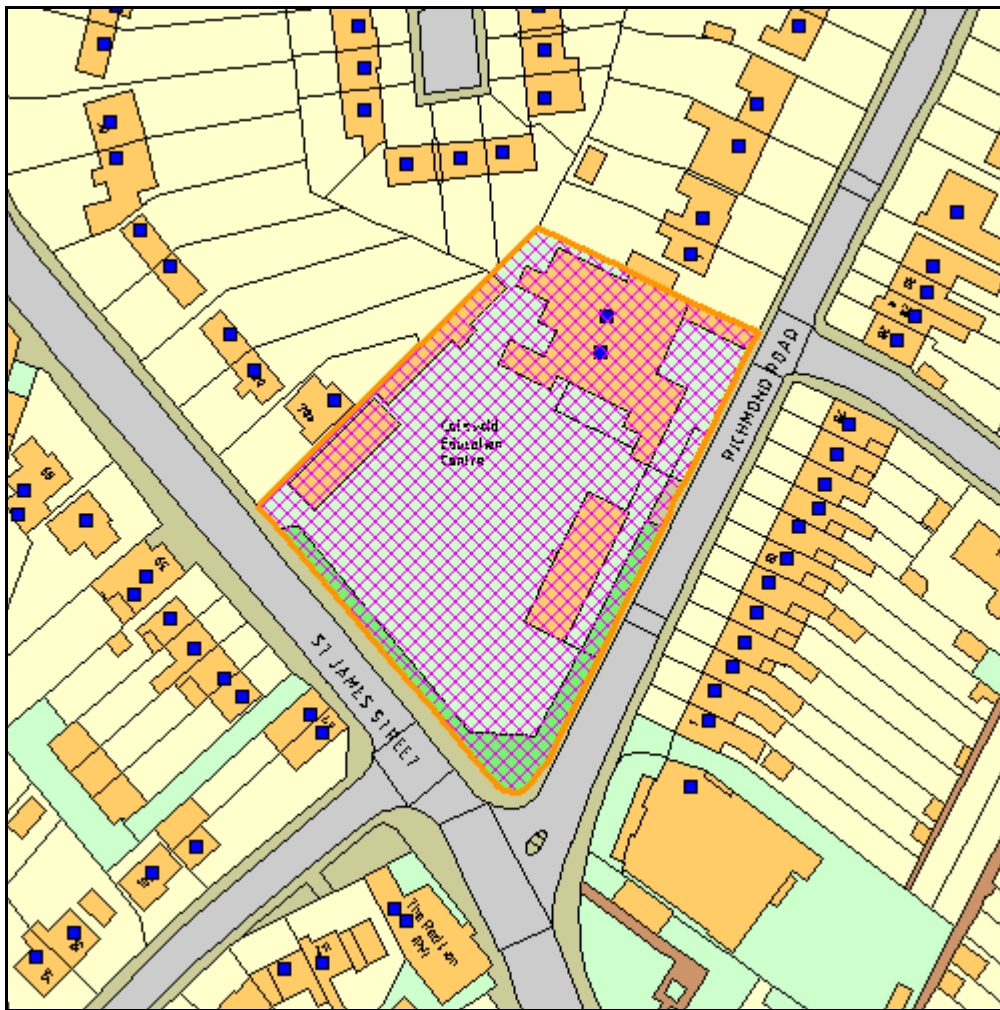
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

# CIRCULATED SCHEDULE - 24 November 2017

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK17/2864/F</b>	Approve with Conditions	Former Education Centre Richmond Road Mangotsfield South Gloucestershire	Rodway	None
2	<b>PK17/4030/F</b>	Approve with Conditions	Le Petit Cros Bury Hill Lane Yate South Gloucestershire BS37 7QN	Ladden Brook	Wickwar Parish Council
3	<b>PK17/4127/F</b>	Approve with Conditions	Homeland France Lane Hawkesbury Upton Badminton South Gloucestershire GL9 1AJ	Cotswold Edge	Hawkesbury Parish Council
4	<b>PK17/4569/F</b>	Approve with Conditions	46 Cabot Close Yate South Gloucestershire BS37 4NN	Yate Central	Yate Town
5	<b>PT16/6467/F</b>	Approve with Conditions	Stables And Hardstanding At Land Off Bury Hill Hambrook South Gloucestershire BS16 1SS	Winterbourne	Winterbourne Parish Council
6	<b>PT17/4414/F</b>	Approve with Conditions	15 Meadow View Frampton Cotterell South Gloucestershire BS36 2NF	Frampton Cotterell	Frampton Cotterell Parish
7	<b>PT17/4591/CLP</b>	Approve with Conditions	49 High Street Winterbourne South Gloucestershire	Winterbourne	Winterbourne Parish Council

**CIRCULATED SCHEDULE NO. 47/17 – 24 NOVEMBER 2017**

<b>App No.:</b>	PK17/2864/F	<b>Applicant:</b>	Cotswold Homes
<b>Site:</b>	Former Education Centre Richmond Road Mangotsfield Bristol South Gloucestershire BS16 9EZ	<b>Date Reg:</b>	11th July 2017
<b>Proposal:</b>	Demolition of former school and associated outbuildings and Erection of 21 no. dwellings with access and associated works.	<b>Parish:</b>	None
<b>Map Ref:</b>	366367 176390	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Major	<b>Target Date:</b>	6th October 2017



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 100023410, 2008. N.T.S. PK17/2864/F

## **REASONS FOR REFERRING TO THE CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule because representations have been received which are contrary to the officer recommendation. Furthermore, the site is owned by South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 The application relates to the former Mangotsfield Church of England Infant and Junior Primary School comprising a 2-storey 19<sup>th</sup> C school building and 2no. single-storey detached buildings with associated lean-to's, playgrounds and hard-standings. The site is currently under the ownership of South Gloucestershire Council and has a site area of approximately 0.39 hectares. The site lies in the heart of Mangotsfield Village at the junction of Richmond Road and St. James Street. The site is bound to the north-east and north-west by residential properties. There are currently gated vehicular access points from both Richmond Road and St. James Place. Since the closure of the school, the site has more recently been occupied as an Education Centre but is currently vacant.
- 1.2 Full planning consent is sought to demolish all of the buildings on the site and erect 21no dwellings (15no. houses and 6no. flats) with access and associated works.

The application is supported by the following documents:

- Design and Access statement
- Planning Statement
- Landscape Design Statement
- Soft Landscape Specification
- Landscape Design Statement
- Arboricultural Impact Assessment & Method Statement
- Open Space Assessment
- Archaeological Note
- Built Heritage Assessment
- Affordable Housing Statement
- Land Contamination Assessment
- Ground Investigation Report
- Coal Mining Risk Assessment
- Groundsure Report
- Transport Technical Note
- Bat Emergence Survey
- Ecological Appraisal

### **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) 11<sup>th</sup> Dec. 2013

CS1 - High Quality Design  
CS2 - Green Infrastructure  
CS4A – Presumption in Favour of Sustainable Development  
CS5 - Location of Development  
CS6 - Infrastructure and Developer Contributions  
CS8 - Improving Accessibility  
CS9 - Managing the Environment and Heritage  
CS16 - Housing Density  
CS17 - Housing Diversity  
CS18 - Affordable Housing  
CS23 - Community Infrastructure and Cultural Activity  
CS24 - Green Infrastructure, Sport and Recreation Standards  
CS29 - Communities of the East Fringe of the Bristol Urban Area

### The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) 10<sup>th</sup> Nov. 2017

PSP1 - Local Distinctiveness  
PSP2 - Landscape  
PSP3 - Trees and Woodland  
PSP5 - Undesignated Open Spaces within Urban Areas and Settlements  
PSP6 - Onsite Renewable & Low Carbon Energy  
PSP8 - Residential Amenity  
PSP11 - Development Related Transport Impact Management  
PSP16 - Parking Standards  
PSP17 - Heritage Assets and the Historic Environment  
PSP19 - Wider Biodiversity  
PSP20 - Flood Risk, Surface Water and Watercourses  
PSP21 - Environmental Pollution and Impacts  
PSP37 - Internal Space and Accessibility Standards for Dwellings  
PSP43 - Private Amenity Space Standards

### West of England Joint Waste Core Strategy (Adopted) March 2011 Policy 1

## 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.

Affordable Housing SPD Adopted Sept. 2008.

South Gloucestershire Council Residential Parking Standards (SPD) Adopted Dec. 2013.

Waste Collection: guidance for new developments (SPD) Adopted Jan. 2015

Trees on Development Sites SPG Adopted Nov. 2005

## 3. RELEVANT PLANNING HISTORY

- 3.1 K4090 - Erection of 3m high chain-link boundary fence.  
Approved 8<sup>th</sup> Nov. 1982

- 3.2 K4090/1 - Erect 5 bay 2 classroom (Elliott Temp.). To replace dilapidated 2 classroom Terrapin.  
Approved 19<sup>th</sup> Jan 1987

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

As a result of revisions made to the original submission, there have been two rounds of consultations, the final responses to which are summarised as follows:

- 4.1 Parish/Town Council  
Not a parished area

- 4.2 Other Consultees

Transportation D.C.

No objection subject to conditions relating to highway works and provision of parking and turning areas.

Wessex Water

No objection – standard response.

Highway Structures

No objection subject to standard informative.

Avon Fire and Rescue

No response

Police Community Safety Officer

No objection

Lead Local Flood Authority

No objection in principle subject to a condition to secure a SUDS drainage scheme.

Waste Engineer

No objection – the waste management arrangements are acceptable.

Sustainability Officer

No response

New Communities Officer

There would be no on-site public open space provision. Contributions are requested as follows:

Off-Site Provision and/or Enhancement for Children and Young People  
£17,024.57

Maintenance £17,901.47

Allotments provision and/or enhancement £828.19

Maintenance £1,056.01

Public Health

No response

### Public Open Spaces

No response

### Housing Enabling Officer

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

A total of four (4) affordable homes based on the following house type and tenure mix:

#### Social Rent

1 x 1 bed 2 person flat	@ 50m <sup>2</sup>	Plot 10
1 x 2 bed 3 person flat	@ 61m <sup>2</sup>	Plot 11
1 x 3 bed 5 person house	@ 99m <sup>2</sup>	Plot 20

#### Shared Ownership

1 x 3 bed 5 person house	@ 99m <sup>2</sup>	Plot 21
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### Children & Young People

No response

### Environmental Protection

No objection subject to a condition to secure site investigation for contaminated land and measures in mitigation should contamination be found.

### Avon Wildlife Trust

No response

### Listed Building and Conservation Officer

Objection – The proposed scheme would result in the loss of a non-designated heritage asset and no meaningful attempt has been made to mitigate against its loss through the design of the scheme.

### Urban Design Officer

It may be possible to approve the proposal as re-submitted subject to conditions to secure detailed design of the bin store.

### Historic Environment (Archaeology)

No objection subject to a condition to secure a programme of archaeological building recording.

### The Tree Officer

No objection subject to a condition to secure a watching brief for the removal of hard surfacing within the root protection areas.

### Landscape Officer

No objection subject to a condition to secure details of Tree Pits.



Ecology Officer

No objection subject to conditions to secure bat boxes and to ensure that the development proceeds in accordance with the recommendations of the Ecological Appraisal.

Strategic Environment and Climate Change Team

No response

Arts and Development Officer

No comment

**Other Representations**

4.3 Councillor Michael Bell

Initial Response

When the school was closed I campaigned hard with South Glos. Council for the buildings to be used as a Community Centre for Mangotsfield Residents. Unfortunately this was rejected by the Council, primarily because it could be sold off for development and bring revenue to the Council. This is now happening as per this application.

Whilst accepting the need for new homes and in particular those which are affordable, I am disappointed with the design. As part of my earlier campaign I requested that if any development did take place the façade of the Main School Building could be maintained due to its historical importance to Mangotsfield. This is not the case.

Subsequent Response

In terms of the local Mangotsfield Area this is a large development. I have spoken to the agent and recommended that it would be beneficial to all parties for a public presentation of this application to be organised. This is normal “best practice” for developers. I am asking for such a meeting to be organised a.s.a.p. in a suitable venue.

*The applicant subsequently gave a public presentation on 14<sup>th</sup> Sept. 2017.*

4.4 Local Residents

There have been two rounds of consultations, an initial consultation and a second consultation following revisions to the scheme.

19no. letters/e.mails of objection were received in relation to the initial consultation; the concerns raised are summarised as follows:

- Overdevelopment.
- Increased traffic generation on roads that are already congested.
- No design details.
- Not in-keeping with rest of Mangotsfield.
- Loss of the School which is of local interest.
- Insufficient local infrastructure to cope with increased number of houses.
- Loss of property values.

- Insufficient parking provision will result in increased on-street parking.
- Overbearing impact on neighbouring residents.
- Increased traffic will increase air pollution.
- There are TPO trees on the site.
- Has the site been sold? It was not advertised as being for sale.
- There will be traffic problems during the construction phase.
- Lack of provision for cyclists and pedestrians.
- The School is a heritage asset.
- Loss of privacy from overlooking of neighbouring property.
- Loss of light for neighbouring occupiers.
- Loss of outlook for neighbouring occupiers.
- Loss of security for neighbouring occupiers.
- Disturbance, mud and dust during construction phase.
- Increased noise from future occupants and their cars.
- Increased demands on local services.
- A meeting should be held between the developers and residents.
- Traffic calming should be introduced on St. James Street.
- Will dominate the street scene.
- Located on a dangerous junction.
- The Victorian façade of the School building should be retained.
- Bats roost on or close to the site.

A further 9no. letters/e.mails of objection were received in response to the second round of consultations. The concerns raised are summarised as follows:

- A commemorative feature is not needed.
- Loss of the School building.
- Overdevelopment.
- Insufficient parking.
- Buildings are too high.
- Not in-keeping.
- Loss of light.
- Increased traffic.
- Overlooking of neighbouring property.

1no letter/e.mail of support was also received. The local resident made the following comments:

- The improvements on the revised plans are in-keeping and provide good facilities for future occupants.
- The revised scheme is a good outcome for the Village.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para. 14 of the NPPF states that decision takers should approve development proposals that accord with the development plan without delay; where the

development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

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

- 5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF).
- 5.3 The Policies, Sites & Places Plan was adopted on 10<sup>th</sup> Nov. 2017 and now forms part of the Development Plan having superseded The South Gloucestershire Local Plan.
- 5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.

#### 5-Year Land Supply

- 5.6 The Council's Annual Monitoring Review (AMR) reveals that the Council cannot currently demonstrate a 5-year housing land supply. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, to the housing supply within South Gloucestershire; as such para. 14 of the NPPF is therefore engaged.
- 5.7 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.
- 5.8 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings'. The NPPF encourages efficient use of land and paragraph 47 requires the need to 'boost significantly the supply of housing'.

- 5.9 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: 'Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.'
- 5.10 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 5.11 The site is a previously developed brownfield site within the Urban Area and within a sustainable location close to shops, services and public transport routes. The development of the site for residential purposes is broadly in compliance with Core Strategy Policy CS5 which directs most new development to the North and East fringes of the Bristol Urban Area. Given that the former School has closed and been re-located elsewhere into modern fit-for-purpose facilities and the buildings on the site are dated, the proposal does not conflict with Policy CS23 which seeks to enhance community infrastructure. There is therefore no in-principle objection to the proposed residential development, subject to the matters discussed below.

### Analysis

#### Scale and Design

- 5.12 Notwithstanding the loss of the existing school building, which is discussed in the heritage section below, the scheme as proposed has been the subject of pre-application advice and negotiation during the life of the application. The scheme seeks to incorporate design features advised by both the Council's Listed Buildings & Conservation Officer and Urban Design Officer. The applicants' also noted the comments of local residents' given at a drop-in session held locally.
- 5.13 The design objective is to create a sustainable and attractive development that would deliver a mix of housing styles and tenure from modest sized town houses, 1 and 2 bedroom apartments and a range of affordable housing units. The scheme would provide a total of 21no. dwellings (15no. houses and 6no. flats) comprising 15 x 3-bed 2.5 storey town houses, 3 x 2-bed 1 storey flats and 3 x 1-bed 1 storey flats. Figure 6 of the Wider Bristol SHMA vol 2 (Nov 2015) establishes that the greatest growth in market housing need over the 2016-2036 period, will be for three bedroom houses.
- 5.14 Core Strategy Policy CS1 requires new development to, inter alia, demonstrate that siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.15 The applicant's D&A Statement includes an analysis of the existing built form, which identifies the overriding development forms as residential, inter-mixed with commercial elements. Different building styles and architectural features reflect the various periods of construction.

Architecturally the area has a mixed and varied vernacular as opposed to one style that needs to be specifically replicated. Many of the local properties are however either terraced or semi-detached and predominantly 2-storeys in height. The palette of materials also varies from traditional natural stone with natural slates to modern brickwork and render with concrete tiles.

- 5.16 The analysis concluded that the key constraints to development are as follows:
- The site is surrounded by residential development and has two street frontages, which the houses within often have converted roof spaces.
  - Development should respect the amenity of neighbouring occupiers.
  - The proposal requires the demolition of the existing buildings.
  - The existing trees on the site frontages are mature and generally in good condition and should be retained and protected.
  - The surrounding residential context is medium to high density, characterised by predominantly terraced and semi-detached homes in a linear form.
  - Despite the urban location and good local transport links, the scheme will still need to meet in full the Council's adopted parking standards.

The Council's Urban Design Officer supports the conclusions that the applicant's study of the setting reached.

- 5.17 The design rationale proposed has taken account of the above constraints and as such, the terraced perimeter block form of the development with a rear parking court is considered a logical outcome, which makes for the most efficient use of the land available. The proposed density of development is 53.8 d.p.h which is considered appropriate for this location. The inclusion of a pair of dwellings within the inner parking court in order to provide additional natural surveillance, safety and security is supported.
- 5.18 The provision of apartments in the southern corner of the development is also considered to be a positive strategic feature of the proposed scheme. The Council's Urban Design officer states that the architectural language is considered to be well composed and of a traditional sort which represents a faithful, if fairly conservative, response to context.
- 5.19 The perimeter blocks of terraces have been set back in order to protect the existing trees. The set back provides informal amenity areas to the street frontages and incorporate pedestrian movement opportunities. The residential blocks have been set to provide a continuous frontage along both Richmond Rd. and St. James Street whilst the retained trees will help to soften views into the site.
- 5.20 The proposal has been designed to reflect traditional forms consisting of two-storey housing with low parapet walls with rooms in the roof and with a feature 3-storey landmark block at the junction of Richmond Rd. and St. James St. Gables have been incorporated as a replication of the existing school building's vernacular. The buildings would have varying heights and narrow frontages to create interest and reflect local character.

- 5.21 Natural stone is to be used on the street frontages with face brick to the rear and side elements. The existing vehicular access points have been utilised to provide a main access from St. James St. and secondary access from Richmond Rd.
- 5.22 Subject to a condition to ensure an improved bin enclosure (currently shown as hit & miss fencing) there are no objections on urban design grounds to the proposal which is considered to accord with Core Strategy Policy CS1.

#### Heritage Issues

- 5.23 The original school building is considered to be circa 1870 and can be regarded as a typical example of a late Victorian school with regards to its neo-gothic architectural style. Moreover, considering its age it may be one of the first phases of new schools constructed under the 1870 Elementary Education Act.
- 5.24 The application is supported by an extensive Heritage Statement. Through use of historic cartography, this sets out how the site and its context have evolved from the 1843 Tithe to the present day. From a simple map regression analysis, it is clear that the school has been an intrinsic part of the suburban expansion of this area of Mangotsfield.
- 5.25 The site does not lie within a Conservation Area and neither does it lie so close to Listed Buildings as to affect their setting. There has been a recent application to give the building full listing, but Historic England concluded that the building did not meet the criteria for such listing and as such is not of national heritage value. In their concluding remarks, Historic England stated that the many good examples of schools which post date 1870 means that the tests for inclusion on the statutory list are rigorous. However, Historic England did acknowledge that the school building “..has clear local interest”. Nevertheless, whilst there is a reference on the Council’s Local List to a ‘School, Richmond Road’ this in fact refers to the Dame School and not the school building on the application site – the building is therefore not even Locally Listed.
- 5.26 The former school building can however be considered to be a non-designated heritage asset, as it is clearly of local interest and despite the modern additions can be considered to make a positive contribution to the character and identity of the locality. In the context of national guidance, the building can therefore be considered to be a ‘heritage asset’ as per the definition contained within the glossary of the NPPF and that is a material consideration for this proposal, which would result in the demolition of the building.
- 5.27 Para. 135 of the NPPF states:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Furthermore Policy PSP17 of recently adopted Policies, Sites and Places Plan under the title 'Locally important heritage assets', the policy requirement is that:

"Development proposals affecting locally important heritage assets should ensure they are preserved or enhanced, having regard to their significance. The Council will seek to retain buildings included on the Local List, as well as other non-designated heritage assets identified in the development management process'.

This policy is clearly relevant in this case.

5.28 Furthermore PSP17 under the heading 'Assessment of development which does not conserve or enhance a heritage asset' states that:

"The conservation of South Gloucestershire's heritage assets is a priority for the council and, as a consequence, where development would result in harm to the significance of a heritage asset or its setting, planning permission will be refused, unless it can be clearly demonstrated that all of the following can be met:

- The proposal results in public benefits that outweigh the harm to the heritage asset, considering the balance between the significance of the asset affected, the degree of harm and the public benefits achieved;
- There is no other means of delivering similar public benefits through development of an alternative site;
- The harm to the heritage asset is minimised and mitigated through the form of the development and the provision of heritage enhancements; and
- The heritage asset will be properly recorded to professionally accepted standards.

Where the loss of the whole or part of a designated or non-designated heritage asset is acceptable under this policy, the council will ensure, via conditions or legal undertaking that all reasonable steps have been taken to ensure that development will proceed after the loss has occurred. This is to ensure that needless harm to heritage assets does not occur."

5.29 Given this policy context, a key issue in this case is whether or not any harm resulting from demolition of the non-designated heritage asset would be outweighed by the merits of the redevelopment proposal. Officers must therefore consider the heritage significance of the existing building and the effects of its loss in terms of heritage significance, local character and distinctiveness before assessing the merits of the redevelopment scheme and undertaking the balancing exercise as set out in paragraph 135 of the NPPF.

Heritage significance of the non-designated heritage asset

The applicant has submitted a Heritage Statement (HS) which sets out a description of the building's historic features and subsequent architectural and aesthetic characteristics. It is acknowledged that the only building within the site of heritage value is the original main school building.

5.30 The HS notes that the building is a simple Victorian Gothic construction typical of its time; the appearance of the building has however been compromised by later additions. The later 20<sup>th</sup>-century extensions are of poor quality, and are noticeably distinct from the 19<sup>th</sup>-century elements. Other alterations, such as the re-roofing of the building and addition of blind dormers, are also of a poor quality. The overall external appearance of the building is not considered to be of particular architectural interest, being typical of its date and exhibiting no features of specific note. Furthermore the interior of the building has been substantially altered, and is not considered to be of any particular historic or architectural interest. It is noted that the Council's Listed Buildings & Conservation Officer 'largely agrees' with this assessment.

5.31 The HS concludes that the building has 'limited heritage significance'. The Council's Listed Buildings & Conservation Officer however disagrees and considers that the HS has understated the significance of the building. The officer notes that:

"I would agree that the building cannot be regarded as being of national historic or architectural significance. The building however, as noted in the HS, can be regarded as playing an important role in the development of this area of Mangotsfield and has been part of the character and identity of the locality since the parish of Mangotsfield was expanded in the 1870s. While the architecture may not be remarkable or of interest at a national level, at local level it can be regarded as a distinctive building that as a school, is a landmark within the local community. There would also likely be strong connections between the school and the local community that would add a communal heritage value to the building. Therefore, as per the definition of 'heritage assets', this building is considered to have a degree of significance that merits consideration in this planning decision because of its heritage interest."

The officer concludes that the case for demolition has not been made and goes on to make the case for the retention and enhancement of the building.

5.32 The applicant was requested by your case officer to specifically address this point. In response, the applicant's agent reiterated that the school is a non-designated heritage asset only and as such it for the decision maker to take a view on the impact of the proposal on the significance of the asset (see NPPF para. 135) i.e. a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.33 Notwithstanding this, the applicant states that the main school building is an historic building which would require substantial renovation and does not lend itself to conversion into dwellings due to its functional design. For this reason, the retention of the school would fail to allow an efficient layout on the site, contrary to core Strategy Policy CS16 which requires that all proposals make efficient use of land in sustainable locations.

5.34 Moreover, in pre-application discussion with the Council's urban design officer, it was requested that the scheme should provide a strong frontage to Richmond Road. The school building has a gable end facing the road, and therefore its retention would prevent the development – as now proposed – which would



continue the existing building line of the terraces on Richmond Road, to ensure that the development continues the urban grain. (Your case officer does however acknowledge that no heritage advice was given at pre-application stage).

- 5.35 Having considered all of the above, it is evident to your Case Officer that any historic significance of the building lies not so much in its architectural merits but more in its historic connections to the village and its social sentimental value for former pupils of the school still living locally. This is reflected in the objections raised by local residents.
- 5.36 As the proposal would involve demolishing the entire building, the scheme would result in the loss of an undesignated heritage asset which has, at best, only a moderate degree of significance.

#### Merits of redevelopment

- 5.37 The design quality of the proposed development has been assessed above and found to be in accordance with Policy CS1. Other than the gables to the street frontage, the new development would not replicate any of the existing building's features but doing so generally serves little purpose once an original building has been demolished. (see Appeal Ref. APP/P0119/W15/3014305 46 High St (formerly Bollywood Spice) Warmley para. 17.) Furthermore it is not a requirement of the NPPF to do so.
- 5.38 The original School and Education uses of the building have now ceased and moved to modern fit-for-purpose premises. These uses are therefore most unlikely to ever resume from the existing building. The loss of the building whilst regrettable would facilitate the most efficient use of the site for residential accommodation for which there is a pressing and acknowledged need within South Gloucestershire.
- 5.39 Other factors in favour of the proposal are the provision of a mix of dwelling types including affordable housing on a brownfield site in a highly sustainable location. Whilst 35% affordable housing can be secured by S106 Agreement (Policy CS18) it has been confirmed in writing that Merlin Homes, a registered social landlord, have an agreement with Cotswold Homes for the acquisition of the proposed S106 affordable units and an additional four flats. This also weighs in favour of the scheme.

#### The balancing exercise

- 5.40 Your Case Officer has considered the matters relevant to this issue, especially the desirability of sustaining and enhancing the significance of heritage assets. However, subject to a condition to secure appropriate recording of the existing building before it is demolished and a further condition to ensure that development proceeds to completion within an acceptable timescale (in accordance with the requirements of PSP 17) officers conclude overall that, the loss of this non-designated heritage asset of only moderate significance for its historic interest, would be outweighed by the particular combination of factors weighing in the scheme's favour.

- 5.41 For the reasons set out above, officers conclude that the scheme would not conflict with the NPPF, with CS Policy CS9 or with PSP Policy PSP17 insofar as it is consistent with the NPPF.

#### Transportation Issues

- 5.42 The site was formerly used as school and more recently as an Education Centre but is now vacant. The site is within the existing urban area and defined settlement boundary; the development location is therefore in a sustainable position with the site being located between the two local centres of Mangotsfield and Downend where there are regular and convenient bus services to the surrounding area.
- 5.43 The Application is supported by a 'Technical Note' has been subject to pre-application advice. It is noted that some local residents are objecting to this application on the basis of increased traffic generation and other transport issues.
- 5.44 As mentioned above, the site is a former education centre which could restart again without a need for a formal planning application. As a school, the site had potential to generate a large number of traffic movements. The Council's Transportation Officer is satisfied that the level of traffic generated by the proposed residential development would not be significantly more than the authorised use of the site and its impact would not be so significant as to justify refusal of this application on traffic ground.
- 5.45 As the area consists of residential roads, there is a well established network of pedestrians routes along the existing carriageways with formal crossing points, typical for a suburban area. These footway networks provide opportunity for connections between the site and existing facilities including schools, shops and public transport connections enabling access to other surrounding locations. Both roads fronting the development site (i.e. Richmond Road and St. James Street) are subject to 20 mph speed limits with traffic calming features.
- 5.46 In respect to vehicular access, there are two vehicle access points to the development. The primary access is a priority T-junction located off St James Street and secondary access is an existing vehicle crossover located off Richmond Road. The proposed vehicular access points are in the same location as the former School site, therefore the principle of access at these locations has already been established. The primary access can achieve a 2.4m x 25m visibility splay in accordance with 'Manual for Streets' for a 20mph speed limit. The secondary access is to be retained as a vehicular crossover and the visibility to the north will be improved as the outbuilding currently obstructing visibility is to be removed.
- 5.47 The primary access provides access to the northern and southern car parking courtyards. The turning head in the northern courtyard can accommodate a fire tender and the southern courtyard can accommodate a 3.5 ton panel / delivery van. The secondary access is for 6 car parking Spaces, which can accommodate the parking of large cars.

- 5.48 Upon the issue of parking - the parking provision for the site is in accordance with SGC's Adopted Policies, Sites and Places Plan (policy PSP16) and 'Residential parking standards' Supplementary Planning Document. According to the SG Council parking standards, a 1-bed dwelling requires 1 space, a 2-bed dwelling requires 1.5 spaces and a 3/4 bed dwelling requires 2 spaces. For this development proposal, which involves 21no. new dwellings (comprising of 3no. 1-bed, 3no. 2-bed and 15no. 3-bed) then a total of 41no. parking spaces are required and this includes provision for the visitor's parking at the rate of 0.2 per each dwelling. The site plan submitted with this application shows a total of 43 spaces and this is 2 spaces more than the minimum standards. The parking provision for the development is therefore considered to be acceptable.
- 5.49 In view of all the above mentioned therefore, the residual cumulative impacts of the proposed development would not be 'severe' and as such there is no highway objection to this application

#### Impact Upon Residential Amenity

- 5.50 The site lies within the settlement boundary, close to the centre of Mangotsfield. Officers have considered whether or not the proposal would have any adverse impact on residential amenity in terms of, overbearing impact or loss of privacy from overlooking or inter-visibility between habitable room windows; and whether adequate amenity space would be provided to serve the dwellings.
- 5.51 As regards overlooking and loss of privacy; some overlooking of neighbouring gardens from upper floor windows/balconies is only to be expected in urban areas where houses are built in close proximity to each other, especially if efficient use of land in the urban area is to be achieved, as is required by government and Local Plan policy.
- 5.52 In this instance the building blocks have been appropriately set back from the site boundaries to give adequate distance between any facing habitable room windows. Furthermore, the retention of the trees on the road frontages and existing boundary walls, would help to screen the development from views to/from neighbouring residential property.
- 5.53 The buildings are considered to be appropriately scaled for the location and given their positions within the site, would not result in any significant overshadowing or overbearing impact for neighbouring residents.
- 5.54 In terms of amenity space for future occupiers, PSP Policy PSP43 provides that all residential units should benefit from adequate useable private amenity space relative to the size of the unit. All of the proposed houses would benefit from private gardens and additional shared amenity space is also provided adjacent to the south-east boundary of the site.

#### Environmental Issues

- 5.55 Matters of noise, unstable land, contamination and disturbance must be considered in relation to the NPPF and Policy PSP21. The site is not at risk from former coal mining activities, neither does it lie within a zone at high risk of flooding. Connections to the mains sewer would need to be agreed with Wessex Water.

A condition would secure a SUDS drainage scheme for surface water disposal. The locality is a densely populated urban location with a night time economy; any additional light pollution to result from the proposal would not have any significant effect.

- 5.56 Standard informatives would be added to any approval, regarding construction sites. Whilst there may be some disturbance for local residents during the construction phase, this would be on a temporary basis only. In the event of planning permission being granted, a condition would be imposed to control the hours of working on the site. Possible excessive noise or anti-social behaviour from future residents is controlled by legislation other than that found within the Planning Act and is not therefore grounds to refuse the application. The Police Community Safety Officer has raised no objection to the scheme.
- 5.57 Having regard to the previous uses of the site, the Council's EHO raises no objection subject to a condition to secure site investigation for contaminated land and measures in mitigation should contamination be found

#### Landscape Issues

- 5.58 There are mature and distinctive lime trees along the two road frontages but limited soft landscaping actually within the site. Five of the lime trees are covered by TPO. All trees are proposed for retention, save for a horse chestnut which is dead. The submitted Arboricultural Impact Assessment and Method Statement sets out the protection measures to safeguard the trees during the demolition and construction phases of the development.
- 5.59 A proposed soft landscaping scheme has been submitted which shows the existing tree line strengthened by hedgerows to form a green boundary treatment. Further planting would enhance the visual amenity of the internal areas of the development, all of which is detailed in the submitted Soft Landscape Design Statement and Soft Landscape Specification. It is proposed that all landscaping outside of private ownership would be given over to a management company; the soft Landscape Management and Maintenance Plan sets out the assigned upkeep responsibilities. The Council's Tree Officer raises no objection subject to a condition to secure a watching brief for the removal of hard surfacing within the root protection areas.
- 5.60 On balance therefore and subject to a condition to ensure implementation of an approved landscape scheme and maintenance plan, there are no objections on landscape grounds.

#### Ecology

- 5.61 This is a brownfield site within the urban area. An Ecological Appraisal and a Bat Emergence Survey have been submitted in support of the application. No evidence of bats within the buildings was found. The site provides limited commuting and foraging habitat. The existing trees would be retained and soft planting within the site enhanced. There are no ecological constraints to the proposal.

## 5.62 New Communities

Consideration must be given to the need to provide contributions to meet the community service requirements of future occupiers. The following table shows the open space requirements arising from the proposed development, which would generate a population increase of 45 residents, and shows the contributions requested given that public open space is not provided on the site. The applicant has agreed to pay these contributions which would be secured by S106 Agreement.

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount provided on site (sq.m.)	Shortfall in provision (sq.m.)	contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal recreational open space	There is an existing good supply able to meet the additional needs arising from the proposed development				
Natural and semi natural open space	There is an existing good supply able to meet the additional needs arising from the proposed development				
Outdoor sports facilities	There is an existing good supply able to meet the additional needs arising from the proposed development				
Provision for children and young people	101.25	0	101.25	£17,024.57	£17,901.47
Allotments	90	0	90	£828.19	£1,056.01

## Affordable Housing

5.63 Consideration must be given to the need to provide affordable housing in accordance with Policy CS18 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

5.64 The application proposes 21 dwellings which this falls within the threshold for contributions to affordable housing. This application generates the following affordable housing requirement which shall be provided on site at nil public subsidy and in line with the heads of terms set out below:

A total of four (4) affordable homes based on the following house type and tenure mix:

### Social Rent

1 x 1 bed 2 person flat @ 50m<sup>2</sup> Plot 10  
 1 x 2 bed 3 person flat @ 61m<sup>2</sup> Plot 11  
 1 x 3 bed 5 person house @ 99m<sup>2</sup> Plot 20

### Shared Ownership

1 x 3 bed 5 person house @ 99m<sup>2</sup> Plot 21

When assessing the affordable housing requirement Vacant Building Credit (NPPG paragraph 021) has been taken into account whereby affordable housing contributions will only be calculated on any increase in floor space in the proposed development when vacant buildings are brought back into use or demolished to be replaced by a new building.

In this instance the application proposes to demolish a number of existing vacant buildings and therefore vacant building credit will apply. The proposed gross internal floor space of the 21 dwellings is 2,074.27m<sup>2</sup> and the existing gross internal floor space of the proposed four buildings to be demolished measures 928.m<sup>2</sup>, however with regards this latter figure Enabling has not included the toilet block as it has not been in lawful use for 6 continuous months of the 36 previous months.

### Affordable Housing Heads of Terms

#### Quantum

35% of dwellings to be delivered as Affordable Housing, as defined by the NPPF, to be provided on site without any public subsidy.

Taking into account vacant building credit four (4) affordable homes are required.

#### Tenure

To meet identified housing need, as set out in the Wider Bristol Strategic Housing Market Assessment (SHMA), as follows:

- 73% Social Rent
- 5% Affordable Rent
- 22% Shared Ownership

The applicant had originally proposed all four affordable homes as social rent tenure however they have subsequently amended to 3 Social Rent and 1 Shared Ownership tenure which is in line with the SHMA and therefore acceptable.

#### Type

A range of Affordable Homes to meet housing need, based upon the SHMA house types shown below.

The application proposes 2 x 3 bed houses and 1 x 1 bed flat and 1 x 2 bed flat. Enabling had requested the flats be replaced with houses however the agent is of the view the proposal provides a range of house types which Enabling will support.

#### Standards of Design

Affordable Homes to be built in line with the same standards as the market units (if higher) and include Lifetime Homes standard, Part 2 of Secured by Design, and compliance with the RP Design Brief as follows;

- i. All rear gardens to be turfed and generally to have 1.8m high close boarded fencing to boundaries and privacy panels;
- ii. All properties to have vinyl/tiles on floor in all ground floor rooms;
- iii. Ceiling height tiling to 3 sides of bathroom to be provided;
- iv. Provide wall mounted shower (either electric or valve and kit);
- v. Provide gas and electric points to cooker space (where gas is available);
- vi. Painted softwood curtain battens to each window (where construction is traditional as opposed to timber frame)

Written confirmation has not been submitted confirming whether the affordable homes will be built to meet Part 2 of Secured by Design and compliance with the RP Design Brief. These requirements will be included within a S106 agreement.

The agent has confirmed the proposed affordable homes will be built to comply with the nationally described space standards and Building category M4 (2) accessibility standard. To ensure all four affordables are constructed to meet building regs M4 (2) standard an appropriate planning condition would be imposed:

5.65 CIL Matters

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

5.66 Planning Obligations

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

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

In this instance, it is considered that the planning obligations relating to the financial contributions listed, to mitigate the impacts from the development and provision of affordable housing, are consistent with the CIL Regulations (Regulation 122).

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

**The Planning Balance**

5.68 The NPPF para. 49, is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. According to the Framework, at paragraph 14, that means that when, as here, there is no five-year housing land supply and 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 the Framework as a whole or specific Framework policies indicate that development should be restricted.

5.69 In this case there are some clear benefits to the proposal; in light of the Council's housing land supply situation the provision of 21no. new dwellings must carry weight in its favour, albeit that the net gain would only represent a

modest contribution to the 5-year housing supply. The economic benefits for local house builders and suppliers of building materials and for local services would be a further small benefit to which only moderate weight can be afforded. The proposal makes efficient use of land for housing in a highly sustainable location within the Urban Area which is a further benefit. The residual cumulative transportation impacts of the development, which are not considered to be 'severe' can only be afforded neutral weight in the final balance, as this is expected of all developments.

- 5.70 Weighed against this would be the loss of the school building but this is a non-designated heritage asset which has been assessed as having only moderate heritage significance. Any harm to result from its loss is not so great as to significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework as a whole or specific Framework policies.
- 5.71 On balance therefore officers consider that in their judgement, the proposal is sustainable development that should be granted planning permission.

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

## **7. RECOMMENDATION**

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

- (i) The provision of on-site affordable housing as follows:

A total of four (4) affordable homes based on the following house type and tenure mix:

Social Rent

1 x 1 bed 2 person flat	@ 50m <sup>2</sup>	Plot 10
1 x 2 bed 3 person flat	@ 61m <sup>2</sup>	Plot 11
1 x 3 bed 5 person house	@ 99m <sup>2</sup>	Plot 20

Shared Ownership

1 x 3 bed 5 person house	@ 99m <sup>2</sup>	Plot 21
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- (ii) A financial contribution of £17,024.57p towards the off/site provision and/or enhancement, and £17,901.47p towards the maintenance of; provision for children and young people at Long Road play area.
- (iii) A financial contribution of £828.19p towards the off-site provision and/or capacity enhancements, and £1,056.01p towards the maintenance of allotments at Dibden Lane allotment site.

The reasons for this Agreement are:

- (i) To provide affordable housing on the site in accordance with Policy CS18 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the Affordable Housing and Extra Care Housing SPD (Adopted) Sept. 2008.
- (ii) To provide policy compliant levels of off-site play facilities for the residents of the development and ensure its maintenance costs are met for the prescribed period by the development and not the local authority and to accord with policy CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.
- (iii) To provide policy compliant levels of allotment facilities for the residents of the development and ensure its maintenance costs are met for the prescribed period by the development and not the local authority and to accord with policy CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

### **CONDITIONS**

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

Reason

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

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

Existing Ground and First Floor Plans Drawing No. 000117\_0101\_00.GEN received 19th June 2017

Topographical Survey Drawing No. 113/9259/1 received 19th June 2017

Location Plan Drawing No. SLP01 received 19th June 2017

Existing Elevations Drawing No. 642-101 received 11th July 2017

Existing Elevations Drawing No. 642-102 received 11th July 2017

Existing Elevations Drawing No. 642-103 received 11th July 2017

Bin Collection Points Drawing No. 642-BCP-01 received 9th Oct. 2017

Tree Protection Plan Drawing No. PRI1211183\_03 Rev C received 9th Oct. 2017

Drainage Strategy and Preliminary Finished Levels Drawing No. 5818-201 Rev B received 9th Oct. 2017

Existing Drainage Plan Drawing No. 5818/201 received 9th Oct. 2017

Affordable Houses Drawing No. 642-15-P1 received 21 June 2017

Affordable Houses Drawing No. 642-16-P1 received 21 June 2017

Proposed Residential Development Site Plan drawing No. 642-01-P8 received 14th Nov. 2017

Landscape Plan Drawing No. PRI121183-11 Rev C received 7th Nov. 2017

Proposed Street Scenes Drawing No. 642-02-P4 received 14th Nov. 2017

Flats and Town Houses - First Floor Plan Drawing No. 642-06-P3 received 14th Nov. 2017

Flats and Town Houses - Ground Floor Plan Drawing No. 642-05-P4 received 14th Nov. 2017

Flats and Town Houses - Second Floor Plan Drawing No. 642-07-P4 received 14th Nov. 2017

Flats and Town Houses - Elevations Sheet 1 Drawing No. 642-08-P4 received 14th Nov. 2017

Flats and Town Houses - Elevations Sheet 2 Drawing No. 642-09-P4 received 14th Nov. 2017

Reason

For the avoidance of doubt.

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8 and PSP21 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

4. Prior to the commencement of development (including demolition works) a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
  - (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.

- (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
- (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
- (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
- (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

Development shall be carried out in accordance with the agreed details.

Reason

In accordance with Policy 1 of the West of England Joint Waste Core Strategy (Adopted) March 2011. This is a pre-commencement condition because the audit is necessary to establish prior to the demolition of the existing buildings.

- 5. Notwithstanding the landscape details already submitted and prior to the implementation of the approved landscape scheme, details of tree pits shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the 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, Policy PSP2 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the National Planning Policy Framework.

- 6. The Development shall not be brought into use until the access, car parking and turning areas have been completed in accordance with the approved plans and retained thereafter for that purpose.

Reason

To ensure the satisfactory provision of access, turning and parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

- 7. Any highway works associated with the site access shall be carried out in accordance with the Council's standards of construction details and to full approval of the Highway Authority.

Reason

To ensure that highway works are carried out to an acceptable standard in the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of the Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

8. Prior to the commencement of work on the site, including demolition and site raising, a site specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved plan.

The CEMP shall address the following matters:

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
  
- (IV) Adequate provision for the delivery and storage of materials.
- (V) Adequate provision for contractor parking.
- (vi) Temporary access and routing arrangements for construction traffic having regard to weight restrictions on the local highway infrastructure.
- (vii) Details of the Main Contractor including membership of Considerate Constructors scheme.
- (viii) Site Manager contact details.
- (ix) Processes for keeping local residents and businesses informed of works being carried out and dealing with complaints.

Reason

In the interests of residential amenity and highway safety and to accord with Policies PSP8, PSP11 and PSP21 of the Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013 and the provisions of the NPPF. This is a prior to commencement condition to ensure that all works including demolition and land raising are carried out appropriately.

9. Notwithstanding the details provided on the plans hereby approved, full details of the bin stores shall be provided to and approved in writing by, the Local Planning Authority. Thereafter, the development shall not be brought into use until the bin store facilities have been provided in accordance with the details so approved.

Reason

To ensure adequate bin storage and to accord with the South Glos. Council Waste Collection: guidance for new developments SPD Adopted Jan. 2015.

10. Prior to the demolition of the main School Building, a programme of archaeological building recording shall be undertaken. The recording should be to at least Level 3 as laid out in the Historic England good practice guide. The programme should be in accordance with a written scheme of investigation to be submitted to and approved by the Council's Archaeology Officer prior to the commencement of development.

## 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, Policy PSP17 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the National Planning Policy Framework. This is a prior to commencement condition to ensure that archaeological remains are not sterilised or lost without having first been recorded.

11. A. Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

B. Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

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

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

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

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

- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 and Policy PSP21 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017. This is required prior to commencement in the interest of public health.

12. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. For the avoidance of doubt the submitted scheme should include the following information:
- o Confirmation from Wessex Water of the agreed point of connection and the agreed discharge rate.
  - o Drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus 40% climate change storm event.
  - o The plan should also show any pipe node numbers referred to within the drainage calculations.
  - o Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus 40% climate change storm event.
  - o The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
  - o A manhole / inspection chamber schedule to include cover and invert levels.
  - o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable.

Reason

In the interests of flood risk to accord with Policies CS1 and CS5 of The South Gloucestershire Local Plan Core Strategy (Adopted), Policy PSP20 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF. This is a pre commencement condition to ensure that the site can be adequately drained.

13. The removal of hard surfacing within the Root Protection Zones of the trees so affected, shall be subject to a watching brief to be catalogued with photographic evidence and forwarded to the Council's Tree Officer for approval.

Reason

In the interests of protected trees and the visual amenity of the area, to accord with Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policies PSP2 & PSP3 of The Policies, Sites and Places Plan (Adopted) Nov. 2017 and the Trees on Development Sites SPG (Adopted) Nov. 2005.

14. Prior to the first occupation of the development hereby approved, the location and type of 4 bird nest boxes (as set out in the All Ecology Ltd Ecological Appraisal (April, 2017)) and two bat boxes (as set out in the All Ecology Ltd Bat Emergence Survey (May, 2017)) shall be submitted to and approved in writing by the local planning authority for approval.

Reason

In the interests of protected species and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The Policies, Sites and Places Plan (Adopted) Nov. 2017.

15. The development hereby approved shall proceed in accordance with the recommendations made in the All Ecology Ltd Ecological Appraisal (April, 2017) and Bat Emergence Survey. This includes avoiding disturbance to nesting birds and bats, new native planting, provision of bird nesting boxes and bat boxes

Reason

In the interests of protected species and biodiversity of the site and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The Policies, Sites and Places Plan (Adopted) Nov. 2017.

16. The demolition of the School Building shall not proceed until a construction timetable for the development has been submitted to and approved in writing by, the Local Planning Authority. Thereafter the development hereby approved shall proceed in full accordance with the approved timetable or to any variation approved by the LPA in writing.

Reason

To ensure that the heritage asset is not demolished without all reasonable steps having first been taken to ensure the development proceeds after the loss has occurred; to accord with Policy PSP17 of The Policies, Sites and Places Plan (Adopted) Nov. 2017.

17. Prior to the commencement of the development hereby approved, details or 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. Thereafter the 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.

**CIRCULATED SCHEDULE NO. 47/17 – 24 NOVEMBER 2017**

<b>App No.:</b>	PK17/4030/F	<b>Applicant:</b>	Mr A Whitfield
<b>Site:</b>	Le Petit Cros Bury Hill Lane Yate South Gloucestershire BS37 7QN	<b>Date Reg:</b>	19th September 2017
<b>Proposal:</b>	Change of use of outbuilding to residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	372074 185580	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th November 2017



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## 1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the change of use of a residential outbuilding to a new dwelling.
- 1.2 The application site has a complex recent history. For an unknown period prior to 2012 (but in excess of 25 years) the planning site consisted of The Croft, a large detached house; The Little Croft (Le Petit Cros), itself an ancillary annex; a detached garage; and a large detached outbuilding.
- 1.3 The granting of a Certificate of Lawful Existing (PK15/1891/CLE) in 2015 permitted the use of Le Petit Cros as a separate dwelling. This separated the site into: Le Petit Cros as one planning unit; and The Croft (plus garage and outbuilding) as another. However, this did not represent ownership of the site which was (following the separation of the owners in 2012) divided as The Croft alone; and Le Petit Cros (plus garage and outbuilding).
- 1.4 Following enforcement action in 2016 (COM/16/0230/C00/1) the outbuilding (to which this application is subject), the garage, and the disputed curtilage of Le Petit Cros, was granted a Certificate of Lawful Existing (PK16/6032/CLE) for use as residential purposes (Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended).
- 1.5 This application pertains to the large residential outbuilding that is located within the residential curtilage of Le petit Cros. The site is located outside of the defined settlement boundary in the open countryside.

## 2. POLICY CONTEXT

- 2.1 National Guidance  
National Planning Policy Framework 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  
PSP8 Residential Amenity

PSP16 Parking Standards  
PSP37 Internal Space and Accessibility Standards for dwellings  
PSP38 Development within Existing Residential Curtilages  
PSP40 Residential Development in the Countryside  
PSP43 Private Amenity Space Standards

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

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

- 3.1. PK16/6032/CLE  
Approve (22.05.2017)  
Application for a certificate of lawfulness for existing use of land as residential curtilage associated with a dwelling house known as Le Petit Cros (Class C3 as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended).
- 3.2. PK15/1891/CLE  
Approve (24.06.2015)  
Application for Certificate of Lawfulness for an existing use of The Little Croft (Le Petit Cros) as a separate and independent dwelling.
- 3.3. There is other history at the site but this is not considered relevant to this application.

### **4. CONSULTATION RESPONSES**

- 4.1 Wickwar Parish Council  
None received.

Yate Town Council

"We are concerned about the proliferation of planning and associated applications on this site in the last two years:

PK15/1891/CLE Application for CLEUD for an existing use of The Little Croft as separate dwelling.

PK16/1158/F Change of use of land to residential curtilage, erection of single story side extension to form additional living accommodation, erection of detached triple garage, new driveway and new vehicular access onto Bury Hill Lane. This was the plan for a massive 'garage' in the field east of the croft.

PK16/4192/F change of use of land to residential curtilage and erection of detached double garage and new driveway (a partial resubmission of PK16/1158/F) - this just brought the part of the land by road into residential.

PK16/6032/CLE Application for CLE for existing use of land as residential curtilage associated with a dwelling known as Le Petit Cros.

PK17/4030/F Change of use of outbuilding to residential dwelling at Le Petit Cros.

We note the access to be used for this additional dwelling is the one for which consent was granted in PK16/1158/F.

This recent proliferation of applications to bring land into a curtilage, to erect buildings and then to argue these buildings on land now within the curtilage should be residential gives us concern.

This form of piecemeal conversion from what planning considered a single dwelling only two years ago to at least three properties is problematic. We object to this proposal unless an integrated plan for the site is produced, setting out definitively the current uses for all areas of the land (so we draw a line under what has happened and start the clock afresh with these CLE applications), so that proper conditions can be attached in terms of highways and other material considerations. We are concerned that without this master plan approach piecemeal development of the kind we have seen in the past two years could convert this into a significant residential development, outside of any village envelope, with no checks on the appropriateness of highways and no appropriate CIL /s106 contributions.

In addition we object on

- Additional vehicular movements from the formation of a separate dwelling.
- That the application site includes land which is currently a field, and which in PK16/1158 they asked for consent to turn it into residential curtilage. That application was refused. So we were surprised to note that the CLE PK16/6032/ CLE resulted in a conclusion that the entire field was part of a residential curtilage (despite the application having said in an application in 2015 and then 2016 that it was not). As the application is to change a business property into a dwelling, this land is not currently part of the curtilage of the business property. So either this was the curtilage of the business property, in which case 6032 was misfounded, or this is changing a curtilage from one of the dwellings (which one) and adding it to the business. As such is taking residential development beyond any residential boundary into open country through intensifying the use. It is one thing to convert a building, within its envelope, but given this history of this site, this is likely to produce further applications for infill development within that extended area.
- We note that the building that is the subject of this application is shown on earlier scale drawings eg in relation to PK16/4192 - where it is shown as having a significantly different footprint. We cannot find a planning consent for the construction of the current building.

All of this leads us to be concerned that there is a need for a comprehensive plan, showing site uses, and regularising all current uses, which would also include confirming the appropriateness of vehicular accesses (the original access for one property now serves two and with this application will serve three, and possibly with more to come)."

#### 4.2 Other Consultees

##### Sustainable Transport

"The application is seeking permission for change of use of the existing outbuilding to residential dwelling.

I am satisfied that the proposal is allowed, would result in additional traffic movements at this location. It is noted that the applicant has submitted no details of the site access or details of visibility splays from this onto the public highway. Furthermore, there is no information on the parking situation on site for this. Lack of information can be used as a reason to refuse the planning application and as such, it is requested that the applicant submits all such details with an aid of accurate plan for determination of the Planning Authority.

It is further noted that the site is remote from many services and facilities with no access to public transport facilities – the site is therefore considered to be in a unsustainable location from transportation point of view and hence, there would be a heavy reliance on the use of private cars which is considered contrary to the local and the national policy.

- Q. is this application is being considered under 'General Permitted Development Rights' for the change of use of agricultural buildings?

#### Community Enterprise

None received.

#### Planning Enforcement

None received.

### **Other Representations**

#### 4.3 Local Residents

None received.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

PSP40 of the PSP Plan and paragraph 55 of the NPPF set out that development within the countryside could be acceptable in a number of circumstances. One of these instances set out in the NPPF, which is most relevant to this development is; the re-use of redundant or disused rural buildings. PSP40 introduces a number of additional criteria which the development should also meet, these are as follows;

- The building is of permanent or substantial construction
- It would not adversely affect the operation of a rural business/working farm
- Any extension as part of the conversion would not be disproportionate to the original building

5.2 The Council cannot demonstrate a 5 year housing land supply, therefore 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 on to 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 Regardless of this, the NPPF is a material consideration and the starting point for any decision-taker is the adopted development plan. 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 (Officer underlining), 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, or specific policies within the NPPF indicate development should be restricted. Given the development's location in the open countryside, the key consideration is whether the development accords with paragraphs 14 and 55 of the NPPF.
- 5.4 Additionally, 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.
- 5.5 Impact on the Countryside  
The application site is located outside of the settlement boundary in open countryside. It is set within a small mixed development. To the west there is a small light industrial area and to the south/south-east are the residential properties Le petit Cros and The Croft. All these, including the application site, share an access off Bury Hill Lane. To the east and north of the site are open fields; the surrounding area has distinctly rural character.
- 5.6 The outbuilding itself is a substantial single storey building with access through an entrance porch to the west. Its elevations are cream render with a mix of grey and white timber framed windows and doors. The roof is tiled and pitched. It is of a solid construction requiring only internal, and minor external alterations (the removal of one window, and the swapping of a set of garage type doors for a window) to be converted to a dwelling. This indicates its permanence.
- 5.7 According to the statutory declarations submitted in support of the two previous Certificates of Lawful Existing in 2015 and 2017; the outbuilding has, over the course of 30 years been in varying residential uses including an office, storage, and a workshop. Indeed, Neil Howatt, the Enforcement Officer investigating if the outbuilding was being used as a dwelling in 2016 noted that the building was in use as a home office on his visit; this was confirmed by a visit from this Case Officer on 8<sup>th</sup> November 2017. Accordingly, the building has not been in a solely business use; as such the conversion proposed would not affect the operation of a rural business.
- 5.8 Historic aerial photographs show the outbuilding as being part of the landscape pre 1991. The building is set between two other residential properties, a detached garage, and a small light industrial site. As such the outbuilding is part of the rural fabric, and due to the minor alterations required for conversion very

little would change to the setting of this small complex of buildings if permission were granted to use the building as a new dwelling. Therefore, the proposal is deemed to comply with Policy PSP40.

5.9 Design and Visual Amenity

As noted in point 5.5, the outbuilding is a large single storey structure with simple design features. The minor changes to the exterior of the building include the removal of a window in the north elevation, and the swapping of some garage doors for a window in the southern elevation. The design and materials used in the building are sympathetic to its surroundings owing to it being a former complex of three buildings under one ownership. In order to create a separation between the buildings and improve the visual amenity of the site, a scheme of landscaping will be conditioned. Thus, the proposal is acceptable in terms of design and visual amenity, and would comply with policy CS1 of the Core Strategy and Policy PSP38 of the PSP Plan.

5.10 Residential Amenity

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

5.11 If approved, the two bedrooms, and associated windows of the new dwelling would be just 8m from the principal elevation, containing the entrance and windows into Le Petit Cros. This proximity concerned the Case Officer and options were explored with the Agent of how to minimise the lack of privacy for both the new dwelling and Le Petit Cros. These included removing the windows; internal alterations; changing them to obscure glass; or a scheme of landscaping e.g. fencing. In order to protect the amenity of the future occupiers of the new dwelling (the removal of the windows would have resulted in a severe loss of light to the bedrooms) obscure glazing, plus a form of landscaping was agreed. This will be conditioned.

5.12 As part of the division Le Petit Cros will benefit from 120m<sup>2</sup> (in the form of an enCrosed rear garden); and the new dwelling from 350m<sup>2</sup> of private amenity space. This amount of space substantially exceeds the requirements of PSP43. However, owing to the Crose relationship of Le Petit Cros and the outbuilding Officers deem it prudent to remove permitted development rights from the proposed new dwelling. This is to protect the residential amenity of the occupants of both buildings.

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 or light afforded to neighbouring occupiers. Additionally, with adherence to the conditions; the proposal is not considered to have a detrimental impact on the privacy of the current occupants of Le Petit Cros, or the future occupants of the new dwelling. As such, the development is deemed to comply with PSP38 and PSP40 of the PSP Plan (2017).

5.14 Transport

A noted from the Transport Officer in point 4.2 no details were submitted regarding parking or access. However, following a site visit on 8<sup>th</sup> November 2017 the Case Officer noted that there is parking provision for both the proposed new dwelling and Le Petit Cros. Additionally, while the conversion into a new dwelling would nominally increase traffic flow in this area. The access proposed is shared, and is daily in use by a light industrial centre, and two residential properties with no recorded traffic collisions at this location on file. As such there are no transport objections.

5.15 Other matters

The extensive objection from Yate Town Council highlighted the ‘proliferation of planning and associated applications’ at the site. Of the 6 applications listed; 3 have been put forward by the current applicant; two of which were to regularise matters where no consent had been granted for the erection and use of outbuildings and land over 25 years ago; and the last is the current application. The three others relate to The Croft, which were submitted by the new owner who bought the house in 2012.

5.16 The comment also mentioned the erection of new buildings at the site, as mentioned this is not the case. It is acknowledged that the site was one planning unit until 2012. However, as explained in the introduction, and corroborated through statutory declarations, circumstance has led to the division of the unit.

5.17 The comment also makes note of a ‘master plan’ approach to the site in order to set out what buildings are at the site and for what uses. However, you can’t masterplan 3 units; by definition master planning is at a greater scale. Regardless, the site is currently regularised planning terms as a result of the recent applications.

5.18 In regards to the CIL contributions referenced by Yate Town Council, CIL charges are paid per square metre of net new floorspace, whereby any existing building/floorspace in lawful use is subtracted from the total charge. As the buildings are in lawful use CIL would not be applied in this instance.

5.19 Equalities

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

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

## 5.20 Summary

As noted in point 4.1, Policy PSP40 is supportive of the conversion and re-use of rural buildings for residential purposes. The outbuilding in question is of a permanent and substantial construction; the conversion will not affect the operation of a rural business/working farm; and no extensions are proposed for the conversion. As the proposal would result in an additional dwelling, and the proposal accords with Policy PSP40, the proposal should be approved without delay.

## 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 **GRANTED** subject to the reason(s) set out in 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. Prior to the use or occupation of the development hereby permitted, and at all times thereafter, the proposed ground floor windows on the south elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP8 and PSP38 of the South Gloucestershire Local: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.



3. Prior to the first use or occupation of the development hereby permitted full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These hard details shall include means of enclosure; car parking layouts; and hard surfacing materials. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, plant sizes and proposed numbers/densities where appropriate.

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.

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

Reason

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

**CIRCULATED SCHEDULE NO. 47/17 – 24 NOVEMBER 2017**

<b>App No.:</b>	PK17/4127/F	<b>Applicant:</b>	Mr Terry Alsop
<b>Site:</b>	Homeland France Lane Hawkesbury Upton Badminton South Gloucestershire GL9 1AJ	<b>Date Reg:</b>	25th September 2017
<b>Proposal:</b>	Demolition of existing dwelling and erection of 1no. replacement dwelling.	<b>Parish:</b>	Hawkesbury Parish Council
<b>Map Ref:</b>	378802 186143	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th November 2017



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

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

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to demolish the existing dwelling in order to facilitate the erection of a two storey replacement dwelling.
- 1.2 The existing property is a modestly proportioned modern bungalow thought to date from the latter half of the 20<sup>th</sup> century. The building has a gabled roof and rendered elevations. To the side and rear is a detached garage structure constructed of corrugated asbestos with a single pitch roof.
- 1.3 The proposal site is situated outside of the settlement boundary of Hawkesbury Upton in an area of relatively open countryside within the Cotswold AONB. The dwelling sits adjacent to another similarly aged property.
- 1.4 The proposal has been subject to a number of amendments following officer advice.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### 2.2 Development Plans

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

CS1 High Quality Design  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS34 Rural Areas

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees and Woodlands  
PSP4 Designated Local Green Spaces  
PSP5 Undesignated Open Spaces within Settlements  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP19 Biodiversity  
PSP20 Flood Risk and Surface Water  
PSP38 Development within Existing Residential Curtilages  
PSP42 Custom Build Dwellings  
PSP43 Private Amenity Standards

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 No Recent Planning History

4. **CONSULTATION RESPONSES**

- 4.1 Hawkesbury Parish Council  
The Parish Council objects to the planning application; Councillors would like the applicant, to reconsider the size of the footprint and roofline (setting and landscape).

*These comments were received prior to amendments.*

Other Consultees

Landscape Officer

Requested some more information on landscaping proposals.

*This comment was received prior to revised plans being submitted.*

Drainage and Flood Risk

The Drainage & Flood Risk Management Team have no objection to this application. Please note that provisions will need to be put in place to ensure runoff from any hard standing areas does not discharge out onto the public highway (France Lane).

Highway Structures

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

Or

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

**Other Representations**

- 4.3 Local Residents  
One supporting comment received - I regularly pass this plot of land when I visit close friends in Hawkesbury Upton - it has been run down and an eyesore for years. The proposed building would transform it in a way sympathetic to the

rest of the village. The village already consists of differing building styles each gently reflecting the era in which they were built. The proposal here is for a property both modern and in keeping with the surrounding architecture - it looks interesting and attractive and I support the proposal.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy PSP40 suggests that proposals for residential development in the open countryside 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 curtilage and of a design in keeping with the locality that minimises the visual intrusion in the countryside.

5.2 Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) and the recently adopted PSP1 require that development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development.

### **5.3 Landscape**

The proposal site is located outside of any defined settlement boundary in the countryside and within the Cotswold AONB. In such a location residential development is strictly limited. Policy PSP40 allows for the replacement of a single existing dwelling where it is of a similar size and scale to the existing dwelling, within the same curtilage and of a design in keeping with the locality that minimises the visual intrusion in the countryside.

5.4 The site itself is not in a hugely sensitive location in terms of landscape. The topography is relatively level to the south-east and ground level slowly drops from south to north on the approach to the property meaning the host property would not exceed the highest ground level nearby and as a result the host property does not sit in a prominent position. Additionally there is another dwelling with an adjoining boundary to the north. This screens any views of the property from the north and exiting Hawkesbury Upton. Principal views of the property are from the south and east.

5.5 The proposal seeks to erect a dormer bungalow to replace the existing single storey structure. This existing building appears to have been left disused for a number of years and is now in a dilapidated and non-liveable condition. This existing structure is considered to have a negative impact on the locality due to this dereliction and redevelopment of the site would be welcomed.

5.6 To the rear of the dwelling will be a projection over two storeys. As this is to the rear and there are very few views that would be impacted by this part of the proposal no objection has been raised to this. Furthermore, were this portion of the development to be assessed as an extension to the existing building, it is thought it could be supported by the Local Planning Authority.

- 5.7 There is an existing garage located to the side and rear of the dwelling. This is to the south-east of the main building. The proposal will replace this garage with another of a similar footprint. This will be situated between buildings and as a result would result in less perceived encroachment into the countryside than the existing structure.
- 5.8 The existing dwelling is very modest in size, this presented a problem as that originally submitted was found to fail landscape considerations on the basis of it not being of a similar size and scale to the existing dwelling. Subsequently revisions have been sought to reduce the impact on the landscape. It was suggested that the rear projection was reduced to a maximum of 6.8 metres in width externally. What is now proposed is around 7.25 metres. This is above officer recommendations but has been reduced from around 9.5 metres. Additionally, that originally submitted sought to increase the height of the dwelling quite significantly. On the site inspection it was found that the existing dwelling has a suspended floor. As a result it has been possible to reduce the starting ground level by around 0.5 metres. Additionally the ridge height has been reduced by around 1 metre to around 6.8 metres. The original dwelling was around 6.3 metres in height. Given this reduction in height the proposal has been found to be of a similar scale to the existing dwelling and is now considered acceptable in this respect. In terms of width the proposal will only exceed the existing property by a small proportion but had such an extension to the existing property been applied for it would likely have been found acceptable. Following these amendments, in terms of the massing to the front of the property, it is considered to be proportionate to the existing dwelling and is therefore of a similar scale.
- 5.9 The above said, there is a notable volume increase when compared to the existing dwelling. PSP40 indicates that proposals should be of a similar size and scale and minimise the intrusion onto the countryside. The purpose of this policy is to allow redundant buildings to be brought back into use and to negate the negative effect of having such a derelict property in the landscape. In this case the proposal is not considered to be visually intrusive. Weight should be applied to the improvement of the appearance of the property and the negative impact of the derelict building and its efficient reuse. Paragraph 55 of the NPPF supports development that would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. This is considered to be the case with the property. Due to the size of the existing dwelling it is not thought to be attractive for potential reuse and this is evidenced by the fact the property appears to have been laying derelict for a matter of decades. This issue is compounded by the state of the property and it is not thought it would be economically viable to make good the existing building.
- 5.10 The benefit of reusing existing housing land in addition to removing a redundant and visually harmful building on balance is considered to outweigh the impact of the additional built form, particularly as the development at hand is not considered to have a harmful impact on the character of the landscape.

- 5.11 Comments from the landscape officer requested further information on the landscaping proposals but held no principle objection to the proposal. It was raised that the views from the south-east could be interrupted by the proposals and further soft landscaping could mitigate this impact. 6no fruit trees have been positioned in the rear garden and a number of the existing trees and hedges will be retained. Further to this the proposal will replace the currently dilapidated dry stone wall. This is a feature typical in the Cotswold AONB and would help the development blend with its surroundings. These have alleviated any concerns from the landscape officer and he is now happy with the proposal. A condition will be attached requiring development to accord with the landscaping plan provided.
- 5.12 Given the prime views to the property are from the south and east and the proposal is considered to have an acceptable impact on these views; and the proposal is of a similar scale to the existing property while not being visually intrusive, the proposal is considered to have an acceptable impact on the landscape and AONB and is seen to accord with the provisions of PSP2 and PSP40 of the Policies Sites and Places DPD (2017) and the NPPF (2012).
- 5.13 Design and Visual Amenity  
The existing building has no particular aesthetic merit and given the state of dilapidation and dereliction is seen to have a negative impact on the visual amenity of the area. The area is characterised by a typical Cotswold vernacular consisting of steep gabled roof pitches with plain tile covering, with some properties exhibiting dormer windows similar to that proposed. In some cases buildings have double apex roofs. These are generally of a modest scale and utilise natural stone to the front but render is also common. The existing property fails to reflect or respect this reasonably well-defined character. The proposal would be considered to represent a good standard of design informed by the character of the area and the Cotswold AONB in general and positive weight has been attached to this consideration.
- 5.14 The current property is surrounded by dry-stone boundary walls. These have become dilapidated over the years and are in a poor state of repair. Part of the proposal is to repair these walls in most parts. This is a typical feature of the Cotswolds AONB and replacement of this could only be beneficial.
- 5.15 A garage is also proposed. The existing garage sits to the south of the building and is in a relatively prominent position. The proposed garage will be located to between the host dwelling and the dwelling to the north and at a slightly lower elevation than the host property. As a result this would be less prominent. Furthermore the existing garage is basic in terms of design and has a mono-pitch roof with corrugated asbestos cladding. This does not contribute anything to the locality or dwelling in design terms. The proposed garage would be of a more substantial construction and would utilise a hipped roof. The proposed garage is considerably better in appearance than this existing structure and no objection is raised with regard to the design of this garage.
- 5.16 Given the AONB location of the proposal site it has been seen as reasonable to attach a condition requiring the submission of materials prior to the relevant part of the build.

- 5.17 Comments from a local resident have supported the proposal on the basis of the design. It would have a gabled roof intersected by gabled dormer windows to the front and be set over two storeys. The front elevation would utilise Cotswold stone and an oak porch will be introduced. Along with the traditional façade a dual apex roof will be introduced to the rear projection. On top of the traditional details some more contemporary design choices have been taken. This proposal is considered as acceptable with regard to PSP1, CS1 and PSP38.
- 5.18 Residential Amenity  
Policy PSP38 of the Policies Sites and Places DPD gives the Council's view on new development within existing residential curtilages. PSP8 states proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling. The proposal will replace the existing building with one of largely the same height. The host dwelling has one neighbour to the north that could be affected by the proposal.
- 5.19 This building is situated further to the west than the host dwelling. The rear projection would be the only material change over the existing structure. The property is set at a lower elevation than the host dwelling and there does not appear to be any windows serving primary living accommodation that would look directly on to the side elevation of the rear projection or garage. As a result the proposal is considered to have an acceptable impact on the amenity of this dwelling.
- 5.20 The subject property has a significant amount of private amenity space and sufficient garden space would remain after development. There is no objection in this regard.
- 5.21 The subject property is located outside the built up residential area and adjacent to one other dwelling, the proposal will not result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupier, meaning the proposal is in accordance with Policies PSP8 and PSP38 of the Policies Sites and Places DPD (2017).
- 5.22 Sustainable Transport and Parking Provision  
For the purposes of parking provision any first floor accommodation that could be utilised as a bedroom without any operational development will be included in the total number of bedrooms. The proposal would create a 5 bedroom property. Currently the property has an area of driveway to the side and front of the property and a detached garage. According to the residential Parking Standards SPD a 5 bedroom property would be required to provide 3 private parking spaces. This requirement is satisfied by the proposed arrangement with driveway to the front and a single garage to the side of the property. The proposal would not require any additional parking spaces nor will it have a negative impact on highway safety or the retention of an acceptable level of parking provision, meaning the proposal is in accordance with PSP11 and PSP16 of the adopted Policies Sites and Places DPD (2017); and the Residential Parking Standards SPD. The council has no objection to the proposal in relation to highway safety or parking provision.



### 5.23 Drainage

Due to the topography of the site and the road there is potential for rain water runoff to spill onto the road. The proposal would have a loose Cotswold stone chipping driveway with a small amount of tarmac on the entrance to prevent stone getting onto the road. Additionally an ACO drain grate will be situated towards the end of the drive to direct any surface water away from the road. A condition will be attached to ensure that is the case.

### 5.24 Permitted Development Rights

Given the rights afforded by the Town and Country Planning (General Permitted Development) Order 2015, the cumulative impact of further development upon the AONB would not be considered under the procedure. Additionally what is proposed is a generous volume increase. Therefore it has been seen as appropriate to impose a condition to remove these rights so as to prevent any further additions; such that proper consideration of the impact upon the AONB is not circumvented. This would only be relevant to volumetric additions. The relevant classes would be Schedule 2, Part 1 Classes A, B, D and E. A condition will be appended to the decision notice to that effect

### 5.25 Consideration of likely impact on Equalities

The proposal would have a neutral impact on equalities.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

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

## CONDITIONS

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

Reason

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

2. Prior to the relevant part of the build samples of the roofing and external facing materials, as well as the stone chippings 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 CS of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP2 and PSP40 of the Policies Sites and Places DPD (Adopted) 2017; and the National Planning Policy Framework.

3. All hard and soft landscape works shall be carried out in accordance with the site plan received by the Local Planning Authority on the 17th November 2017. The works shall be carried out prior to the first occupation of the development or in accordance with the programme agreed with the Local Planning Authority.

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; Policies PSP2 and PSP40 of the Policies Sites and Places DPD (Adopted) 2017; and the National Planning Policy Framework.

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

Reason

To ensure a satisfactory standard impact on the landscape of the AONB and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1, PSP2 and PSP40 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

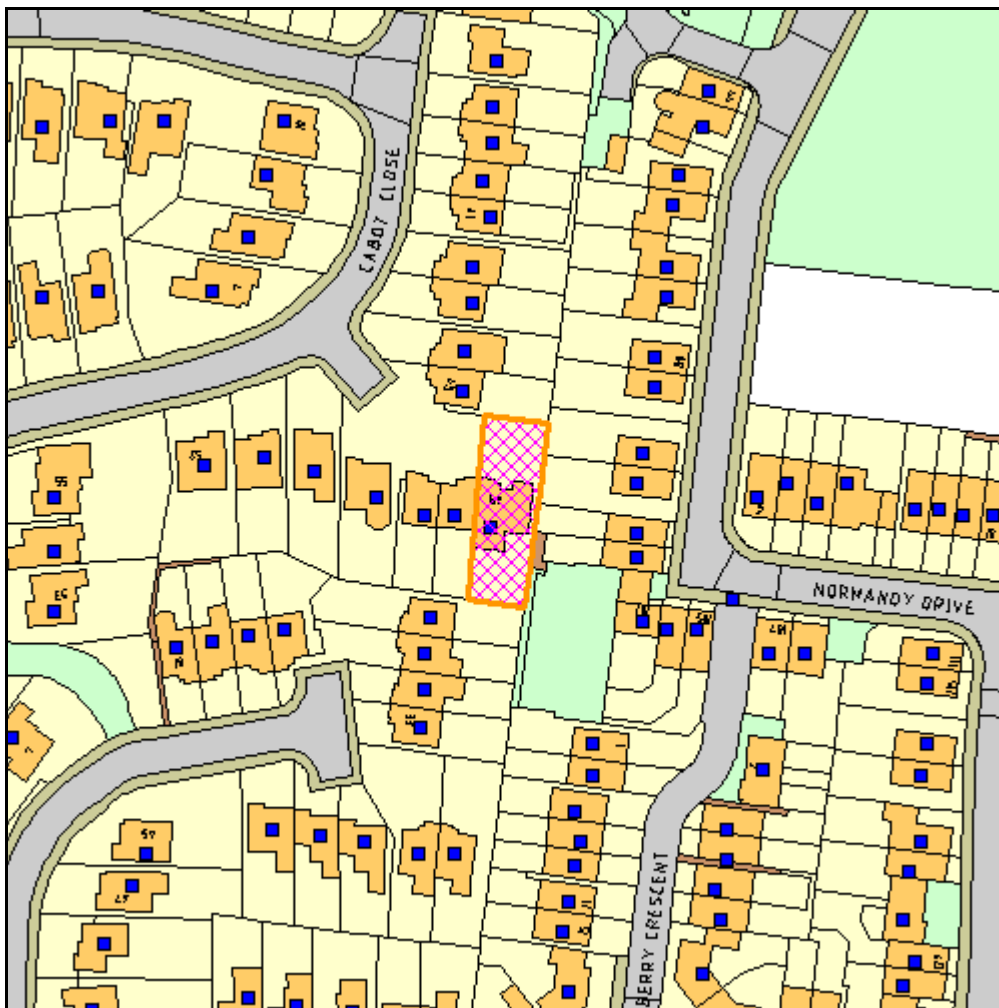
5. Prior to the first occupation of the development hereby approved the ACO drainage grate shown on the Site Plan received by the Local Planning Authority on the 17th November 2017 shall be implemented.

Reason

To ensure surface water runoff from any hard standing areas does not discharge onto the public highway in accordance with PSP20 of the Policies Sites and Places DPD and Policy CS9 of the Core Strategy 2013; and the provisions of the NPPF (2012).

**CIRCULATED SCHEDULE NO. 47/17 – 24 NOVEMBER 2017**

<b>App No.:</b>	PK17/4569/F	<b>Applicant:</b>	Mr And Mrs Mahoney
<b>Site:</b>	46 Cabot Close Yate Bristol South Gloucestershire BS37 4NN	<b>Date Reg:</b>	12th October 2017
<b>Proposal:</b>	Erection of first floor side extension to form additional living accommodation.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371825 182059	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Householder	<b>Target Date:</b>	24th November 2017



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

This application has been referred to circulated schedule due to an objection from The Town Council contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of a first floor side extension to form additional living accommodation at 46 Cabot Close, Yate.
- 1.2 The site consists of a modern, end terrace property within the built up residential area of Yate.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

South Gloucestershire Policies, Sites and Places Plan November 2017

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

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

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

- 3.1 PK17/3094/CLP  
Proposed garage conversion.

Approved: 21<sup>st</sup> August 2017

- 3.2 PK02/0286/F  
Erection of rear conservatory.

Approved: 28<sup>th</sup> February 2002

- 3.3 P97/1288  
Erection of single storey side and front extension to provide dining room, kitchen and WC with bathroom in roof space.  
Approved: 10<sup>th</sup> April 1997

- 3.4 P95/1243  
Erection of single storey rear extension to provide dining room/kitchen Erection of carport to side elevation.

Approved: 28<sup>th</sup> March 1995

- 3.5 P86/0103/3  
Erection of 86 houses and garages; construction of ancillary roads and footpaths; landscaping works. (Details following outline.) (To be read in conjunction with P84/0103/1) (in accordance with the revised layout plans received by the council on 2ND and 7TH July 1986.)

Approved: 16<sup>th</sup> July 1986

- 3.6 P84/0103/1  
Residential and ancillary development on approximately 27 acres (outline).

Approved: 1<sup>st</sup> July 1986

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

- 4.1 Yate Town Council  
Object unless able to demonstrate that can meet off-street parking for additional footage.

- 4.2 Sustainable Transport  
The proposed development will not increase the number of bedrooms currently available within the dwelling or alter the existing vehicular parking over what has previously been approved under PK17/3094/CLP. Subject to a condition that at least two parking spaces are permanently maintained within the site boundary, there is no transportation objection to the proposed development.

#### **Other Representations**

- 4.3 Local Residents  
No comments received.

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

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

5.2 Design and Visual Amenity

The proposed development consists of a first floor side extension over a previously approved single storey side extension. The proposed extension would sit on the east elevation and would run from the first floor principal elevation to the rear elevation, approximately 7.4 metres in length and 3.3 metres in width. Although the proposed extension does not identify as subservient, it is considered that the extension of the gable roof of the terrace and the relative size of the extension in comparison to the existing dwelling is acceptable in terms of design and visual amenity. Furthermore, all materials to be used in the construction would match the existing dwelling.

5.3 Residential Amenity

The east elevation of the host dwelling faces onto the rear gardens of three properties on Normandy Drive, these are the main properties to consider in terms of residential amenity.

5.4 There would be no windows on the proposed first floor side extension and due to the position of the existing dwelling and the proposed siting of the first floor extension it is not considered to have a significant change in overbearing, overshadowing or overlooking impacts on any surrounding occupiers.

5.5 The footprint of the existing dwelling would not be increased, therefore sufficient private amenity space would remain for the occupiers of the host dwelling should the proposal be constructed.

5.6 Transport

The application is not proposing an increase in bedroom numbers, nor is it altering the existing parking provision. There is currently a hardstanding and permeable surfaced area at the front of the property with parking provision for three vehicles, therefore it is not considered necessary to include the suggested condition to permanently maintain two parking spaces as any further development forward of the principal elevation would require planning approval. As such, there are no objections in regards to transport.

5.7 Consideration of likely impact on Equalities

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

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

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That the application is APPROVED subject to conditions attached to the application.

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

## **CONDITIONS**

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

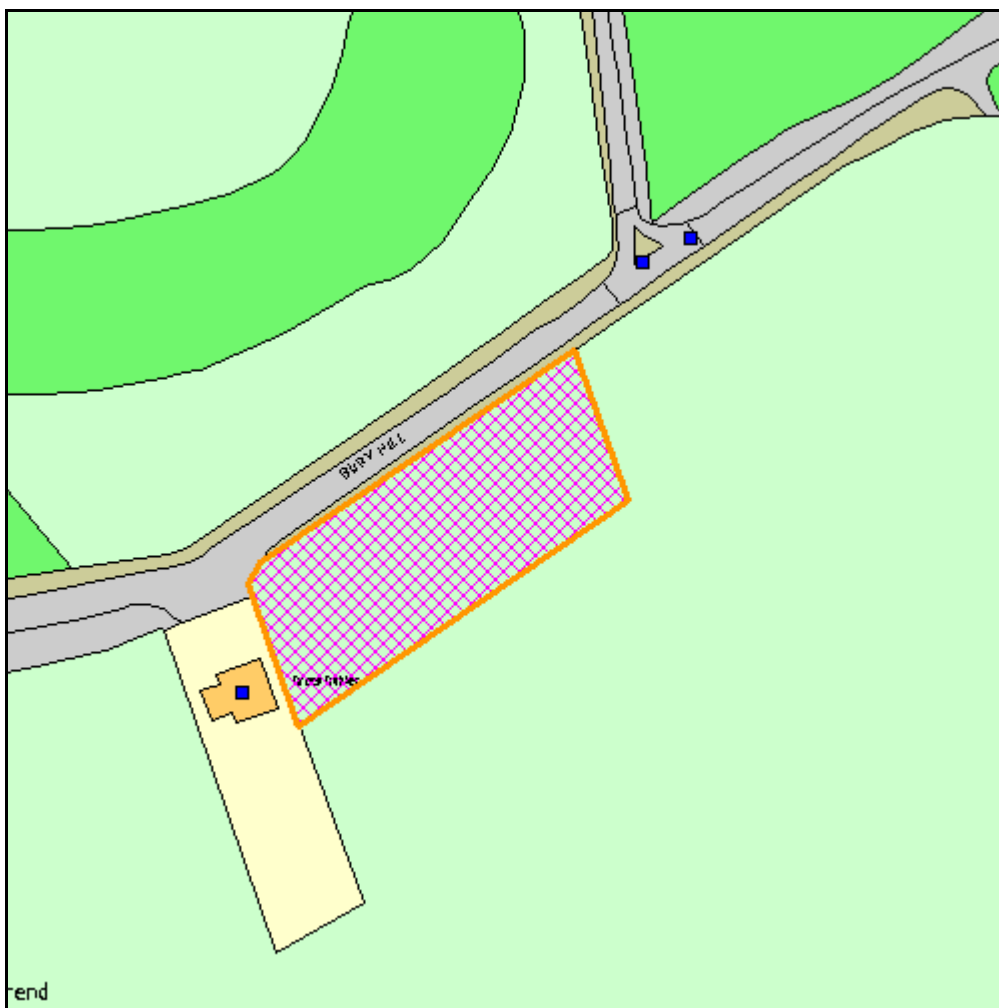
Reason

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

**CIRCULATED SCHEDULE NO. 47/17 – 24 NOVEMBER 2017**

<b>App No.:</b>	PT16/6467/F	<b>Applicant:</b>	Mr D Smith
<b>Site:</b>	Stables And Hardstanding At Land Off Bury Hill Hambrook South Gloucestershire BS16 1SS	<b>Date Reg:</b>	9th December 2016
<b>Proposal:</b>	Demolition of existing stables. Erection of new stable block, new access and associated works	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365270 179305	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	31st January 2017

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

This application has been referred to the Circulated Schedule for determination as comments of objection have been received.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the demolition of an existing stable and the erection of a stable block, new access and associated works on land to the east of Green Gables, Bury Hill, Hambrook.
- 1.2 The application site is a field to the east of Green Gables. The field is located outside of any defined settlement in the open countryside. This part of the district falls within the Bristol and Bath Green Belt. Bury Hill Camp which is subject to scheduling and local nature conservation designation also lies on the other side of the main road.
- 1.3 The existing entrance will be closed with 1.8m closeboard fencing which would also replace the current boundary treatment shared with Green Gables. To facilitate the new access, a section of dry stone wall will be removed and two new wing walls erected either side. The access is to be tarmacked. The new stable will be erected on the footprint of the previous and a dust yard laid in front. It would house two stables, a tack room and hay store. Existing field boundaries will be kept, but a new 1.3m post and rail fence with gates will be erected to subdivide the site into paddock areas.
- 1.4 During the course of the application a Technical Transport Note plus revised plans were received reducing the number of stables, changing the yard size and lengthening the tarmac access.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

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

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

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP7 Development in the Green belt  
PSP8 Residential Amenity

PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP21	Environmental Pollution and Impacts
PSP30	Horse Related Development
PSP44	Open Space, Sport and Recreation

- 2.3 Supplementary Planning Guidance  
 Design Checklist SPD (Adopted) 2007  
 Development in the Green Belt SPD (Adopted) 2007  
 Revised Landscape Character Assessment SPD (Adopted) 2014

### 3. RELEVANT PLANNING HISTORY

- 3.1 PT13/0053/F  
 Construction of horse riding arena with associated 1.4m high (max) boundary fence and erection of stable block and tack room.  
 Approve with conditions  
 09.05.2013
- 3.2 PT11/2994/F  
 Change of use of land from agricultural to mixed use of agriculture and land for the keeping of horses. Erection of stable block with access and associated works.  
 Approve with conditions  
 15.12.2011

### 4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council  
 No objection

- 4.2 Other Consultees

Landscape Officer

Conditions requiring submission of a landscaping scheme and restrictions on new boundary treatment and number of vehicles and general horse paraphernalia stored on site recommended.

Highway Structures

Standard informative recommended.

Lead Local Flood Authority

No objection

Sustainable Transport

Conditions limiting number of horses, implementation of a bound material threshold and preventing business uses recommended.

### **Other Representations**

#### 4.3 Local Residents

2no. objections from local residents have been received; these are summarised below:

- proposed laurel hedge fatally toxic to horses
- harm area character and appearance
- stables unnecessarily large
- number of horses kept on site breaches British Horse Society recommendation
- undeclared change of use from private stables to business use

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

5.1 This application seeks planning permission for a stable block on land near Hambrook.

#### 5.2 **Principle of Development**

The principle of development is established from a number of sources. Taking first the development plan, policy PSP30 is the most relevant. It is broadly supportive of development subject to an assessment of the location and siting of the buildings and the availability of existing alternatives; the safety and comfort of horses; access to bridleways and riding routes; provision of vehicular access, parking and manoeuvring; highway safety; and, impact on countryside.

5.3 Further to the considerations of this policy, the site is in close proximity to Bury Hill Camp and therefore its archaeological importance and biodiversity value must be considered. The site is also in the green belt where development is strictly controlled.

5.4 This application should therefore be determined against the analysis set out below.

#### 5.5 **Green Belt**

The site lies in the green belt; the government attaches great importance to the green belt with the purpose of preventing urban sprawl by keeping the land permanently open in nature. There is a general presumption against development in the green belt; development in the green belt is inappropriate. Types of development which are not inappropriate in the green belt are listed in paragraphs 89 and 90 of the NPPF. Paragraph 89 considers buildings and paragraph 90 'certain other forms of development'. Within PT11/2994/F, the change of use of the site from agricultural land to land for the keeping of horses was assessed under different national guidance to current and found to fall within the limited categories of development considered appropriate within the green belt (nowadays such a change of use would be considered inappropriate in the green belt unless very special circumstances indicated that the development should be permitted).

- This application seeks planning permission for a replacement stable building. As such, it can be assessed solely under paragraph 89 as the change of use of land has been established.
- 5.6 Paragraph 89 allows six forms of development which may not be inappropriate in the green belt. Of relevance to this application is the second category – 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. A stable building would be an appropriate facility for outdoor sport and recreation and therefore could benefit from this exception category provided it preserves openness and does not conflict with the purposes of the green belt.
- 5.7 The new stable block would be L shaped measuring 11.5m long by 3.85m wide before turning south to extend another 6.1m. The eaves height would stand at 2.3m and the ridge at 3.6m. No supplementary elevations of the existing stable have been provided for comparison but footprint can be a good indicator too. Combined the existing development (excluding the access) has a footprint of about 151sqm but the new proposal would be 374sqm and as such about 48% more ground would be covered. Whilst footprint is of interest, it is not the main factor in considering the acceptability of the development. The exception category is the ‘appropriate’ facilities for outdoor sport and recreation. A stable block is an appropriate facility. The question is whether it adversely affects the openness of the green belt or conflicts with the purposes of it.
- 5.8 As a small, single storey building with the appearance of a stable block, the building itself does not have a significant impact on openness. Furthermore, it can still be read in conjunction with the existing development to the east. Therefore the proposal is not considered to have an unacceptable impact on the openness of the green belt in this location. A stable block is also not considered to conflict with the purposes of the green belt.
- 5.9 The development therefore can be afforded an exemption from the general presumption against development in the green belt. As the development falls within an exception category, it is not a departure from the provisions of the development plan and therefore no requirement to advertise the application is generated.
- 5.10 **Residential Amenity**  
The application site occupies a relatively isolated position. The only property nearby is Green Gables, but at 47m distant, occupiers are unlikely to be adversely affected as equestrian uses are only to be expected in the countryside. No objection to the proposal is therefore raised in this respect.
- 5.11 **Transportation**  
A change is proposed to the present access arrangement – the current northwest entrance will be closed with 1.8m closeboard fencing and a new access and associated hardstanding will be created in the northeast corner.

- Following revisions, Officers now consider this new entrance to be acceptable given visibility is available along Bury Hill, the tarmacadam threshold to be provided is adequate and the dust yard will provide an area for vehicles to turn around before leaving the site.
- 5.12 Planning permission is required for a replacement stable block to provide two stables. It is not considered that this would materially change the travel demand associated with this site. Hence the development is not very significant in transport terms.
- 5.13 There are no direct links from the site to bridleways, however the site has plenty of grazing land and there is good access to rural routes.
- 5.14 Officers agree that intensified or commercial use of the site would be undesirable given traffic generation would be materially different. Conditions will therefore be imposed restricting the number of horses on site to four, preventing any commercial or business activity and securing implementation of the tarmacadam threshold shown on plan all in the interests of highway safety.
- 5.15 **Design including Landscaping and Horse Welfare**  
The site is located just to the south of Bury Hill which is registered as a Scheduled Ancient Monument. It is also located within the Green Belt but has no specific landscape designations. The South Gloucestershire Landscape Character Assessment describes the area as being “On the lower slopes towards the M4, the medium sized, sometimes irregular shaped, pastoral fields and areas of rough grassland include fenced field boundaries, with some stone walls, hedges and fewer trees.”
- 5.16 The proposed stable is to replace another. It is not apparent that there are any other existing underused buildings available at the holding that could be utilised. Its design has been improved over the course of the application with sole use of timber cladding and a reduction in overall scale.
- 5.17 The British Horse Society recommends one acre per horse. Justification was previously being sought for the three stables proposed but given these have been reduced to two, it is considered that horses can satisfactorily be kept on the land without an adverse impact to their welfare.
- 5.18 The application site is considered too small to have any significant effect on the broad local character area and in mid and long-range views from public vantage points by the undulating landform and by roadside and field hedgerows with their associated trees. However, as confirmed on the site visit, there are relatively clear views of the site along selected lengths of Bury Hill. Officer concur that there is potential visible harm but it is restricted to these local viewpoints where the application site is visible in the context of the lane hedgerows and field patterns in the distance.

- 5.19 Although Officers do not have the benefit of specific landscaping proposals or the appearance of the site with the passage of time, it is considered that measures can be taken to mitigate views from key vantage points, for example, in the form of native buffer planting to the north and west elevations of the stable block. A condition will therefore be imposed requiring submission of a landscaping scheme, but in addition, conditions will be attached restricting new boundary treatment and the number of vehicles and general horse paraphernalia stored on site to protect the local landscape.
- 5.20 The landscape impacts of the development are localised, and although not insignificant, once established, would ensure that residual impacts of the permanent equestrian site on the landscape character would not be unacceptable.
- 5.21 **Other Matters**  
Concern has been raised in relation to the presence of laurel. Primarily the welfare of horses will remain with their keeper. Nevertheless a landscaping condition has been suggested in relation to hedgerows, but will primarily be assessed on landscape impact terms.
- 5.22 **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.
- 5.23 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 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 conditions listed below.

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

### CONDITIONS

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

Reason

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

2. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason

In the interests of highway safety, and to accord with Policy PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

3. The number of horses kept on the site edged in red on the plans hereby approved shall not exceed 4.

Reason

In the interests of highway safety, and to accord with Policy PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. The stables shall not be occupied until the threshold adjacent to the public highway has been constructed in accordance with the approved plans. The threshold shall be constructed in tarmacadam or other bound material agreed in writing with the Local Planning Authority.

Reason

In the interests of highway safety, and to accord with Policy PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. Other than those shown on the approved plans or agreed details, no permanent jumps, fences (other than of a temporary nature for the purposes of land management), gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason

To protect the character and appearance of the area, and to accord with Policies PSP2, PSP7 and PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

6. Any temporary jumps erected on the land shall be stored adjacent to the associated stable or within the dust yard area immediately after use.

Reason

To protect the character and appearance of the area, and to accord with Policies PSP2, PSP7 and PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

7. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason

To protect the character and appearance of the area, and to accord with Policies PSP2, PSP7 and PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

8. Prior to the commencement of the relevant part 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. The development shall be carried out in accordance with the agreed details and the planting undertaken before the end of the first planting season following the substantial completion of the development. If any of the planting required by this condition becomes diseased, damaged, or dies within a period of 5 years from the date the landscaping scheme is implemented in full, such plants shall be replaced.

Reason

To protect the character and appearance of the area, and to accord with Policies PSP2, PSP7 and PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

9. The development shall be implemented strictly in accordance with the following documents:  
Received 24.11.2016:  
Covering Letter  
Landscape Design Statement



Site Location Plan (TDA.2253.01)

Received 07.12.2016:

Covering Email

Existing Layout Plan (TDA.2253.02)

Received 15.02.2017:

Proposed Layout Plan (TDA.2253.03 Rev B)

Proposed Plans (TDA.2253.04 Rev A)

Received 11.08.2017:

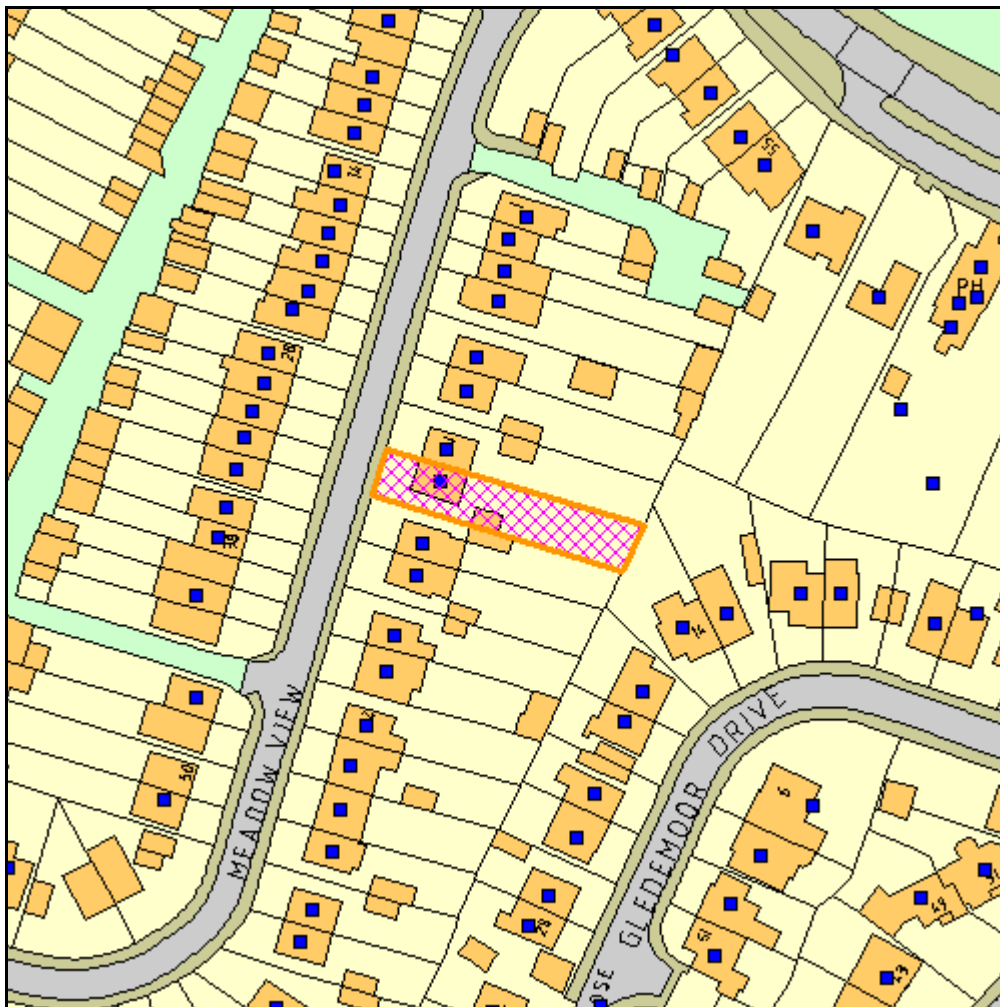
Technical Transport Note

Reason

For the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 47/17 – 24 NOVEMBER 2017**

<b>App No.:</b>	PT17/4414/F	<b>Applicant:</b>	Mr Ashley Allen
<b>Site:</b>	15 Meadow View Frampton Cotterell Bristol South Gloucestershire BS36 2NF	<b>Date Reg:</b>	17th October 2017
<b>Proposal:</b>	Alterations to vehicular access. Erection of three storey side and front extension to provide additional living accommodation.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367596 181447	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	4th December 2017



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

This application has been referred to circulated schedule due to an objection from the Parish Council contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for alterations to vehicular access and the erection of a three storey side extension and front extension to provide additional living accommodation at 15 Meadow View, Frampton Cotterell.
- 1.2 The site consists of a semi-detached, mid-late 20<sup>th</sup> century property within the defined settlement boundary of Frampton Cotterell.

### **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

#### Policies, Sites and Places Plan Adopted November 2017

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages,  
Including Extensions and New Dwellings

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

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

- 3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
The Parish Council reiterates the observations made by the Traffic Officer.

- 4.2 Sustainable Transport  
The proposed development will provide four bedrooms to the first floor and one within the loft conversion, making a total of five within the dwelling. The Council's residential parking standards state that a dwelling with five or more bedrooms must provide a minimum of three

parking spaces within the site boundary. Although the side extension proposes an integral garage the internal width does not comply with the Council's minimum requirement of 3m so it's in submitted form cannot be included as vehicular parking for the dwelling. This would only leave two vehicular parking spaces to the frontage of the site via an extended vehicular access onto Meadow View. The site currently has a detached garage with parking alongside the dwelling and to the frontage. The parking alongside the dwelling will be removed to facilitate this side extension. The development fails to provide adequate vehicular parking to comply with the Council's residential parking standards for the size of the proposed dwelling. Without adequate parking there is likely to be an increase in on-street parking causing congestion and hazards for other road users. In light of the above, there is a transportation objection raised to the proposed development. This objection can be overcome if the garage is altered or additional vehicular parking is provided within the site boundary.

*Comments after clarification on the number of proposed bedrooms:*

Since making my earlier transportation comments, I have been made aware that the proposed dwelling will only have four bedrooms as the proposed mezzanine level will be part of one of the other bedrooms. As the level of parking proposed complies with a dwelling of up to four bedrooms, no transportation objection is raised.

- 4.3 Archaeology  
No comments.

#### **Other Representations**

- 4.4 Local Residents  
No comments received.

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

- 5.1 Principle of Development  
Policy PSP38 of the People, Sites and Places Plan (PSP) (Adopted) November 2017 allows the principle of extensions within residential curtilages subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.
- 5.2 Design and Visual Amenity  
The application relates to a two storey semi-detached dwelling and the proposal is to erect a three storey side extension and a front extension with alterations to the vehicular access. The ground floor of the side extension would extend beyond the principal elevation by approximately 0.5 metres and

the first floor would be stepped back from the principal elevation by approximately 0.4 metres. Also, the ridge height of the proposed development would be lower than the existing dwelling, as such, the proposal would appear subservient to the host dwelling. The proposed third floor would consist of a mezzanine level in the roof space. Furthermore, all materials to be used would match the existing dwelling. It is considered that the scale, design and height of the proposed extension would respect the character and appearance of the host dwelling and the surrounding area.

5.3 Similar side extensions can be found on a number of properties in the surrounding area.

5.4 Residential Amenity

The proposal is to erect a three storey side and front extension, the third storey would consist of a mezzanine level in the roof space to form part of the fourth bedroom. The proposed extensions would be adjacent to no.17, approximately 2.2 metres from the side elevation of the neighbouring property.

5.5 As there is an existing obscure glazed window on the first floor side elevation of the neighbouring property and the proposed front extension would only extend beyond the principal elevation by 0.5 metres, it is considered the proposed development would not cause any significant loss of light or overbearing impact on the neighbouring occupiers.

5.6 There would be no side elevation windows on the proposed side extension, 1no. window on the proposed principal elevation and 1no. roof light on the proposed rear elevation serving the fourth bedroom. Given the location of these windows, it is not considered that there would be any significant overlooking impact on the neighbouring occupiers.

5.7 Transport

The Sustainable Transport Officer originally raised concerns over the off-street parking provision for a proposed 5 bedroom property which has been reiterated by the Parish Council. After clarification over the mezzanine level the comments from the Sustainable Transport Officer were amended and the objection was retracted. It is considered by the Planning Officer that the mezzanine level forms part of the fourth bedroom due to its modest size and shared access. Therefore, the proposed off-street parking for two vehicles at the front of the property is considered to comply with South Gloucestershire Council's Residential Parking Standards.

5.8 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.

- 5.9 In regards to the above statement the proposal would have a neutral impact on equalities.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

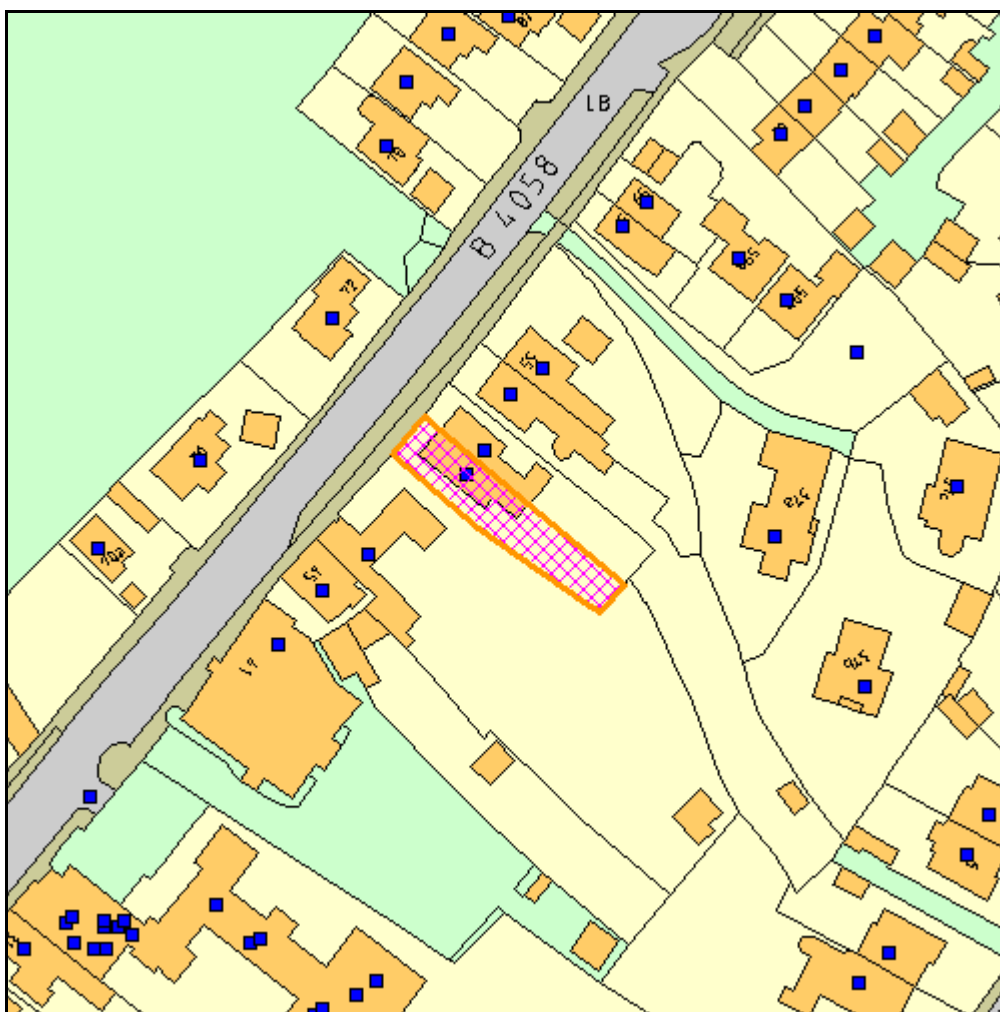
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 47/17 – 24 NOVEMBER 2017**

<b>App No.:</b>	PT17/4591/CLP	<b>Applicant:</b>	Mr R Pitt
<b>Site:</b>	49 High Street Winterbourne Bristol South Gloucestershire BS36 1RA	<b>Date Reg:</b>	11th October 2017
<b>Proposal:</b>	Application for a Certificate of lawfulness for the proposed alterations to roof to facilitate installation of a rear/ side dormer	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365050 180977	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	28th 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/side dormer window to 49 High Street, Winterbourne would be lawful.

1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

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

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

3.1 PT17/0398/F Alteration of existing roofline and installation of rear dormer to facilitate loft conversion. Alterations to existing chimney. Refused 27.03.2017 due to poor design.

3.2 P91/2653 Construction of vehicular access Approved 1992

3.3 P91/2063 Erection of single storey rear extension to form kitchen, utility, shower room and playroom.

### **4. CONSULTATION RESPONSES**

4.1 Winterbourne Town Council  
No objection

#### **Other Representations**

4.2 Local Residents  
No comments received



## 5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The Location Plan 1515-07A  
Existing plans 1515-01  
Proposed elevations – 1515-11A indicating scale and identifying fibre cement slate hanging being proposed.  
Proposed floor plan 1515-10A

all received 28 September 2017

## 6. ANALYSIS OF PROPOSAL

### 6.1 Principle of Development

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

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015. It should be noted that there is no restriction on permitted development rights at the subject property given that it is an old property which predates 1947. As such permitted development rights are intact and exercisable.

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

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

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

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

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

The height of the proposed addition would be below and therefore not exceed the highest part of the roof, and therefore the proposed development meets this criterion.

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

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

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

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

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

The proposal would include none of the above.

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

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

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

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

The submitted plans confirm that the proposed dormer would be of a similar appearance to those used in the construction of the exterior of the dwellinghouse. Hanging fibre cement tiles are proposed on this slate roofed house.

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

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

The roof addition/dormer would be approximately 0.4 metres from the outside edge of the eaves of the original roof. Additionally, the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse.

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

The proposal would include none of the above.

## **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, 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: Karen Hayes**  
**Tel. No. 01454 863472**